

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: SR 46/LAKE FOREST PUD FINAL MASTER PLAN

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

AUTHORIZED BY: Dan Matthys  **CONTACT:** Tony Walter **EXT.** 7375

Agenda Date <u>2-28-06</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. APPROVE the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for SR 46/Lake Forest PUD , consisting of approximately 42.55 acres and located on the north side of SR 46, across from International Parkway, based on staff findings (Robert Hattaway, applicant); or
2. DENY the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for SR 46/Lake Forest PUD , consisting of approximately 42.55 acres and located on the north side of SR 46, across from International Parkway, based on staff findings (Robert Hattaway, applicant); or
3. CONTINUE the request until a time and date certain.

District #5 – Carey

Tony Walter, Planning Manager

BACKGROUND:

The applicant is seeking Final Master Plan approval for a townhouse and commercial project. The applicant obtained a rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development) consisting of approximately 42.55 acres approved on October 25, 2005. The maximum residential density is 10.0 dwelling units per net buildable acre. There are 6 commercial tracts adjacent to SR 46 with equivalent C-1 commercial uses excluding convenience stores and self-serve laundry with a maximum floor area ratio of 0.35. Staff finds that the proposed Final Master Plan and Developer's Commitment Agreement provided by the applicant comply with all of the conditions contained in the approved development order. The LPA/P&Z approved the Preliminary Subdivision Plan subject to approval of the Final Master Plan at their November 2, 2005 meeting.

Reviewed by: _____
Co Atty: <u>KL</u>
DFS: _____
Other: _____
DCM: _____
CM: <u>AT</u>
File No. _____

Staff met with the Lake Forest Homeowners Association and discussed the 26 items they requested to be considered when determining the final site plan configuration and development requirements. Staff also met with the applicant and concurs with the proposed methodology to address the County and Lake Forest Homeowners Association concerns.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for SR 46/Lake Forest PUD consisting of approximately 42.55 acres and located on the north side of SR 46, across from International Parkway, based on staff findings.

ATTACHMENTS:

Final Master Plan
Developer's Commitment Agreement
Development Order
October 25, 2005 BCC meeting minutes
November 2, 2005 LPA/P&Z minutes
Fence Rendering

LEGEND:

- WETLAND BOUNDARY
- SOIL BOUNDARY
- FLOOD PLANE BOUNDARY
- RETENTION POND
- PROPOSED SANITARY SEWER MAIN
- PROPOSED WATER MAIN
- PROPOSED DRAINAGE PIPE
- PROPOSED RECLAIMED WATER MAIN
- PROPOSED FORCE MAIN
- EXISTING SANITARY SEWER MAIN
- EXISTING WATER MAIN
- EXISTING RECLAIMED WATER MAIN
- EXISTING FORCE MAIN
- SANITARY SEWER MANHOLE
- TAP
- MITERED END SECTION
- DRAINAGE STRUCTURE
- SOIL TYPE CLASSIFICATION
- SANITARY SEWER LIFT STATION

SOIL TYPE LEGEND:

- 16 - BASKINER, SAMULA, AND HONTCOOK
- 10 - IMMOKALEE (COVERS THE ENTIRE AREA EXCEPT FOR THE SMALL PORTION OF #16)

SITE DATA:
SECTION: 30
TOWNSHIP: 19S
RANGE: 30E

PARCEL DATA:
TOTAL AREA INCLUDING WETLANDS: 42.55 AC
LAND USE DESIGNATION: MULTI-FAMILY RESIDENTIAL TOWNHOUSES AND CUSTOMARY ACCESSORY USES INCLUDING HOME OCCUPATIONS, C-1 PERMITTED USES EXCLUDING CONVENIENCE STORES AND SELF-SERVE LAUNDRY

LANDSCAPE AND BUFFER CRITERIA:

SITE BUFFERS:
NORTH: 50'
WEST: 35'
EAST: 25'
SOUTH: AS REQ'D BY S.R. 46 CORRIDOR

A BUFFER INCLUDING 6-FT FENCE ALONG SOUTH SIDE OF CONSERVATION BUFFER, ADJACENT TO SINGLE-FAMILY LAKE FOREST RESIDENTIAL LOTS ALONG THE NORTH SIDE OF THE PROPERTY:

RESIDENTIAL SITE INFORMATION:
MAXIMUM BUILDING HEIGHT: 35 FEET (TWO STORY)
MAXIMUM IMPERVIOUS: 75%
MINIMUM GREEN SPACE: 25%
MAXIMUM DENSITY: 10 UNITS/NET BUILDABLE ACRE
TOTAL # OF UNITS: 284
8-UNIT BUILDINGS: 1
6-UNIT BUILDINGS: 46
MINIMUM HOUSE SIZE: 1,490 S.F.
PARKING PROVIDED AT CLUBHOUSE: 30-50 SPACES
NOTE: ALL END UNITS WILL CONTAIN 2-CAR GARAGES. TOTAL PARKING SPACES PROVIDED FOR RESIDENTIAL SITE IS 756 SPACES.

