

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Savannah Park at Heathrow, Small Scale Land Use Amendment from Office to Planned Development (PD) and Rezone from A-1 to PUD (Mary Anne Jarrell, applicant)

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

AUTHORIZED BY: Don Fisher *[Signature]* **CONTACT:** Jeff Hopper *[Signature]* **EXT** 7431

Agenda Date <u>02/24/04</u>	Regular <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. Enact ordinances to APPROVE the request for Small Scale Land Use Amendment from Office to PD and Rezone from A-1 to PUD on approximately 9.9 acres, located at the northwest corner of International Parkway and Wilson Road, per the attached development order (Mary Anne Jarrell, applicant); or
2. DENY the request for Small Scale Land Use Amendment from Office to PD and Rezone from A-1 to PUD on approximately 9.9 acres located at the northwest corner of International Parkway and Wilson Road (Mary Anne Jarrell, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Mary Anne Jarrell, proposes a townhouse development on a 9.9-acre site on International Parkway, at a maximum density of 8 units per acre. The request consists of a rezone from A-1 to PUD and a Small Scale Land Use Amendment from Office to Planned Development (PD). This application represents the first phase of a larger mixed-use development, totaling approximately 33 acres, which will also include retail, office and recreational uses. (Phase 2 is being handled as a Large Scale Land Use Amendment and is also on today's agenda.)

The proposal includes a 50-foot undisturbed buffer and building setback, and a 6-foot masonry wall along the west site boundary adjacent to Tall Trees Subdivision. The site will

Reviewed by:	<i>[Signature]</i>
Co Atty:	<i>[Signature]</i>
DFS:	<i>[Signature]</i>
OTHER:	<i>[Signature]</i>
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	<u>ph700pdp06</u>

include recreational facilities for residents, such as a park and clubhouse. Proposed minimum dwelling unit size is 2,000 square feet. All units will be sold as condominiums.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone subject to the attached Development Order.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On February 4, 2004 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request subject to staff recommendations presented herein.

**MINUTES FOR THE SEMINOLE COUNTY
LPA/P&Z COMMISSION
FEBRUARY 4, 2004
7:00 P.M.**

Members present: Richard Harris, Chris Dorworth, Ben Tucker, Dudley Bates, Alan Peltz, Walt Eismann, Thomas Mahoney

Also present: Matt West, Planning Manager, Tony Walter, Assistant Planning Manager, Karen Consalo, Assistant County Attorney, Alice Gilmartin, Principal Coordinator, Jeffrey Hopper, Senior Planner, Cynthia Sweet, Planner, Dick Boyer, Senior Planner,

F. Savannah Park at Heathrow; Mary Anne Jarrell, applicant; approximately 9.9 acres; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and Small Scale Land Use Amendment from Office to PD (Planned Development); located at the northwest corner of International Parkway and Wilson Road. (Z2003-043 and 11-03SS.01)

Commissioner McLain – District 5
Jeff Hopper, Senior Planner

G. Savannah Park at Heathrow; Mary Anne Jarrell, applicant; approximately 23.7 acres; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and Large Scale Land Use Amendment from Office to PD (Planned Development); located west of International Parkway and south of Wayside Drive. (Z2003-051 and 04S.FLU01)

Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Mr. Hopper stated that he would present items F and G together. The applicant, Mary Anne Jarrell, proposes a mixed use development on a 23.7-acre site on International Parkway, consisting of 48,000 square feet of retail use, 24,000 square feet of office use, and a maximum of 186 residential dwellings at a density of 8 units per net buildable acre. The request consists of a rezone from A-1 to PUD and a Large Scale Land Use Amendment from Office to Planned Development (PD). This application represents the second phase of a larger development, totaling approximately 33 acres, which includes an additional 9.9 acres of townhouse residential use. The proposal also includes a tier of 19 brownstone residential units to the west of the commercial buildings. The units would function as a barrier between the retail uses at the project entrance on International Parkway and lower density single family development in Tall Trees Subdivision to the west. (As an alternative option to be exercised on the basis of market conditions, the applicant may substitute a mixed residential/office

structure with offices on the ground floor and living units above.) There would also be a 50-foot undisturbed buffer and a 6-foot masonry wall along the west site boundary. The site will include recreational facilities for residents, such as a park, clubhouse and pool. Proposed minimum living area per unit is 1,600 square feet. All units will be sold fee simple. The proposal includes a 50-foot undisturbed buffer and building setback, and a 6-foot masonry wall along the west site boundary adjacent to Tall Trees Subdivision. The site will include recreational facilities for residents, such as a park and clubhouse. Proposed minimum dwelling unit size is 1,600 square feet under air. All units will be sold fee simple. The access will be from Wayside and Wilson. Staff finds this consistent with the Vision 2020 Plan and recommends approval with the following conditions:

Staff recommends transmittal of the requested Large Scale Land Use Amendment and rezone subject to the following conditions:

- a. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
- b. Permitted uses shall be townhouse units, single family homes, home occupations and home offices, CN (Restricted Neighborhood Commercial District) uses with the addition of sit-down restaurants and banks with no outside automatic teller machines. Drive - throughs shall be prohibited.
- c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
- d. Density shall be limited to 8.0 units per net buildable acre over the residential portion of the development.
- e. Along the west site boundary, the following standards shall apply:
 1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is met
 2. 6-foot masonry wall
 3. 50-foot setback all structures
 4. 90-foot setback for 3-story brownstone buildings
- f. The retention pond along the west property line must be removed from the 50-foot undisturbed buffer.
- g. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of the street or sidewalk.
- h. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
- i. 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.

