

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Orange Boulevard Property, (1) Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); and (2) Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); (MI Homes/Eric Wills, applicant)

[THIS ITEM WAS CONTINUED FROM 1/13/04]

DEPARTMENT: Planning & Development **DIVISION:** Planning
AUTHORIZED BY: Don Fisher **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date 2/10/04 Regular Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Enact ordinances to APPROVE the request for (1) Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) on 9.5 acres; and (2) Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on 10.31 acres, located on the north side of Orange Blvd., approximately 300 feet west of North Oregon St. (MI Homes/Eric Wills, applicant), per the attached Development Order; or
2. DENY the request for (1) Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) on 9.5 acres; and (2) Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on 10.31 acres, located on the north side of Orange Blvd., approximately 300 feet west of North Oregon St. (MI Homes/Eric Wills, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. McLain) (Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant proposes a Small Scale Land Use Amendment from SE to PD and a rezone from A-1 to PUD on four lots comprising 10.31 acres. The proposed development would consist of 37 single-family homes at a minimum lot size of 5,500 square feet.

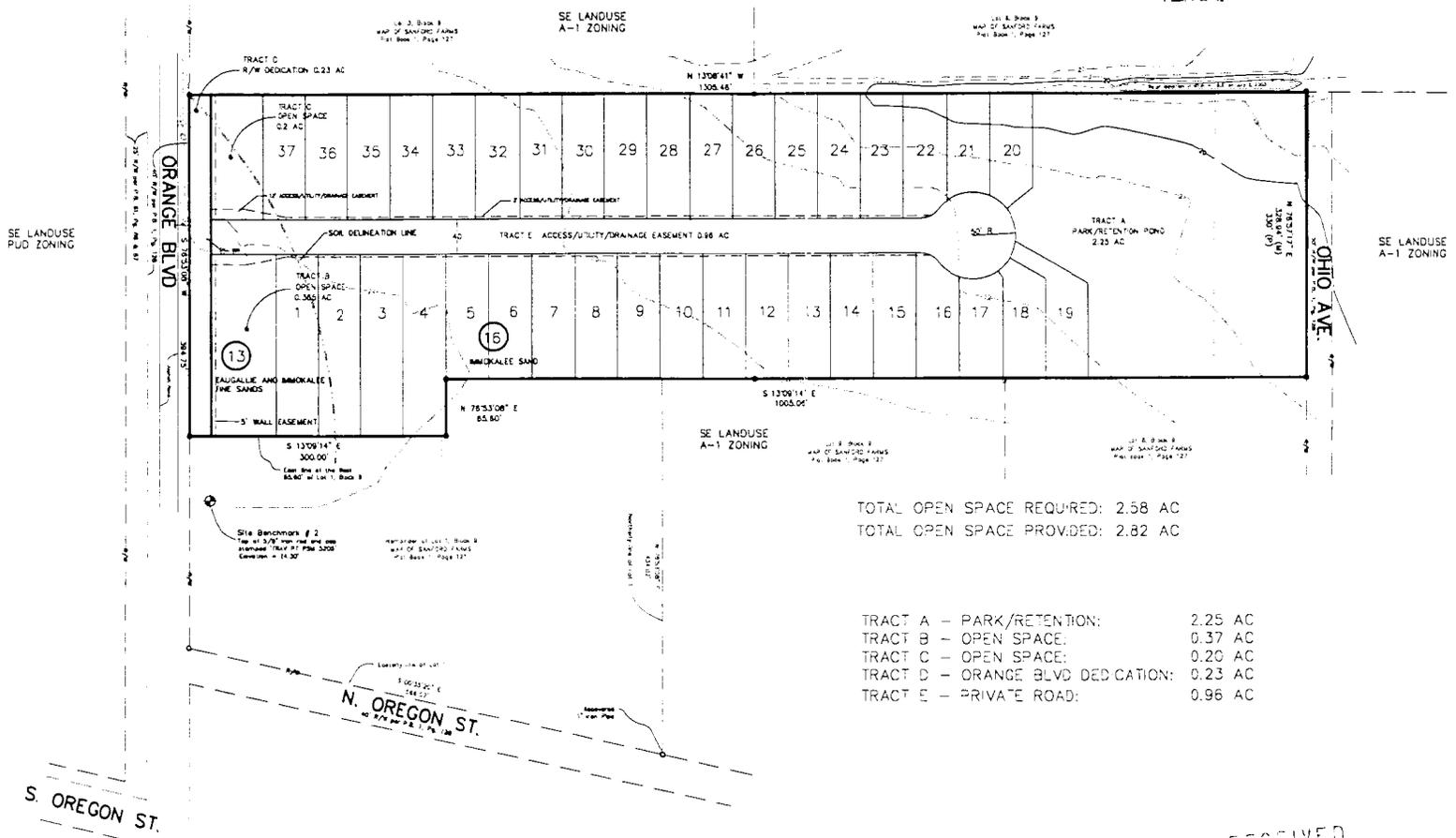
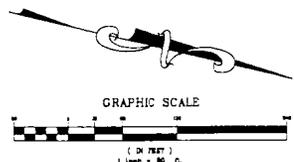
Reviewed by: KZC
Co Atty: _____
DFS: _____
OTHER: TW
DCM: _____
CM: _____
File No. ph130pdp04