WETLANDS SUMMARY:

PRE-DEVELOPMENT:
STOCK POND = 1.76 AC
HYDRIC OAK FOREST = 1.08 AC
BAY SWAMP = 0.37 AC
MIXED WETLAND HARDWOOD = 12.27 AC
HYDRIC CABBAGE PALM = 4.0 AC
HYDRIC PASTURE = 12.6 AC
FRESHWATER MARSH = 3.83 AC
TOTAL ACREAGE = 35.91 AC

EXISTING LAND USE:
UPLANDS = 6.84 AC
WETLANDS = 35.91 AC

RESIDENTIAL SETBACKS:
FRONT: 20'
REAR: 20'
SIDE: 10'
10'
SCREEN ENCLOSURES: 10'
MINIMUM LOT SIZE: 20'x95'
MINIMUM LOT AREA: 0.044 AC (1900 SF)
TYPICAL INTERIOR UNIT SIZE: 26'x55'
TYPICAL END UNIT SIZE: 21'x55'

PROPOSED LAND USE:
TOTAL RESIDENTIAL AREA = 15.88 AC (LOTS 1-284)
POND = 6.70 AC
COMMUNITY/LANDSCAPE AREAS INCLUDING CLUBHOUSE AND POOL = 3.11 AC
TOTAL DEVELOPABLE AREA = 28.69 AC

UNDISTURBED BUFFER = 3.04 AC
RESIDENTIAL RIGHT-OF-WAY = 3.82 AC

TOTAL COMMERCIAL AREA = 6.68 AC (LOTS 1-6)
COMMERCIAL RIGHT-OF-WAY = 0.52 AC

COMMERCIAL SITE INFORMATION:
MAXIMUM BUILDING HEIGHT: 35 FEET (TWO STORY)
MAXIMUM IMPERVIOUS: 70%
MINIMUM GREEN SPACE: 25%
MAXIMUM FAR: 0.35

COMMERCIAL SETBACKS:
FRONT: 50'
REAR: 25' MIN.
SIDE: 0'
PASSIVE: 25'
ACTIVE: 50'

NOTES:

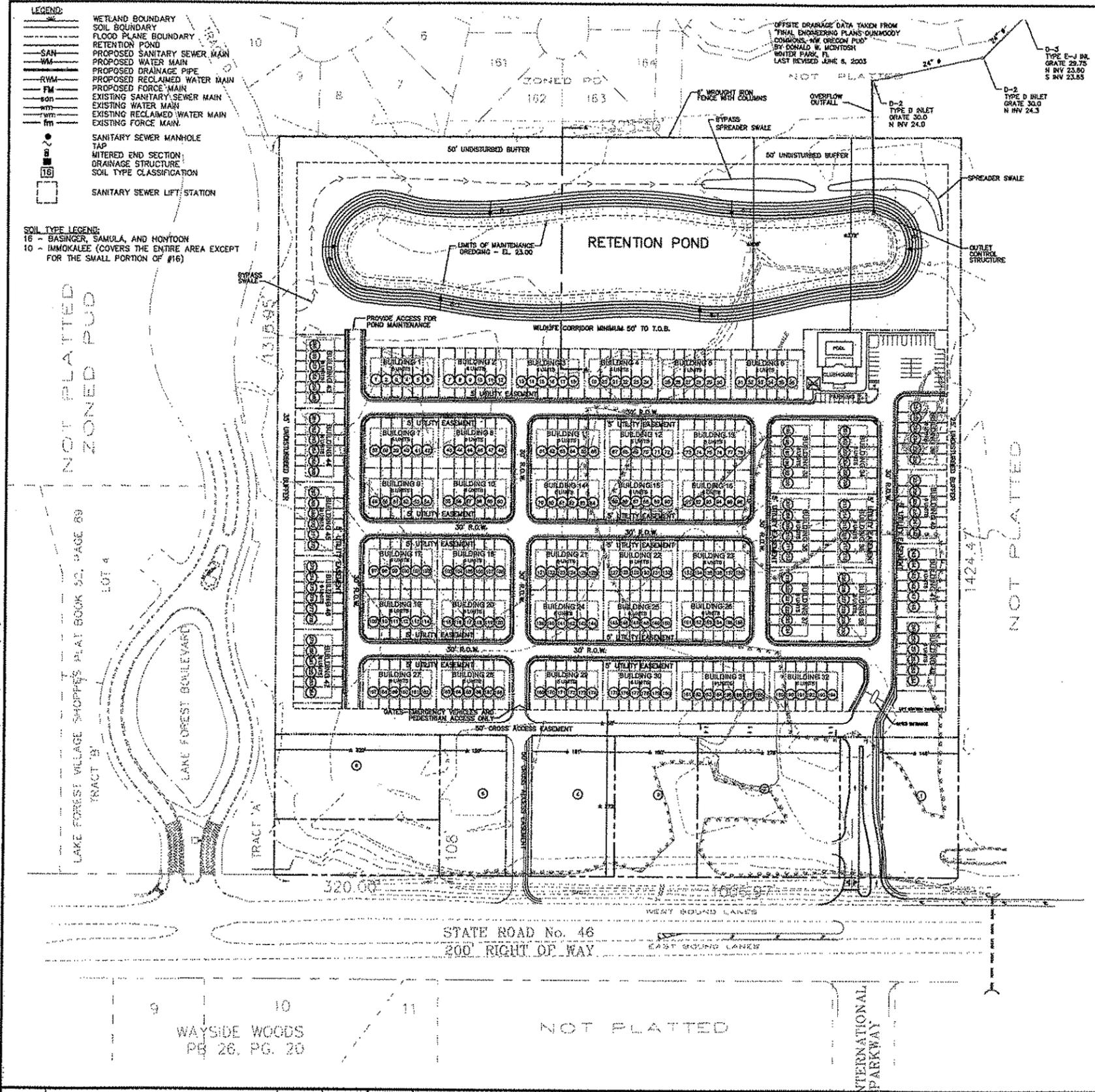
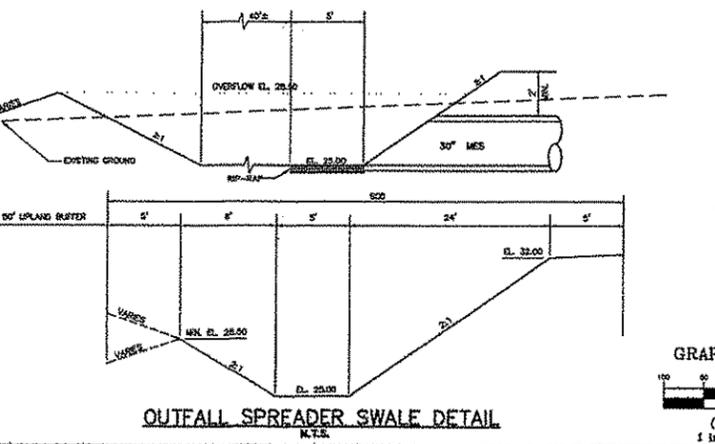
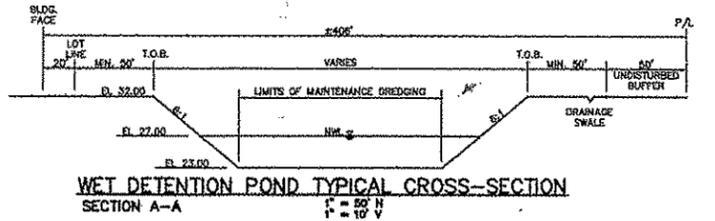
- FIRE PROTECTION IS TO BE PROVIDED BY SEMINOLE COUNTY. ALL UTILITY REGULATIONS TO THE LOCATION AND REQUIRED FLOWS OF FIRE HYDRANTS WILL BE MET.
- EXISTING PIPE IN R.O.W. OF S.R. 46 TRANSMITS RUNOFF FROM SOUTH SIDE OF S.R. 46 TO NORTH SIDE. DISCHARGE OF CONCENTRATED FLOW FLOWS TO STUDY POINT VIA EXISTING OVERLAND DRAINAGE CHANNEL WEST OF THE SITE.
- AREA EAST OF SITE CONTRIBUTES MINIMAL PRE-DEVELOPED RUNOFF. LAKE FOREST BOULEVARD CONTAINS A POST-DEVELOPED DRAINAGE SYSTEM THAT COLLECTS AND ROUTES RUNOFF AROUND SITE.
- THE SITE IS PRIMARILY IN FLOOD ZONE "A" WITH SOME AREAS IN FLOOD ZONE "X," PER FLOOD INSURANCE RATE MAP OF SEMINOLE COUNTY, FLORIDA, COMMUNITY #120294 PANEL #0030. DATE OF FIRM 4/17/95.