- j. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.
- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. 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.
- m. Outdoor lighting shall be cutoff/shoebox style fixtures a maximum of 16 feet in height.
- n. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
- o. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- p. The applicant shall provide a cross-access easement for Phase 1 over property described in Exhibit B.
- q. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
- r. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.
- s. No advertising signs shall be permitted on the west side of the brownstone row of buildings.
- t. Dock-high loading facilities shall be prohibited.
- u. No single non-residential building footprint shall exceed 10,000 square feet.

Staff recommends approval of the requested Small Scale Land Use Amendment and rezone subject to the following conditions:

- a. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
- b. Permitted uses shall be townhouse units with fee simple ownership, single family homes, home occupations and home offices.
- c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
- d. Density shall be limited to 8.0 units per net buildable acre or a maximum of 79 dwelling units.
- e. Along the west site boundary, the following standards shall apply:
 - 1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is met
 - 2. 6-foot masonry wall

3. 50-foot setback for all two-story structures
 4. 120-foot setback for all three-story buildings
- f. Required setbacks and buffers along the south property line shall be as follows:
 1. 25-foot setback for all one-story buildings
 2. 25-foot setback for all two-story buildings
 3. 25-foot setback for all three-story buildings
 4. 15-foot landscape buffer with 4 canopy and 5 understory trees per 100 feet.
 - g. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of the street or sidewalk.
 - h. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
 - i. 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.
 - j. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.
 - k. All landscape buffers and common areas shall be maintained by a homeowners association.
 - l. 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.
 - m. Outdoor lighting shall be cutoff/shoebox style fixtures a maximum of 16 feet in height.
 - n. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
 - o. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
 - p. Access to the site shall be provided through a cross-access easement over property described in Exhibit B.
 - q. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
 - r. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.

Attorney Rob Gabaide spoke for the applicant. He stated that they agreed with staff recommendations and requested the addition of the permitted uses of bakery and

specialty grocery to the large scale land use amendment list. Pertaining to the cross access easement on the small scale land use amendment, should Phase One go on its own, only Wilson will be accessed. Final master plan will reflect cross access easement to International Parkway.

Commissioner Mahoney asked if a traffic study had been done on Wilson. He was concerned about the level of traffic on International Parkway if the Small Scale Land Use Amendment is done alone.

Mr. Hopper stated that the traffic study had not been done yet. It will be done at the time of final master plan consideration.

Commissioner Harris asked for comments from the audience, and found no one wishing to speak.

Pertaining to item F: Commissioner Mahoney made a motion to recommend approval of item F with conditions stated in the staff report, with the stipulation of no cross access easement .

Commissioner Peltz seconded the motion.

Commissioner Tucker asked about the issue of not having a cross access easement when emergency vehicles have to respond to a call.

Matt West stated that a stabilized drive with a crash gate could be run out to International Parkway. This will be considered at the time of final master plan approval.

Commissioner Harris was concerned about the proximity of the buildings to the entry. He wanted to see another access point for emergency purposes.

Commissioner Tucker asked to amend the motion to require an access point.

