

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM
(Continued from 12/12/06)**

SUBJECT: Hawthorne Glen PUD Major Amendment

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Dori L. DeBord **CONTACT:** Tina Williamson **EXT.** 7353

Agenda Date <u>1/09/07</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

- APPROVE** the Hawthorne Glen PUD Major Amendment and authorize the Chairman to execute Addendum #1 amending certain provisions as to Tract F in Development Order #03-20500005 and Addendum #1 also amending certain provisions as to Tract F in the Hawthorne Glen PUD Developer's Commitment Agreement, for 1.46± acres located on the northwest corner of the intersection of Old Lockwood and McCulloch Road, based on staff findings (James Hattaway, applicant); or
- DENY** the Hawthorne Glen PUD Major Amendment and Addendum #1 to Development Order #03-20500005 and Addendum #1 to the Hawthorne Glen PUD Developer's Commitment Agreement, for 1.46± acres located on the northwest corner of the intersection of Old Lockwood and McCulloch Road (James Hattaway, applicant); or
- CONTINUE** the public hearing until a time and date certain.

District 1 – Commissioner Dallari

Tina Williamson, Principal Coordinator

BACKGROUND:

The Hawthorne Glen PUD Developer's Commitment Agreement and Final Master Plan were approved by the Board of County Commissioners on September 23, 2003. The approval was for 225 townhouse units and a commercial tract (Tract F), which allows those permitted uses within the CS (Convenience Commercial) zoning district. Gasoline pumps, drive-through restaurants,

Reviewed by: _____ Co Atty: <u>KFT</u> DFS: _____ OTHER: <u>AD</u> DCM: _____ CM: <u>CAE</u> File No. <u>ph130pdp03</u>
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car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores and bars are prohibited uses.

At this time, the applicant is requesting to amend certain setback and buffer requirements for commercial Tract F as follows:

North Property Line

Existing Requirement:

50' building setback with a 50' landscape buffer containing a 6-foot masonry wall and a double row of canopy trees.

Proposed Amendment:

Shall comply with SCLDC Sec. 30.1232, Active/Passive Buffer Setback Design Standards, which requires a 6-foot masonry wall. Additionally, a double-row of canopy trees shall be required.

East Property Line (Old Lockwood Road)

Existing Requirement:

65' building setback and a 50' landscape buffer, exclusive of yards within privately owned lots, consisting of native vegetation, supplemented with additional native plants and trees, to create 100% opacity to a height of 6'

Proposed Amendment:

25' building setback and a 5' landscape buffer planted with live oaks of four (4)-inch diameter at breast height (dbh) at planting along the right-of-way line. The trees shall be planted every forty (40) feet. Further, sub-canopy trees shall be planted between each live oak and abutting access points and intersections (no less than forty (40) feet apart). Also, a continuous shrub hedge shall be planted to ensure that a height of three (3) feet will be attained within one (1) year of planting so as to screen a minimum of seventy-five (75) percent of the parking area, to that height, as viewed from the right-of-way.

South Property Line (McCulloch Road)

Existing Requirement:

50' building setback with a landscape buffer containing decorative aluminum fencing with brick columns and all required landscaping per SCLDC Section 30.1230.

Proposed Amendment:

50' building setback and a 5' landscape buffer and all required landscaping per SCLDC Section 30.1230 will be met.

Section 30.1230, landscaping of parking areas, includes the following components:

a. Interior landscaping shall cover a minimum of ten (10) percent of parking areas. One canopy tree shall be planted for every two hundred (200) square feet of required interior landscaping. Internal tree islands are required to subdivide parking areas into parking bays with not more than forty (40) spaces; provided, however, that no more than twenty (20) spaces shall be in an uninterrupted row. Tree islands shall be a minimum of one hundred (100) square feet in size and a minimum of eight (8) feet in width.

b. The landscape buffer along public rights-of-way shall be provided for the entire length of and contiguous to any property line adjacent to the public rights-of-way. The landscape buffer shall be a minimum of five (5) feet in width with an overall average width of ten (10) feet.

c. A screen of landscaping shall be planted in the designated landscape buffer with a minimum height of at least three (3) feet and shall screen a minimum of seventy-five (75) percent of the parking areas to that height. Four canopy trees shall be planted for every one hundred (100) linear feet of frontage along a street or public rights-of-way.

d. All landscaped areas shall be protected from vehicle encroachments by wheel stops or curbing.

e. A landscape buffer of at least ten (10) feet in width should be located between each building and parking lot.

West Property Line

Existing Requirement:

50' building setback with a 50' landscape buffer containing a 6-foot masonry wall and a double row of canopy trees.

Proposed Amendment:

The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. Thereafter (to the south property line), the building setback shall be 25 feet. A six-foot masonry wall shall be required along the northerly 50 feet of the west property line. Thereafter, along the west property line to the south property line, a ten-foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double-row of canopy trees shall be required along the entire west property line.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The proposed amendment to the PUD will not have any effects on wetlands, floodplains, threatened and endangered species, Concurrency, utilities, traffic, public safety, or schools. Staff has reviewed the request for compatibility with the surrounding properties and finds that it is compatible because the surrounding area has transitioned towards a more urban development pattern since the original Development Order was approved in 2003.

To the north of the Hawthorne Glen PUD, on the west side of Old Lockwood Road, there is an approved 86-lot single-family subdivision with R-1A zoning (9,000 sq. ft. lots). The subdivision is not required to have any buffer adjacent to Old Lockwood Road. To the south of the subject property, across McCulloch Road, west of Old Lockwood Road in Orange County, are a single-family subdivision and a retention pond. There is a bank that is currently under construction on the southeast corner of the intersection of Old Lockwood Road and McCulloch Road. There is also a single-family subdivision within Orange County on the south side of McCulloch Road, east of Old Lockwood Road. To the east, across Old Lockwood Road is vacant BCC owned property (Econ River Wilderness Area). Further, the Econ River Wilderness Area will be buffered by a 25' building setback and 5' landscape on the eastern property line. The landscape buffer will contain live oak canopy trees every 40' supplemented by sub-canopy trees located in between the live oak canopy trees and at all abutting access points and intersections in conjunction with a continuous hedge 3' in height achieving seventy-five (75) percent opacity within one-year. Additionally, at the time of site plan approval the project must be consistent with the Seminole County Lighting Ordinance. The adjacent townhouse development within the Hawthorne Glen PUD will be buffered through the application of SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards along the north and west property lines.

The Active/Passive Buffer Setback Design Standards apply to commercial, office, industrial and multi-family development adjacent to properties assigned a residential zoning classification or a residential land use designation. An active edge includes such uses as parking lots, building entrances and dumpsters. A passive edge includes such uses as landscaping and a side of a building with no entrances or air conditioning units. For a one-story commercial use, the standards range from a passive buffer of 15' and a 25' setback to an active buffer of 25' with a 50' setback.

A passive buffer must include the following components:

a. A perimeter brick or masonry wall six (6) feet in height located within the buffer, as determined by the Planning Manager, to maximize compatibility with surrounding uses. A landscaped earthen berm or a combination of brick or masonry wall and earthen berm may be used in lieu of the wall if the height of landscaping reaches six (6) feet with approximately one hundred (100) percent opacity within one (1) year after planting.

b. Landscaping shall consist of four (4) canopy trees a minimum of two and one-half (2 1/2) inches in diameter, with an overall average of three (3) inches in diameter measured at one (1) foot above ground for every one hundred (100) linear feet of buffer. Trees may be planted at regular intervals or clustered into groups if the Planning Division Manager finds that groupings provide a better visual/noise screen for adjacent residential uses.