UTILITIES TO THE SITE WILL BE PROVIDED BY:

WATER: SEMINOLE COUNTY UTILITIES
SEWER: SEMINOLE COUNTY UTILITIES
ELECTRIC: PROGRESS ENERGY
SOLID WASTE: TO BE DETERMINED
TELEPHONE: UNITED TELEPHONE

COMMERCIAL LOT TABLE

LOT #	AREA (AC)
1	0.91
2	1.74
3	1.00
4	1.60
5	0.80
6	1.21



DATE	REVISIONS	REVISED BY	CHECKED BY	DATE	REVISIONS	REVISED BY	CHECKED BY
01/25/2005	REVISED LOT LAYOUT AND WILDLIFE CORRIDOR	KCQ	DSA				
01/26/2005	REVISED LAYOUT, ADDED WILDLIFE CORRIDOR	KCQ	DSA				
10/21/2005	REVISED POND LOCATION AND LOT LAYOUT	KCQ	DSA				
5/17/2005	SEMINOLE COUNTY REVIEW COMMENTS	DSA	DSA				

DRMP
ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS

1505 East Colonial Drive - Orlando, Florida 32803
Certificate of Authorization No. 2648

FINAL MASTER PLAN
S.R. 46 PUD
HATTAWAY INVESTMENT CORPORATION
SEMINOLE COUNTY, FLORIDA

PROJECT NO. 04-0014.001
DATE: JUNE, 2005
SCALE: 1" = 100'
SHEET 3 OF 5

David S. Arns, P.E.
P.E. No. 97803

**SR 46 / Lake Forest Boulevard Townhouses
FINAL MASTER PLAN
DEVELOPERS' COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On March 14, 2006, the Board of County Commissioners of Seminole County, Florida issued this Developers Commitment Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION

See attached Exhibit A (the Property).

(The aforementioned legal description has been provided to Seminole County by the Owner of the Property.)

The Final PUD Master Plan, a reduced copy of which is attached hereto as Exhibit B (the Final Master Plan) has been approved by the Board of County Commissioners of Seminole County concurrently with the approval of this Developer's Commitment Agreement.

2. PROPERTY OWNERS

The Property owner is: Robert Hattaway, Trustee

3. STATEMENT OF BASIC FACTS

- | | | |
|----|---------------------------------|---|
| 1. | Total Acreage: | 42.55 acres |
| 2. | Zoning: | PUD |
| 3. | Number of Lots: | 6 - commercial
284 – residential units |
| 4. | Maximum Density for Residential | 10 lots per net buildable acre |

4. **LAND USE BREAKDOWN**

<u>Use</u>	<u>Approximate Square Footage of Building Area</u>	<u>Gross Area of Space</u>	<u>% of Site</u>
Residential Area			
Residential Lot Area	284 units	15.88 acres	37.3%
Stormwater Management Area (Pond)	N/A	9.70 acres	22.8%
Common Areas – Community Landscape Areas, Pool, Clubhouse	N/A	3.11 acres	7.3%
Residential Buffers		0 acres	
Subtotal Residential		28.69 acres	
Residential right-of-way		3.62 acres	8.5%
Wetland/Floodplain		3.04 acres	7.2%
Total Residential Area		35.35 acres	
Commercial Area			
Commercial Lot Area	6 lots	6.68 acres	15.7%
Commercial right-of-way	N/A	0.52 acres	1.2%
Total Commercial Area		7.20 acres	
Total Site Area		42.55 acres	100.0%

5. **OPEN SPACE CALCULATIONS**

Open Space shall be provided at minimum of 8.83 acres for the residential area and 1.8 acres for the commercial area. The total site minimum open space is 10.64 acres at 25%. Open space (as listed below) is achieved through active recreation, passive recreation, amenitized stormwater management area and upland conservation areas per Development Order 05-20500006.

	<u>Residential</u>	<u>Commercial</u>	<u>Total</u>
Total Area:	35.35 acres	7.20 acres	42.55 acres
Open Space required:	8.83 acres	1.8 acres	10.63 acres
Open Space provided:	12.81 acres	1.8 acres	14.67 acres
(Percent)	(36.2%)	(25%)	(34.3%)

6. BUILDING SETBACKS

Minimum Building Setbacks:

Residential:

Front - 20'

Rear - 20'

Side - 10'

Commercial

50' ^{1.}

25' ^{2.}

0'

Accessory Buildings less than 200 sq. ft.