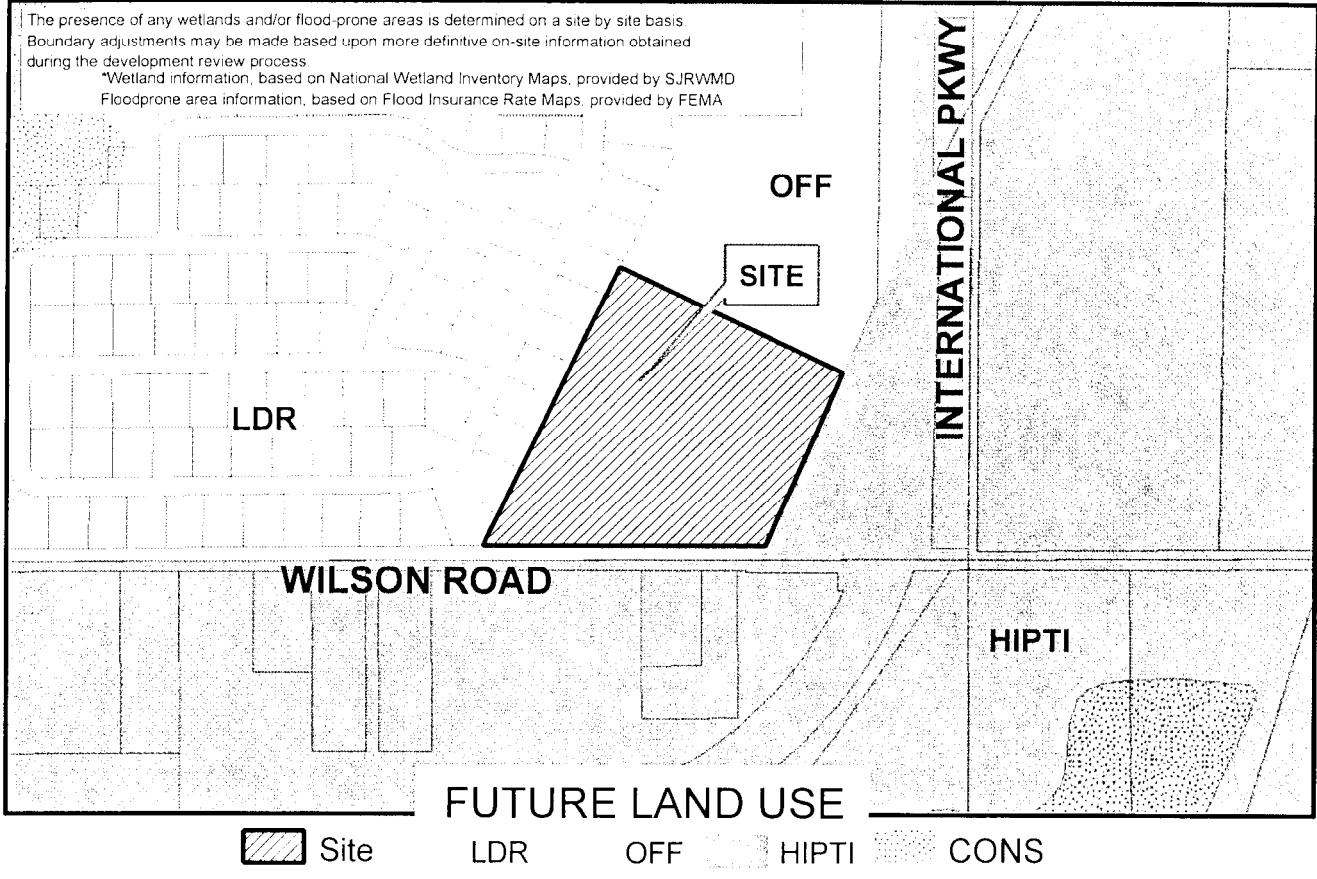
Commissioner Mahoney amended his motion to reflect the requirement for an emergency access pointing addition to the main entrance on Wilson Road.

The vote was 5 – 0 in favor of the motion.

Pertaining to item G: Commissioner Mahoney made a motion to recommend transmittal of the LSLUA and rezone with the amendment made tonight of the addition of permitted uses of specialty grocery and bakery.

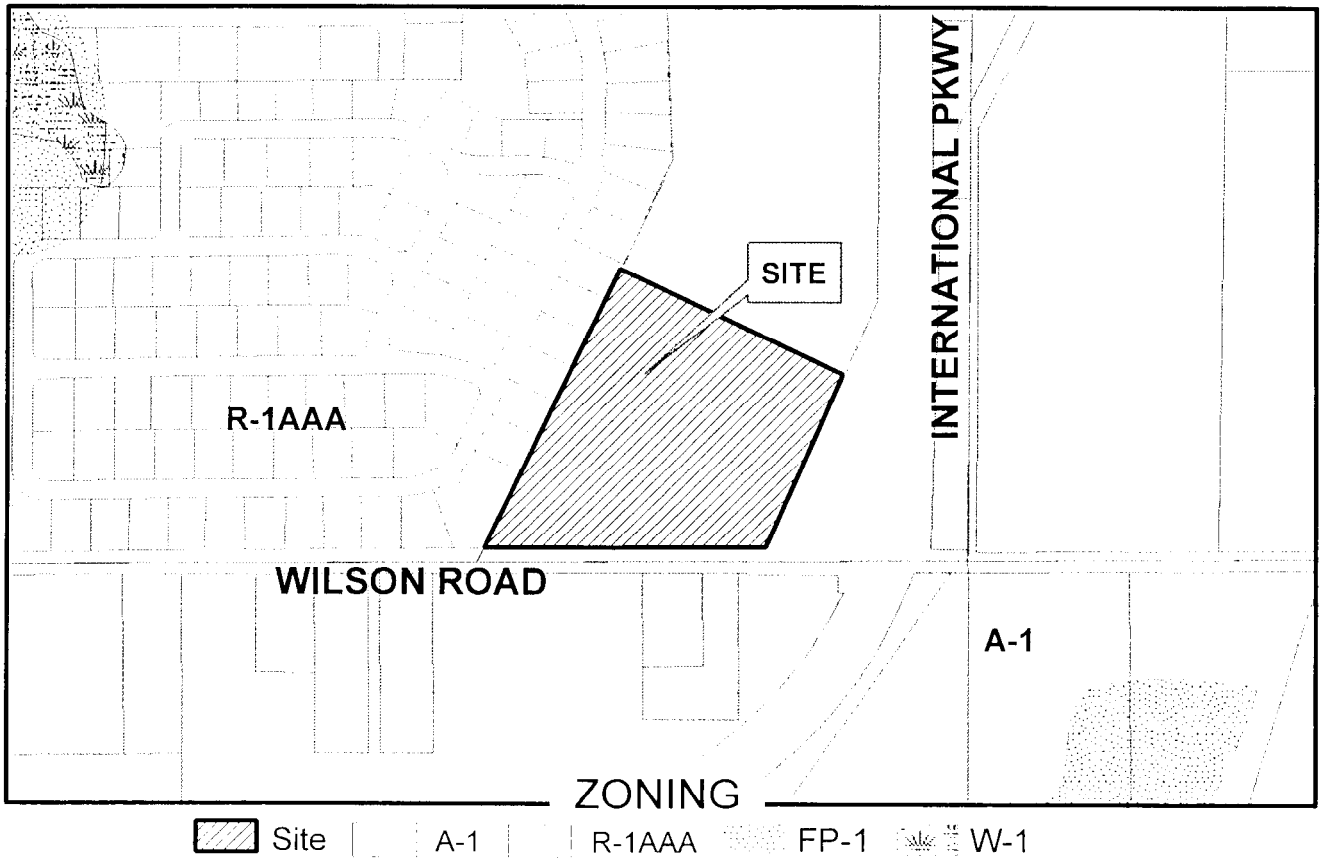
Commissioner Peltz seconded the motion.