An active buffer must contain the following components:

a. A brick or masonry wall six (6) feet in height located within the buffer, as determined by the Planning Manager, to maximize compatibility with surrounding uses. A landscaped earthen berm or a combination of brick or masonry wall and earthen berm may be used in lieu of the wall if the height of landscaping reaches six (6) feet with approximately one hundred (100) percent opacity one (1) year after planting.

b. Landscaping shall consist of eight (8) canopy trees a minimum of two and one-half (2 1/2) inches in diameter, with an overall average of three (3) inches in diameter measured at one (1) foot above ground for every one hundred (100) linear feet of buffer. Trees may be planted at regular intervals, in double rows or clustered into groupings if the Planning Division Manager finds that groupings provide a better visual/noise screen for adjacent residential uses.

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not required; the subject site is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received one letter of opposition, which is attached.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Hawthorne Glen PUD Major Amendment and Addendum #1 amending certain provisions as to Tract F in Development Order #03-20500005 and Addendum #1 also amending certain provisions as to Tract F in the Hawthorne Glen PUD Developer's Commitment Agreement, for 1.46± acres located on the northwest corner of the intersection of Old Lockwood and McCulloch Road, based on staff findings.

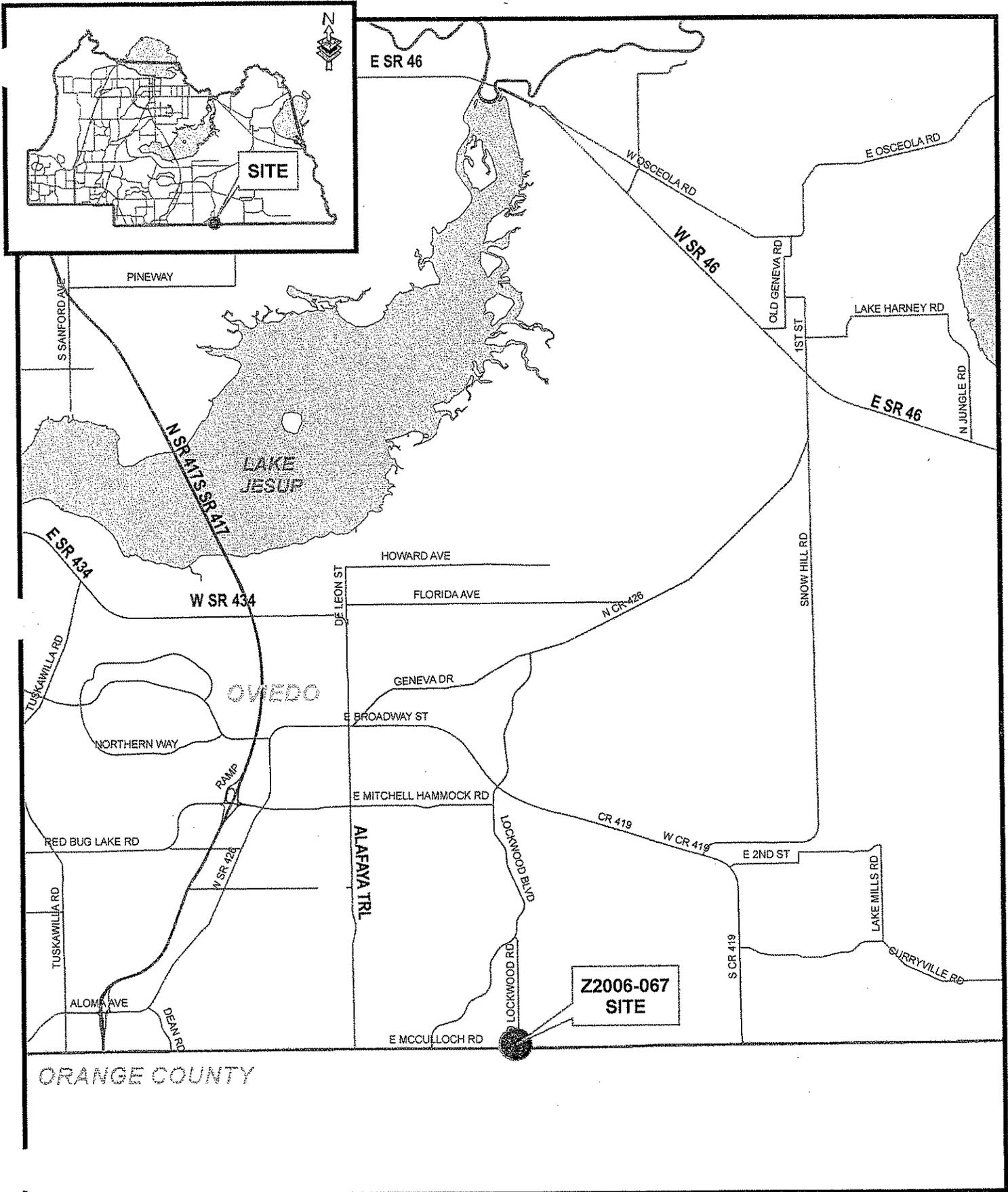
PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on November 1, 2006 and voted 4 to 0 to recommend APPROVAL of the Hawthorne Glen PUD Major Amendment and Addendum #1 amending certain provisions as to Tract F in Development Order #03-

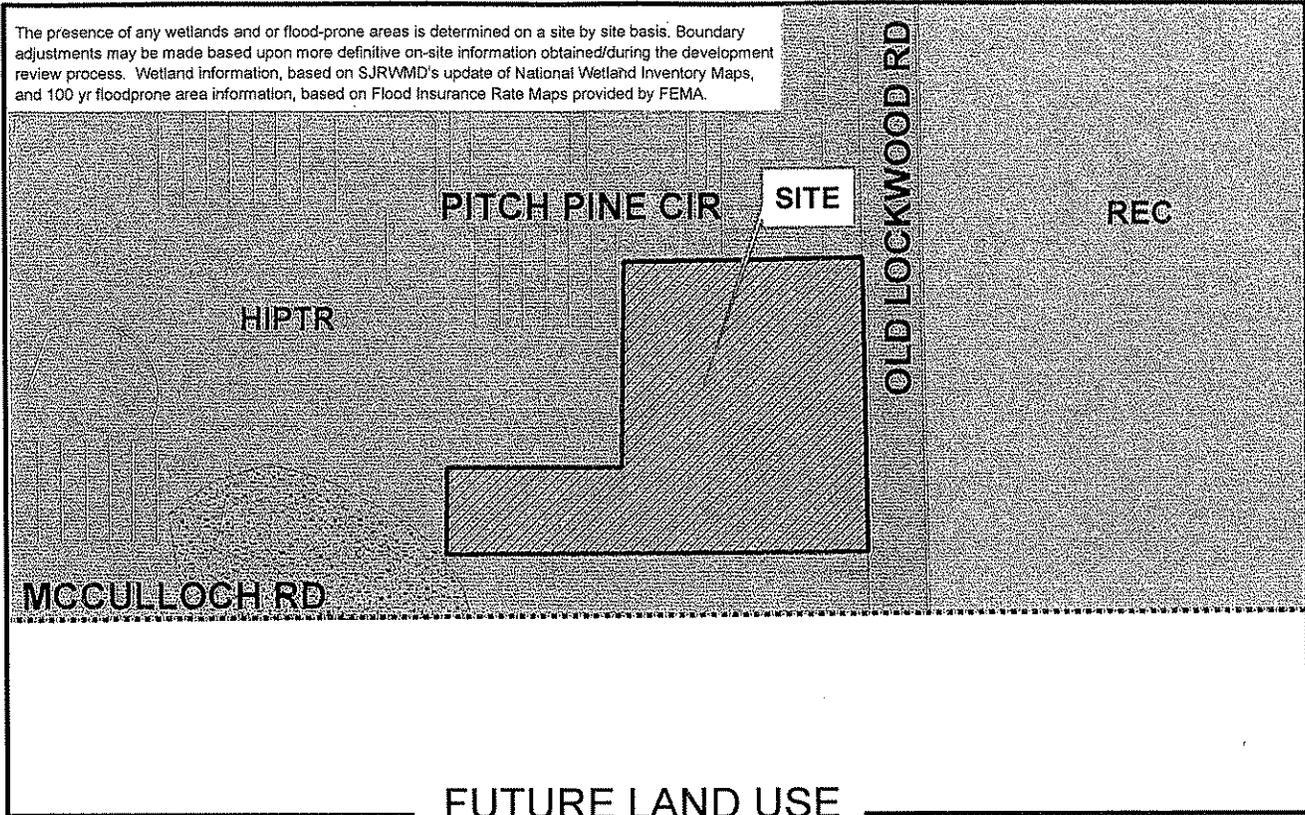
20500005 and Addendum #1 also amending certain provisions as to Tract F in the Hawthorne Glen PUD Developer's Commitment Agreement, for 1.46± acres located on the northwest corner of the intersection of Old Lockwood and McCulloch Road, based on staff findings.