Side – N/A

Rear – N/A

Swimming Pools

Side – N/A

Rear – N/A

Screen Enclosures

Side - N/A

Rear – 10'

1. From road right-of-way per the State Road 46 Scenic Corridor Overlay District
2. Buffer shall comply with Active/Passive Buffer at Final Engineering

7. PERMITTED USES

Residential:

Multi-Family Residential Townhouses and customary accessory uses including home occupations.

Commercial:

C-1 permitted uses excluding convenience stores and self-serve laundry

8. LANDSCAPE & BUFFER CRITERIA

Site buffers

- a. North – 50 feet undisturbed
- b. West – 35 feet undisturbed
- c. East – 25 feet undisturbed
- d. South – as required by the SR 46 corridor
- e. A buffer including 6-foot fence along the east and south side of the conservation buffer adjacent to single-family Lake Forest residential lots along the north side of the project.

9. DEVELOPMENT COMMITMENTS

The following conditions shall apply to the development of the Property:

1. The fence on the south edge of the northern buffer shall be decorative and open in nature as shown in the attached rendering.
2. The western project entrance shall be a controlled access at the southern boundary of the residential portion of the project for emergency and pedestrian access only.
3. Provide a cross access easement across the northern portion of the commercial lots to allow the townhome residents to access the commercial lots.
4. Commercial lots site standards:
 - a. Maximum floor area ratio (FAR) - 0.35
 - b. Minimum open space - 25%
 - c. Front setback - 50 feet from road right-of-way per the State Road 46 Scenic Corridor Overlay District
 - d. Active buffer - 50 feet
 - e. Maximum building height two story not to exceed 35 feet
5. Permitted uses in the residential lot shall be limited to two (2) story residential townhomes including one (1), two (2) and three (3) bedrooms.
6. Residential lot site standards:
 - a. Maximum density 10 dwelling units per net buildable acre not to exceed 286 dwelling units
 - b. Minimum common usable open space - 25%
 - c. Maximum building height two story not to exceed 35 feet
 - d. Minimum lot size – 20 feet by 95 feet
 - e. Minimum unit size 1,400 sq. ft.
 - f. Minimum internal roadway pavement width – 24 feet
 - g. Garage parking spaces shall have minimum dimensions of 10' x 20.'
 - h. Garages shall not be converted to living space
7. Retention ponds designed as an amenity shall be in accordance with Section 30.1344 of the Land Development Code
8. Interior drives and parking areas within the townhouse tract will be owned and maintained by a Homeowners Association.
9. Each townhouse unit shall have a minimum of one car garage.
10. Required parking within the residential lot boundary shall be a minimum of 2.33 parking spaces per dwelling unit
11. The following conditions are a result of the October 11, 2005 St. John's River Water Management District meeting:
 - a. Preserve a minimum of the north 50 feet and the west 35 feet of the subject parcel as a conservation easement in accordance with FL Statutes Section 704.06, deeded to St. John's River Water Management District
 - b. Locate a retention pond, as shown on the preliminary master plan, abutting the conservation areas to the north and west. The minimum north/south dimension of the pond on the west side shall be 350 feet from the northwest corner of the

parcel. The pond shall extend in an east/west direction from the northwest corner of the parcel to a minimum of 50 feet past the west boundary of the Lake Forest Conservation Area C. The pond width shall be minimum of 100 feet at top of bank as measured from the south and east sides. Setback from the pond to buildings or outbuildings shall be a minimum of 20 feet. This shall provide a minimum total setback of 235 feet from the Lake Forest property line across the pond to the buildings.

- c. For any potential overflow or runoff from the retention pond into Lake Forest Community's storm water drainage system, creating a "spreader swale" on the northeast corner inside the development may be a course of action at the developer's discretion. This condition is subject to technical review by the St. John's River Water Management District and Seminole County staff.
- d. The surface drainage system shall provide full conveyance of the stormwater drainage that flows through the culverts under Lake Forest Boulevard to and from Basin 130. Flow from Basin 130 shall be conveyed to the wetlands in Basin 110 on the east side of the subject parcel. Flow through the culverts into Basin 130 shall be no higher than existing flow rates. The design shall be based on the existing culvert capacity. Basin identification is per the Revised Drainage Calculations dated June 13, 2005 submitted by DRMP for St. John's River Water Management District permit application 4-117-96019-1.
- e. Prior to Final Engineering and permits, all parties will discuss best methodology to handle stormwater drainage into the easements.
- f. The applicant will continue to work with the Lake Forest Homeowners Association through the balance of the development process.