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On December 3, 2003, the Planning & Zoning Commission voted 7-0 to recommend APPROVAL with conditions recommended by staff, and an additional condition that special attention be paid to landscaping requirements to ensure appropriate buffering adjacent to neighboring properties.



TOTAL OPEN SPACE REQUIRED: 2.58 AC
 TOTAL OPEN SPACE PROVIDED: 2.82 AC

- TRACT A - PARK/RETENTION: 2.25 AC
- TRACT B - OPEN SPACE: 0.37 AC
- TRACT C - OPEN SPACE: 0.20 AC
- TRACT D - ORANGE BLVD DEDICATION: 0.23 AC
- TRACT E - PRIVATE ROAD: 0.96 AC

RECEIVED

MELLICHAMPE ENGINEERING, INC. <small>REGISTERED PROFESSIONAL ENGINEERS STATE OF OREGON</small>	PRELIMINARY MASTER PLAN
<small>DATE: _____</small> <small>DESIGNED BY: _____</small> <small>CHECKED BY: _____</small> <small>DATE: _____</small>	<small>SCALE: 1" = 80'</small> <small>PROJECT NO: 03-514</small> <small>SHEET 2 OF 2</small>

Orange Blvd. SSLUA & Rezone

Staff Report

Suburban Estates (SE) to Planned Development (PD) and A-1 (Agricultural District) to PUD (Planned Unit Development District)	Amendment (12-03SS.01 & Z2003-042)
REQUEST	
APPLICANT	Eric Wills / MI Homes
PLAN AMENDMENT	Suburban Estates (SE) to Planned Development (PD)
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development District)
APPROXIMATE GROSS ACRES	9.50 (amendment only) 10.31 (rezone)
LOCATION	North side of Orange Blvd., approximately 300 feet west of North Oregon St.
BCC DISTRICT	5 – Comm. McLain
RECOMMENDATIONS AND ACTIONS	
STAFF RECOMMENDATION December 3, 2003	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone.
PLANNING & ZONING COMMISSION RECOMMENDATION December 3, 2003	On December 3, 2003, the Planning & Zoning Commission voted 7-0 to recommend APPROVAL with conditions recommended by staff, and an additional condition that special attention be paid to landscaping requirements to ensure appropriate buffering adjacent to neighboring properties.

STAFF ANALYSIS & FINDINGS

1. Property Owners: William T. Behrens Sr.
Kathie Behrens

2. Tax Parcel Numbers: 16-19-30-5AB-0900-001D/0010/002A

3. **Development Trends:** Development in this area is characterized by agricultural and low-density single-family development. Adjacent areas to the west are developing with densities of 4 units per acre or less. However, a commercial warehouse complex, located 0.3 mile east of the subject property, has been approved with PCD zoning. This creates the potential for gradually increasing densities and intensities from west to east, a trend originating with the Retreat at Wekiva and ending at Fossitt Warehouse at Missouri Ave.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of SE, currently assigned to the subject property, permits single-family residential development up to a maximum density of 1 dwelling unit per net buildable acre. The properties are currently zoned A-1, which implements the permitted density allowed by the SE future land use. One of the subject parcels contains a single family home, while the others are vacant. Future land use, zoning and existing uses of surrounding properties are as follows:

Location	Future Land Use*	Zoning*	Existing Use
North	Suburban Estates (SE)	A-1	Single-Family
South	Planned Development (PD)	PUD	Single-Family
East	Suburban Estates (SE)	A-1	Single-Family and Vacant
West	Suburban Estates (SE) and Planned Development (PD)	A-1/PUD	Single-Family and Vacant (approved for Single-Family)

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

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 future land use and zoning amendments would 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 Transportation 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 and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Orange Boulevard, a 2-lane roadway and defined as a Rural Collector, provides access to the subject property. The existing Level of Service (LOS) on this portion of Orange Boulevard is "B", based on daily traffic volume. The adopted LOS standard for this segment of Orange Boulevard is "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is located within the Seminole County water and sewer service areas. Both water and sewer services are available to the site.

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 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #34. Response time 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 Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. By virtue of this determination, the proposed Plan amendment would create no adverse impacts to public facilities.

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 property contains less than 5% wetlands or flood prone areas, and could be developed within the requirements of the Vision 2020 Plan and Land Development Code.

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 – The comprehensive plan contains additional criteria and standards that describe when, where and how development should 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.).*

Based upon an initial evaluation, the proposed PD land use, with the attendant PUD zoning request, is compatible with surrounding land uses. *Please note that the proposed PUD has a larger site area than the subject property of the Land Use Amendment.* The entire PUD has a net density of 4.05 units per acre. The Retreat at Wekiva abuts the subject property on the west side and it is approved at a net density

of 3.46 units per acre. With Fossitt Business Park, a heavy commercial development located a few hundred feet to the east, the proposal would provide an opportunity to create a transition of land use intensities in the area. The requested PD land use is consistent with Plan policies identified at this time and thereby consistent with the Vision 2020 Plan.

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)*

This proposed single-family development could function as an effective transitional use between heavy commercial development to the east and low density residential development to the west.

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

FLU 4.2 Infill Development

FLU 5.5: Water and Sewer Service Expansion

PD Future Land Use Definition

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.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On December 3, 2003, the Planning & Zoning Commission voted 7-0 to recommend APPROVAL with conditions recommended by staff, and an additional condition that special attention be paid to landscaping requirements to ensure appropriate buffering adjacent to neighboring properties.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone with the following conditions:

1. Net density within the area of the Land Use Amendment shall not exceed 4.5 units per acre.
2. Maximum building height shall be 35 feet.
3. Lots shall be no less than 50 feet in width and 5,500 square feet in size.
4. Permitted uses shall be single family homes, home occupations, and home offices.
5. Required building setbacks shall be as follows:

Residential Units	
front	23' *
side	5'
side street	15'
rear	20'
*to be measured from front of structure to property line or edge of sidewalk nearest the house, whichever distance is less	

Accessory Buildings less than 200 s.f.	
side	5'
side street	15'
rear	5'

Pools and Screen Enclosures		
	Screen Enclosure	Pool
front	20'	22'
side	5'	7'
side street	15'	17'
rear	3'	5'

6. Minimum house size shall be 1,100 square feet.
7. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
8. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
9. A 6-foot masonry wall and 4 canopy trees per 100' linear feet shall be provided along the Orange Blvd. frontage.
10. Recreational uses to be provided within designated open space shall be established in the Final Master Plan.
11. Developer shall dedicate sufficient right-of-way on Orange Blvd. to meet County standards, as determined at Final Master Plan review

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On February 10, 2004, 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 Owners: WILLIAM BEHRENS
KATHIE BEHRENS

Project Name: ORANGE BOULEVARD PUD

Requested Development Approval: Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

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. Net density within the area of the Land Use Amendment shall not exceed 4.5 units per net buildable acre.
- b. Maximum building height shall be 35 feet.
- c. Lots shall be no less than 50 feet in width and 5,500 square feet in size.
- d. Permitted uses shall be single family homes, home occupations, and home offices.
- e. Required building setbacks shall be as follows:

<i>Residential Units</i>	
front	23' *
side	5'
side street	15'
rear	20'
*to be measured from front of structure to property line or edge of sidewalk nearest the house, whichever distance is less	

<i>Accessory Buildings less than 200 s.f.</i>	
side	5'
side street	15'
rear	5'

<i>Pools and Screen Enclosures</i>		
	Screen Enclosure	Pool
front	20'	22'
side	5'	7'
side street	15'	17'
rear	3'	5'

- f. Minimum house size shall be 1,100 square feet.
- g. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
- h. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.