Attachments:

Location Map
FLU/Zoning Map
Aerial Photo
Survey of Tract F
Development Order #03-20500005
Addendum #1 to Development Order #03-20500005
Approved DCA and Final Master Plan
Addendum #1 to the Hawthorne Glen PUD Developer's Commitment Agreement
Denial Development Order (applicable if the request is denied)
Rezone Ordinance
11/1/06 P&Z Minutes
Letter of opposition



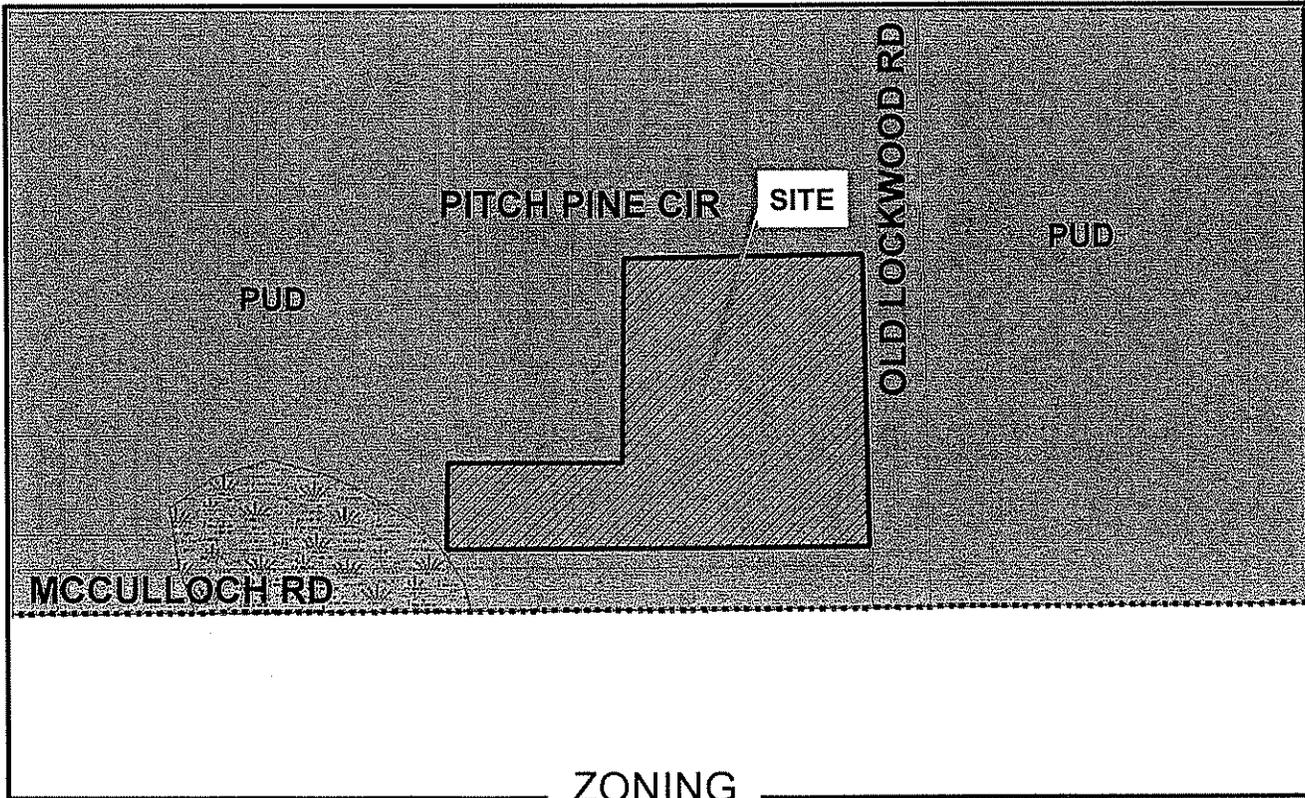
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



