

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM
(Continued from 12/14/04)**

SUBJECT: Florence Arbor PUD, Large Scale Land Use Amendment from Office to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) (Justin Pelloni, applicant)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date <u>2/8/05</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input checked="" type="checkbox"/>

MOTION/RECOMMENDATION:

1. ADOPT an ordinance that includes the proposed map amendment from Office to PD (Planned Development) and ADOPT an ordinance for the proposed rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 27.2 acres, located on the northeast corner of Orange Blvd. and C.R. 46A, subject to the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute same (Justin Pelloni, applicant) (1); or
2. DENY adoption of the proposed Large Scale Land Use Amendment from Office to PD (Planned Development) and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 27.2 acres, located on the northeast corner of Orange Blvd. and C.R. 46A (Justin Pelloni, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(1) For the record: A motion to adopt a plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of this large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle.

District 5 – Commissioner Carey Tina Deater, Senior Planner

BACKGROUND:

Continued from 12/14/04 at the request of the Board.

Reviewed by: <u>KR</u> Co Atty: _____ DFS: _____ OTHER: <u>MW</u> DCM: _____ CM: <u>KS</u> File No. <u>ph700pdp01</u>
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northeast corner of Orange Blvd. and C.R. 46A. The proposal consists of 19,500 square feet of office/retail uses at a maximum floor area ratio (FAR) of 0.3 and a maximum of 320 condominiums/townhomes at a net density of 20.25 units per net buildable acre. The request is a rezone from A-1 to PUD and a Large Scale Land Use Amendment from Office to Planned Development (PD).

This item was continued from the 12/14/04 meeting, in order for staff to complete the first phase of the economic study and to allow the applicant time to meet with Seminole County Environmental Services and finalize a potable water mitigation plan.

Staff has reviewed the results of the first phase of the economic analyses from Real Estate Research Consultants and KeyInSites, and based on this review, the following positive aspects of approving the proposed land use amendment and rezone are presented:

1. Property Assembly Issue: If this project is not approved, the assemblage of the sixteen properties could be lost and the properties could develop separately as small Class "B" office space, which does not have the same stringent locational and size requirements of Class "A" office space, and which does not provide the same positive fiscal and economic impacts.
2. The subject property is not designated as HIP, and it was not included in the North I-4 Area Master Plan for HIP land use.
3. The subject property was changed to Office future land use in 1998 based on the transitional land use and compatibility standards of the Vision 2020 Comprehensive Plan. It was not changed to Office because a need for additional Office-designated land was identified or because it was being added to the HIP district.
4. The proposed development is high-end fee simple townhomes, which have positive fiscal impacts for the School Board and the County.
5. It is appropriate to place high-end residential housing in proximity to land designated with HIP future land use, to support the target industry and retail uses.
6. The northwest I-4 corridor is a preferred location for high-end housing.
7. The applicants have worked diligently with County Environmental Services to create a water mitigation plan. The applicants have proposed to install reclaim water lines throughout Phases III and IV of the Buckingham Estates project off of Markham Road. County Environmental Services has agreed with this plan and they are in the process of working out the final details with the applicant.

Also, based on this review, the following negative aspects of approving the proposed land use amendment and rezone are considered:

1. Approving the proposed rezone and land use amendment will result in the loss of valuable lands designated as Office within one-mile of I-4. This will decrease available land to attract Class "A" office space, because Target Industry/Class "A" office space has strict locational criteria which this property potentially fulfills.
2. Based on the Fiscal Impact Analysis Model (FIAM), there is a potential loss of \$60 million to \$170 million in economic benefit if the subject property is converted from office to residential uses.
3. Even if this project is not approved and the land assemblage is lost, Class "B" office space would still result in greater positive economic impacts related to job production than residential units.
4. Residential developments tend to restrict and/or limit commercial/office developments on adjacent properties, due to the fact that residents do not usually want to live next to these types of uses. Placing residential uses in this location may impact the development of nearby non-residential property.

STAFF RECOMMENDATION:

Based on the economic studies and the above analysis of the positive and negative aspects of the proposed development, staff recommends APPROVAL of the proposed land use amendment from Office to Planned Development, rezone from A-1 to Planned Unit Development, and Preliminary Master Plan, subject to the attached development order.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on June 2, 2004 and voted 4-0 to recommend transmittal of the Large Scale Land Use Amendment from Office to PD (Planned Development), and approval of the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order. However, at the time of their meeting, the Board was not aware of the water resources, school, and economic development issues.

BOARD OF COUNTY COMMISSIONERS DECISION:

The Seminole County Board of Commissioners met on September 14, 2004 and voted 5-0 to transmit the Large Scale Land Use Amendment from Office to PD (Planned Development) and the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order, to the Florida Department of Community Affairs.

The Seminole County Board of Commissioners met on December 14, 2004 and voted 5-0 to continue the request for a Large Scale Land Use Amendment from Office to PD (Planned Development) and a rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order, until the February 8, 2005 public hearing.

Attachments:

Preliminary Master Plan

Development Order

Statement from the School Board

Department of Community Affairs ORC Report

Email from SJRWMD stating that their concern has been addressed

Minutes from 12/24/04 BCC meeting

Ordinance

Maps

Florence Arbor PUD
Large Scale Land Use Amendment and Rezone Staff Report

Office to Planned Development (PD)		Amendment (Z2004-014, 04F.FLU03)
REQUEST		
APPLICANT	Justin Pelloni	
PLAN AMENDMENT	Office to Planned Development	
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	27.2	
LOCATION	Northeast corner of Orange Blvd. and C.R. 46A	
BCC DISTRICT	District 5 – Commissioner Carey	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends APPROVAL of the proposed land use amendment from Office to Planned Development, rezone from A-1 to Planned Unit Development, and Preliminary Master Plan, subject to the attached development order.	
LPA RECOMMENDATION	The Planning and Zoning Commission met on June 2, 2004 and voted 4-0 to recommend transmittal of the Large Scale Land Use Amendment from Office to PD (Planned Development), and approval of the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order.	
BCC ACTION	<p>The Seminole County Board of Commissioners met on September 14, 2004 and voted 5-0 to transmit the Large Scale Land Use Amendment from Office to PD (Planned Development) and the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order, to the Florida Department of Community Affairs.</p> <p>The Seminole County Board of Commissioners met on December 14, 2004 and voted 5-0 to continue the request for a Large Scale Land Use Amendment from Office to PD (Planned Development) and a rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order, until the February 8, 2005 public hearing.</p>	

SITE DESCRIPTION

1. DEVELOPMENT TRENDS AND EXISTING AND PERMITTED USES: The future land use designation of Office, currently assigned to the subject property, permits general office and supporting uses such as schools and day care centers. The proposed higher density residential and office/retail uses are appropriate transitional uses between the single-family residential uses in the PUD to the west and the HIPTI future land use to the east.

Location	Future Land Use*	Zoning*	Existing Use
Subject Property	Office	A-1 (Agriculture District)	Vacant, Single-family residential
North	PD (Planned Development)	PUD	Multi-family
South	PD(Planned Development) , SE (Suburban Estates)	PUD, A-1 (Agriculture District)	Vacant
East	Office, HIP-TI	OP (Office Professional), A-1 (Agriculture District)	Vacant, Grazing Land, Commercial
West	PD (Planned Development)	PUD (Heathrow)	Single-family residential

❖ See enclosed future land use and zoning maps for more details.

As identified from the Property Appraiser's future land use map, 378 acres of the unincorporated area in Seminole County are designated for Office land use. Approximately 52 acres are within conservation areas and are assessed as unbuildable until field checked. Of the remaining 326 acres, 107 already have a non-residential structure on the property such as office, school, or retirement home. This leaves a total of 219 buildable acres under the Office designation of which a portion are currently built as single family residential, the remaining being vacant acres. In general the parcels are less than 5 acres in size. As a note, office use already approved or built on properties with a land use designation of Planned Development or Higher Intensity Planned Development (HIP) have not been counted as part of these figures.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. Traffic Circulation - Consistency with Future Land Use Element: *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element, Design Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element and adopted Design Element (Transportation Policy 2.1).*

Access to the subject property is via C.R. 46A, which is classified as a collector road with a Level of Service "A". The adopted Level of Service standard on this section of the road is "E". Prior to a final development order being issued, the project will have to undergo concurrency testing to ensure adequate capacity.

B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:

The subject property is located within the Seminole County water and sewer service areas. Water, sewer and reclaimed water services are available to the site, however there may be a problem with potable water capacity based on the restrictions of the consumptive use permit issued by St. Johns River Water Management District. The applicants have worked diligently with County Environmental Services to create a water mitigation plan. The applicants have proposed to install reclaim water lines throughout Phases III and IV of the Buckingham Estates project off of Markham Woods Road. County Environmental Services has agreed with this plan and they are in the process of working out the final details with the applicant.

C. Public Safety – Adopted Level of Service: *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

The property is served by the Seminole County EMS/Fire Station #36. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policies 2.3 and 2.4).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains approximately 3.33 acres of wetlands and a portion of the site is located within the 100-year floodplain. A wetlands mitigation plan shall be required prior to final engineering approval for any proposed development on the subject property.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

The 27.2 acres that is proposed for rezoning and future land use amendment is part of a 29.2 acre administrative future land use amendment from Suburban Estates to Office that was completed in 1999. At that time, a group of the property owners had approached the Board of Commissioners and asked them to do an administrative land use amendment, in order to increase the resale value of their properties. Staff ultimately recommended Office future land use, not because the area was lacking office space, but because they felt it was an appropriate transitional use between the adjacent land uses of Planned Development and Office.

Staff believes that the proposed PD land use, with the attendant PUD Preliminary Master Plan, is also a compatible transitional use between the PUD land use designations to the north, west and south, and the Office and HIP-TI land use designations to the east. With a mixture of retail and office uses, and high density residential at 20.25 units per net buildable acre, the request would represent a transition of land use intensity between the properties equivalent to Low Density Residential to the west and large areas of office, commercial and other nonresidential development to the east. High density residential and retail/office are permitted adjacent to existing subdivisions, in order to function as a buffer from existing and future target industry development. The single family development to the west should not be greatly affected by the current proposal if adequate design features, such as architecture, walls, landscaping, setbacks and lighting controls are in place.

The east side of the subject property is adjacent to a strip of properties with Office future land use and OP (Office Professional) zoning. Although the zoning and future lands use are in place, the property is still vacant. Since the applicant is proposing to introduce residential uses into an area that is currently designated for office uses, the burden of providing the active buffer required by the Land Development Code, when office uses are placed next to residential, should be placed on the developer of the residential project. Therefore, staff is recommending as a condition of approval that a 50-foot setback and 25-foot landscape buffer with a 6-foot masonry wall, in compliance with the Land Development Code regulations for active buffers, should be placed along the east property line where the proposed residential tract is adjacent to the Office future land use.

The proposed Florence Arbor PUD would contain a combination of office, retail/commercial, and residential uses. Objective 4 of the Design Element of the Vision 2020 Comprehensive Plan is to encourage mixed-use corridors and centers with stronger

connectivity and more attractive physical design. Staff believes that allowing residential uses in close proximity to the large area of HIP-TI future land use to the east will have the positive benefit of reducing sprawl, promoting diverse housing types and prices, and reducing traffic by allowing people to live near where they work. As part of the Evaluation and Appraisal Report (EAR) on the Vision 2020 Comprehensive Plan, completed in 1998, staff completed a residential needs analysis that indicated that by the year 2020, there are a projected 18,000 residents in the unincorporated areas that will need housing not provided by our Future Land Use Map. Due to these reasons, staff is supportive of the future land use amendment from Office to Planned Development.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Although the applicant has requested a Planned Development (PD) land use designation, proposed density and housing types for the subject property are equivalent to High Density Residential (HDR). "Exhibit FLU: Appropriate Transitional Land Uses" indicates that HDR can be an appropriate transitional use adjacent to Low Density Residential (LDR), if the site is designed with appropriate buffers, lot sizes, and other design standards. The proposed retail/office component of this project would be separated and buffered from the single-family residential to the west by the proposed high-density residential development. The proposed retail and office would be compatible with permitted uses on adjacent HIP-TI lands to the east.

Design Principles: *The County will encourage development in corridors and centers based on the following principles (Policy DES 4.2):*

- *Mixed-use centers should be designed with universal blocks, i.e. blocks with standard dimensions that accommodate several different types of uses, to enable re-use over time through infill, redevelopment and intensification.*
- *Mixed-use developments shall have integrated infrastructure, vertical and/or horizontal integration of different land uses and coordinated access.*
- *Mixed-use corridors and centers should promote development planning that encourage site plans to anticipate infill development with future building sites, structured parking, and the flexibility to intensify the site later when the market grows.*

Other applicable plan policies include, but are not limited to:

FLU 2.1 Subdivision Standards.

FLU 4.2 Infill Development

FLU 5.5: Water and Sewer Service Expansion

FLU 2.11 Determination of Compatibility in PUD and PCD Zoning Classifications

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the impacts of development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

5. SCHOOL IMPACTS – The proposed project will be served by the Northwest Cluster for elementary schools (Wilson, Bentley, Idyllwild, and Wicklow), Sanford Middle School and Seminole High School. The proposed residential units will generate an estimated total of seventy-three students. The breakdown by school type is as follows: thirty-seven elementary school students, seventeen middle school students, and nineteen high school students. The Seminole County School Board is opposed to the proposed rezone and land use amendment without the payment of additional fees to fund school capacity improvements. A statement by Dianne Kramer of the Seminole County School System is attached. Seminole County does not have a school concurrency requirement, therefore this is an issue between the applicant and the School Board to resolve. The Seminole County Board of Commissioners' staff and the School Board are working to address the capacity issue in a comprehensive fashion. Preliminary recommendations regarding these efforts were provided to the Board of Commissioners on January 20, 2005. At this time, these recommendations are under review by the Board.

6. ECONOMIC IMPACTS – Historically, the County has reviewed land use amendments with an emphasis on analyzing the compatibility of the proposed amendment with surrounding land uses. In recent years, the Board has expressed concern regarding the number of multifamily projects that have been proposed in the HIP Land Use District and along the I-4 High Tech Corridor in northwest Seminole County. These areas were intended to provide opportunities for Target Industries to build in Seminole County so that that tax base and employment base would be more diverse. The Board articulated its desire to promote home ownership as opposed to rental residential and to investigate methods of preserving the HIP/NW I-4 lands for Target Industries. These concerns were first memorialized in the County Economic Strategic Plan adopted in 2003. On June 8, 2004, the Board of County Commissioners approved the update to the Economic Element of the Vision 2020 Comprehensive Plan that incorporated the Board's issues. Subsequent to the adoption of the updated Economic Element, staff began reviewing land use amendments for compliance with the updated Economic Element. This has resulted in the review of land use amendments being broadened to include an emphasis on both compatibility and long-term

economic sustainability. The following Objectives and Policies of the Vision 2020 Plan apply to this proposed amendment:

- Objective ECM 3 is to continue to shift property tax dependence from residential to non-residential properties.
- Policy ECM 3.1 states that the County shall continue to take actions to increase the non-residential tax base and reduce dependency on homeowners for local revenues by implementing economic strategies.
- Policy ECM 3.2 states that the County shall continue to monitor the balance of residential and employment opportunities in order to maintain equilibrium between the tax bases.
- Policy ECM 4.1 (D) states that the County will maintain the balance of employment and residential opportunities within targeted areas by supporting the goals of the Future Land Use Element.

The Economic Element also contains issues, objectives and policies related to the Higher Intensity Planned Development (HIP) future land use designation. Although this property is not designated as HIP land use, it is part of the I-4 High Tech Corridor and it is part of the County's Office future land use inventory, therefore Issue ECM 5 has bearing on this proposed amendment. Issue 5 states that what is of concern to the County is that in the HIP land use areas, particularly in the North I-4/Lake Mary Target Area, high or medium density residential development has occurred in greater numbers than anticipated, consuming land for uses other than the intended target industries.