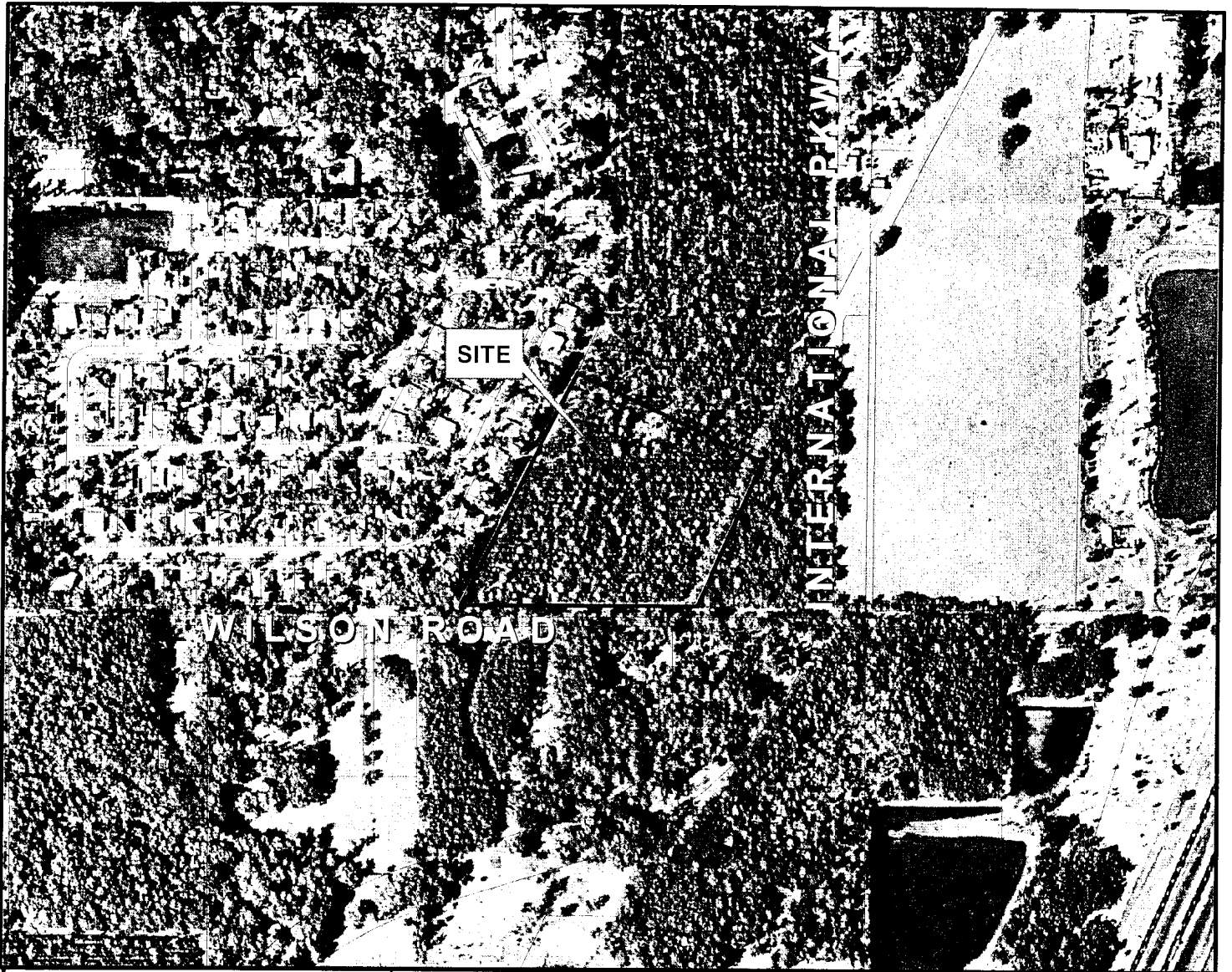
The vote was 5 – 0 in favor of the motion.