- i. A 6-foot masonry wall and 4 canopy trees per 100' linear feet shall be provided along the Orange Blvd. frontage.
- j. Recreational uses to be provided within designated open space shall be established in the Final Master Plan.
- k. Developer shall dedicate sufficient right-of-way on Orange Blvd. to meet County standards, as determined at Final Master Plan review

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

By: _____
Daryl G. McLain
Chairman
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, WILLIAM BEHRENS, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____

Print Name WILLIAM BEHRENS
Property Owner

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

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

The Westerly 65.6 feet of the Southerly 300.00 feet of Lot 1, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The South ½ of Lot 2, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The North ½ of Lot 2 and all of Lot 7, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE 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 "Orange Blvd. SSLUA 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 (Agriculture) to PUD (Planned Unit Development):

LEGAL DESCRIPTION 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 by the Department and recording of Development Order #3-20000015 in the official land records of Seminole County.

ENACTED this 10th day of February, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A

LEGAL DESCRIPTION

The Westerly 65.6 feet of the Southerly 300.00 feet of Lot 1, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The South ½ of Lot 2, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The North ½ of Lot 2 and all of Lot 7, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM SUBURBAN ESTATES TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan (“the Plan”); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on December 3, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on February 10, 2004, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Orange Blvd. SSLUA & Rezone Staff Report".

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners 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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u> 12-03SS.01	<u>Amendment</u> Amendment from Suburban Estates to Planned Development
--	---

- (b) The associated rezoning request was completed by means of Ordinance Number 2004-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

- (a) 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 and 163.3187, Florida Statutes.

- (b) This Ordinance shall take effect upon:

- (1) Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of

Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-

2100 by the Clerk of the Board of County Commissioners; and,

- (2) The recording date of Development Order #3-20000015 in the Official Land Records of Seminole County.

ENACTED this 10th day of February,
2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Daryl G. McLain,
Chairman

EXHIBIT A

The Westerly 65.6 feet of the Southerly 300.00 feet of Lot 1, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The South ½ of Lot 2, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The North ½ of Lot 2 and all of Lot 7, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

Less the North 107.5 feet of Lot 7, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

Said property containing 9.50 acres more or less.

January 12, 2004

Dear Commissioner.

Because I am unable to attend the afternoon meeting on January 13, 2004, I would like to have this read and entered into the record that I am opposed to Item 54, Small Scale Land Use Amendment.

First, a bit of background to refresh your memory on the Orange Blvd. area:

A couple of years ago when Astor Farms and Retreat at Wekiva were up in front of the Board, this Board directed staff to do a study and see about changing the whole area to LDR. After many meetings and discussions, it was shown that 90% of the homeowners on the north side of Orange Blvd. were opposed to this proposal. Ultimately this Board decided to go ahead and change the future land use (FLU) to the area south of Orange Blvd to LDR, and to leave the area north of Orange Blvd. A-1, in response to the area homeowners.

Now this issue has again been resurrected. I know that Staff is recommending approval. Even though I would like to see this area remain A-1, maximum of 1 home per acre, I know it will be developed. I would like to make some recommendations, so that you could add some additional requirements to the order.

Here is what I would suggest:

1. A maximum of 4 homes per net buildable acre.
2. A block and stucco wall around the entire property, not just on Orange Blvd.
3. A minimum setback of 25 feet from the closest side of sidewalk or property line, which ever is closer.
4. A side setback minimum of 7 1/2 feet. 10 feet between houses is just too close.
5. If there are not any trees in the new back yards then 4 canopy trees for every 100 linear feet around the entire property.
6. Besides requiring the canopy trees along Orange Blvd, also include some sub-canopy trees and drought tolerant shrubs.

My biggest concern is that I do not want this to be the start of a domino effect in the area and moving to the west that would amount to nothing more than a bunch of small developments packed with homes on tiny 2, 5, and 10 acre sites.