10. PUBLIC FACILITIES

The Owners have received the Notice of Concurrency Review Test Results, Application Number 05-05500025, dated 9/30/05, evidencing that all Concurrency Review Requirements as provided by Chapter 10, Seminole County Land Development Code, have been satisfied. Among the conditions relating to concurrency public facilities are the following:

WATER:

Water service shall be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer shall be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection Standards.

STORM DRAINAGE:

Storm water drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and the St. Johns River Water Management Districts ERP regulations.

FIRE PROTECTION:

Fire protection shall be provided by Seminole County. Fire hydrant shall be located according to Seminole County regulations.

11. STANDARD COMMITMENTS

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinance, in effect in Seminole County at the time of permit issuance.
2. The conditions upon which the Developer's Commitment Agreement and related commitments are made are accepted by and agreed to by the Owner of the Property.
3. This Agreement touches and concerns the Property, and the conditions, commitments and provisions of the Agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner of the property has expressly covenanted and agreed to this provision and all other terms and provisions of the Agreement.
4. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.
5. 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.
6. The Owner of the Property has expressly agreed to be bound by and subject to the development conditions and commitments stated above and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the Property.
7. If any conflict between a term or provision of the Developer's Commitment Agreement and the Final Master Plan exists, the term or provision of the Developer's Commitment Agreement shall remain valid and the conflicting term of the Final Master Plan shall be null and void.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

BY: _____

**CARLTON D. HENLEY
CHAIRMAN**

DATE: _____

**Exhibit "A" Legal Description of Property
Exhibit "B" Reduced Copy of Final Master Plan**

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, _____, on behalf of themselves and their heirs, successors, assigns and transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Agreement.

WITNESSES:

Print Name: _____

NAME
dated

Print Name: _____

By: _____
Robert Hattaway, Trustee

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 _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

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

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

THE PROPERTY

LEGAL DESCRIPTION

Project Legal Description:

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida AND;

The Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida, lying North of State Road No. 46. Less the West 320.00 feet thereof.

The whole containing 42.55 acres, more or less

EXHIBIT A

FINAL MASTER PLAN

FILE # Z2005-038

DEVELOPMENT ORDER #5-20500006

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On October 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: ROBERT T. HATTAWAY, TRUSTEE

Project Name: SR46/LAKE FOREST PUD

Requested Development Approval: Rezone from A-1 to PUD

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: TONY WALTER
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06043 PGS 0359-0364
FILE NUM 2005217334
RECORDED 12/16/2005 11:17:38 AM
RECORDING FEES 52.50
RECORDED BY G Harford

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Carolyn Cole*
DEPUTY CLERK

RETURN TO SANDY McCANN

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:

1. Permitted uses in the commercial lots shall be limited to the provisions of the C-1 districts except that the following uses shall be prohibited:
 - a. Convenience markets
 - b. Self-service laundries
2. A buffer including 6-foot fence along the east and south side of the conservation buffers along the west and north side of the project respectively.
3. The fence shall be decorative and open in nature and may include vinyl, metal, wood or brick and a rendering shall be included with the Final Master Plan approval.
4. The western project entrance shall be a controlled access at the southern boundary of the residential portion of the project for emergency and pedestrian access only.
5. Provide a cross access easement across the northern portion of the commercial lots to allow the townhome residents to access the commercial lots.
6. Commercial lots site standards:
 - a. Maximum floor area ratio (FAR) - 0.35
 - b. Minimum open space - 25%
 - c. Front setback - 50 feet from road right-of-way per the State Road 46 Scenic Corridor Overlay District
 - d. Rear setback - 25 feet
 - e. Side setback - 0 feet
 - f. Active buffer - 50 feet
 - g. Maximum building height two story not to exceed 35 feet
7. Permitted uses in the residential lot shall be limited to two (2) story residential townhomes including one (1), two (2) and three (3) bedrooms.
8. Residential lot site standards:
 - a. Maximum density 10 dwelling units per net buildable acre not to exceed 286 dwelling units
 - b. Minimum common usable open space - 25%
 - c. Front building setback – 20 feet from the back of the sidewalk
 - d. Rear building setback – 20 feet