In response to the concerns raised by the Board of County Commissioners, and the issues, goals, objectives and policies articulated in the Vision 2020 Comprehensive Plan, the Planning Division contracted with two consultants to provide analyses of the economic impacts of converting office land uses to residential land uses. The results of these analyses are summarized in the Background section of this report.

6. REVIEWING AGENCY COMMENTS –The Objections, Recommendations, and Comments (ORC) Report from the Florida Department of Community Affairs (DCA) is attached. The report is summarized as follows:

- a. **Objection to inadequate information & recommendation**: Determine the effect of the change that development potential will have on the annual growth rate for the service area that is included in the County's consumptive use permit (CUP) application and the St. Johns River Water Management District's (SJRWMD) draft Water Supply Assessment – 2003.
- b. **Objection to inadequate information & recommendation**: Coordinate with SJRWMD staff regarding any changes in service area growth projections to determine whether or not the CUP application needs to be modified based on water supply population and demand projections.
- c. **Comment**: Coordinate with the Seminole County School Board to resolve its objection to the proposed amendment without the payment of additional fees to fund school capacity improvements.

Since these objections were made, the Seminole County Environmental Services Department has coordinated with the St. Johns River Water Management to address their concerns. An email from Peter Brown with the Water Management District is attached, stating that the objections have been adequately addressed.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed land use amendment from Office to Planned Development, rezone from A-1 to Planned Unit Development, and Preliminary Master Plan, subject to the following conditions and attached development order:

- a. The developer shall install reclaim water lines within Buckingham Estates Phases III and IV. This shall occur prior to a building permit being issued for the 121st unit. The final plan shall be approved by County Environmental Services.
- b. The residential portion of the project shall be developed at a maximum density of 20.25 units per net buildable acre or a maximum of 320 dwelling units.
- c. The retail/office portion of the project shall be developed with a maximum of 19,500 square feet of retail/office space.
- d. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- e. The first row of structures adjacent to Orange Boulevard or the structures within the first 120 feet adjacent to Orange Boulevard, whichever constitutes the greater distance from Orange Boulevard, shall be limited to two stories.
- f. The buffer adjacent to Orange Boulevard shall be a minimum of 25 feet in width, with a 6-foot masonry wall and landscaping in compliance with the Seminole County Land Development Code on the Orange Boulevard side of the wall.
- g. Development greater than three (3) stories shall be restricted to the eastern 532.6 feet of the property.
- h. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. South: 35 foot setback and 25 foot landscape buffer
 2. North: 35 foot setback and 15 foot landscape buffer
 3. West (adjacent to Orange Boulevard): 35 foot setback and 25 foot landscape buffer.
 4. East where the residential tract is adjacent to Office future land use: A 50 foot setback and 25 foot landscape buffer with a 6-foot masonry wall, in compliance with the Land Development Code regulations for active buffers, shall be placed along the east property line where the residential tract is adjacent to Office future land use.

5. East where the office/retail tract is adjacent to Office future land use: 35 foot setback and 15 foot landscape buffer.
- i. A minimum building setback of 15-feet and a minimum landscape buffer of 5-feet with a 6-foot masonry or brick wall shall apply between the retail/office and residential tracts.
- j. Building setbacks for the individual units shall be determined at the time of Final Master Plan.
- k. The following building height limits shall apply:
 1. Town homes (1, 2, or 3-story) – maximum height 40 feet
 2. Condominiums (maximum 5-story) – maximum height 60 feet
 3. Office/Retail Uses – maximum height of 40 feet, including architectural features such as towers, spires, and cupolas. Anything proposed over 40 feet must have architectural renderings provided and must be approved by the Board of County Commissioners.
- l. Permitted uses for the retail portion shall be all permitted uses in the C-1 zoning district; and special exception uses shall be those special exception uses permitted in the C-1 (Retail Commercial) zoning district as outlined in the Seminole County Land Development Code, except that the following uses shall be prohibited: funeral homes, drive-thrus, gasoline pumps, communication towers, hospitals, nursing homes, and flea markets. Alcoholic beverage establishments shall be allowed by special exception only.
- m. Permitted uses for the residential portion shall be townhomes, condominiums, home occupations, and home offices. Rental units shall be prohibited.
- n. The garages shall not be allowed to be converted to living space.
- o. Storage of boats and recreational vehicles on residential lots shall be prohibited.
- p. All signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards.
- q. All landscape buffers and common areas shall be maintained by a homeowners association.
- r. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- s. The developer shall construct a 5-foot wide sidewalk along the east side of Orange Boulevard.
- t. Architectural renderings of the buildings shall be provided with the Final Master Plan.

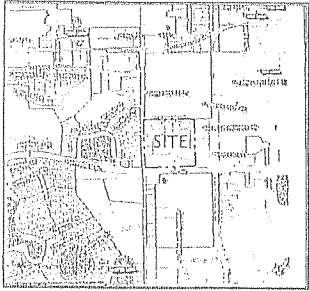
PLANNING AND ZONING COMMISSION RECOMMENDATION:

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BOARD OF COUNTY COMMISSIONERS DECISION:

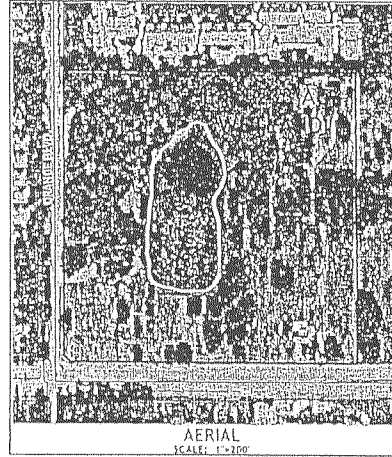
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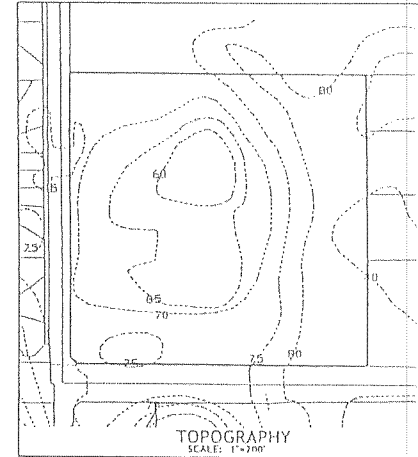


VICINITY MAP

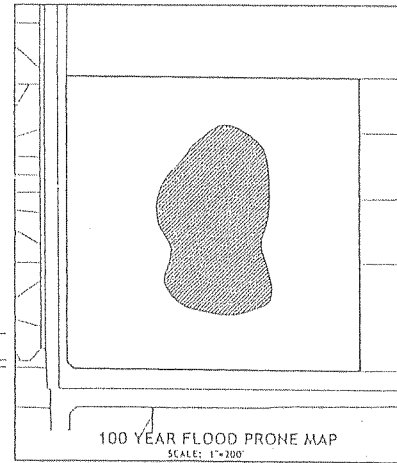
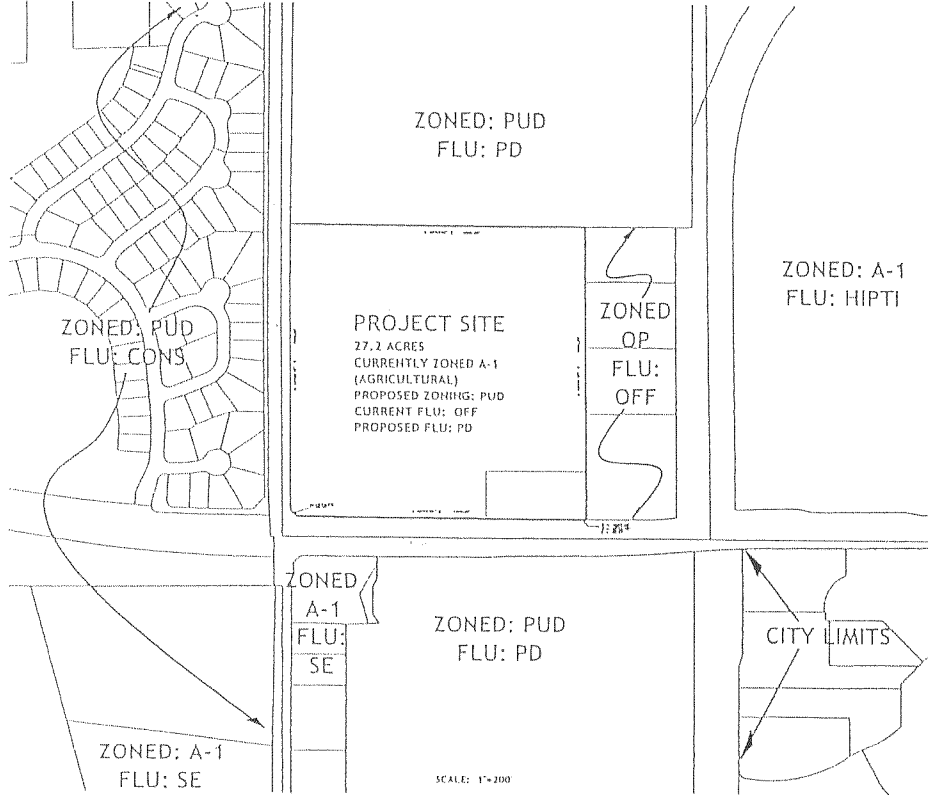
LAND USE	ACREAGE	UNITS/SF	DENSITY/FAR
TOWNHOMES/ CONDOMINIUMS	25.7	320	12.5 DU/AC
OFFICE/RETAIL	1.5	19,500	.3 FAR
TOTAL	27.2		



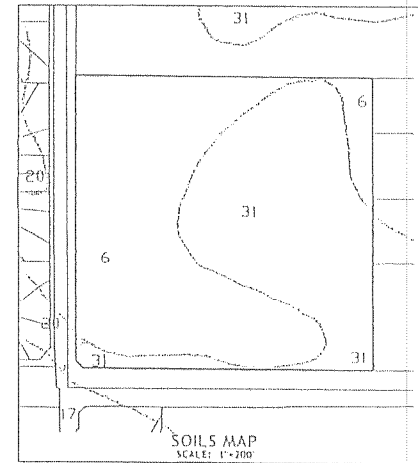
AERIAL
SCALE: 1"=200'



TOPOGRAPHY
SCALE: 1"=200'



100 YEAR FLOOD PRONE MAP
SCALE: 1"=200'



SOILS MAP
SCALE: 1"=200'

- LEGEND
- 100 Year Flood Prone Area
 - Topography
 - Soils line

6 Astatula-Apopka fine sands,
0 to 5 percent slopes
20 Myakka and Eau Gallie fine sands
31 Tavares-Milthopper fine sands,
0 to 5 percent slopes
Source: Seminole County GIS Data



DATE: 05/11/2006
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT NO.: 041314003
 SHEET NO.: 1 OF 2

DATE: 05/11/2006 DRAWN BY: J. HARRIS CHECKED BY: J. HARRIS PROJECT NO.: 041314003 SHEET NO.: 1 OF 2	 Kinley-Horn and Associates, Inc. 1100 N. W. 10th St., Suite 100, Ft. Lauderdale, FL 33309 (954) 544-1111 FAX: (954) 544-1112	BLANK 4/20/04 PROJECT NO. 041314003	FLORENCE ARBOR PUD PELLONI DEVELOPMENT CORP. SECTION 31, TOWNSHIP 19S, RANGE 10E SEMINOLE COUNTY, FLORIDA	DESIGN ENGINEER: JOHNATHAN A. MARTIN PROFESSIONAL REGISTRATION NUMBER: 54095 SCALE	PRELIMINARY MASTER PLAN	SHEET NUMBER 1 of 2
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NOTES

PUBLIC SAFETY, FIRE LOSS:
THE FOLLOWING REQUIREMENTS SHALL BE ON ALL SITE PLANS FOR SPRINKLERED BUILDINGS:

- 1) A CLASS 5 CONNECTION IS REQUIRED TO INSTALL FIRE LINES TO THE FIRE LINE FOR SPRINKLERED BUILDINGS STARTS AT THE DOUBLE DEFECTION CHECK VALVE.
- 2) NO OTHER WATER CONNECTION SHALL BE OFF OF THE FIRE LINE.
- 3) THE FIRE DEPARTMENT CONNECTION (FDC) SHALL BE WITHIN 200 FEET OF THE FIRE EXHAUST.
- 4) ANY FIRE LINE CHARGED BY THE FDC SHALL BE DR 14.
- 5) THE ONLY VALVE ALLOWED ON THE FDC LINE IS A CHECK VALVE.
- 6) ALL FIRE LINES SHALL BE IDENTIFIED BY THE FIRE DEPARTMENT DEPARTMENT BEFORE BEING COVERED.

A SEPARATE PERMIT IS REQUIRED TO INSTALL THE FIRE LINE.

STORMWATER:
SITE IS IN A LAND LOCKED BASIN AND WILL BE REQUIRED TO HOLD THE 100 YEAR STORM EVENT OVERSITE.

STORMWATER INFRASTRUCTURE: SHOWN HEREIN CONCEPTUAL ONLY AND SUBJECT TO CHANGE DURING FINAL DESIGN.

LANDSCAPING:
AN OPAQUE WALL NOT LESS THAN 6 FEET IN HEIGHT WILL SURROUND THE PROPERTY.

LIGHTING:
LIGHTING WILL COMPLY WITH SEMINOLE COUNTY'S NEW LIGHTING CODE.

PEDESTAL, BICYCLE, AND VEHICULAR LANDMARK DEVELOPMENT TEAM IS BEING WORKING AND WILL CONTINUE TO WORK IN CONJUNCTION WITH THE COUNTY TO SATISFY REQUIREMENTS SET FORTH IN SECTION 91.13.4 OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE. SIDEWALK ALONG ORANGE AVENUE WILL BE CONSTRUCTED COMPLETELY IN ORANGE BOULEVARD RIGHT-OF-WAY.

UTILITIES:
SANITARY, WATER, AND SEWAGE WATER INFRASTRUCTURE SHOWN HEREIN CONCEPTUAL ONLY AND SUBJECT TO CHANGE DURING FINAL DESIGN.

WATER AND FIRE SERVICE:
DUAL WATER DISTRIBUTION SYSTEM WILL SERVE BOTH POTABLE DELIADS AND FIRE SERVICE DELIADS BY ACCORDANCE WITH APPLICABLE STATE AND LOCAL STATUTES.

RECREATION AND OPEN SPACE:
INCLUDED IN THE DEVELOPMENT SHALL BE MORE THAN ONE "POCKET PARK", A SMALL, ATTRACTIVE COMMON AREA. THERE SHALL BE A CLUBHOUSE AND POOL THAT SHALL SERVE AS THE COMMUNITY'S PRIME AMENITY. THE CLUBHOUSE MAY ALSO INCLUDE A FITNESS CENTER, KITCHEN, AND LIBRARY.

PER SEMINOLE COUNTY "RECREATION SPACE CHECKLIST", PROPOSED OPEN SPACE IS COMPOSED OF "ASSEMBLED STORMWATER RETENTION FACILITIES, CLUBHOUSE AREA AND LANDSCAPED AREAS."