Applicant: MERIDIAN PROPERTY MANAGEMENT LLC
 Physical STR: part of 30-19-30-300-0410-0000
 Gross Acres: 9.9 BCC District: 2
 Existing Use: VACANT
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	11-03SS.01	OFF	PD
Zoning	Z2003-043	A-1	PUD





Amendment No: 11-03SS.01
From: OFF To: PD
Rezone No: Z2003-043
From: A-1 To: PUD

 Parcel
 Subject Property



February 1999 Color Aerials

SITE DATA 33.58 ACRES

33.58 ACRES
 TOTAL SITE AREA 1,460,745 S.F.
 TOTAL IMPERVIOUS AREAS 658,230 S.F. (45%)

RU-1 SMALL SCALE 9.6 ACRES

1410 TOWNHOUSE UNITS
 ALL UNITS HAVE GARAGES & 20 MIN. DRIVEWAYS
 DENSITY: 14.6 UNITS PER ACRE

LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY @ WILSON ROAD

1. 30' AVERAGE TREE WIDTH
2. A LANCE-LAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN THE PARKING AREAS TO THE SIDE
3. 4 CANOPY TREES 100 S.F. OF FOLIAGE. TREES SHALL BE EVENLY SPACED 1'400 S.F. 100 S.F. 20' X 4' 3" CANOPY TREES REQ'D

MU-1 LARGE SCALE 11.05 ACRES

4 1ST FLOOR RETAIL 18,000 SF 2ND FLOOR OFFICE 18,000 SF
 2 1ST FLOOR RETAIL 18,000 SF 2ND FLOOR OFFICE 18,000 SF
 4 1ST FLOOR RETAIL 18,000 SF
 0 1ST FLOOR RETAIL 18,000 SF
 TOTAL RETAIL 72,000 SF TOTAL OFFICE 36,000 SF

15,000 S.F. 1ST FLOOR
 RESIDENTIAL 10,000 S.F. 1ST FLOOR INCLUDING GARAGES
 187 + 34,000 S.F.
 210 + 34,000 S.F.
 180 + 34,000 S.F.
 TOTAL 100,000 S.F.

PARKING FOR RETAIL OFFICE 10,000
 4,100 + 335 SPACES 410 INDICATED

RU-2 LARGE SCALE 4.92 ACRES

17 TOWNHOUSE UNITS
 2400 S.F. UNITS
 200 UNITS HAVE GARAGES & 20 MIN. DRIVEWAYS
 DENSITY 34.14 UNITS PER ACRE

TOTAL TOWNHOUSE SMALL SCALE
 157 TOWNHOUSE UNITS
 MAX. GARAGE & TOWNHOUSE UNITS 20:1

RU-3 LARGE SCALE 1.8 ACRES

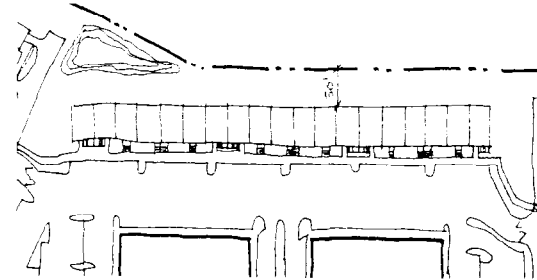
8 TOWNHOUSE UNITS
 2400 S.F. UNITS
 8 UNITS HAVE GARAGES & 20 MIN. DRIVEWAYS
 DENSITY 4.44 UNITS PER ACRE

TOTAL TOWNHOUSE SMALL SCALE
 165 TOWNHOUSE UNITS
 MAX. GARAGE & TOWNHOUSE UNITS 20:1

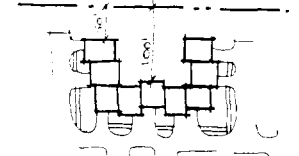
- 2 STORY TOWNHOUSE UNIT WITH 100' ADJUNCTION TO TALL TREES S.D.
- 5' MINIMUM 2 & 3 STORY TOWNHOUSE INTERIOR
- 1600 S.F. MINIMUM INCLUDING GARAGES

- 35' MAX MEAN ROOF HEIGHT
- 10' MIN SETBACK, 20' 0" MEASURED FROM SIDEWALK TO GARAGE DOOR

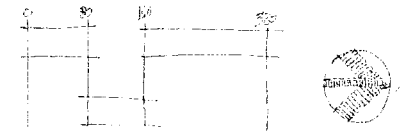
2 & 3 STORY UNITS
 1000 S.F. MINIMUM INCLUDING GARAGES
 35' MAX MEAN ROOF HEIGHT