- e. Side building setback – 10 feet
 - f. Maximum building height two story not to exceed 35 feet
 - g. Minimum lot size – 20 feet by 95 feet
 - h. Minimum unit size 1,400 square feet
 - i. Minimum internal roadway pavement width – 24 feet
 - j. Garage parking spaces shall have minimum dimensions of 10' x 20.'
 - k. Garages shall not be converted to living space
9. Site buffers
- a. North – 50 feet undisturbed
 - b. West – 35 feet undisturbed
 - c. East – 25 feet undisturbed
 - d. South – as required by the SR 46 corridor
10. Retention ponds designed as an amenity shall be in accordance with Section 30.1344 of the Land Development Code
11. Interior drives and parking areas within the townhouse tract will be owned and maintained by a Homeowners Association.
12. Each townhouse unit shall have a minimum of one car garage.
13. Required parking with-in the residential lot boundary shall be 2.33 parking spaces per dwelling unit
14. The following conditions are a result of the October 11, 2005 St. John's River Water Management District meeting:
- a. Preserve a minimum of the north 50 feet and the west 35 feet of the subject parcel in accordance with Florida Statute 704.06 as a conservation easement deeded to St. John's River Water Management District
 - b. Locate a retention pond, as shown of the preliminary master plan, abutting the conservation areas to the north and west. The minimum north/south dimension of the pond on the west side shall be 500 feet from the northwest corner of the parcel. From this point there will be a tapering extension ending at the minimum distance to the south parallel with the existing culverts under Lake Forest Boulevard. The pond shall extend in an east/west direction from the northwest corner of the parcel to a minimum of 50 feet past the west boundary of the Lake Forest Conservation Area C. The pond width shall be minimum of 100 feet at top of bank as measured from the south and east sides. Setback from the pond to buildings or outbuildings shall be a minimum of 20 feet. This shall provide a minimum total setback of 235 feet from the Lake Forest property line across the pond to the buildings.
 - c. For any potential overflow or runoff from the retention pond into Lake Forest Community's storm water drainage system, create a "spreader swale" on the northeast corner inside the development. This condition is subject to technical review by the St. John's River Water Management District and Seminole County staff.
 - d. The surface drainage system shall provide full conveyance of the stormwater drainage that flows through the culverts under Lake Forest Boulevard to and from Basin 130. Flow from Basin 130 shall be conveyed to the wetlands in Basin 110 on the east side of the subject parcel. Flow through the culverts into Basin 130 shall be no higher than existing flow rates. The design shall be based on the existing culvert capacity. Basin identification is per the Revised Drainage Calculations dated June 13, 2005 submitted by DRMP for St. John's River Water Management District permit application 4-117-96019-1.

- e. Prior to Final Engineering and permits, all parties will discuss best methodology to handle stormwater drainage into the easements.
- f. The applicant with continue to work with the Lake Forest Homeowners Association through the balance of the development process.

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

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

Done and Ordered on the date first written above.

By:

Carlton D. Henley

 Carlton D. Henley
 Chairman
 Board of County Commissioners



OWNER'S CONSENT AND COVENANT

COMES NOW, ROBERT T. HATTAWAY, on behalf of herself and her successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Patricia A. Zerr
Witness

PATRICIA A. ZERR
Print Name
Pamela M. Grubbs
Witness

Robert T. Hattaway, Trustee
Robert T. Hattaway, Trustee

Pamela M. Grubbs
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 Robert T. Hattaway, 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 9th day of Dec., 2005.

Patricia A. Zerr
Notary Public, in and for the County and State Aforementioned

My Commission Expires:



EXHIBIT A

Project Legal Description:

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida AND;

The Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida, lying North of State Road No. 46. Less the West 320.00 feet thereof.

The whole containing 42.55 acres, more or less

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

OCTOBER 25, 2005

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held at 9:30 a.m., on Tuesday, October 25, 2005, in the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

Present:

Chairman Carlton Henley (District 4)
Vice Chairman Brenda Carey (District 5)
Commissioner Bob Dallari (District 1)
Commissioner Randy Morris (District 2)
Commissioner Dick Van Der Weide (District 3) (Late)
County Manager Kevin Grace
County Attorney Robert McMillan
Deputy Clerk Sandy McCann

REZONE/Robert Hattaway

Proof of publication, as shown on page _____, calling for a public hearing to consider request to Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on a 42.55 acre tract, located on the north side of SR 46, across from International Parkway, Robert Hattaway, received and filed.

Tony Walter stated the proposed development includes up to 286 townhouses at a maximum density of 10.0 dwelling units per net buildable acre, 6 commercial tracts adjacent to SR 46 with equivalent C-2 commercial zoning, and a maximum floor area ratio of 0.35. He stated there have been some changes to the plan and he has submitted a revised development order (received and filed). The proposed zoning is compatible with the Future Land Use Designation of HIP-TI. The property is adjacent to existing single-family to the north and the proposed townhouse use will serve as a transition between single family uses, pharmacy, bank and other proposed commercial uses fronting on SR 46. The P&Z Commission recommended approval of the site plan that was presented to them. Staff recommends approval of the request subject to the conditions in the development order.