SITE DATA

PROJECT SIZE = 37.2 ACRES ± 1,184,106 sq ft
 CONDOMINIUMS = 25.7 AC
 OFFICE/RETAIL = 1.5 AC
 ESTIMATED POND SIZE = 8.89 AC ± 300,105 sq ft
 WITH RETENTION AMENITIES SURROUNDING POND
 ESTIMATED TOTAL BUILDING FOOTPRINT SIZE = 5.53 AC
 ESTIMATED DRIVE AREAS = 3.01 AC
 ESTIMATED BUFFER AREAS = 1.78 ACRES
 ESTIMATED PARKING AND LOADING AREAS = 4.51 ACRES
 ESTIMATED UTILITY TRACT (LEFT SIDE) = 0.02 AC
 ESTIMATED OPEN SPACE = 14.06 AC
 WETLANDS

PER DEVELOPMENT OFFSITE WETLANDS = 3.33 AC
 WETLAND TYPE: DEEP MARSH
 WETLAND SIGNIFICANCE: LOW (SCORE OF 1)
 POST DEVELOPMENT OFFSITE WETLANDS = 0.00 AC
 TYPE AND SURFACE AREA
 WETLANDS WILL BE RESTORED
 NET BUILDABLE AREA = 15.00 AC
 REQUIRED "USABLE" OPEN SPACE (25% OF GROSS SITE) = 7.72 ± 0.22 ± 8.00 AC
 ESTIMATED "USABLE" OPEN SPACE PER SEMINOLE COUNTY METHOD FOR CALCULATING "COMMON USABLE" OPEN SPACE FOR PUD ONLY WORKSHEET

EST. PROVIDED USABLE OPEN SPACE = 7.14 AC
 THERE ARE NO RED, EXTERNAL, ROW DEDICATIONS, PUBLIC OR PRIVATE ROW, PLATTED RESIDENTIAL LOTS, UPLAND COMMON AREAS LESS THAN 15' WIDE OR ON RECLAIMATION LINE EASEMENTS ASSOCIATED WITH THIS PROJECT.

DEMOGRAPHICS:
RESIDENTIAL DENSITY:
 NUMBER OF CONDOMINIUMS 320
 AREA = 25.70 ACRES
 GROSS DENSITY = 12.5 DWELLING/ACRE
 NET BUILDABLE DENSITY = 70.21 UNITS/ACRE
 MAXIMUM = 40 UNITS PER PROJECT AS RESIDENTIAL TRACT NOT BEING SUBDIVIDED AND SMALLER, VARYING DENSITY TRACTS.

FLOOR AREA RATIO:
 RETAIL/OFFICE SQUARE FOOTAGE = 18,500 sq ft
 ACREAGE = 1.5
 F.A.R. = 0.3

IMPACTS TO EXISTING INFRASTRUCTURE:
 WATER FLOWS
 CONDOMINIUMS = 84,428 GPD
 RETAIL/OFFICE = 1,050 GPD
 TOTAL FLOWS = 85,378 GPD

POINT OF CONNECTION: EXISTING 12 INCH WATER MAIN ON THE EAST SIDE OF THE ORANGE BOULEVARD RIGHT-OF-WAY.

WASTE WATER FLOWS:
 CONDOMINIUMS = 65,330 GPD
 RETAIL/OFFICE = 1,938 GPD
 TOTAL FLOWS = 67,300 GPD

POINT OF CONNECTION: EXISTING 10 INCH FORCE MAIN ON THE WEST SIDE OF THE ORANGE BOULEVARD RIGHT-OF-WAY.

RECLAIMED WATER:
 PROJECT WILL CONNECT TO THE 20 INCH RECLAIMED WATER MAIN AT THE CORNER OF INTERNATIONAL PARKWAY AND ORA.

DAILY TRIPS GENERATED:
 RESIDENTIAL (CONDOMINIUMS) = 1725
 19,500 sq ft OFFICE PARK = 223
 OR
 19,500 sq ft RETAIL (SHOPPING CENTER) = 837
 TOTAL DAILY TRIPS = CONDOMINIUMS + RETAIL = 1725 + 837 = 2562 TRIPS

SCHOOL AGE CHILDREN	SCHOOL AGE	FACTOR/UNIT	EST # OF STUDENTS
ELEMENTARY	0-10	33	33
MIDDLE SCHOOL	0-13	17	17
HIGH SCHOOL	0-17	10	10
TOTAL ESTIMATED NUMBER OF STUDENTS			60

TRAFFIC:
 EXISTING LEFT TURN LANE ON ORA WILL BE EXTENDED FOR ADDITIONAL STORAGE AS REQUIRED PER TRAFFIC ANALYSIS.

THE FINAL LOCATION OF THE RIGHT-TURN-OUT WILL BE DETERMINED DURING FINAL DESIGN.

GENERAL PURPOSE AND CHARACTER OF DEVELOPMENT:
 THE GENERAL PURPOSE AND CHARACTER OF THE PROPOSED DEVELOPMENT IS TO CREATE UPGRADE LIVING QUARTERS CONSISTENT WITH THE AREA'S HIGH END HIGH RICHWOODS WITH SMALL, SUBDIVIDED RETAIL SHOPPER ON OFFICE SPACE EASING THE TRANSITION FROM RESIDENTIAL TO OFFICE USES, AS IS ZONED FOR THE ADJACENT PROPERTIES.

SETBACKS	BUILDING	PAVING	LANDSCAPE BUFFERS
FRONT	30 FT	25 FT	25 FT
REAR	25 FT	15 FT	15 FT
SIDE	15 FT	15 FT	15 FT
INTERIOR	15 FT	5 FT	5 FT

RESIDENTIAL BUILDING HEIGHT RESTRICTIONS FROM ORANGE BOULEVARD:
 2 STORY STRUCTURES 8 FT
 3 STORY STRUCTURES 120 FT
 3 STORY STRUCTURES EASTERN HALF OF PROPERTY

"FIRST ROW OF STRUCTURES ON FIRST 100' ADJACENT TO ORANGE BOULEVARD RIGHT-OF-WAY SHALL BE A MAXIMUM OF TWO STORIES IN HEIGHT"

BUILDING HEIGHTS FOR OFFICE/RETAIL:
 ONE STORY REAR BUILDINGS SHALL BE RESTRICTED TO 35 FEET IN HEIGHT. AESTHETIC FEATURES SUCH AS TOWER, SPIRES, CUPOLAS AND DECORATIVE PARAPET WALLS SHALL BE PERMITTED AND SHALL NOT EXCEED 50 FEET. TWO STORY OFFICE OR A TWO STORY BUILDING WITH REAR ON THE GROUND FLOOR OFFICE ON THE SECOND SHALL BE RESTRICTED TO 45 FEET IN HEIGHT. AESTHETIC FEATURES SUCH AS TOWER, SPIRES, CUPOLAS AND DECORATIVE PARAPET WALLS SHALL BE PERMITTED AND SHALL NOT EXCEED 60 FEET.

ACCEPTABLE USES RETAIL/OFFICE PARCEL:
 ACCEPTABLE USES FOR RETAIL, OFFICE, MEDICAL AND TRANSITIONAL OFFICE.
 A PROPERTY OWNERS ASSOCIATION (POA) WILL BE CREATED FOR THE MANAGEMENT OF COMMON AREAS AND FACILITIES.
MAJOR LANDSCAPING CONCEPTS:
 THE PROPERTY HAS MANY HIGH END FINISHES. THE DEVELOPER SHOULD PRESERVE MANY OF THESE TO GIVE THEM OUR LANDSCAPE FEATURE OVERVIEW. THERE SHALL BE A COMBINED LANDSCAPING TRAIL THROUGHOUT THE DEVELOPMENT. WITH A REPRESENTATION OF LANDSCAPING FEATURES ALONG THE STREETS. THE COMMON AREAS AND ENTRANCE SHALL BE SPOTS THAT SHALL HAVE ADDITIONAL LANDSCAPING EMPHASIS. LANDSCAPING WILL COMPLY WITH SEMINOLE COUNTY LAND DEVELOPMENT CODE.

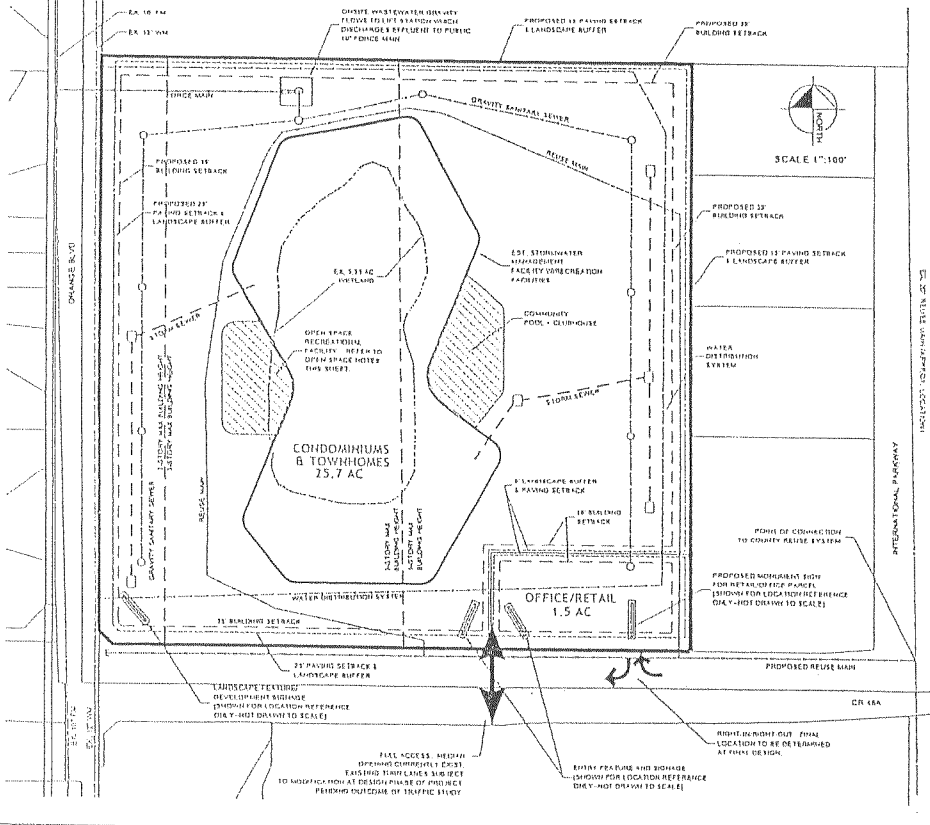
STRUCTURAL CONCEPTS:
 THE TOWN HOMES SHALL BE 1.5 AND 3 STORES. EACH UNIT WILL HAVE A BALCONY ON THE 2ND OR 3RD FLOOR ON BOTH THE FRONT AND BACK SIDE OF THE UNIT. THE GENERAL STYLE OF THE UNIT'S HOLDINGS CONSISTENT WITH THE AREA'S HIGH END HIGH RICHWOODS, INCLUDING STUCCO FINISHES, PINCHED ROOFING, AND DETAIL FEATURES ON THE FRONT PORCH.

BUCKET OFF ORANGE BOULEVARD SHALL BE 25 FT IN WIDTH WITH A 4 FT SCREENED WALL AND A COMBINATION RETENTION OF TREES ON THE ORANGE BOULEVARD SIDE OF THE WALL. WALL WILL BE PLACED AS CLOSE TO REVIEW AS COUNTY WILL ALLOW.

CONDOMINIUMS:
 THE CONDOMINIUMS SHALL HAVE SINGLE OR DOUBLE CAR GARAGES FACING AND/OR SIDE STREET. THE CONDOMINIUMS SHALL BE UP TO FIVE STORES (FIRST STORY SHALL INCLUDE SEPARATE GARAGES FOR EACH UNIT) IT IS ANTICIPATED THE UNITS HAVE BALCONIES AROUND THE ENTIRE PERIMETER. THE STRUCTURE SHALL BE MANSUET AND HIGH END COMPATIBLE AND COMPLIANT ARCHITECTURAL STYLE TO THE TOWN HOMES.

HOUSING TYPES, PRICE RANGES, AND STAGING:
 THE ESTIMATED TYPES, PRICE RANGES FOR THE TOWN HOMES SHALL BE FROM THE 200'S TO 300'S. THE CONDOMINIUMS ESTIMATED PRICE RANGE SHALL BE FROM THE 100'S TO 200'S. IT IS ANTICIPATED THAT APPROXIMATELY 30% OF THE UNITS SHALL BE PRE-SOLD PRIOR TO CONSTRUCTION. IT IS ANTICIPATED THE DEVELOPMENT BE COMPLETELY SOLD WITHIN THREE YEARS OF THE COMMENCEMENT OF CONSTRUCTION.

DRIVING SIGNS:
 FOUR GROUND SIGNS ARE PROPOSED FOR THE DEVELOPMENT.



DATE	BY	REVISION
3/13/2014	JOB	REVISED PER SEMINOLE COUNTY COMMENTS
02/11/14	JOB	REVISED PER SEMINOLE COUNTY COMMENTS
02/11/14	JOB	REVISED PER SEMINOLE COUNTY COMMENTS

Kinley-Horn and Associates, Inc.
 1415 WINDYBUSH BLVD SUITE 300 PALM HARBOR, FL 34683
 (888) 484-1111
 WWW.KH-INC.COM

FLORENCE ARBOR PUD
PELLONI DEVELOPMENT CORP.
 SECTION 31, TOWNSHIP 19S, RANGE 30E
 SEMINOLE COUNTY, FLORIDA

PROJECT NUMBER:	2014-0004
CLIENT NAME:	PELLONI DEVELOPMENT CORP.
PROJECT ADDRESS:	SECTION 31, TOWNSHIP 19S, RANGE 30E, SEMINOLE COUNTY, FLORIDA

PRELIMINARY MASTER PLAN

SHEET NUMBER: 2 of 2

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

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

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Pelloni Development Corporation
725 Primera Boulevard, Suite 130
Lake Mary, FL 32746

Project Name: Florence Arbor PUD

Requested Development Approval: Rezoning from A-1 (Agriculture District) to PUD
(Planned Unit 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: Tina Deater, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The residential portion of the project shall be developed at a maximum density of 20.25 units per net buildable acre or a maximum of 320 dwelling units.
- b. The retail/office portion of the project shall be developed with a maximum of 19,500 square feet of retail/office space.
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. The first row of structures adjacent to Orange Boulevard or the structures within the first 120 feet adjacent to Orange Boulevard, whichever constitutes the greater distance from Orange Boulevard, shall be limited to two stories.
- e. The buffer adjacent to Orange Boulevard shall be a minimum of 25 feet in width, with a 6-foot masonry wall and landscaping in compliance with the Seminole County Land Development Code on the Orange Boulevard side of the wall.
- f. Development greater than three (3) stories shall be restricted to the eastern 532.6 feet of the property.
- g. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. South: 35 foot setback and 25 foot landscape buffer
 2. North: 35 foot setback and 15 foot landscape buffer
 3. West (adjacent to Orange Boulevard): 35 foot setback and 25 foot landscape buffer.
 4. East where the residential tract is adjacent to Office future land use: A 50 foot setback and 25 foot landscape buffer with a 6-foot masonry wall, in compliance with the Land Development Code regulations for active buffers, shall be placed along the east property line where the residential tract is adjacent to Office future land use.

5. East where the office/retail tract is adjacent to Office future land use: 35 foot setback and 15 foot landscape buffer.
- h. A minimum building setback of 15-feet and a minimum landscape buffer of 5-feet with a 6-foot masonry or brick wall shall apply between the retail/office and residential tracts.
- i. Building setbacks for the individual units shall be determined at the time of Final Master Plan.
- j. The following building height limits shall apply:
 1. Town homes (1, 2, or 3-story) – maximum height 40 feet
 2. Condominiums (maximum 5-story) – maximum height 60 feet
 3. Office/Retail Uses – maximum height of 40 feet, including architectural features such as towers, spires, and cupolas. Anything proposed over 40 feet must have architectural renderings provided and must be approved by the Board of County Commissioners.
- k. Permitted uses for the retail portion shall be all permitted uses in the C-1 zoning district; and special exception uses shall be those special exception uses permitted in the C-1 (Retail Commercial) zoning district as outlined in the Seminole County Land Development Code, except that the following uses shall be prohibited: funeral homes, drive-thrus, gasoline pumps, communication towers, hospitals, nursing homes, and flea markets. Alcoholic beverage establishments shall be allowed by special exception only.
- l. Permitted uses for the residential portion shall be townhomes, condominiums, home occupations, and home offices. Rental units shall be prohibited.
- m. The garages shall not be allowed to be converted to living space.
- n. Storage of boats and recreational vehicles on residential lots shall be prohibited.
- o. All signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards.
- p. All landscape buffers and common areas shall be maintained by a homeowners association.
- q. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- r. The developer shall construct a 5-foot wide sidewalk along the east side of Orange Boulevard.
- s. Architectural renderings of the buildings shall be provided with the Final Master Plan.