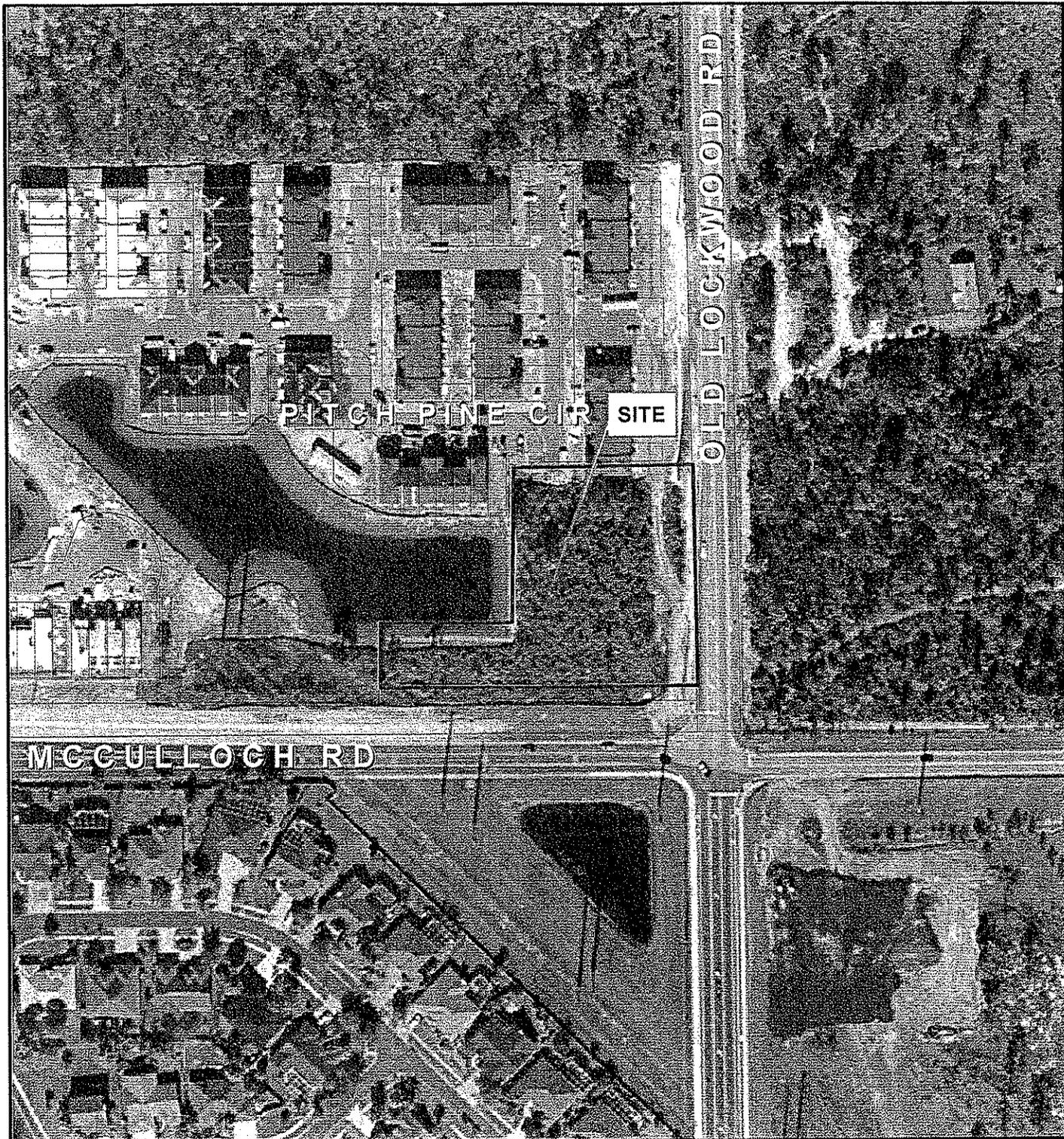
HIPTR
 REC
 Site
 Municipality
 CONS

Applicant: James A. Hattaway
 Physical STR: 36-21-31-300-0050-0000
 Gross Acres: 1.46 +/- BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	----	----	----
Zoning	Z2006-067	PUD	PUD



PUD
 FP-1
 W-1



Rezone No: Z2006-067
From: PUD To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

JOB NO.: 06-2462
 DATE FIELD: 08-08-06
 SIGNED: 08-09-06
 DRAWN BY: JWJ/BS
 P.C.: A.H.

LEGEND
 REC. - RECOVERED
 I.P. - IRON PIPE
 C.M. - CONCRETE MONUMENT
 RB - REBAR
 RAD. - RADIAL
 N.R. - NOT RADIAL
 (P) - PER PLAT
 (M) - AS MEASURED
 (D) - PER DESCRIPTION
 P.O.L. - POINT ON LINE
 P.C. - POINT OF CURVATURE
 P.T. - POINT OF TANGENCY

CONCRETE
 PRC - POINT OF REVERSE CURVE
 R.P. - RADIUS POINT
 R - RADIUS
 L - LENGTH OF ARC
 CA - CENTRAL ANGLE
 U.E. - UTILITY EASEMENT
 D.E. - DRAINAGE EASEMENT
 L.E. - LANDSCAPE EASEMENT
 S.E. - SIDEWALK EASEMENT
 P.P. - POWER POLE
 X - CHAIN LINK FENCE
 □ - WOODEN FENCE

Boundary And Mapping Associates, Inc.
 109 W. ORANGE ST.
 ALTAMONTE SPRINGS, FL.
 32714
 PH. (407) 696-1155

LAND SURVEYORS
 LB 4565

P.O.C.
 REC N&D
 NO # @
 N.E. CORNER OF
 S. 1/2 OF S.W. 1/4 OF S.W. 1/4
 SEC. 36-21-31

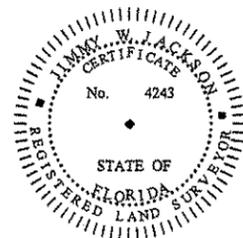
HAWTHORNE GLEN TOWNHOMES
 (P.B. 66, PG. 13)

DESCRIPTION:
 SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN S. 89°08'31"W. 206.28', THENCE S 0°43'56"W 178.56', THENCE S 89°59'20"W 151.72', THENCE S 0°43'06"W 75.00', THENCE N 89°59'20"E 361.72', THENCE N 0°06'59"W 256.59' TO THE POINT OF BEGINNING.

CERTIFIED TO:
 CLOONFUSH PROPERTIES, LLC
 JOHN POLASEK FAMILY TRUST
 ANN E. POLASEK FAMILY TRUST
 ICON COMMERCIAL INTERESTS, LLC
 W. RICHARD THOREEN
 ATTORNEYS TITLE INSURANCE FUND, INC.

NOTES:
 1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
 2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
 3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
 4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
 5. BEARINGS ARE BASED ON DESCRIPTIVE DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
 6. PROPERTY HEREON LOCATED IN ZONE "X" PER F.I.R.M. COMMUNITY PANEL NO. 120289 0235 E DATED 04-17-95.

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.



JIMMY W. JACKSON, PSM 4243

HAWTHORNE GLEN TOWNHOMES
 (P.B. 66, PG. 13)

REC C.M.
 LB 3778

S 0°43'06"W 75.00'(M)

S 89°59'20"W 151.72'(M)

REC C.M.
 LB 3778

S 0°43'56"W 178.56'(M)

REC C.M.
 LB 3778

VACANT

N 89°59'20"E 361.72'(M)

McCULLOCH ROAD (90' RW)

P.O.B.
 REC C.M.
 NO #

P.P.

P.P.

P.P.

P.P.

P.P.

P.P.

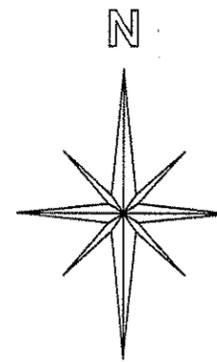
P.P.

P.P.

EDGE OF PAVEMENT

N 0°06'59"W 256.59'(M)

OLD LOCKWOOD ROAD



SCALE 1" = 40'

SEMINOLE COUNTY DEVELOPMENT ORDER

RETURN TO SANDY MCCANN

On June 24, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Clonfush Properties, LLC
25 Interlaken Road
Orlando, FL 32804

Project Name: Hawthorn Glen

Requested Development Approval: Rezoning from UC (University Community) zoning classification to PUD (Planned Unit Development) zoning classification.

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 aforedescribed property.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04949 PG 1678
FILE NUM 2003135856
RECORDED 08/05/2003 11:00:24 AM
RECORDING FEES 24.00
RECORDED BY J Eckenroth

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. The owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
 - b. The building setback shall be 175 feet from the west property line.
 - c. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
 - d. The applicant shall provide a letter from Florida Power & Light approving the location of improvements including parking and buildings in the easement in the Final Master Plan.
 - e. The buildings shall be setback a minimum of 50 feet from the right-of-way line along McCullough Road and Old Lockwood Road.
 - f. The owner shall provide a 50' wide landscaped buffer, outside of the rear yard setbacks of the townhomes, consisting of the existing native plant and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on east property line.
 - g. The development shall not exceed 225 townhomes.
 - h. The commercial tract shall provide active setbacks and buffers along the north and the west property lines that are adjacent to the residential use. Such setback and buffer shall entail an active buffer of 50 feet in width with a six foot masonry wall, a double row of canopy trees and a 50 foot-wide building setback.
 - i. Cross access easement for access to the commercial tract from McCullough Road between the commercial tract and the townhome development must be provided prior to the first Certificate of Occupancy being issued.
 - j. Permitted uses on the commercial tract are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive-

thru restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars permitted.

k. Lighting on the commercial tract's gas pump canopy structures shall be recessed. A lighting plan must be submitted as part of Final PUD Master Plan.

l. The commercial tract's architectural design and scale shall reflect neighborhood commercial standards to ensure compatibility with the surrounding residential uses. These standards will be addressed in the Final PUD Master Plan.

m. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.

n. Developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one year; prohibiting more than one lease per residential unit per year; prohibiting lease of any residential unit to more than one party and prohibiting lease of individual rooms within the same residential unit.