Help us keep what is left in this area as country as possible.
Thanks for your attention to this very important issue.

Respectfully,



Bob Bugnacki
5352 Orange Blvd
Sanford FL 32771
(407) 321-6205

**Minutes for the Seminole County
Land Planning Agency/Planning and Zoning Commission
December 3, 2003 – 7:00 P.M.**

Members present: Ben Tucker, Thomas Mahoney, Richard Harris, Alan Peltz, Chris Dorworth, Beth Hattaway, and Dudley Bates

Also present:

Rebecca Hammock, Principal Planner
Tina Deater, Senior Planner
Jeff Hopper, Senior Planner
Tony Matthews, Principal Planner
Matt West, Planning Manager
Tony Walter, Assistant Planning Manager
Karen Consalo, Deputy County Attorney
Mahmoud Najda, Development Review Manager
Candace Lindlaw-Hudson, Senior Staff Assistant

E. Orange Blvd. Rezone; M/I Homes, Eric Wills, applicant; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 10.31 acres, and Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) on 9.50 acres; located north side of Orange Blvd., 300 feet west of N. Oregon Street. (Z2003-042 /12-03SS.01).

Commissioner McLain - District 5
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant proposes a Small Scale Land Use Amendment from SE to PD and a rezone from A-1 to PUD on four lots comprising 10.31 acres. The proposed development would consist of 37 single-family homes at a minimum lot size of 5,500 square feet. Development in this area is characterized by agricultural and low-density single-family development. Adjacent areas to the west are developing with densities of 4 units per acre or less. A commercial warehouse complex, located 0.3 mile east of the subject property has been approved with PCD zoning. This creates the potential for gradually increasing densities and intensities from west to east, a trend originating with the Retreat at Wekiva and ending at Fossitt Warehouse at Missouri Ave. The future land use designation of SE, currently assigned to the subject property, permits single-family residential development up to a maximum density of 1 dwelling unit per net buildable acre. The properties are currently zoned A-1, which implements the permitted density allowed by the SE future land use. One of the subject parcels contains a single family home, while the others are vacant.

Mr. Hopper stated that staff recommendation was for approval with the following conditions:

Commissioner Tucker expressed concern about the last item in the conditions, pertaining to the right-of-way and ditches long the road for drainage with no ingress/egress aprons. How is this to be addressed?

Matt West stated that the applicant only has to submit a "bubble plan" at this time. These questions will be answered at the time of final master plan submission.

Mahmoud Najda stated that turn lanes, turn ins and turn outs will be evaluated at the final engineering submittal.

Commissioner Mahoney stated that item K is disturbing for him also. He asked how the right of way issue is handled.

Mr. Najda stated that a rational nexus is used to determine the needed amount of right-of-way at the final engineering stage.

Commissioner Mahoney asked who the arbiter was in such cases.

Mr. Najda stated that the County Engineer was the person who made the final call on such issues. If the decision is not liked, it can be appealed to the Board of County Commissioners.

Commissioner Tucker asked about the status of Ohio Avenue. Is it public or private?

Mr. West stated that it is 30 feet wide and it appears to dead end.

Mr. Hopper stated that the tax map shows it as a 30 foot public right-of-way.

Steve Mellich stated that there are 25 foot right-of-way dedications on the current site plan for Orange Boulevard. He will enhance the entrance by extending the left turn lane and tapering the lane for the right turn out at the time of final engineering.

Bob Bugnacki of 5352 Orange Boulevard stated that he was in opposition to the application. He stated that when Astor Farms was first denied it was requested that the area of 165 acres would be studied. He would like to see more trees on Orange Boulevard. A 23 foot setback is not enough room for cars. Mr. Bugnacki had a recommendation for a Development Order:

1. A wall should be placed along Orange Blvd. with 4 canopy trees and sub canopy drought tolerant bushes along the wall.
2. A wall should surround the entire subdivision.
3. There should be 2 trees per back yard.
4. Front setbacks should be 25 feet.