(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 Henley
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Pelloni Development Corporation, on behalf of itself and its heirs 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.

Witness

James Pelloni, President of Pelloni
Development Corporation

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared James Pelloni, President of Pelloni Development Corporation, who is personally known to me or who has produced _____ 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 ____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

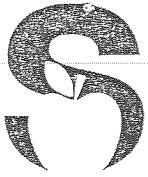
My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31; THENCE RUN S89°44'51"E ALONG THE SOUTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 31 A DISTANCE OF 40.00 FEET; THENCE RUN N00°02'42"W A DISTANCE OF 85.04 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD (STATE ROAD 46A) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3162, PAGE 893 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND THE EAST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, S44°55'03"E A DISTANCE OF 35.49; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, S89°44'51"E A DISTANCE OF 1005.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 4523.66 FEET, THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND THE SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, THROUGH A CENTRAL ANGLE OF 00°44'40", AN ARC DISTANCE OF 58.77 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, RUN N00°02'42"W, A DISTANCE OF 1086.70 FEET TO THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE AFORESAID SOUTHWEST 1/4 OF SECTION 31; THENCE RUN ALONG SAID NORTH LINE N89°44'51"W A DISTANCE OF 1089.80 FEET TO THE EAST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, SAID EAST RIGHT-OF-WAY LINE BEING 40.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE AFORESAID SOUTHWEST 1/4 OF SECTION 31; THENCE RUN S00°02'42"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1062.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 27.19 ACRES MORE OR LESS.



SEMINOLE COUNTY
PUBLIC SCHOOLS

BILL VOGEL, Ed.D.
Superintendent

Educational Support Center
400 E. Lake Mary Boulevard
Sanford, Florida 32773-7127
Phone: (407) 320-0004
Fax: (407) 320-0281
Suncom: 351-0004

SCHOOL BOARD
SANDY ROBINSON
Chairman

DEDE SCHAFFNER
Vice Chairman

DIANE BAUER
Board Member

LARRY FURLONG
Board Member

JEANNE MORRIS
Board Member

RECEIVED

AUG 25 2004

SEMINOLE COUNTY
COUNTY MANAGER

August 23, 2004

Mr. Kevin Grace
County Manager
1101 East First Street
Sanford, Florida 32771-1468

Dear Kevin,

On August 10, 2004, the School Board voted to oppose the Florence Arbor Townhouse and Condominium Project as well as land use changes that convert non-residential properties to residential properties until the School Board, county, and cities have an opportunity to discuss future growth and the impact of those changes on the county and the school district.

The School Board asked that we discuss the possibility of a joint meeting, but after our conversation it would be difficult to schedule such a meeting before September 14, 2004, which is when your Board is rehearing the Florence Arbor Project. It is my understanding that your staff has recommended that all proposed land use changes be continued until the spring.

Therefore, my thoughts would be to proceed as we discussed at the August Mayors and Managers meeting to convene the Planning Technical Advisory Committee to address these matters over the next few months with a joint meeting to follow.

Please contact me if you have any questions.

Sincerely,


Bill Vogel
Superintendent

Cc: Board Members
Dianne Kramer



THE SCHOOL BOARD OF SEMINOLE COUNTY

INFORMATION ITEM:

FLORENCE ARBOR TOWNHOUSE AND
CONDOMINIUM PROJECT: BOARD DIRECTION
REQUESTED

X.D.

Item Number

The Seminole County Board of County Commissioners is currently considering a Large Scale Land Use Amendment on 27 acres at the intersection of Orange Blvd. and C.R. 46A. The proposal would change the future land use from "Office" to "Planned Development" to permit the construction of 320 townhouses/condominiums (Florence Arbor). When the Land Planning Agency reviewed this proposal, the Seminole County Public Schools representative opposed converting additional land from office/commercial to residential because of the adverse impact on already over-crowded schools. This site is served by the Northwest Cluster, Sanford Middle School, and Seminole High School.

Pelloni Development Corporation is the developer of the project and it describes the final product as follows:

- Gated community designed for affluent, older (50+) buyers
- Prices ranging from \$200,000 to mid \$300,000
- Construction to start by early 2005; build-out by 2007

The developer proposes to reduce the impact on schools by pre-paying 100% of the school impact fees on or before 60 days of site plan approval and seeks Board direction prior to the Commission meeting scheduled for the evening of August 10, 2004.

The following information may be helpful to the Board in evaluating this proposal and providing direction to staff regarding the Board of County Commission hearing on the land use amendment:

1. The facility requirements associated with the class size amendment, combined with an increasing rate of growth in school enrollment, have created a sizable need for additional classroom space in the County. There are not enough capital funds to address the needs of the current Comprehensive Plan.
2. In general, owner-occupied multi-family development has less impact on the school system than rental units.
3. Large scale amendments to the Comprehensive Plan are processed only twice a year.
4. The conversion of high quality office and commercial properties to residential development has a double impact to the school system. First, there is a loss to the county economic base and second, there is more potential for rapid enrollment growth in the schools.

The School Board's direction on this proposal has the potential to impact many local government land use decisions, so it is staff's recommendation to request that the amendment decision be postponed. In the next few months the School Board and the County Commission and staffs could have an opportunity to discuss the relationship between land use decisions and the quality of the public school system in Seminole County. If the developer cannot postpone this decision, staff would recommend that the Board of County Commissioners include the following conditions if the amendment is approved:

1. The developer will pre-pay 100% of the school impact fees on or before final approval of the comprehensive plan amendment. Said amount would be \$204,480. This pre-payment helps address the additional capacity needs generated by this project.
2. The residential units must be owner-occupied units; not rental apartments. This provision will help address the impacts on the school system associated with the student mobility of rental multi-family development.

2. Prepared by: Dianne L. Kramer
Deputy Superintendent/Operations
Attachment(s): None
Back-up not in agenda book: None

3. Board Meeting Date 8/10/04

Minutes

Seminole County School Board Meeting – August 10, 2004

SUPERINTENDENTS
REPORT

X. SUPERINTENDENT'S REPORT

- A. Seminole County Public Schools – School Report Cards
- B. School Recognition (A+) Funds Meeting
- C. Student Progression Plan 2004/2005
- D. Florence Arbor Townhouse and Condominium Project: Board Direction Requested – Member Furlong moved to oppose the development and, if the county does approve the land use change, that it do so with the caveats described in the agenda book with the noted revision that impact fees would be payable upon site plan approval. Member Morris seconded the motion. *Justin Pelloni, Pelloni Development, addressed the Board regarding this issue.* The motion passed unanimously.

Member Furlong then moved that the School Board oppose land use or zoning changes that convert non-residential properties to residential until the school board, county and cities have an opportunity to discuss addressing future growth and the impact of those changes on the county and the school system. Vice Chairman Schaffner seconded the motion. The motion passed unanimously.

- E. Elementary School Highlights
- F. Other – Dr. Vogel discussed school visits. He discussed Math Camp at Sanford Middle School. He discussed the ratification of the bargaining unit contracts. He discussed the upcoming Central Florida Public School Boards Coalition meeting.

BOARD MEMBER
COMMENTS

XI. BOARD MEMBER COMMENTS

There were no additional Board Member comments.

The meeting adjourned at 6:02 p.m.

William Vogel, Superintendent

Sandra Robinson, Chairman



Dianne_Kramer@scps.k12.fl.us
05/18/2004 09:45 AM

To: TDeater@seminolecountyfl.gov
cc: Board-Members_DL/scps_esc@mail.scps.k12.fl.us
Subject: RE: Large Scale Land Use Amendments

Even though there are only 320 condos/townhomes, we are very much opposed to any change of land use that converts office, commercial, or industrial land use designations to designations that include residential land uses. The area that you have described for Florence Arbor is served by the Northwest Cluster for elementary schools (Wilson, Bentley, Idyllwilde, and Wicklow); Sanford Middle School; and Seminole High School. All of these schools are currently over capacity. Classroom additions at Wilson and Bentley will open in August 2005 and a new middle school next to Heathrow Elementary will open in August 2006. High School attendance zones will be revised this year to create an attendance zone for Hagerty High School that opens in the Oviedo area in August 2005. Additions and renovations at Seminole High School are currently in progress. No other improvements are planned for the area surrounding Florence Arbor, and the current plans will accommodate only the current population and the previously approved residential development.

The Celery Estates South project will have minimal impact, but it is also located in an area where all of the schools are over capacity. It would be served by the Northeast Cluster (Midway, Hamilton, and Pine Crest) for elementary schools; Millennium Middle School; and Seminole High School. A new Midway Elementary School will be built on 20th Street between Brisson and Sipes Ave. That school should be open by August 2006.

Please let me know if you need additional information. Thanks.

Dianne L. Kramer, Deputy Supt./Operations
Seminole County Public Schools
407.320.0060 direct line
407.320.0292 FAX

mailto:dianne_kramer@scps.k12.fl.us

-----Original Message-----

From: TDeater [mailto:TDeater@seminolecountyfl.gov]
Sent: Tuesday, May 18, 2004 9:15 AM
To: Dianne Kramer
Subject: Large Scale Land Use Amendments

Hello,

I am working on staff reports for two Large Scale Land Use Amendments and rezones that will be heard by the Planning and Zoning Board on 6/2/04 and the BCC on 7/13/04. I wanted to get some information about school impacts prior to finishing the reports. Here is the information about the two cases:

Florence Arbor Rezone; Justin Pelloni, applicant; approximately 27.2 acres; Large Scale Land Use Amendment from Office to Planned Development and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

November 24, 2004

The Honorable Daryl G. McLain, Chairman
Seminole County
Board of County Commissioners
1101 E. First Street
Sanford, FL 32771

Dear Chairman McLain:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA 04-2), which was received on September 29, 2004. Based on Chapter 163, F.S., we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of three (3) Future Land Use Map (FLUM) amendments and one (1) text amendment. The Department has identified objections to two of the proposed FLUM amendments related to inadequate data and analysis regarding potable water capacity based on the restrictions of the consumptive use permit issued by the St. Johns Water Management District (SJRWMD). The Department has also identified a comment in regards to a FLUM amendment due to the fact that the Seminole County School Board opposed the proposed FLUM amendment without the payment of additional fees to fund school capacity improvements. The Department strongly recommends that the County coordinate with the Seminole County School Board in order to resolve this issue.

2555 SHUMARD OAK BOULEVARD ■ TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2795 Overseas Highway, Suite 212
Marathon, FL 33050-3227
(888) 229-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2255

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 411-0999

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7055

The Honorable Daryl G. McLain, Chairman
November 24, 2004
Page Two

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Marina Pennington, Regional Planning Administrator or Jana Williams, Senior Planner, at (850) 922-1827.

Sincerely yours,



Charles Gauthier, AICP
Chief of Comprehensive Planning

CG/jw

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Sandra Glenn, Executive Director, ECFRPC
Don Fisher, Seminole County Planning Director
Matt West, Seminole County Planning Manager

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Seminole County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, F.A.C. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Ms. Sandra Glenn, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR SEMINOLE COUNTY
COMPREHENSIVE PLAN AMENDMENT 04-2

November 24, 2004
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed amendment to their comprehensive plan (DCA number 04-2) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, Florida Statutes (F.S.). Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS
SEMINOLE COUNTY
PROPOSED AMENDMENT 04-2

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S. AND RULE 9J-5, F.A.C.

The Seminole County proposed Amendment 04-2 consists of three (3) Future Land Use Map (FLUM) amendments and one (1) text amendment.

A. The Department raises the following objection to FLUM Amendment 04F.FLU02 (Mikler Shoppes), which proposes to redesignate ±44 acres from Low Density Residential to Planned Development; and FLUM Amendment 04F.FLU03 (Florence Arbor), which proposes to redesignate ±27.2 acres from Office to Planned Development:

1. Objection: The County has not provided adequate and relevant data and analysis regarding potable water capacity based on the restrictions of the consumptive use permit issued by the St. Johns Water Management District (SJRWMD). As such, the County has not adequately demonstrated that it has coordinated with the District on land use and water supply planning issues.

[Rules 9J-5.005(2)(a); 9J-5.006(2)(a); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.011(1), F.A.C.; Sections 163.3177(4); Sections 163.3177(6)(c and h) and 163.3177(8), F.S.]

Recommendation: The County should address the following items before adopting the proposed FLUM changes:

- (1) Determine the effect the change in development potential will have on the annual growth rate for the service area that is included in the County's consumptive use permit (CUP) application and the District's draft Water Supply Assessment—2003; and
- (2) Coordinate with District staff regarding any changes in service area growth projections to determine whether or not the CUP application and water supply population and demand projections need to be modified.

B. The Department raises the following comment to FLUM Amendment 04F.FLU03 (Florence Arbor), which proposes to redesignate ±27.2 acres from Office to Planned Development:

2. Comment: According to the amendment package, the proposed 320 multi-family residential units will generate an estimated twelve elementary students, five middle school students, and six high school students. The Seminole County School Board has submitted a statement to the County opposing the proposed FLUM amendment without the payment of additional fees to fund school capacity improvements. The Department strongly recommends that the County coordinate with the Seminole County School Board in order to resolve this issue.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

1. Objection: The proposed plan amendments are not consistent with and do not further the following goals and policies of the State Comprehensive Plan [Section 163.3177(10), F.S.]:

Goal (7), Water Resources, and Policies (b) 10;
Goal (15), Land Use, and Policy (b) 6; and
Goal (25), Plan Implementation, and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objections cited previously in this report.



St. Johns River Water Management District

Jawa

Kirby E. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

On the Internet at www.sjrwmd.com.

October 29, 2004

6MP

D. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

11/4/04

Subject: Proposed Comprehensive Plan Amendment
DCA Amendment # Seminole County 04-2

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment. The proposed amendment consists of three changes to the County's future land use map and the annual update to the County's five-year capital facilities program. The District staff review focuses on water supply availability and related water resource issues in an effort to link land use planning and water supply planning. In the review of water supply availability, District staff consider infrastructure, permitted allocation under consumptive use permits, and source. District staff comments are provided below.

Capital Facilities Program Update

District staff have no comments regarding the capital facilities program update because no substantial water supply availability and related water resource issues were identified.

Future Land Use Change 04F.FLU01 (Celery Estates)

The County's staff report indicates that the site is within the City of Sanford's water service area and water service is available to the site. Based on information in the County's submittal package and information in District records, District staff have no comments regarding this future land use change because no substantial water supply availability and related water resource issues were identified.

Future Land Use Change 04F.FLU02 (Mikler Shoppes)

Table 1.A in the County's submittal package indicates that the site is in the County's southeast service area and that the County anticipates sufficient water capacity and availability through 2008. The County's submittal package also includes a table that assesses the growth impact of this future land use change. The table indicates that development of this site is part of the background growth anticipated by the County for the period from 1998 to 2020 and that no adjustments to the County's 2020 growth projections are necessary. In order to link the County's land use planning and the

GOVERNING BOARD

Omeiras G. Long CHAIRMAN APOPKA	David G. Graham, MCF VICE CHAIRMAN JACKSONVILLE	R. Clay Albright SECRETARY OCALA	Duane Ottenstroer, TREASURER JACKSONVILLE
W. Michael Branch FERMANA BEACH	John G. Sowinski ORLANDO	William Kerr MELBOURNE BEACH	Ann T. Moore BUNNELL
			Susan N. Hughes JACKSONVILLE

District's water supply planning and permitting processes, the County should address the following items before adopting this future land use change:

- Determine the effect the change in development potential will have on the annual growth rate for the service area that is included in the County's consumptive use permit (CUP) application and the District's draft Water Supply Assessment—2003.
- Coordinate with District staff regarding any changes in service area growth projections to determine whether or not the CUP application and the water supply population and demand projections need to be modified.