OFFICE LAYOUT



OPTIONAL COURTYARD LAYOUT



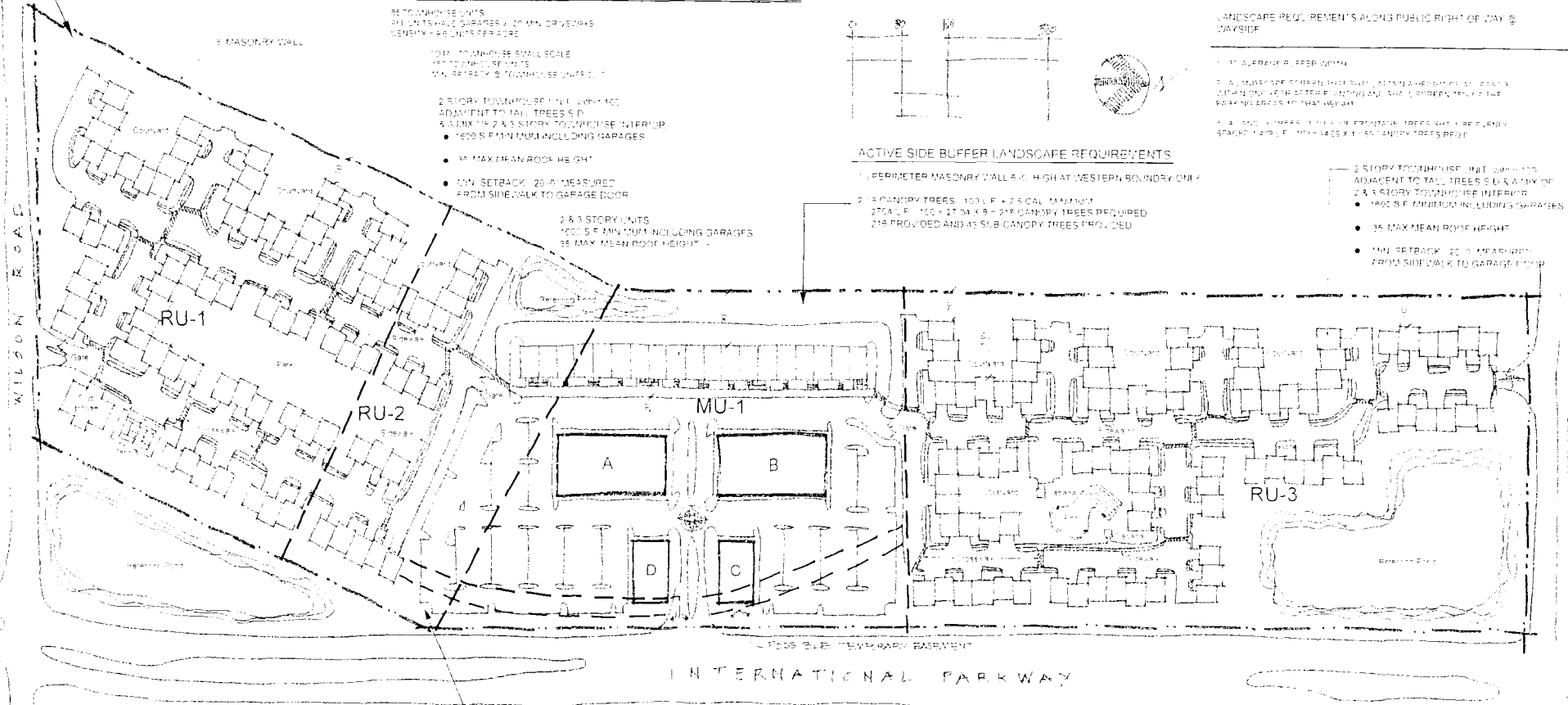
ACTIVE SIDE BUFFER LANDSCAPE REQUIREMENTS

1. PERIMETER MASONRY WALL 4'-6" HIGH AT WESTERN BOUNDARY ONLY
2. 4 CANOPY TREES 100 S.F. + 2 5' CAL. MINIMUM 2750 S.F. 100 + 27' 0" X 8" = 24' CANOPY TREES PROVIDED 214 PROVIDED AND 45' 5' 6" CANOPY TREES PROVIDED

LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY @ WAYSIDE

1. 30' AVERAGE TREE WIDTH
2. A LANCE-LAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN THE PARKING AREAS TO THE SIDE
3. 4 CANOPY TREES 100 S.F. OF FOLIAGE. TREES SHALL BE EVENLY SPACED 1'400 S.F. 100 S.F. 20' X 4' 3" CANOPY TREES REQ'D

- 35' MAX MEAN ROOF HEIGHT
- 10' MIN SETBACK, 20' 0" MEASURED FROM SIDEWALK TO GARAGE DOOR



LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY

1. 30' AVERAGE TREE WIDTH
2. A LANCE-LAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN THE PARKING AREAS TO THE SIDE
3. 4 CANOPY TREES 100 S.F. OF FOLIAGE. TREES SHALL BE EVENLY SPACED 1'400 S.F. 100 S.F. 20' X 4' 3" CANOPY TREES REQ'D
4. 16' 0" MAX MEAN ROOF HEIGHT

PROPOSED MIXED USE DEVELOPMENT
seminole county

Prepared by: [Firm Name]
 Date: [Date]
 Project No: [Number]
 Scale: [Scale]
 Drawing No: [Number]

Savannah Park at Heathrow Small Scale Land Use Amendment Staff Report

Office to Planned Development (PD)		Amendment (Z2003-043, 11-03SS.01)
REQUEST		
APPLICANT	Mary Anne Jarrell	
PLAN AMENDMENT	Office to Planned Development	
REZONING	A-1 to Planned Unit Development (PUD)	
APPROXIMATE GROSS ACRES	9.9	
LOCATION	West of International Parkway, north of Wilson Road	
BCC DISTRICT	5, McLain	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION February 4, 2004	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment and rezone subject to the attached Development Order.	
PLANNING & ZONING COMMISSION RECOMMENDATION February 4, 2004	On February 4, 2004 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL of the request subject to staff recommendations presented herein.	