5. Side setbacks should be 7.5 feet.

Steve Mellich stated that the plan is for 4.02 units per acre now. That is consistent with the zoning. In giving the history on the area, Mr. Mellich stated that Low Density Residential future land use is an administrative change, south of Orange Boulevard. Changes north of Orange Boulevard would be applicant driven. As for the setbacks, he is trying to be consistent with the area.

Commissioner Tucker said that the Retreat at Wekiva has many cars protruding because of the setbacks there.

Mr. Mellich stated that this neighborhood will be modeled after Woodson, as far as the air conditioning unit and pool pump placement is concerned.

Commissioner Hattaway asked about the trees.

Eric Wills of MI Homes stated that there would be landscaping along the wall.

The public hearing was now closed.

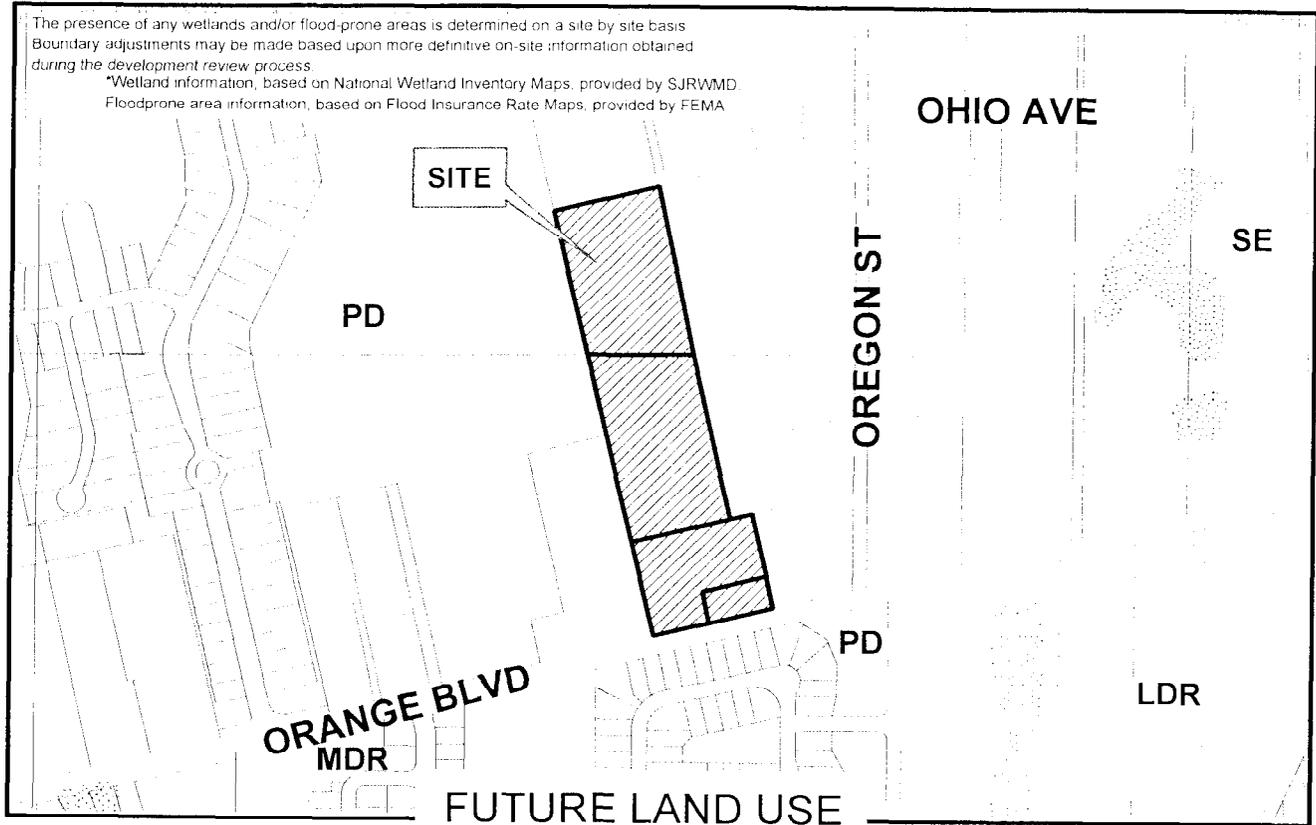
Commissioner Harris made a motion to recommend approval, noting that attention should be paid to the placement of trees on the final site plan.