Future Land Use Change 04F.FLU03 (Florence Arbor)

Table 1A in the submittal package indicates that the site is in the County's northwest service area, that the County anticipates a capacity deficit in 2008, and that the County is taking action to ensure capacity is available. The County's actions are supported by the updated capital facilities program submitted to DCA as part of this amendment. The capital facilities program includes expenditures for development of alternative water supply, CUP renewals, and expansion of the reclaimed water system. The County's submittal package also includes a table that assesses the growth impact of this future land use change. The table indicates that development of this site requires adjustments to the County's 2020 growth projections. In order to link the County's land use planning and the District's water supply planning and permitting processes, the County should address the following items before adopting this future land use change:

- Determine the effect the change in development potential will have on the annual growth rate for the service area that is included in the County's CUP application and the District's draft Water Supply Assessment—2003.
- Coordinate with District staff regarding any changes in service area growth projections to determine whether or not the CUP application and the water supply population and demand projections need to be modified.

We appreciate the opportunity to provide comments. If you have any questions, please contact District Policy Analyst Peter Brown at 386-329-4311/Suncom 860-4311 or pbrown@sjrwmd.com.

Sincerely,

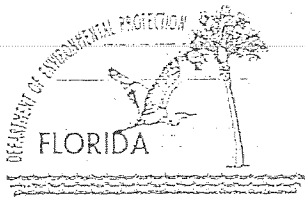


Linda Burnette, Director
Office of Communications and Governmental Affairs

LB/PB

cc: Grant Maloy, Seminole County Commission
Randy Morris, Seminole County Commission
Carlton Henley, Seminole County Commission
Matt West, Seminole County
Dick Boyer, Seminole County
Sandra Glenn, FCFRPC

Lindy McDowell, FDEP
Jeff Cole, SJRWMD
Nancy Christman, SJRWMD
Beth Wilder, SJRWMD
Peter Brown, SJRWMD



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, MS 47
Tallahassee, Florida 32399-3000

6 MP
11/4/04
Colleen M. Castille
Secretary

November 3, 2004

Mr. D. Ray Eubanks
Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Seminole County 04-2, Comprehensive Plan Amendment ORC Review

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed comprehensive plan amendment in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the proposed amendment, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the amendment pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850)245-2172.

Sincerely,

SER

Suzanne E. Ray
Office of Intergovernmental Programs

/ser



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSE ABREU
SECRETARY

Planning & Public Transportation
133 South Semoran Boulevard
Orlando, FL 32807-3230

November 4, 2004

Mr. Ray Eubanks, Community Program Administrator
Department of Community Affairs, State of Florida
Plan Review & DRI Processing Section
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENTS
LOCAL GOVERNMENT: SEMINOLE COUNTY
DCA #: 04-2

Dear Mr. Eubanks:

The Department of Transportation has completed its review of the above proposed comprehensive plan amendments as requested in your memorandum dated, September 30, 2004.

We appreciate the opportunity to participate in this review process and we offer our comments with this letter. If you have any questions, please contact me at 407-482-7856 (Suncom: 335-7856) or e-mail me at betty.mckee@dot.state.fl.us.

Sincerely,

Betty McKee
Systems Planner

BMcK
attachment

cc: Don Fisher, Seminole County
Alice Gilmartin, Seminole County
Rob Magee, FDOT-C/O
Marina Pennington, DCA
Bob Romig, FDOT-C/O

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: 04-2
Date of DCA's Request Memo: September 30, 2004
Review Comments Deadline: October 29, 2004
Today's Date: November 4, 2004

ELEMENT: Future Land Use Element: FLUM Amendments
RULE REFERENCE: 9J-5.006 Future Land Use Element
9J-5.019 Transportation Element
9J-11.006 Submittal Requirements
9J-11.007 Data and Analysis Requirements

BACKGROUND INFORMATION:

Celery Estates South: 14.27 acres (11.6 net); current future land use: Suburban Estates (1 unit/ acre); proposed future land use: Low Density Residential (4 units/ acre); affected state roads: SR 46 and SR 415

Florence Arbor: 27.2 acres (15.8 net); current future land use: Office (0.35 FAR); proposed future land use: Planned Development (per PUD: 320 multi-family units and 19,500 square feet of retail and office); affected state roads: SR 46 and SR 400 (I-4)

Mikler Shoppes: 44 acres (24.6 net); current future land use: Low Density Residential (4 units/ acre); proposed future land use: Planned Development (per PUD: 50 multi-family units, 140,000 square feet of Retail, 54,000 square feet of Office); affected state roads: SR 417, SR 419; SR 426, SR 434 and SR 436

REVIEW COMMENTS/RECOMMENDATIONS:

The County uses a method whereby facility demand (including transportation-related) is determined in each established Traffic Analysis Zone (TAZ). Demand estimates are comprised of those generated by existing development, approved but un-built development, and projected development. As comprehensive plan amendments are submitted, the County compares the service demand (impacts) of the proposed amendment to that of the TAZ. If the proposed service demand is less than the available capacity in the TAZ, sufficient facility capacity has already been planned for. If the proposed service demand exceeds the available capacity in the TAZ, then additional capacity must be provided for, the amendment request must be scaled back to within the available capacity, or the proposed amendment must be phased to conform to the availability of future planned capacity.

Using the described methodology, the County has demonstrated that sufficient capacity exists for the proposed amendments. While the methodology differs from that provided by the Department, and the model has produced lower average daily trip projections, the Department has determined that the methodology is reasonable and will be accepted for these amendment requests. Therefore, the Department has no objection to the requests.

FDOT Contact: Betty McKee, Systems Planner
FDOT
Telephone: 407-482-7856 (Suncom: 335-7856)
Fax: 407-275-4188
E-mail: betty.mckee@dot.state.fl.us

Reviewed by: Ellen Bertoni, AICP
Genesis Group
904-730-9360
904-730-7165
ebertoni@genesiscgroup.com

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: 04-2
Date of DCA's Request Memo: September 30, 2004
Review Comments Deadline: October 29, 2004
Today's Date: November 4, 2004

ELEMENT: Capital improvements Element: CIE Update
RULE REFERENCE: 9J-5.016 Capital improvements Element
9J-5.019 Transportation Element

BACKGROUND INFORMATION:

04F.TXT01: Annual CIP Update

REVIEW COMMENTS/ RECOMMENDATIONS:

The table entitled "FDOT Adopted Five Year Improvement Plan, Major Capital Projects, Orlando – Sanford International Airport" (CIE Exhibit 47) does not directly correspond to the aviation-related projects listed in FDOT's 2005-2009 Adopted Five-Year Work Program. Conversely, several projects listed in the County's exhibit do not appear in FDOT's 2005-2009 Adopted Five-Year Work Program. The following projects found in the Adopted Work Program are not included in the exhibit:

- Rehab/ Upgrade: Runway lighting installation
- Runway Overlay, Runway 9C/27C: reconstruct/ repair/ overlay runway
- Security and Access Control System

County staff has agreed to revise this information accordingly. Therefore, the Department has no objections to the proposed amendment.

FDOT Contact: Betty McKee, Systems Planner
FDOT
Telephone: 407-482-7856 (Suncom: 335-7856)
Fax: 407-275-4188
E-mail: betty.mckee@dot.state.fl.us
File: C:\tmp\notes\FF6921-9192127.doc

Reviewed by: Ellen Bertoni, AICP
Genesis Group
904-730-9360
904-730-7165
ebertoni@genesisgroup.com

6 MK
10/19/04

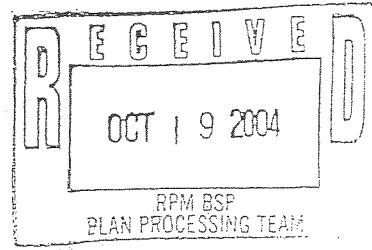


Jawa

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

October 15, 2004

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100



Re: Historic Preservation Review of the Seminole County (04-2) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Seminole County Comprehensive Plan.

We reviewed three proposed amendments to the Future Land Use Map, in addition to updates to the Capital Improvements Element, to consider the potential effects of these actions on historic resources. While our cursory review suggests that some of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Seminole County.

However, for the Mikler Shoppes PCD and the Florence Arbor PD, we have some concerns. Both parcels appear to have at least moderate archaeological site probability. The Mikler Shoppes Amendment tract is located nearby a "general vicinity" archaeological site which may extend onto this property. "General vicinity" sites are normally sites which were recorded decades ago with little location information. The Florence Arbor Amendment property appears to have a sinkhole on the property. It is not unusual to find archaeological sites around or nearby sinkholes. The most effective way to guarantee that such sites are not damaged is for the county to sponsor or require historic resource surveys so that it can ensure its archaeological resources and historic structures 50 or more years old will be considered when substantive changes in land use are proposed.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

- Director's Office (850) 245-6300 • FAX: 245-6435
- Archaeological Research (850) 245-6444 • FAX: 245-6436
- Historic Preservation (850) 245-6333 • FAX: 245-6437
- Historical Museums (850) 245-6400 • FAX: 245-6433
- Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476
- St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044
- Tampa Regional Office (813) 272-3843 • FAX: 272-2340

Mr. Eubanks
October 15, 2004
Page 2

The county should take into account the effect these four amendments would have on known and potential historic resources—both structures and archaeological sites. If these concerns are addressed and appropriate actions are taken by the county to protect these resources, then any resulting changes should be acceptable.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura A. Kammerer

for

Frederick Gaske, Director

East Central Florida

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32751

Phone
407.623.1075
Fax 407.623.1084

Suncom 334-1075
Suncom Fax
334.1084

Website:
www.ecfrpc.org

TO: D. Ray Eubanks, FDCA, Community Program Administrator
Marina Pennington, FDCA

FROM: Kimberly Neal

DATE: October 29, 2004

SUBJECT: Comprehensive Plan Amendment Review

LOCAL GOVERNMENT: Seminole County
LOCAL AMENDMENT #:
DCA AMENDMENT #: 04-2

Council staff has completed a technical review of the above referenced comprehensive plan amendment. The review was conducted in accordance with the provisions of the East Central Florida Regional Planning Council's current contract with the Florida Department of Community Affairs for Plan and Plan Amendment Reviews.

We have not identified any significant and adverse effects on regional resources or facilities, nor have any extrajurisdictional impacts been identified that would adversely effect the ability of neighboring jurisdictions to implement their comprehensive plans.

The East Central Florida Regional Planning Council is available to assist in the resolution of any issues that should arise in the course of your review. If you should have any questions, please contact me at SunCom 334-1075 x327. Thank you.

cc: Local Government Contact: Mr. Matt West, Planning Manager
File

ITEM # 41

SEMINOLE COUNTY
PUBLIC SCHOOLSBILL VOGEL, Ed.D.
*Superintendent*Educational Support Center
400 E. Lake Mary Boulevard
Sanford, Florida 32773-7127
Phone: (407) 320-0004
Fax: (407) 320-0281
Suncom: 351-0004SCHOOL BOARD
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Board Member

RECEIVED

AUG 25 2004

SEMINOLE COUNTY
COUNTY MANAGER

August 23, 2004

Mr. Kevin Grace
County Manager
1101 East First Street
Sanford, Florida 32771-1468

Dear Kevin,

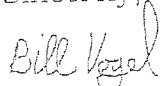
On August 10, 2004, the School Board voted to oppose the Florence Arbor Townhouse and Condominium Project as well as land use changes that convert non-residential properties to residential properties until the School Board, county, and cities have an opportunity to discuss future growth and the impact of those changes on the county and the school district.

The School Board asked that we discuss the possibility of a joint meeting, but after our conversation it would be difficult to schedule such a meeting before September 14, 2004, which is when your Board is rehearing the Florence Arbor Project. It is my understanding that your staff has recommended that all proposed land use changes be continued until the spring.

Therefore, my thoughts would be to proceed as we discussed at the August Mayors and Managers meeting to convene the Planning Technical Advisory Committee to address these matters over the next few months with a joint meeting to follow.

Please contact me if you have any questions.

Sincerely,


Bill Vogel
SuperintendentCc: Board Members
Dianne Kramer



THE SCHOOL BOARD OF SEMINOLE COUNTY

INFORMATION ITEM:

FLORENCE ARBOR TOWNHOUSE AND
CONDOMINIUM PROJECT: BOARD DIRECTION
REQUESTED

X.D.

Item Number

The Seminole County Board of County Commissioners is currently considering a Large Scale Land Use Amendment on 27 acres at the intersection of Orange Blvd. and C.R. 46A. The proposal would change the future land use from "Office" to "Planned Development" to permit the construction of 320 townhouses/condominiums (Florence Arbor). When the Land Planning Agency reviewed this proposal, the Seminole County Public Schools representative opposed converting additional land from office/commercial to residential because of the adverse impact on already over-crowded schools. This site is served by the Northwest Cluster, Sanford Middle School, and Seminole High School.

Pelloni Development Corporation is the developer of the project and it describes the final product as follows:

- Gated community designed for affluent, older (50+) buyers
- Prices ranging from \$200,000 to mid \$300,000
- Construction to start by early 2005; build-out by 2007

The developer proposes to reduce the impact on schools by pre-paying 100% of the school impact fees on or before 60 days of site plan approval and seeks Board direction prior to the Commission meeting scheduled for the evening of August 10, 2004.

The following information may be helpful to the Board in evaluating this proposal and providing direction to staff regarding the Board of County Commission hearing on the land use amendment:

1. The facility requirements associated with the class size amendment, combined with an increasing rate of growth in school enrollment, have created a sizable need for additional classroom space in the County. There are not enough capital funds to address the needs of the current Comprehensive Plan.
2. In general, owner-occupied multi-family development has less impact on the school system than rental units.
3. Large scale amendments to the Comprehensive Plan are processed only twice a year.
4. The conversion of high quality office and commercial properties to residential development has a double impact to the school system. First, there is a loss to the county economic base and second, there is more potential for rapid enrollment growth in the schools.

The School Board's direction on this proposal has the potential to impact many local government land use decisions, so it is staff's recommendation to request that the amendment decision be postponed. In the next few months the School Board and the County Commission and staffs could have an opportunity to discuss the relationship between land use decisions and the quality of the public school system in Seminole County. If the developer cannot postpone this decision, staff would recommend that the Board of County Commissioners include the following conditions if the amendment is approved:

1. The developer will pre-pay 100% of the school impact fees on or before final approval of the comprehensive plan amendment. Said amount would be \$204,450. This pre-payment helps address the additional capacity needs generated by this project.
2. The residential units must be owner-occupied units; not rental apartments. This provision will help address the impacts on the school system associated with the student mobility of rental multi-family development.

2. Prepared by: Dianna L. Kramer
Deputy Superintendent/Operations
Attachment(s): None
Back-up not in agenda book: None

3. Board Meeting Date 8/10/04

Minutes

Seminole County School Board Meeting - August 10, 2004

SUPERINTENDENTS
REPORT

X. SUPERINTENDENT'S REPORT

- A. Seminole County Public Schools - School Report Cards
- B. School Recognition (A+) Funds Meeting
- C. Student Progression Plan 2004/2005
- D. Florence Arbor Townhouse and Condominium Project: Board Direction Requested - Member Furlong moved to oppose the development and, if the county does approve the land use change, that it do so with the caveats described in the agenda book with the noted revision that impact fees would be payable upon site plan approval. Member Morris seconded the motion. *Justin Pelloni, Pelloni Development, addressed the Board regarding this issue.* The motion passed unanimously.

Member Furlong then moved that the School Board oppose land use or zoning changes that convert non-residential properties to residential until the school board, county and cities have an opportunity to discuss addressing future growth and the impact of those changes on the county and the school system. Vice Chairman Schaffner seconded the motion. The motion passed unanimously.