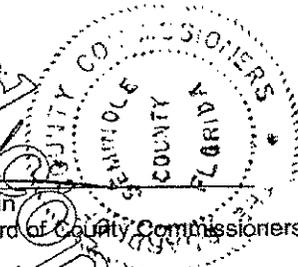
(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by 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.

By:

Daryl G. McLain
Chairman, Board of County Commissioners



FILE NUM 2003135856
OR BDDK 04949 PAGE 1680

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Cloonfush Properties, LLC, on behalf of itself and its agents, 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.

Cindy S. Johnson
Witness Cindy S. Johnson

Joseph Devine
Joseph Devine, President
Cloonfush Properties, LLC

Northbrook
Witness Northbrook

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 Joseph Devine, who is the authorized representative of Cloonfush Properties, LLC, and is personally known to me or who has produced FLDL as identification and who executed the foregoing instrument and sworn an oath

WITNESS my hand and official seal in the County and State last aforesaid this 17th day of July, 2003.

Cindy S. Johnson
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

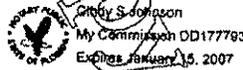


EXHIBIT "A"

A Tract of land being a portion of Section 35 & 36, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 35; thence North $00^{\circ} 13' 35''$ West along the East line of the Southeast $1/4$ of said Section 35 for a distance of 40.00 feet to the POINT OF BEGINNING; thence South $89^{\circ} 57' 28''$ West along the North right-of-way of McCulloch Road and a line 40.00 feet North of and parallel to the South line of the Southeast $1/4$ of said Section 35 for a distance of 926.01 feet; thence North $00^{\circ} 19' 24''$ West along the East line of the West 400.00 feet of the Southeast $1/4$ of the Southeast $1/4$ of said Section 35 and the East line of Tract 301 at Carillon per Plat thereof recorded in Plat Book 46, Page 31-37 Public Records of Seminole County, Florida, for a distance of 1284.24 feet; thence North $89^{\circ} 48' 32''$ East along the North line of the Southeast $1/4$ of the Southeast $1/4$ of Section 35 for a distance of 928.18 feet; thence South $00^{\circ} 13' 35''$ East along the East of the Southeast $1/4$ of said Section 35 for a distance of 663.51 feet; thence North $89^{\circ} 58' 56''$ East along the North line of the South $1/2$ of the Southwest $1/4$ of the Southwest $1/4$ of Section 36, Township 21 South, Range 31 East for a distance of 1299.92 feet; thence South $00^{\circ} 06' 39''$ East along a line 25.00 feet West of and parallel to the East line of the Southwest $1/4$ of the Southwest $1/4$ of said Section 36 and the West right-of-way of Lockwood Road per Plat Book 5, Page 82 Public Records of Seminole County, Florida, for a distance of 623.72 feet; thence South $89^{\circ} 59' 20''$ West along a line 40.00 feet North of and parallel to the South line of the Southwest $1/4$ of the Southwest $1/4$ of said Section 36 and the North right-of-way of McCulloch Road for a distance of 1298.66 feet to the POINT OF BEGINNING.

Contains: 45.970 Acres, more or less.

FILE # Z2006-67

**SEMINOLE COUNTY ADDENDUM #1 TO DEVELOPMENT
ORDER #03-20500005**

On December 12, 2006, Seminole County issued this Addendum #1 amending certain provisions as to Tract F in Development Order 03-20500005 that was approved on June 24, 2003 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(s): John C. Polasek Family Trust

Project Name: Hawthorne Glen PUD Major Amendment

Requested Development Approval: The applicant is requesting a Major Amendment to the Hawthorne Glen PUD Tract F.

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: Tina Williamson, Principal Coordinator
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 (underlines are additions, strikethroughs are deletions):

- a. The owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
- b. The building setback shall be 175 feet from the west property line.
- c. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- d. The applicant shall provide a letter from Florida Power & Light approving the location of improvements including parking and buildings in the easement in the Final Master Plan.
- e. The buildings (except for the commercial tract) shall be setback a minimum of 50 feet from the right-of-way line along McCulloch Road and Old Lockwood Road.
- f. The following setback standards apply for the commercial tract:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards;

East Property Line (Old Lockwood Road): 25';

South Property Line (McCulloch Road): 50'; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. Thereafter (to the south property line) a 25-foot building setback shall apply.

- f. g. The owner townhome tract shall provide a 50' wide landscaped buffer, outside of the rear yard setbacks of the townhomes, consisting of the existing native

plant and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on east property line.

- ~~g. h.~~ The development shall not exceed 225 townhomes.
- ~~h.~~ The commercial tract shall provide active setbacks and buffers along the north and the west property lines that are adjacent to the residential use. Such setback and buffer shall entail an active buffer of 50 feet in width with a six foot masonry wall, a double row of canopy trees and a 50 foot wide building setback.
- i. The following landscaping and buffer standards will apply to the commercial tract:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. In addition to the Active/Passive Buffer setback requirements, a six-foot masonry wall and a double-row of canopy trees shall be required;

East Property Line (Old Lockwood Road): 5' landscape buffer planted with live oaks of four (4)-inch diameter at breast height (dbh) at planting along the right-of-way line. The trees shall be planted every forty (40) feet. Further, sub-canopy trees shall be planted between each live oak and abutting access points and intersections (no less than forty (40) feet apart). Also, a continuous shrub hedge shall be planted to ensure that a height of three (3) feet will be attained within one (1) year of planting so as to screen a minimum of seventy-five (75) percent of the parking area, to that height, as viewed from the right-of-way.

South Property Line (McCulloch Road): 5' landscape buffer and all required landscaping per SCLDC Section 30.1230 will be met; and

West Property Line: The northerly 50 feet (that is from the north property line proceed south 50 feet) shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. A six-foot masonry wall shall be required along the northerly 50 feet. Thereafter (to the south property line), a ten-foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double-row of canopy trees shall be required along the entire west property line.

All landscape buffers within Tract F shall be maintained by the property owner of Tract E.

- i. j. Cross access easement for access to the commercial tract from McCullough Road between the commercial tract and the townhome development must be provided prior to the first Certificate of Occupancy being issued.
- j. k. Permitted uses on the commercial tract are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive-thru restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars permitted.
- k. l. Lighting on the commercial tract's gas pump canopy structures shall be recessed. A lighting plan must be submitted as part of Final PUD Master Plan.
- l. m. The commercial tract's architectural design and scale shall reflect neighborhood commercial standards to ensure compatibility with the

surrounding residential uses. These standards will be addressed in the Final PUD Master Plan.

- m. n. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.
- n. o. Developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one year; prohibiting more than one lease per residential unit per year; prohibiting lease of any residential unit to more than one party and prohibiting lease of individual rooms within the same residential unit.

(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.

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

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, the John C. Polasek Trust, on behalf of itself and its agents, 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 Addendum.

The John C. Polasek Family Trust

Witness

By: John C. Polasek, Sr., Trustee

Witness

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____ 2006 by John C. Polasek, Sr., Trustee of the The John C. Polasek Family Trust, who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION:

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THENCE RUN S. $89^{\circ}08'31''$ W. 206.28', THENCE S $0^{\circ}43'56''$ W 178.56', THENCE S $89^{\circ}59'20''$ W 151.72', THENCE S $0^{\circ}43'06''$ W 75.00', THENCE N $89^{\circ}59'20''$ E 361.72', THENCE N $0^{\circ}06'59''$ W 256.59' TO THE POINT OF BEGINNING.