Commissioner Mahoney seconded the motion.

The motion passed by a vote of 7 – 0.

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.

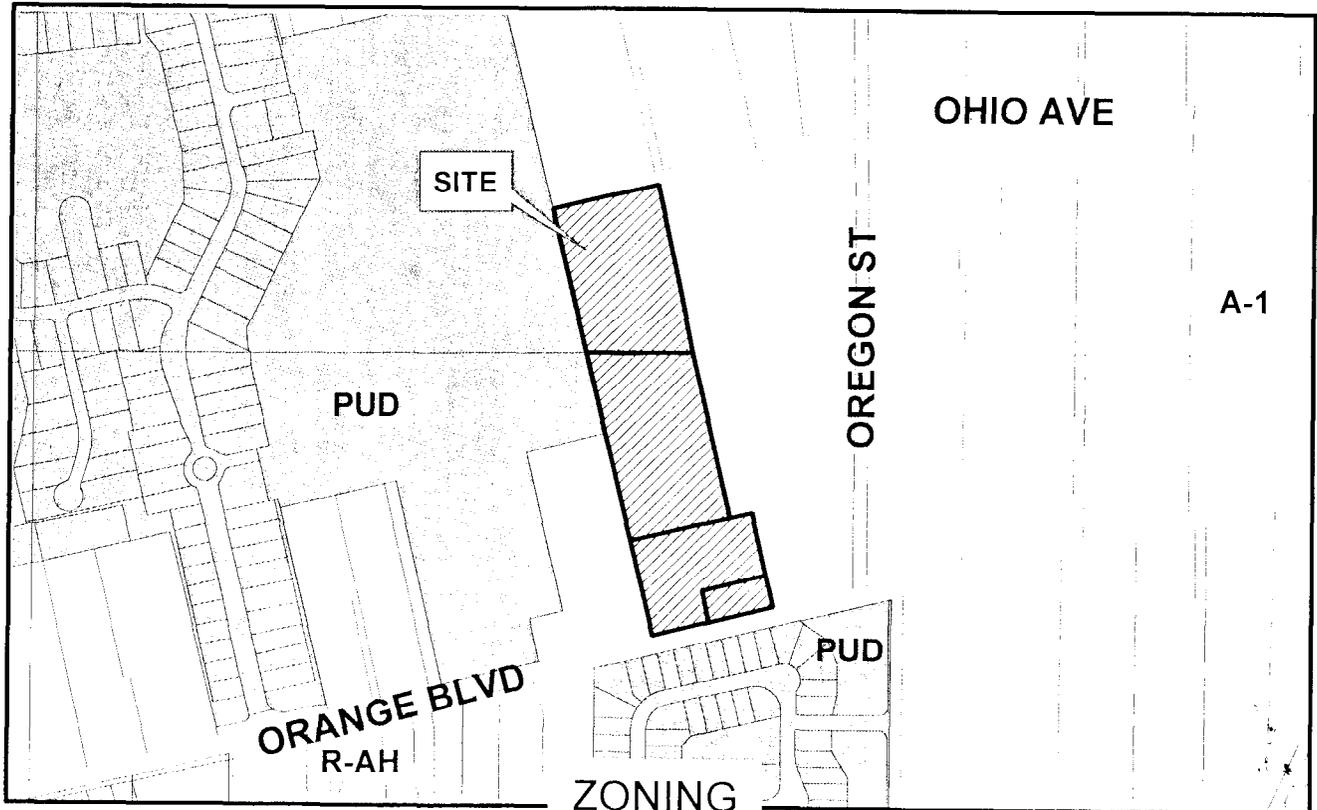
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD
 Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA



Site
 SE
LDR
MDR
PD
CONS

Applicant: M/I Homes of Orlando, LLC
 Physical STR: 16-19-30-5AB-0900-001D & 002A
 Gross Acres: 10.3 BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	12-03SS.01	SE	PD
Zoning	Z2003-042	A-1	PUD



Site
 R-AH
A-1
PUD



Amendment No: 12-03SS.01
From: SE To: PD
Rezone No: Z2003-042
From: A-1 To: PUD

Parcel
Subject Property



February 1999 Color Aerials