- E. Elementary School Highlights
- F. Other - Dr. Vogel discussed school visits. He discussed Math Camp at Sanford Middle School. He discussed the ratification of the bargaining unit contracts. He discussed the upcoming Central Florida Public School Boards Coalition meeting.

BOARD MEMBER
COMMENTS

XI. BOARD MEMBER COMMENTS

There were no additional Board Member comments.

The meeting adjourned at 6:02 p.m.

William Vogel, Superintendent

Sandra Robinson, Chairman

Bob Adolphe/Seminole
12/14/2004 08:22 AM

To Sally Sherman/Seminole@Seminole, Don
Fisher/Seminole@Seminole, Matt
West/Seminole@Seminole, Dennis
cc
bcc
Subject Fw: Comprehensive Plan Amendment - Seminole Co. 04-2,
Mikler Shoppes/Florence Arbor

History:  This message has been forwarded.

Please find SJRWMD Peter Brown's release of objection.

Robert G. Adolphe, P.E., Director
Seminole County Environmental Services
500 W. Lake Mary Blvd.
Sanford, FL. 32773
(407) 665-2003 or (407) 665-2010

----- Forwarded by Bob Adolphe/Seminole on 12/14/2004 08:15 AM -----



"Peter Brown"
<pbrown@sjrwmd.com>
12/14/2004 08:06 AM

To <BAdolphe@seminolecountyfl.gov>
<mwest@co.seminole.fl.us>, "Jeff Cole"
<jcole@sjrwmd.com>, "Beau Falgout"
cc <jfalgout@sjrwmd.com>, "Nancy Christman"
<nchristman@sjrwmd.com>, "Marina Pennington"
<marina.pennington@dca.state.fl.us>
Subject Comprehensive Plan Amendment - Seminole Co. 04-2,
Mikler Shoppes/Florence Arbor

Bob,

Thank you for providing the information below regarding the proposed Mikler Shoppes and Florence Arbor future land use changes. The information below addresses the concerns expressed in the District's letter to DCA dated October 29, 2004. The County should include this correspondence in its response to DCA's objections, recommendations and comments regarding the 04-2 amendment. Please contact me if you have any questions.

Peter Brown, Policy Analyst
St. Johns River Water Management District
P.O. Box 1429, Palatka, FL 32178-1429
Voice: (386) 329-4311
SUNCOM: 860-4311
Fax: (386) 329-4103

-----Original Message-----

From: BAdolphe@seminolecountyfl.gov
[mailto:BAdolphe@seminolecountyfl.gov]
Sent: Monday, December 13, 2004 5:49 PM
To: Peter Brown
Cc: SSherman@seminolecountyfl.gov; DFisher@seminolecountyfl.gov;
MWest@seminolecountyfl.gov; DWestrack@seminolecountyfl.gov;

JHopper@seminolecountyfl.gov; LBlock@seminolecountyfl.gov
Subject: Mikler Shoppes/Florence Arbor

Peter,

Thank you for taking my call today to discuss these 2 developments,
Mikler Shoppes and Florence Arbor.

FINDING

Adequate potable water capacity for these projects has been projected
and requested in our most recent consolidated consumptive use permit
application.

BACKGROUND

Mikler Shoppes - The Environmental Services Department has calculated
the demand based on the most recent commercial profile at approximately
35,000 GPD. This is 15,000 GPD less than the projected LDR demand of
50,000 GPD that was requested in our consolidated permit request. This
project was erroneously shown as requiring .47 MGD of capacity in Table
1A of a previous Land Use Change submittal on which you had based your
assessment.

Florence Arbor - This project scope had been examined before our
consolidated permit allocation request was submitted, and the additional
approximately 15,000 GPD had been included in those projections. The
project is estimated at 54,500 GPD.

SUMMARY

Of course we feel that this should address concerns that you and the
Department of Community Affairs have had with these projects. Your
assistance in coordinating this information with DCA is appreciated.

Please call me if you wish to discuss this matter further.

Thank you again.

Robert G. Adolphe, P.E., Director
Seminole County Environmental Services
500 W. Lake Mary Blvd.
Sanford, FL. 32773
(407) 665-2003 or (407) 665-2010

--****Florida has a very broad Public Records Law. Virtually all written
communications to or from State and Local Officials and employees are
public records available to the public and media upon request. Seminole
County policy does not differentiate between personal and business
emails. E-mail sent on the County system will be considered public and
will only be withheld from disclosure if deemed confidential pursuant to
State Law.****

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records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the County system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.****

The motion passed unanimously (4 – 0).

Florence Arbor PD; Justin Pelloni, applicant; 27.2 acres Large Scale Land Use Amendment from Office to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the northeast corner of Orange Blvd. and CR 46A (04F.FLU03 and Z2004-014)

Commissioner McLain – District 5 -
Tina Deater, Senior Planner

Tina Deater introduced the location and request for the Florence Arbor project. It encompasses 27.2 acres on the northeast corner of Orange Boulevard and CR 46A. It will be a mixed-use development. The Vision 2020 Plan says that it can be appropriate for such uses with adequate buffering. Staff recommends approval and transmittal of the request for a Large Scale Land Use Amendment from Office to PD (Planned Development) and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) and approval of the attached Preliminary Master Plan with the conditions stated in the staff report. These include:

- a. The residential portion of the project shall be developed at a maximum density of 20.25 units per net buildable acre or a maximum of 320 dwelling units.
- b. The retail/office portion of the project shall be developed with a maximum of 19,500 square feet of retail/office space
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. The first row of structures adjacent to Orange Boulevard or the structures within the first 120 feet adjacent to Orange Boulevard, whichever is greater, shall be limited to two stories.
- e. The buffer adjacent to Orange Boulevard shall be a minimum of 25 feet in width, with a 6-foot masonry wall and a coordinated repetition of trees in compliance with the Seminole County Land Development Code on the Orange Boulevard side of the wall.
- f. Development greater than three (3) stories shall be restricted to the eastern half of the property.
- g. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. Front: 35 foot setback and 25 foot landscape buffer
 2. Rear: 35 foot setback and 15 foot landscape buffer
 3. Side: 35 foot setback and 15 foot landscape buffer
- h. A minimum building setback of 15 feet and a minimum landscape buffer of 5 feet with a 6-foot masonry or brick wall shall apply between the retail/office and residential tracts.
- i. The following minimum building setbacks shall apply to the individual townhouse buildings:
 1. Front: 20 foot
 2. Rear: 20 foot

Cindy Crane of 820 Banana Lake Road spoke in opposition. She is concerned with the density of the project. The height of the condominiums should be restricted to 2 stories. She is also concerned about the impact this project will have on the schools. The intersection near this project will be a nightmare.

In rebuttal, John Gilmartin stated that the proposed use will not be as intense as it would be at the current office use.

Commissioner Hattaway read the comments of Dianne Kramer, representing the Seminole County School Board.

Commissioner Tucker asked if the existing single-family homes on the property would be demolished.

Mr. Pelloni stated that they would be.

Commissioner Tucker made a motion to recommend approval of the rezone and transmittal of the Large Scale Land Use Amendment and attached Master Plan.

Commissioner Hattaway seconded the motion.

The motion passed by a vote of 4 – 1.

G. Celery Estates South; Suncor Properties, Inc. / Robert Horian, applicants; approximately 14.27 acres; Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southeast corner of the intersection of Celery Ave. and Brisson Ave. (04F.FLU01 and Z2004-012)

Commissioner McLain – District 5
Tina Deater - Senior Planner

Ms. Deater stated that this is the second phase of Celery Estates. The applicants are proposing a single-family residential subdivision with a maximum density of 4 dwelling units per net buildable acre. The applicant is requesting an earthen berm/wall combination to be substituted for the 6 foot clay brick wall, pending approval by the City of Sanford for the Celery Avenue buffer associated with the Celery Estates North project. Staff recommends approval of the request for a Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and Rezone from A-1 (Agriculture District) to PUD (Planned Unity Development District) on approximately 14.27 acres, and approval of the associated Preliminary Master Plan.

Scott Phillips of CPH Engineers, Sanford, stated that he agreed with the terms stated in the staff report and that he asked for approval of the request.

No one spoke from the audience concerning the request.

- j. The following minimum building setbacks shall apply to accessory structures associated with the townhouse units:
 - 1. Pools and other accessory structures: Side: 5 foot, Rear: 5 foot
 - 2. Screen enclosures: Side: 3 foot, Rear: 3 foot
- k. The following minimum building setbacks shall apply to the individual condominium buildings:
 - 1. Front 20 foot
 - 2. Rear: 10 foot
- l. The following building height limits shall apply:
 - 1. Town homes (1,2, or 3-story) – maximum height 40 feet
 - 2. Condominiums (maximum 5 story) – maximum height 60 feet
 - 3. Office/Retail Uses – maximum height of 40 feet, including architectural features such as towers, spires, and cupolas. Anything proposed over 40 feet must have architectural renderings provided and must be approved by the Board of County Commissioners.
- m. Permitted uses for the retail portion shall be all permitted uses in the C-1 zoning district and special exception uses shall be those special exception uses in the C-1 (Retail Commercial) zoning district as outlined in the Seminole County Land Development Code, except that the following uses shall be prohibited: funeral homes, drive throughs, gasoline pumps, communication towers, hospitals, nursing homes, and flea markets. Alcoholic beverage establishments shall be allowed by special exception only.
- n. Permitted uses for the residential portion shall be townhomes, condominiums and home occupations.
- o. All signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards.
- p. All landscape buffers and common areas shall be maintained by a homeowners association.
- q. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- r. The developer shall construct a 5-foot wide sidewalk along the east side of Orange Boulevard.
- s. Architectural renderings of the buildings shall be provided with the Final Master Plan.

Justin Pelloni spoke next. He stated that he has developed in Lake Mary, including the Shoppes at Oakmonte and now Park Place at Heathrow. He stated that he is interested in the community. He lives within a mile of the proposed project being considered. His company does high end townhomes and condos. Empty nesters are looking for this type of easier living.

Public comment

Linda Welker stated that she was a 30 year resident of the area. She knows change is coming and feels that this is a nice transitional use. It is consistent with the area. She is in favor of this request.

Efrem Her stated that changes had to come to the area eventually and that this concept was good.

the proposed map amendment from LDR to PD; and Rezone from A-1 to PCD, and approval of a Development Order on approximately 44 acres, located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection, as described in the proof of publication, Javier E. Omana.

Districts 1, 2, 4 and 5 voted AYE.

Commissioner Van Der Weide voted NAY.

AMENDMENT/REZONE/Justin Pelloni

Proof of publication, as shown on page _____, calling for a public hearing to consider adoption of an Ordinance for a Large Scale Land Use Amendment from Office to PD (Planned Development); and adoption of Ordinance to Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 27.2 acres located on the northeast corner of Orange Blvd. and CR 46A subject to the Preliminary Master Plan and Development Order, Justin Pelloni, received and filed.

Tina Deater, Planning, stated the applicant is proposing mixed-use development consisting of 19,500 sq. ft. of office and retail uses at a maximum floor area ratio of .03 and a maximum of 320 condominiums and townhomes at a net density of 20.25 units per net buildable acre. She stated the P&Z Commission recommended transmittal of the amendment and approval of the rezone subject to the Preliminary Master Plan and Development Order. However, at the time of their meeting, the Board was not aware of the water resources, school, and economic development issues. At the September 14, 2004 BCC hearing, three issues were discussed relating to the School Board objections, SJRWMD objections regarding potable water and whether or not the proposed economic development complies with the goals,

objections and policies of the Economic Element of the Vision 2020 Comprehensive Plan.

Matt West, Planning Manager, advised on September 14, 2004, the Board voted to transmit this item to the Department of Community Affairs (DCA) and they returned objections based on inadequate information relating to potable water. Staff had several meetings with the applicant and Environmental Services Department and they tried to set up a list of priorities about how they would like to address potable water capacity. Bob Adolphe, Environmental Services, indicated that there is water capacity for this project, but converting from Office to Residential increases the demand for potable water capacity.

Kevin Grace, County Manager, left the meeting at this time.

Mr. West stated the applicant and St. Johns River Water Management (SJRWMD) had concerns that adequate information was not provided as to what is the demand of this project and had it been figured into the consumptive use permit capacity, and is it being coordinated with the County's water 2020 Plan. He stated Mr. Adolphe worked with SJRWMD and provided information to them. The County decides where the water resource is expended and to what type of uses and developments they want to supply the varying demands of water. About 50,000 extra gallons a day will supply 320 units as opposed to office uses. Staff has concluded that they can get a well permit from SJRWMD and since the well is so small, they would not need to get a consumptive use permit. The applicant would only have to go to the Department of Environmental Protection to get a water plant permit. There were discussions about mitigating the impacts and switching that over to reclaimed water and that would reduce the demand to about 15,000 gallons a day. There were also discussions about

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the package plant costing around \$200,000 or more and rather than building the package plant, they could look at projects to retrofit reclaimed water into neighborhoods. The final solution for the water issue is to get SJRWMD to increase the consumptive use permit. He said the second issue is the School Board and they have sent their objections to staff. The DCA recognized this objection by placing it as a comment in their report to staff. He reviewed the history of how they have gotten to the perspective of economic development. He read a portion of the Economic Strategic Plan.

Mr. Grace reentered the meeting at this time.

Mr. West continued by stating that part of the discussions in the Economic Strategic Plan talks about periodically evaluating the Comprehensive Plan and based on the Strategic Plan, there are policies that discuss the need to shift the tax burden from residential properties to nonresidential properties. He stated 25% of property taxes are paid by nonresidential properties and that ratio has been maintained for the last 10 to 12 years. The Plan indicates that that ratio needs to be focused on a long-term strategy so it can be shifted over so that the burden is less on residential. The Economic Element adopted policies that look at HIP areas and when you look at the economic element, the map shows three target areas. He displayed a map and reviewed the following target areas: the airport area, the HIP area, and the north I-4 target area. He stated one of the arguments the Board is going to hear is the property in question does not have a HIP land use and it never did. Several years ago it went from Suburban Estates to Office. When the Board adopted the new economic element, it broadened the definition of what that target area in. A lot of the

economic element is about investment of public monies and infrastructure and the County invested a tremendous amount of money to bring target businesses to this area. The County provided incentives of approximately \$4 million in this area from 1995 to 2004, and the County invested over \$15 million to put in International Parkway. Water and sewer and reclaimed lines were installed along that roadway. The Heathrow/Lake Mary Interchange helped bring in money to target industries and high paying jobs to this portion of the County to relieve the tax burden to taxpayers. He stated staff became aware of a report regarding the value of office uses and office land in the local economy. He said Mr. Pelloni has also submitted a study regarding the economic value and comparison of converting the land in question from Office to Townhomes. The report from the National Association of Industrial Office Properties (NAIOP) dated October 2002, paints a glowing picture about the important contribution of office. Staff is requesting this item be continued so they can look at the economic scheme for development and to achieve the aims of the economic strategic plan. He displayed and reviewed what is driving this economic growth. He also displayed and reviewed how important office and industrial are to the economy; indirect effects, and what property types pay the biggest share of property taxes in Seminole County and surrounding counties. He stated staff is recommending that this item be continued to the next cycle so they can conduct the economic study. Once this property changes land use, it is basically a done deal for the next 20 or 30 years. That is why he feels it should be looked at further in depth. Staff is reviewing several other land use amendments

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that the Board will be seeing in the next cycle with regard to economic, school, and water impacts.

Upon inquiry by Chairman Henley, Mr. West advised Ed McDougal, University of Florida, did the NAIOP report.

Chairman Henley stated staff is requesting a continuance of this item and the question is whether this Board wants to continue it or go through a discussion and then decide on it.

District Commissioner Carey stated she would recommend that the Board not continue this item. It has been transmitted to the DCA, and it has been postponed a number of times, therefore she would recommend moving forward with the hearing tonight.