VI. BUILDING SETBACKS

North Property Line:	25'
East Property Line (Old Lockwood Road)	65'
South Property Line (McCulloch Road)	50'
West Property Line	175'

Tract F: A 50-foot setback shall be provided along the north and west property lines.

VII. PERMITTED USES

- Attached single family dwelling units
- Single Family Homes
- Group Homes
- Home offices

Permitted uses in Tract F are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive-through restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars shall be permitted.

VIII. LANDSCAPE & BUFFER CRITERIA

East Property Line (Old Lockwood Rd.):

- The owner shall provide a 50' landscaped buffer, exclusive of yards within privately owned lots, consisting of existing native plants and trees, supplemented with additional native plants and trees, to create 100% opacity to a height of 6 feet.

South Property Line (McCulloch Rd.)

- Brick columns and decorative aluminum fencing
- Landscaping per code

West Property Line

- The owner shall provide a 30' landscaped buffer consisting of existing native plants and trees, supplemented with additional native plants and trees, to create 100% opacity to a height of 6 feet.

North Property Line

- 10' landscape buffer
- Landscaping per code

Tract F: A 50-foot landscape buffer shall be provided along the north and west property lines. Such buffer shall include a 6-foot masonry wall and a double row of canopy trees.

All landscape buffers and common areas within the residential portion of the development shall be maintained by a homeowners association. Landscape buffers within Tract F shall be maintained by the property owner of Tract F.

IX. DEVELOPMENT COMMITMENTS

- a. Prior to Final Engineering Approval, the applicant shall provide the County with a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- b. Prior to Final Engineering Approval, the applicant shall provide a letter from Florida Power & Light approving the location of site improvements within the power line easement.
- c. The development shall not exceed 225 townhomes.
- d. A separate Final Master Plan and addendum to this developer's commitment agreement shall be required prior to any site plan approval on Tract F. Issues to be addressed in such Final Master Plan shall include, but not be limited to, the following:
 - standards of architectural scale and design reflecting neighborhood commercial standards, to ensure compatibility with surrounding residential uses
 - site lighting, including recessed lighting fixtures on gas pump canopy structures
- e. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.
- f. The developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one (1) year; prohibiting more than one (1) lease per residential unit per year; prohibiting lease of any residential unit to more than one (1) party and prohibiting lease of individual rooms within the same residential unit.

X. WATER, SEWER AND STORMWATER

WATER: Water services shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County or Orange County subject to a wholesale agreement.

STORMWATER: Stormwater drainage and stormwater management shall be according to Seminole County regulations.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrant shall be located according to Seminole County regulations.

XI. PHASING

The development will be constructed in 1 phase except for Tract F, which will be developed separately.

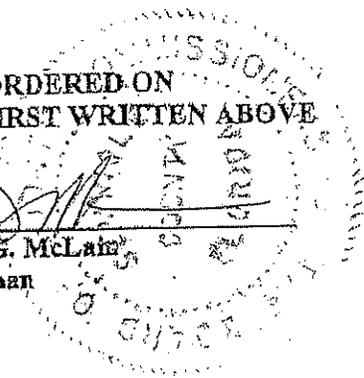
XII. STANDARD COMMITMENTS

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
2. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
3. The developer's commitment agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the developer's commitment agreement 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 by part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner of said property has expressly covenanted and agreed to this provision and all other terms and provisions of the developer's commitment agreement.
4. The terms and provisions of the developer's commitment agreement are not severable, and in the event any portion of this developer's commitment agreement shall be found to be invalid or illegal, then the entire developer's commitment agreement shall be null and void.

**DONE AND ORDERED ON
THE DATE FIRST WRITTEN ABOVE**

By:


Daryl G. McLain
Chairman



OWNER'S CONSENT AND COVENANT

COMBS NOW, the owner, Cloonfish Properties, LLC, on behalf of itself and its agents, 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.

Patricia A. Kellyman
Witness
Joseph Devine
Joseph Devine, President
Cloonfish Properties, LLC
Richard Vazquez
Witness *Richard Vazquez*

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 Joseph Devine, who is the authorized representative of Cloonfish Properties, LLC, and is personally known to me or who has produced Florida Driver License as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 22 day of September, 2003.

Patricia A. Kellyman

Notary Public, in and for the County and State Aforementioned

My Commission Expires:

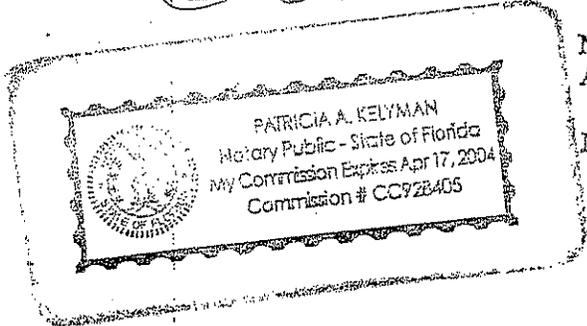


EXHIBIT A

A Tract of land being a portion of Section 35 & 36, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 35; thence North $00^{\circ} 13' 35''$ West along the East line of the Southeast 1/4 of said Section 35 for a distance of 40.00 feet to the POINT OF BEGINNING; thence South $89^{\circ} 57' 28''$ West along the North right-of-way of McCulloch Road and a line 40.00 feet North of and parallel to the South line of the Southeast 1/4 of said Section 35 for a distance of 926.01 feet; thence North $00^{\circ} 19' 24''$ West along the East line of the West 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 35 and the East line of Tract 301 at Carillon per Plat thereof recorded in Plat Book 46, Page 31-37 Public Records of Seminole County, Florida, for a distance of 1284.74 feet; thence North $89^{\circ} 48' 32''$ East along the North line of the Southeast 1/4 of the Southeast 1/4 of Section 35 for a distance of 928.18 feet; thence South $00^{\circ} 13' 35''$ East along the East of the Southeast 1/4 of said Section 35 for a distance of 683.57 feet; thence North $89^{\circ} 58' 56''$ East along the North line of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 36, Township 21 South, Range 31 East for a distance of 1299.92 feet; thence South $00^{\circ} 06' 38''$ East along a line 25.00 feet West of and parallel to the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the West right-of-way of Lockwood Road per Plat Book 5, Page 82 Public Records of Seminole County, Florida, for a distance of 823.72 feet; thence South $89^{\circ} 59' 20''$ West along a line 40.00 feet North of and parallel to the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the North right-of-way of McCulloch Road for a distance of 1298.66 feet to the POINT OF BEGINNING.