STAFF ANALYSIS

Office to Planned Development (PD)

Amendment
(Z2003-043,
11-03SS.01)

1. **Property Owner:** Glenn A. Lingle, Trustee
2. **Tax Parcel Number:** 30-19-30-300-0410-0000
3. **Development Trends:** The subject property lies at the eastern edge of a large area of Low Density Residential development in the R-1AAA zoning classification, consisting of lots of 13,500 square feet and greater. Adjacent properties to the north, east and south are still vacant, but these areas are in the HIP-TI land use designation, which permits relatively intense development, both residential and non-residential. The site immediately north of Wayside Drive is an approved PCD proposing 147,000 square feet of retail/office space. Existing multi-family and recent commercial construction in the Colonial Town Park area a mile to the south indicate that intensive development is under way along International Parkway, consistent with the Vision 2020 Plan.

SITE DESCRIPTION

1. **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.

Location	Future Land Use*	Zoning*	Existing Use
North	HIP-TI	PCD	Vacant
South	HIP-TI	A-1	Vacant
East	HIP-TI	A-1	Vacant
West	LDR	R-1AAA	Single family residential

- 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 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 and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via International Parkway, a new 4-lane road classified as a Collector. No traffic counts were taken in 2003 on this road. However, it is projected to operate at a Level of Service "B" in 2005. The adopted Level of Service standard 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 within the Seminole County water and sewer service areas. Water and sewer service 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 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 Policy 2.4).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that 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 site contains less than 5% wetlands or flood prone areas, and can be developed within 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 - Additional criteria and standards are also included in the Plan that describe 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.).

Based upon an initial evaluation, the proposed PD land use, with the attendant PUD Preliminary Master Plan, is compatible with the HIP-TI land use designation on adjoining properties to the north, east and south. At 8 units per acre, it represents a transition of land use intensity between the LDR properties to the west and large areas of commercial and other nonresidential development along International Parkway. Although the single family development to the west is much lower in density, it should not be greatly affected by the current proposal if adequate design features, such as walls, landscaping, setbacks and lighting controls are in place.

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 Medium Density Residential (MDR). "Exhibit FLU: Appropriate Transitional Land Uses" indicates that MDR is an appropriate transitional use adjacent to Low Density Residential (LDR).

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

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 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.

STAFF RECOMMENDATION:

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

- a. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
- b. Permitted uses shall be townhouse units with condominium ownership, single family homes, home occupations and home offices.
- c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
- d. Density shall be limited to 8.0 units per net buildable acre or a maximum of 79 dwelling units.
- e. Along the west site boundary, the following requirements shall apply:
 1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is created;
 2. 6-foot masonry wall;
 3. 50-foot setback for all two-story structures; and
 4. 120-foot setback for all three-story buildings.
- f. Required setbacks and buffers along the south property line shall be as follows:
 1. 25-foot setback for all one-story buildings;
 2. 25-foot setback for all two-story buildings ;
 3. 25-foot setback for all three-story buildings; and
 4. 15-foot landscape buffer with 4 canopy and 5 understory trees per every 100'.
- g. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of the street or sidewalk.
- h. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
- i. 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.
- j. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.

- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. The developer shall provide a pedestrian circulation system giving access to all public portions of the development as well as connecting to existing sidewalks outside the development.
- m. Outdoor lighting shall be cutoff/shoebox style fixtures no more than 16 feet in height.
- n. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
- o. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- p. In the event that access to the site from International Parkway is provided, a cross-access easement shall be established to connect with said road over property described in Exhibit B.
- q. In the event that access from International Parkway is not provided, there shall be a second access to the site for emergency purposes only. The location and design of this emergency access shall be determined prior to Final Master Plan approval.
- r. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
- s. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On February 24, 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: MARGARET D. FOX AND SANDRA A. STICKNEY, TRUSTEES OF THE TRUST U/W/O BYRON A. FOX F/B/O W.W. FOX

GLENN A. LINGLE, TRUSTEE OF THE GLENN A. LINGLE REVOCABLE TRUST

Project Name: SAVANNAH PARK AT HEATHROW

Requested Development Approval: Small Scale Land Use Amendment from Office 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 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: 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. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
 - b. Permitted uses shall be townhouse units with condominium ownership, single family homes, home occupations and home offices.
 - c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
 - d. Density shall be limited to 8.0 units per net buildable acre or a maximum of 79 dwelling units.
 - e. Along the west site boundary, the following requirements shall apply:
 1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is created;
 2. 6-foot masonry wall;
 3. 50-foot setback for all two-story structures; and
 4. 120-foot setback for all three-story buildings.
 - f. Required setbacks and buffers along the south property line shall be as follows:
 1. 25-foot setback for all one-story buildings;
 2. 25-foot setback for all two-story buildings ;
 3. 25-foot setback for all three-story buildings; and
 4. 15-foot landscape buffer with 4 canopy and 5 understory trees per every 100'.
 - g. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of the street or sidewalk.
 - h. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
 - i. 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.
 - j. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.
 - k. All landscape buffers and common areas shall be maintained by a homeowners association.