Commissioner Morris stated the development trends were wrong in the early 90's and the County had very little Office. The Board stopped the trend from going one way (residential) and they increased the nonresidential portion to office. At the transmittal hearing, the Board cautioned the applicant that they were at risk. The minutes indicate that the Board discussed with staff that there is a need for these studies to be done. He stated he indicated at that meeting that he doubts that this could be done by the time the item came back in December. The Board urged staff to do it posthaste.

Mr. West stated staff has started the study, but it is not complete.

Commissioner Morris stated the Board indicated that there were critical issues with the School Board. The Board in no way gave the applicant a sense that they were in favor of the project. He stated he feels there are significant merits to this project and would like to continue this until February so that they can get answers.

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Commissioner Carey stated she has had discussions with the applicant and he indicated that he would like the Board to move forward with this request whether the vote goes up or down.

Upon inquiry by Commissioner Morris, Mr. West advised the applicant has made requests to delay this project.

Commissioner Carey stated she would like for the Board to move forward with this.

Commissioner Van Der Weide stated he feels that if the District Commissioner wants to move forward with this project, then the Board should do so.

Upon inquiry by Commissioner Carey, Jim Pelloni, applicant, addressed the Board to state they have done about 1½ to two years of work on this project and he would like the Board to move forward with it tonight.

Commissioner Morris stated staff is estimating that the studies will be done and the Board would be prepared to render a decision in February.

Mr. Pelloni requested time to consult with his attorney. Discussion ensued with regard to continuing or hearing this item tonight.

Motion by Commissioner Carey, seconded by Commissioner Van Der Weide to hear the Large Scale Land Use Amendment, Justin Pelloni, tonight as a public hearing.

Under discussion, Commissioner Dallari stated he believes the Board is asking Mr. Pelloni to take the position to either continue this or hear it tonight.

Mr. Pelloni advised he would prefer this item be heard this evening.

Districts 1, 2, 3, 4 and 5 voted AYE.

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Chairman Henley recessed the meeting at 8:25 p.m., reconvening at 8:33 p.m.

Jim Pelloni, applicant, introduced members of the law firm of Lowndes Drosdick Doster Kantor & Reed, members of Miller Sellen, the Gauss family, and representatives of the Heathrow Association. He reviewed the history of the project. He displayed an aerial map (received and filed) and reviewed the location of the proposed site.

Justin Pelloni addressed the Board to review the surrounding sites as outlined on the aerial map.

Jim Pelloni continued by reviewing a PowerPoint Presentation (received and filed) regarding The Issues relative to Economic; Precedent; Water; and School. He stated the key issue is the economic effect and he feels there are solutions for the school and water capacity issues.

Justin Pelloni displayed and reviewed the Northern, Northwest Sanford and Seminole County areas, the Northeast Sanford and the Lake Mary Planning Areas (received and filed).

Jim Pelloni displayed and reviewed the major jobs and housing average in north Seminole County (received and filed). Justin Pelloni displayed and reviewed a portion of the Vision 2020 Comprehensive Plan (received and filed) relating to the analysis of the Evaluation and Appraisal Report outlined in staff's report.

Jim Pelloni also displayed and reviewed the office vacancy rate in Lake Mary (Advantis, Tramell Crow, & Colliers Arnold). He stated they are working with the City of Lake Mary for a 110,000 sq. ft. office condominium on property they were invited to develop at the intersection of 46A & Rinehart Road. They are buying back the lot at Park Place and they are going to build

more office space there. He said with the 40,000 sq. ft. already built, the total square footage developed over the last year and next year would include 183,000. He displayed and reviewed the Residential Average Sales Price by County (received and filed). He explained why he got involved with this property. He stated they try to attend UAI, ISC, and National Home Builders Association meetings to collect state-of-the-art ideas.

Justin Pelloni displayed and reviewed Comp Policy TRA 5.2, Promote Mixed Use Centers; Policy FLU 5.2, Mixed Commercial/Residential Use Development; Policy HSG 1.6, Infill Development; and Policy DES 4.1, Encourage Infill, Redevelopment and Intensification of Existing Development Corridors and Centers of the Vision 2020 Plan. All were received and filed. Policy FLU-5.9, North I-4 Corridor Intensity Planned Development-Target Industry (HIP-TI) Permitted Uses and Location Standards was received and filed.

Jim Pelloni stated the P&Z unanimously approved the project because it did comply with the Vision 2020 Plan. He stated he is planning to price this (fee simple) project at about the County's medium, around \$300,000. He displayed and reviewed issues relating to Precedent and Not in the HIP District (received and filed). He displayed and reviewed an aerial outlining the HIP district in black. He continued by reviewing the issues dealing with Precedent: Not part of an existing development; Contiguous on two sides with residential uses; Future land use was originally designated residential; Popular support; Walking distance to restaurants and retail; Not a rental community; and An unusual assemblage. He explained how they proceeded with the water issues. Staff came up with

another plan that they spend the package plant money to convert and accomplish that reclamation by saving the aquifer. That would make St. Johns River Water Management District happy. He stated he is aware of the sensitivity of the school issue, therefore, he went to staff to see what they would recommend. He advised 23 students are projected to come from this project. He displayed and read the last paragraph of the School Impact issues (received and filed) as outlined in the staff report. He said staff advised him to not enter into negotiations, or turn this into an assessment but to handle this sensitively. He stated he would like to offer a suggestion of paying \$100,000 into escrow for school impacts and that it be used solely at the BCC's discretion. He added he feels he has made every effort to listen to the County. He added that if the Board continues this item, they will be set back longer than they have with the contract time and it is not viable.

Upon inquiry by Commissioner Morris, Tom Tomlin, Economist for Miller Sellen Conner & Walsh, Inc., addressed the Board to advise the 1.23 job ratio adjusts when periods of employment are down. The national average is 1.25 and the economic numbers are not necessarily scientific numbers and they fluctuate. The national average is the customary benchmark that everyone looks at.

Upon further inquiry by Commissioner Morris, Mr. Tomlin advised he knows that Atlanta and California have taken the national average as central policy goals. The communities are taking a very serious look at trying to establish balance between jobs and housing and looking at these ratios.

Jim Pelloni informed Commissioner Morris that the reason why they came up with three office vacancy rates is there are

new things coming on line and what they are trying to do is to look at the average.

Commissioner Morris stated he feels that residential prices in Seminole County have moved up more than 10%. He stated there are two planning districts and the County does not look at that those areas in isolation. The retail growth in the planning district to the east is one of the highest retail square footage growth rates per acre in the Central Florida market place.

Upon inquiry by Commissioner Morris, Mr. Pelloni read an excerpt from the staff's report relating to school impacts.

John Simes, 642 Lakeworth Circle, addressed the Board to state he is the Co-Chairman of the Heathrow Government Affairs Committee. He stated he is authorized to speak on behalf of the entire Heathrow community. He said he has met with the applicant and he supports what they are trying to do, but he would be very concerned if there were high-rise commercial buildings abutting the Heathrow development. He added they also would be concerned with the traffic impact and the impact of cars coming in and going out during rush hour. The applicant has committed to height restrictions limiting to two stories and there will be no access to the development from Orange Blvd. He stated it appears to be a quality development and it has met all the residents' concerns. The residents in the area would be able to live and work in the community and they would not have long commutes.

Blaine Darrah, 1624 Cherry Ridge Drive, addressed the Board to state he also is the Co-Chairman of the Heathrow Government Affairs Committee. He said the residents of Heathrow would rather see a low-density complex from their back windows rather than a large office building.

Upon inquiry by Commissioner Morris, Mr. Darrah advised he would not like to see apartments constructed there. The proposed project reduces the pressure on the school districts. He stated there are plenty of apartments that already exist in the area and they do not need any more of them.

Richard and Charlotte Gauss, 1000 Terra Bona Ct., addressed the Board to state they have lived on their property for over 20 years and they have seen many changes. Mr. Gauss stated he feels that the Pelloni's development plan is a much better solution. He said they are not in the HIP area. The Pelloni's have taken an option on his land as well as three adjoining parcels over 17 months ago and the closing was supposed to have been done within the year. The closing has been extended several times and now it is scheduled for 5/29/05. If this request is approved this evening, there is still a lot of work to go to even close on 5/29/05. He stated delays cause hardships on the families and he would like the Board to approve this item so everyone can get on with their lives. Why not have a first class development in which the area residents are in favor of. If this is not approved, the residents will fix up their homes and sit there until someone wants office space. The school needs can be taken care of as the project is being developed. If this is not enough, then increase the impact fees on all developers.

Jim Pelloni stated he has committed to restricting this to not be a rental development. He stated when the site permit is issued, he further commits to pay the school impact fees and they would pay \$125,000 into a fund for reclamation and they would follow the County's guidelines of how they want them to attain water. He said he would also pay \$100,000 into an escrow

account for the benefit of the School Board to only be dispersed at the discretion of the BCC.

Mr. West stated he wants to clarify that the school impact assessment as projected by the School Board is 73 students. He stated in comparing the town house addresses to the school enrollment, it is probably only half that amount. Staff has had discussions with the applicant and they have identified a real application of retrofitting a neighborhood by identifying the amount of money for a water package plant. Staff had discussions relating to the escrow for the School Board and they did not want to be involved in the money transaction of the impact fee commitments. He said Office may generate more traffic but the traffic impact will run at the opposite direction at peak hours as the residential traffic. Until a future traffic study is done, staff cannot be certain that the traffic patterns are going to be better or worse based on whatever development goes in. This project does meet compatibility, transition and a mixed-use concept, but from staff's opinion, there is a quantity of policies that support this. Economic impact is one critical policy to consider in which quantity doesn't overcome. If the Board decides to continue this item to February, what they could do in the interim, while it's waiting to be included in the spring amendment cycle, is process the final PUD plan in that interim and the final engineering plan. The applicant would have to wait for the rest of the adoption package to the DCA for review. This could accelerate the time frame.

No one else spoke in support or in opposition.

Speaker Request Forms were received and filed.

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District Commissioner Carey stated she knows the Pelloni's have been working with the School Board and they have committed to putting up \$100,000 in escrow to be used at the Board's discretion. Basically, the applicant has committed to making contributions over and above what the normal codes call for.

County Attorney Robert McMillan stated if it is a voluntary commitment, he couldn't tell the Board that they cannot accept it. He said there have been circumstances in the past where property owners have made voluntary commitments and get their development order; and shortly thereafter, they sued the County and asserted that it was an illegal extraction. He said he is not going to tell the Board to not accept, but it is not without risk.

District Commissioner Carey stated there has been a lot of discussion of whether or not there is water. She stated 70% of the water coming out of the ground is being used for reclaimed. The developer has committed to taking the water supply from his properties of Oakmont and Park Place off line and use them for reclaim water. This development would take reclaim lines all the way down to Orange Blvd. She asked if they have water for this site.

Bob Adolphe, Environmental Services Director, addressed the Board to advise the County currently has water under their permit. Staff is trying as hard as they can to move forward in getting allocations for increased development in Seminole County. The County does have a retrofit project going into Heathrow. It wouldn't be for just this project but for any project moving forward.

District Commissioner Carey stated she spent a lot of time studying the economic element. She stated she was one of the

original real estate brokers in Heathrow and she has listened to the concerns the prior Board had about this, and she feels the water and school issues have been addressed. She said she feels that the International Corridor, all the way to CR 46, is the targeted area for the HIP district. There are a number of homes along Orange Blvd. that could convert to office. She said when all of the homes are built in the northwest corridor, Orange Blvd. is going to become a problematic intersection with having driveways along that area. She stated she feels that this is a great project and the Pelloni's have done a wonderful job. There are other areas in her district that have a hard time staying open after dark because there is no residential mix. There must be a balance and this is a perfect transition piece between office and single-family residential.

Motion by Commissioner Carey, seconded by Commissioner Van Der Weide to approve a Large Scale Land Use Amendment from Office to PD (Planned Development); and adopt an Ordinance for the proposed Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 27.2 acres located on the northeast corner of Orange Blvd. and CR 46A, subject to the Preliminary Master Plan and Development Order; with the following: height restrictions on the western boundary adjacent to Orange Blvd. to be 2 stories; no access on Orange Blvd.; the developer shall put into escrow \$125,000 to go towards the water reclamation issue; and to restrict this development to no rental units, as described in the proof of publication, Justin Pelloni.

Under discussion, Commissioner Morris stated he agrees that this is a very good project. He stated the problem he has is they had discussions some time back that they would resolve these questions. The Pellonis brought up some interesting

points and he feels that some of them need to be investigated further. Staff is in the middle of their analysis and that would be back in 45 days. He stated he would recommend continuing this as it will give the Board an opportunity to work out minor issues with the School Board as well as answering a lot of the questions relating to the economic development element. Therefore, he would offer an alternative motion to continue this item to the first meeting in February (8th).

Commissioner Carey stated she has respect for Commissioner Morris' opinions, but the decision to ask the issues pertaining to water and school have been addressed, therefore, she would decline the alternative motion.

Commissioner Van Der Weide stated he feels all the issues in the process have been addressed. The only issue here would be the school issue and the impact they are talking about is minute compared to what could be the impact to this property. He stated he doesn't see where this kind of quality housing development, which is going to give more varieties and choices to the public, is having the kind of problem they are running into.

District Commissioner Carey stated the point is when the impact fees are paid, which is much further down the line; by the time they get to that point, the County would have enough time to address the school impact fees. She stated she did not include \$100,000 for schools developer would have to would help the County with the reclaim conversion.

Chairman Henley stated he would agree that the Pellonis do quality work. He stated the impact fees are not an issue with him as to whether they are paid today or down the road. He said from a standpoint of the impact of what the job market might be

down the road, they can only think of the existing situation. The situation with the School Board is due to the County not paying enough attention to that over the past several years. He would have to agree with Commissioner Morris that they need to complete the study before they start entertaining this issue. If the Board approves this, the opportunity for additional jobs as a result of the Office versus housing is something that is lost forever.

Commissioner Dallari asked if the \$125,000 for reuse is adequate.

Mr. Grace stated he doesn't know at this point, it depends upon what the project will be.

Commissioner Dallari stated the motion is for \$125,000 for three commercial subdivisions and that needs to be more defined. He stated he would like clarification from staff as to what that dollar amount will be. He asked what is the height limitation for office on this property.

Mr. West stated it is 35 ft. for OP zoning. He stated three stories could be squeezed in that property.

Upon further inquiry by Commissioner Dallari, Mr. West advised the development order for Office indicates that the buffer adjacent to Orange Blvd. would be 25 ft. with a 6 ft. high masonry wall and the landscaping to be in compliance with the Code. The development order is set up to reduce the building height as it gets closer to Orange Blvd. The entitlement would allow the developer to go up to 5 story condominiums on the east side. He stated a preliminary traffic analysis has been done, and as he understands it, the level of services on those roadways can handle the additional traffic.

Discussion ensued between Commissioner Dallari and Jim Pelloni relating to continuing this item for two months. Mr. Pelloni stated he doesn't feel those issues are going to change in two or four months, therefore, he requested the Board to get on with this so they can move forward with some other project.

Districts 3 and 5 voted AYE.

Commissioners Henley, Dallari and Morris voted NAY, whereupon the **motion failed** for lack of a majority vote.

Mr. McMillan advised the Board needs a motion to deny to disperse with this item.

Motion by Commissioner Morris, seconded by Commissioner Dallari to continue to February 8, 2005 at 7:00 p.m., or as soon thereafter as possible, request for approval of an ordinance for a Large Scale Amendment from Office to PD (Planned Development); and adoption of an Ordinance for the proposed Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 27.2 acres located on the northeast corner of Orange Blvd. and CR 46A subject to the Preliminary Master Plan and Development Order, as described in the proof of publication, Justin Pelloni.

Under discussion, Commissioner Van Der Weide stated the applicant has indicated that he doesn't want this item continued, therefore, he will not support the motion unless he hears from the applicant that he wants to continue it.

Commissioner Morris stated if it is continued, the applicant could withdraw the request.