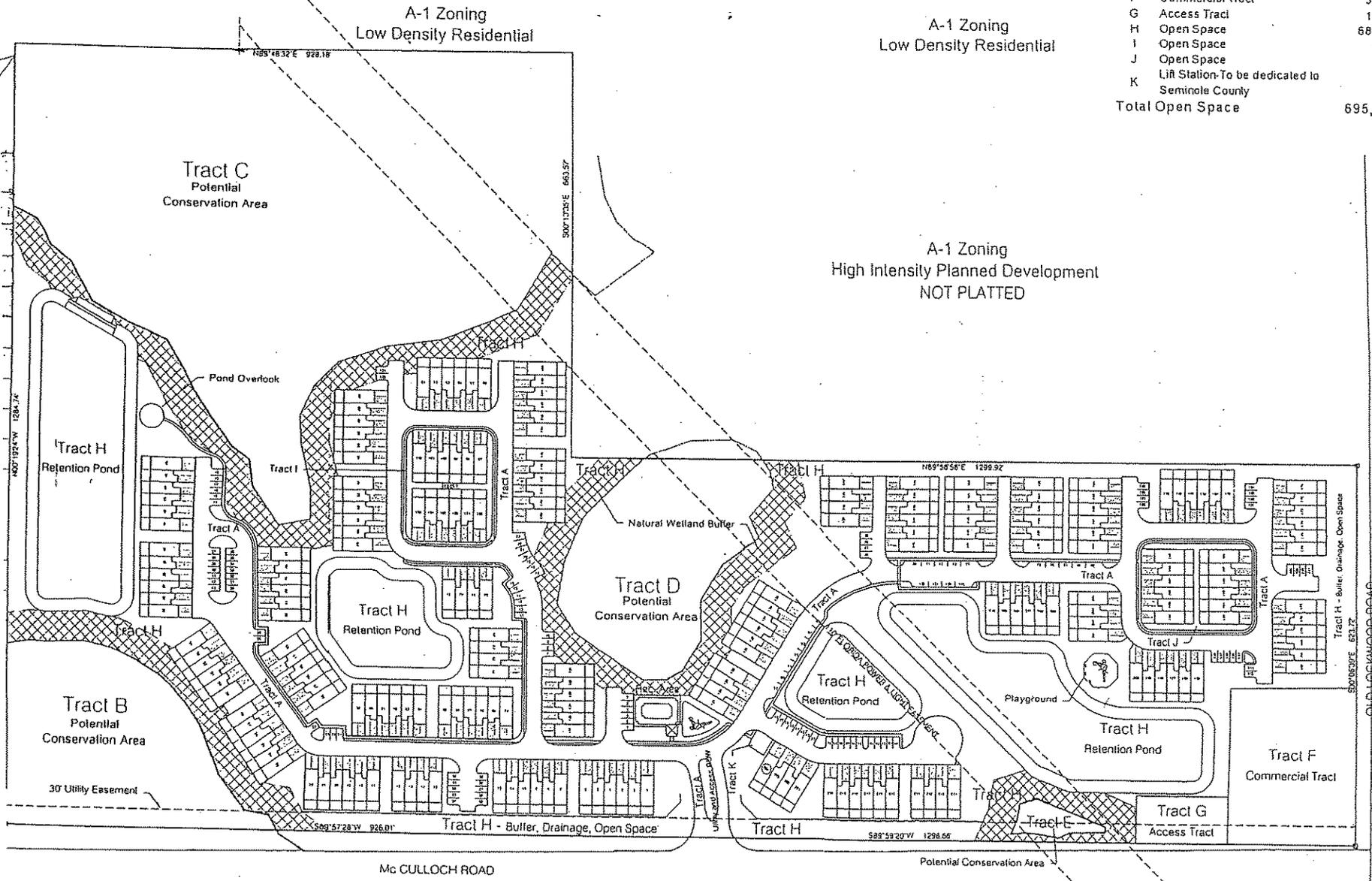
Contains: 45.970 Acres, more or less.

EXHIBIT B

Final Master Plan

Final Master Plan Hawthorn Glen Seminole County, Florida

Tract	Tract Use	S	t	Acre
A	Utility & Access Right-of-Way		1.60	4.87
B	Potential Conservation	95,887.16		2.20
C	Potential Conservation	451,180.93		10.36
D	Potential Conservation	83,796.62		1.92
E	Potential Conservation	5,587.71		0.13
F	Commercial Tract	53,108.97		1.22
G	Access Tract	11,361.55		0.26
H	Open Space	686,248.38		15.79
I	Open Space	4,672.40		0.11
J	Open Space	4,672.40		0.11
K	Lift Station-To be dedicated to Seminole County	900.00		0.02
Total Open Space			695,593.19	15.97



Zoned PUD
Recreational Land Use

Addendum #1 to the Hawthorne Glen PUD Developer's Commitment Agreement

This Addendum is relative to and Amends certain provisions as to Tract F in that document entitled, "Hawthorne Glen PUD Developer's Agreement" (hereinafter, the "Agreement") executed on September 23, 2003; and recorded in the Official Records of Seminole County, Florida, on September 26, 2003 at Book 05036, Pages 0904-0911.

This Addendum augments the Agreement (in its current form), and all terms and definitions of said Agreement are binding hereto. Where this Addendum otherwise may materially conflict with the Agreement, the terms and definitions of the Agreement shall prevail and be applied. Any subsequent modification of the Agreement, unless requested by the owner of Tract F, shall not affect Tract F.

This addendum pertains solely to that parcel described in the Agreement as "Tract F" (Legal Description Attached as Exhibit A). Specifically, the Agreement is amended as follows (underlines are additions, strikethroughs are deletions):

VI. BUILDING SETBACKS

~~Tract F: A 50-foot setback shall be provided along the north and west property lines.~~

The following building setbacks apply to Tract F:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards;

East Property Line (Old Lockwood Road): 25' building setback;

South Property Line (McCulloch Road): 50' building setback; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. Thereafter (to the south property line) the building setback shall be 25 feet.

VIII. LANDSCAPING AND BUFFER CRITERIA

~~Tract F: A 50-foot landscape buffer shall be provided along the north and west property lines. Such buffer shall include a 6-foot masonry wall and a double row of canopy trees.~~

The following landscaping and buffer criteria apply to Tract F:

North Property Line: Shall comply with SCLDC Sec. 30.1232. Active/Passive Buffer Setback Design Standards. In addition to the Active/Passive Buffer setback

requirements, a six-foot masonry wall and a double-row of canopy trees shall be required;

East Property Line (Old Lockwood Road): 5' landscape buffer planted with live oaks of four (4)-inch diameter at breast height (dbh) at planting along the right-of-way line. The trees shall be planted every forty (40) feet. Further, sub-canopy trees shall be planted between each live oak and abutting access points and intersections (no less than forty (40) feet apart). Also, a continuous shrub hedge shall be planted to ensure that a height of three (3) feet will be attained within one (1) year of planting so as to screen a minimum of seventy-five (75) percent of the parking area, to that height, as viewed from the right-of-way.

South Property Line (McCulloch Road): 5' landscape buffer and all required landscaping per SCLDC Section 30.1230 will be met; and

West Property Line: The northerly 50 feet (that is from the north property line proceeding south 50 feet) shall comply with SCLDC Sec. 30.1232, Active/Passive Buffer Setback Design Standards. A six-foot masonry wall shall be required along the northerly 50 feet. Thereafter, along the west property line to the south property line), a ten-foot buffer shall apply. In addition to the other requirements along the northerly 50 feet, a double-row of canopy trees shall be required along the entire west property line.

All landscape buffers within Tract F shall be maintained by the property owner of Tract F.

A separate Final Master Plan (as detailed in Section IX(d) of the Agreement) shall still be required prior to development of Tract F, but said Final Master Plan will be prepared and submitted by the owner of Tract F.

DONE AND ORDERED ON
THIS 12th DAY OF DECEMBER, 2006

By: _____

Carlton D. Henley, Chairman
Seminole County Board of Commisioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, the John C. Polasek Trust, on behalf of itself and its agents, 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 Addendum.

The John C. Polasek Family Trust

Witness

By: John C. Polasek, Sr., Trustee

Witness

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____ 2006 by John C. Polasek, Sr., Trustee of the The John C. Polasek Family Trust, who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION:

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THENCE RUN S. $89^{\circ}08'31''$ W. 206.28', THENCE S $0^{\circ}43'56''$ W 178.56', THENCE S $89^{\circ}59'20''$ W 151.72', THENCE S $0^{\circ}43'06''$ W 75.00', THENCE N $89^{\circ}59'20''$ E 361.72', THENCE N $0^{\circ}06'59''$ W 256.59' TO THE POINT OF BEGINNING.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 12, 2006, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): John C. Polasek Family Trust

Project Name: Hawthorne Glen PUD Major Amendment

Requested Development Approval: The applicant is requesting a Major Amendment to the Hawthorne Glen PUD Tract F.