- l. The developer shall provide a pedestrian circulation system giving access to all public portions of the development as well as connecting to existing sidewalks outside the development.
- m. Outdoor lighting shall be cutoff/shoebox style fixtures no more than 16 feet in height.
- n. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
- o. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- p. In the event that access to the site from International Parkway is provided, a cross-access easement shall be established to connect with said road over property described in Exhibit B.
- q. In the event that access from International Parkway is not provided, there shall be a second access to the site for emergency purposes only. The location and design of this emergency access shall be determined prior to Final Master Plan approval.
- r. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
- s. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.

(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.

FILE # Z2003-043

DEVELOPMENT ORDER #3-22000009

Done and Ordered on the date first written above.

By: _____

Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the trustee, Glenn A. Lingle, on behalf of the Glenn A. Lingle Revocable Trust, itself and its, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Glenn A. Lingle

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 GLENN A. LINGLE, 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:

OWNER'S CONSENT AND COVENANT

COMES NOW, the trustee, Margaret D. Fox, on behalf of the Trust U/W/O Byron A. Fox F/B/O W.W. Fox, itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Margaret D. Fox

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 MARGARET D. FOX, 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:

OWNER'S CONSENT AND COVENANT

COMES NOW, the trustee, Sandra A. Stickney, on behalf of the Trust U/W/O Byron A. Fox F/B/O W.W. Fox, itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

Sandra A. Stickney

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 SANDRA A. STICKNEY, 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

Project Legal Description:

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet; thence S64°26'12"E a distance of 664.66 feet to the northwesterly right-of-way line of International Parkway; thence S25°33'48"W along said northwesterly right-of-way, a distance of 490.00 feet to the north right-of-way line of Wilson Road; thence S89°40'25"W, along said north right-of-way line, a distance of 734.43 feet to the point of beginning.

CONTAINS 431,291 SQUARE FEET OR 9.901 ACRES MORE OR LESS.

EXHIBIT B

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 322.95 feet; thence S64°26'12"E a distance of 635.71 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 71.32 feet; thence S25°33'48"W, along the northwesterly right-of-way line of said International Parkway, a distance of 258.48 feet; thence N64°26'12"W a distance of 664.66 feet to the point of beginning.

CONTAINS 213,920 SQUARE FEET OR 4.911 ACRES MORE OR LESS.

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 1133.65 feet for a point of beginning; thence N00°14'21"E, along the easterly line of said Tall Trees, a distance of 641.68 feet; thence S89°45'58"E a distance of 574.54 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 913.65 feet; thence N64°26'12"W a distance of 635.71 feet to the point of beginning.

CONTAINS 446,824 SQUARE FEET OR 10.258 ACRES MORE OR LESS.

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 1133.65 feet; thence N00°14'21"E, along the east line of said tall trees, a distance of 641.68 feet for a point of beginning; thence continue N00°14'21"E, along said east line, a distance of 926.82 feet to the south right-of-way line of Wayside Drive; thence S89°52'00"E, along said south right-of-way line, a distance of 276.12 feet; thence S00°05'34"W a distance of 501.56 feet; thence S89°28'52"E a distance of 297.10 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 424.27 feet; thence N89°45'58"W a distance of 574.54 feet to the point of beginning.

CONTAINS 383,126 SQUARE FEET OR 8.795 ACRES MORE OR LESS.

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 OFFICE 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 February 4, 2004, 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 24, 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 "Savannah Park at Heathrow Small Scale Land Use Amendment 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"

<p><u>Amendment Number</u> 11-03SS.01</p>	<p><u>Amendment</u> Amendment from Office to Planned Development</p>
--	---

(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

ORDINANCE 2004-

SEMINOLE COUNTY, FLORIDA

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 #3-22000009 in the Official Land Records of Seminole County.

ENACTED this 24th day of February,
2004.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet; thence S64°26'12"E a distance of 664.66 feet to the northwesterly right-of-way line of International Parkway; thence S25°33'48"W along said northwesterly right-of-way, a distance of 490.00 feet to the north right-of-way line of Wilson Road; thence S89°40'25"W, along said north right-of-way line, a distance of 734.43 feet to the point of beginning.

CONTAINS 431,291 SQUARE FEET OR 9.901 ACRES MORE OR LESS.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; 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 document titled "Savannah Park at Heathrow Small Scale Land Use Amendment 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. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

Legal Description Attached as 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 of recording of Development Order #3-22000009 in the official land records of Seminole County.

ENACTED this 24th day of February, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet; thence S64°26'12"E a distance of 664.66 feet to the northwesterly right-of-way line of International Parkway; thence S25°33'48"W along said northwesterly right-of-way, a distance of 490.00 feet to the north right-of-way line of Wilson Road; thence S89°40'25"W, along said north right-of-way line, a distance of 734.43 feet to the point of beginning.

CONTAINS 431,291 SQUARE FEET OR 9.901 ACRES MORE OR LESS.