Upon inquiry by Commissioner Van Der Weide, Mr. Pelloni stated they will do their best as they know they have nothing to lose. He stated he appreciates the Board hearing this item

tonight and he will take the continuance to see what he can accomplish.

Districts 1, 2, 3, 4 and 5 voted AYE.

Chairman Henley recessed the meeting at 10:15 p.m., reconvening at 10:22 p.m.

AMENDMENT/REZONE/Suncor Properties/Robert Horian

Proof of publication, as shown on page _____, calling for a public hearing to consider request for a Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential), and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 14.27 acres, located on the southeast corner of Celery Avenue and Brisson Avenue, Suncor Properties and Robert Horian, received and filed.

Ms. Deater stated the subject property is the second phase of a single-family residential project that is being developed in the City of Sanford, immediately north of the subject property across Celery Avenue, known as Celery Estates North. Both projects are proposed at a maximum density of 4 dwelling units per net buildable acre. The Celery Estates South project is designed in accordance with the draft Celery Avenue Overlay Standards, except that in lieu of the 6-ft. clay brick wall required as part of the 25-ft. buffer along Celery Avenue, the applicant is requesting a landscaped earthen berm and wall combination. Staff believes that the earthen berm/wall combination would be acceptable if the City of Sanford approves such a combination for the Celery Estates North project, in order to provide continuity between the landscaping concepts of both developments. Staff recommends approval of the request subject to the conditions outlined in the development order. The Planning and Zoning Commission recommends approval of the

request. The DCA did not have any objections, recommendations or comments on this request.

Upon inquiry by Commissioner Carey, Ms. Deater advised reclaimed water is not available in this area.

David Gerrox (phonetic), CPH Engineers, addressed the Board to state there is a water line along Celery Avenue and the subdivision will be provided with reclaimed water.

Bob Horian, Suncor Properties, addressed the Board to state there will be 46 homes on above standard lots and it is very compatible to the area.

No one spoke in support or in opposition.

Motion by Commissioner Carey, seconded by Commissioner Van Der Weide to approve a Large Scale Land Use Amendment that includes the proposed map amendment from SE (Suburban Estates) to LDR (Low Density Residential), and adopt Ordinance #2004-55, as shown on page _____, rezoning the subject property from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 14.27 acres, located on the southeast corner of Celery Avenue and Brisson Avenue, subject to the Preliminary Master Plan and Development Order, as shown on page _____, as described in the proof of publication, Suncor Properties and Robert Horian.

Districts 1, 2, 3, 4 and 5 voted AYE.

2004 FALL LARGE SCALE ADOPTION ORDINANCE

Proof of publication, as shown on page _____, calling for a public hearing to consider request to enact an Ordinance adopting the previously approved Fall 2004 Cycle Large Scale Amendments to the Vision 2020 Seminole County Comprehensive Plan, received and filed.

DEC. 14, 2004

Cathleen Consoli, Planning, addressed the Board to present the request as outlined in the Agenda Memorandum. She informed the Board of a typo in the backup indicating Spring Cycle and it should be Fall Cycle.

No one spoke in support or in opposition.

Motion by Commissioner Morris, seconded by Commissioner Van Der Weide to adopt Ordinance #2004-56, as shown on page _____, adopting the previously approved Fall 2004 Cycle Large Scale Amendments to the Vision 2020 Seminole County Comprehensive Plan.

Districts 1, 2, 3, 4 and 5 voted AYE.

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 10:30 p.m., this same date.

ATTEST: _____ Clerk _____ Chairman
cc/slm/er

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Florence Arbor PUD Large Scale Land Use Amendment and Rezone Staff Report"

(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 to PUD:

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. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #04-23000002 in the official land records of Seminole County.

ENACTED this, ___ day of _____2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Carlton Henley
Chairman

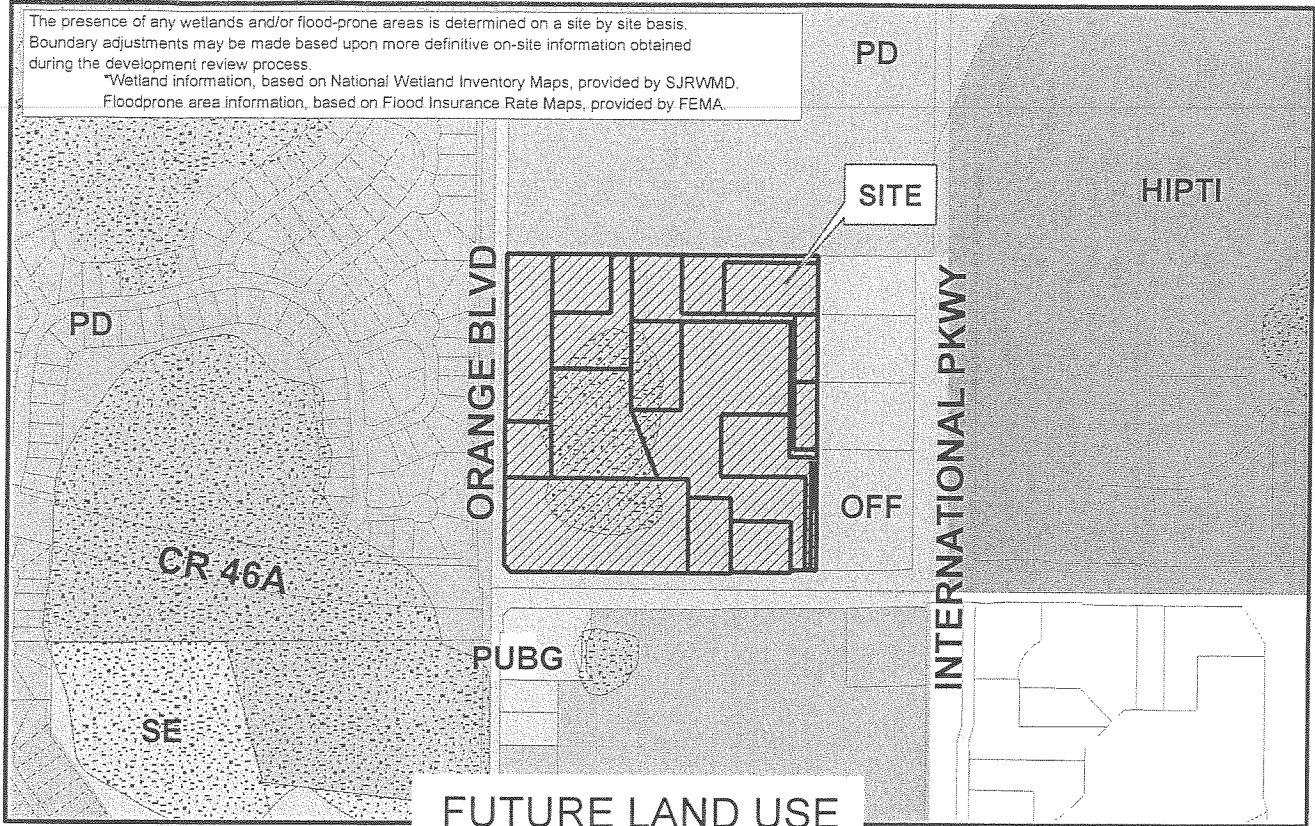
EXHIBIT A
LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31; THENCE RUN S89°44'51"E ALONG THE SOUTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 31 A DISTANCE OF 40.00 FEET; THENCE RUN N00°02'42"W A DISTANCE OF 85.04 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD (STATE ROAD 46A) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3162, PAGE 893 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND THE EAST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, S44°55'03"E A DISTANCE OF 35.49; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, S89°44'51"E A DISTANCE OF 1005.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 4523.66 FEET, THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND THE SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, THROUGH A CENTRAL ANGLE OF 00°44'40", AN ARC DISTANCE OF 58.77 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, RUN N00°02'42"W, A DISTANCE OF 1086.70 FEET TO THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE AFORESAID SOUTHWEST 1/4 OF SECTION 31; THENCE RUN ALONG SAID NORTH LINE N89°44'51"W A DISTANCE OF 1089.80 FEET TO THE EAST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, SAID EAST RIGHT-OF-WAY LINE BEING 40.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE AFORESAID SOUTHWEST 1/4 OF SECTION 31; THENCE RUN S00°02'42"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1062.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 27.19 ACRES MORE OR LESS.

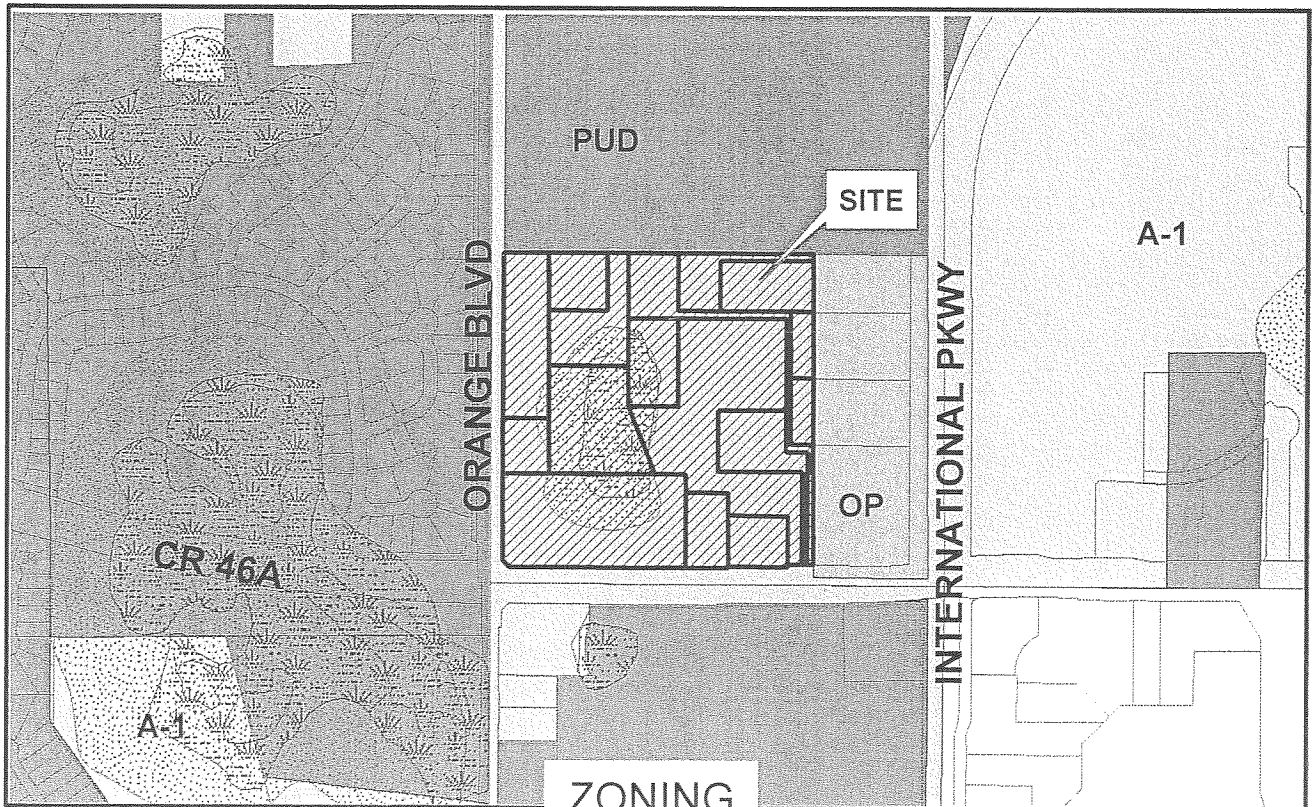
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



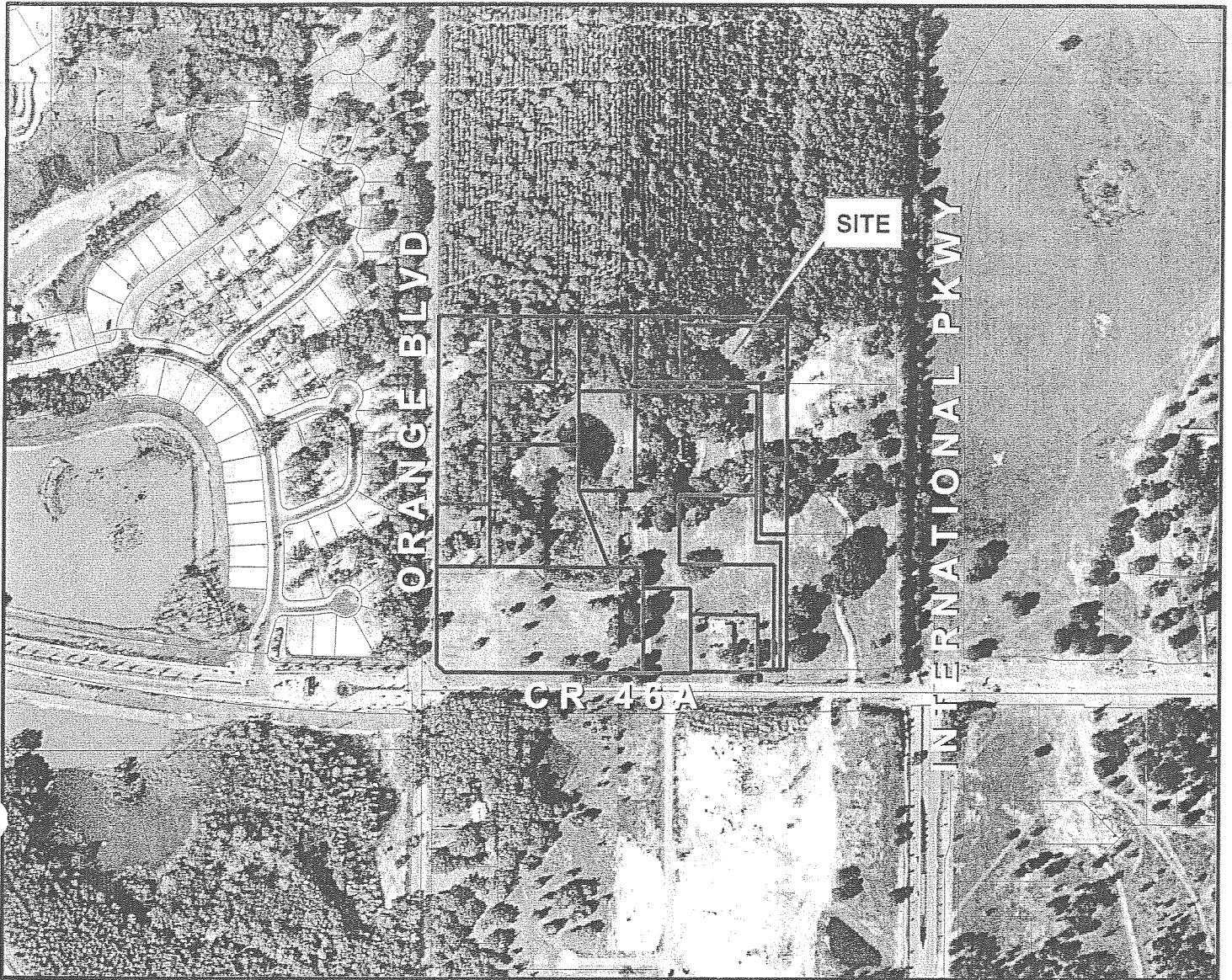
Site
 Municipality
 SE
 PD
 OFF
 HIPTI
 PUBG
 CONS

Applicant: Justin Pelloni
 Physical STR: part of 31-19-30
 Gross Acres: 27.2 BCC District: 5
 Existing Use: Vacant, Single Family, and Grazing Land
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	04F.FLU03	OFF	PD
Zoning	Z2004-014	A-1	PUD



Site
 Municipality
 A-1
 OP
 PUD
 FP-1
 W-1



Amendment No: 04F.FLU03
 From: OFF To: PD
 Rezone No: Z2004-014
 From: A-1 To: PUD

- Parcel
- Subject Property



February 1999 Color Aerials