The Board of County Commissioners has determined that the request for a Major Amendment to the Hawthorne Glen PUD Tract F is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Hawthorne Glen PUD Major Amendment" and all evidence submitted at the public hearing on December 12, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested PUD Major Amendment 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: _____
Carlton D. Henley, Chairman

EXHIBIT A

LEGAL DESCRIPTION:

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THENCE RUN S. $89^{\circ}08'31''$ W. 206.28', THENCE S $0^{\circ}43'56''$ W 178.56', THENCE S $89^{\circ}59'20''$ W 151.72', THENCE S $0^{\circ}43'06''$ W 75.00', THENCE N $89^{\circ}59'20''$ E 361.72', THENCE N $0^{\circ}06'59''$ W 256.59' TO THE POINT OF BEGINNING.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (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 FOR 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 "Hawthorne Glen PUD Major Amendment."

(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 PUD (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 upon the date of filing with the Department and recording of Addendum #1 to Development Order #03-20500005 and Addendum #1 to the Hawthorne Glen PUD Developer's Commitment Agreement.

ENACTED this 12th day of December 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

SECTION 36, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEGIN 367.01 FEET SOUTH AND 25.00 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼, THENCE RUN S. 89°08'31"W. 206.28', THENCE S 0°43'56"W 178.56', THENCE S 89°59'20"W 151.72', THENCE S 0°43'06"W 75.00', THENCE N 89°59'20"E 361.72', THENCE N 0°06'59"W 256.59' TO THE POINT OF BEGINNING.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
NOVEMBER 1, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Jason Brodeur, and Dudley Bates

Members absent: Rob Wolf and Walt Eismann

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Brett Blackadar, Principal Engineer; Dr. Kelly Brock, Senior Engineer; Austin Watkins, Planner; and Candace Lindlaw-Hudson, Clerk to the Commission.

H. Hawthorne Glen PUD Major Amendment; James Hattaway, Esq., applicant; 1.46± acres; Major Amendment to the Hawthorne Glen PUD Final Master Plan; located on the northwest corner of the intersection of Old Lockwood Road and McCulloch Road. (Z2006-67)

Commissioner Dallari – District 1
Tina Williamson, Principal Coordinator

Tina Williamson stated that the original developer's commitment agreement master plan was approved on September 23, 2003. The approval was for 225 townhouse units and a commercial tract, Tract F. Ms. Williamson stated that the applicant is proposing to amend setback and buffer requirements for commercial tract "F." These are contained in the proposed Addendum #1 to the proposed Developer Commitment Agreement.

Jim Hattaway stated that the applicant agreed with the staff recommendation. This parcel is just north of the University of Central Florida. Tract F is a commercial tract. The yellow shaded area on his diagram is the total buildable area of the parcel. Due to its size, the parcel has become unbuildable without a minimal adjustment to the setback and buffers. This parcel has CS zoning standards. On the south side the applicant requests a 50-foot building setback with a 5-foot buffer; on the east side, a 25-foot building setback and a 5-foot buffer; on the north side there will be a 6-foot wall and a double row of canopy trees; on the west, for the northerly 50-feet there will be a 6-

foot wall and a double row of canopy trees; beyond that going down toward Tract "G" there will be a 25-foot building setback and a 10-foot buffer.

Tina Williamson noted the receipt of an e-mail in opposition to the request.

Pat Wahl stated that the applicant has not described what is going there. He stated that the property is adjacent to an ecological and historic protection area. Light from this site will impact these lands. The rezoning notations made on the maps are incorrect. They are pushing back the requirements that were put in place years ago. Once Hawthorne Glen went in the traffic in the area on McCulloch is gridlock during rush hour.

Mr. Hattaway said that many of Mr. Wahl's concerns will be addressed at the time of final engineering. Tonight we are addressing only buffers and setbacks. There were no requests for changes in permitted and prohibited uses already approved.

Tina Williamson verified that the future land use on the land across the road referred to by Mr. Wahl is recreation. It is zoned PUD, but she did not know which PUD it was. It is a wilderness area and will not be developed.

Commissioner Tucker said that the site across Old Lockwood Road had been purchased by Seminole County Natural Lands and will be a designated wilderness area. He asked Mr. Hattaway about the setbacks on the eastern side and how it would impact the wilderness area across the road.

Mr. Hattaway said that there would be a 5-foot buffer and a 25-foot building setback.

Commissioner Tucker asked Mr. Hattaway if any specific development was planned for the site.

Mr. Hattaway said that there was no plan at this time. Nothing in tonight's request would keep someone from using Old Lockwood Road for access or egress.

Commissioner Tucker reviewed the uses around the perimeter of the site. He asked what Tract "G" would be used for.

Mr. Hattaway said that Tract "G" would be used for access only. Nothing could be built on it. It is not part of the application tonight.

Commissioner Tucker asked about the lighting impacts.

Tina Williamson stated that the time of final master plan approval would be the time to address site lighting, architectural scale and hours of operation.

Commissioner Tucker said that eastern buffers could be addressed at the time of the final master plan. High density landscaping along the eastern side would be important.

Commissioner Hattaway declared a conflict of interest and did not participate in the voting on this item.

Commissioner Brown made a motion to recommend approval of the request.

Commissioner Bates seconded the motion.

The motion passed 4 – 0.

Williamson, Tina

From: Kolb, Mike NAVAIR [michael.kolb@navy.mil]
Sent: Monday, October 23, 2006 2:09 PM
To: Williamson, Tina
Subject: RE: Hawthorne Glen PUD Amendment

Tina,

I appreciate you sending the information, but it really depresses me to see this type of request coming up when the established setbacks were thoroughly discussed and made part of the zoning as consideration for the commercial zoning approval.

The most troubling aspect of the request is the change being proposed to the East Property Line. The 50' building setback and 50' landscape buffer consisting of native vegetation, supplemented with additional native plants and trees, to create 100% opacity to a height of 6', was put there to buffer whatever commercial establishment is built on the corner from the Wilderness Area, immediately across Old Lockwood Road.

The Staff statement below, which refers to the Wilderness Area as "vacant BCC owned property", is potentially damaging to prospect of denying the request, and should be reworded in the final Staff findings report.

Very Respectfully,

Mike Kolb

From: Williamson, Tina [mailto:TWilliamson@seminolecountyfl.gov]
Sent: Monday, October 23, 2006 10:28
To: Kolb, Mike NAVAIR
Subject: Hawthorne Glen PUD Amendment

Good Morning,

Our staff reports are still in draft format, but below is the text from the report explaining what the applicant wants to do. We are hoping to have the entire staff report available on our website on Friday. Please let me know if you have any additional questions.

The Hawthorne Glen PUD Developer's Commitment Agreement and Final Master Plan were approved by the Board of County Commissioners on September 23, 2003. The approval was for 225 townhouse units and a commercial tract (Tract F), which allows those permitted uses within the CS (Convenience Commercial) zoning district. Gasoline pumps, drive-through restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores and bars are prohibited uses.

At this time, the applicant is requesting to amend certain setback and buffer requirements for commercial Tract F. The following standards are contained in the approved Developer's Commitment Agreement:

North Property Line

50' building setback with a 10' landscape buffer per code

East Property Line (Old Lockwood Road)

50' building setback and a 50' landscape buffer, exclusive of yards within privately owned lots, consisting of native vegetation, supplemented with additional native plants and trees, to create 100%