Hugh Harling, representing the developer, submitted a Preliminary Master Plan and stated he has had several meetings with the Lake Forest Homeowner's Association. He said they have come to closure on many issues regarding this particular development. He stated the original site plan called for a retention pond in the center of this particular development with units to be completely around it. There was no conservation easement to the north and

what they have done is come up with a minimum distance from the property line to the closest building being 170 ft. A pipe system runs under the entrance of Lake Forest Blvd. and there are some drainage problems associated with that pipe system. He said he has agreed to provide an equivalent hydraulic connection that would flow under Lake Forest Blvd. and discharge into the wetlands. That will keep the wetlands hydrated. He added he will provide connectivity from that wetland to the wetland to the northeast side and to the east. He stated they now have a 35 ft. conservation easement and a 50 ft. conservation will come all the way across the property. He said he came back with a site plan and he submitted a letter to the homeowner's association with additional conditions. He referred to Item 13 in the development order and stated there will be a preservation to the north 50 ft. and west 35 ft. There has been discussion relating no minimum distance across the retention, a potential overflow from the Lake Forest community storm drain, the service water system having a spreader swale, and going with a pipe system of some sort for stormwater. He stated they have agreed to the ultimate outfall system being reviewed by staff and the St. Johns River Water Management District. There have been discussions having the Lake Forest

Homeowner's Association involved in the process and they would like to have a hydrologist of their choosing to review what his firm is doing so that there is a unanimous agreement on the drainage outfall methodology. He said they have agreed to two additional items that would not be included, one is a self-service laundry and the other is a convenience store.

Commissioner Carey stated self-service laundry and convenience stores are not permitted under C-1 zoning.

Mr. Harling stated he will have to check with his client to make sure that he has agreed to that. He stated he has met the County code requirements for setbacks and active/passive buffers. The homeowner's association is requesting that a fence or wall be part of the western and northern boundary. From a security standpoint, there are two types of fencing, one would be dark green PVC and the other would be a chain-link green fence. The PVC fence would provide screening. That determination of how to handle that issue has not been resolved at this time. The homeowner's association prefers a masonry wall with a vine to cover it. The minimum square footage on the units will be 1400 sq. ft. The end units would have a two-car garage and the interior units would have a single car garage. The intent of the roof line would have a very high-end product.

He stated the selling price of the townhomes would be in the low \$300,000 and up.

Dr. Ira Swartzberg, 5336 Lake Bluff Terrace, addressed the Board to display a FEMA map. He stated he doesn't deny Mr. Hattaway's rights to develop his property. He said almost the entire Hattaway property lies within the 100-year flood plain. He reviewed the location of the property on the map. He asked the Board to review the application versus the requirements of Appendix B of the Seminole County Land Development Code standards. He read the surface management standards regarding to development within flood prone areas. He said the Code indicates that developments that contain flood prone lands shall not cause an impact on existing flooding characteristics. Flood plains shall be maintained hydrologically in their natural state and protected with a conservation easement. Since Mr. Hattaway's property is almost entirely within a flood plain, he asked how can this section of the Land Development Code be ignored. Lake Forest has retained the service of a hydrologist to review the Hattaway proposals and as a result of his findings, there are significant omissions in the permit application. That application does not provide reasonable assurances that the proposed activities would not cause adverse flooding to the off-site

property. Mr. Hattaway's plan provides a 50 ft. northern natural buffer and a 35 ft. western buffer between his property and Lake Forest. This does not appear to provide appropriate compatibility. He stated he believes that construction of high density multi-unit townhomes adjacent to Lake Forest will have an adverse effect on property values.

Steve Devine, 689 Treeline Place, addressed the Board to request the County Engineering Department look at the entire sub-basin and fully evaluate the entire area to make sure that the existing conservation areas, the water quality, and wildlife are protected. He stated he found out that Seminole County has done a study of Lake Monroe basin; and to ensure that his community does not flood, he would like a more detailed drainage study of the sub-basin be done. He submitted and reviewed documents (received and filed) containing the following Comprehensive Plan requirements; maps; aerial photos; Lake Forest Master Plan; letter from their hydrologist, John Loper; Land Development Code standards; Vision 2020 Drainage Element; Seminole County Watershed Atlas; a letter from the National Marine Fisheries Service; and a report from a biologist.

Mr. McMillan left the meeting at this time.

Mr. Grace left the meeting at this time.

Bob Manuel, 5336 Fawn Woods Ct., addressed the Board to display a site plan and to review the compatibility issue. He stated he believes that construction of high-density multi-unit townhomes adjacent to Lake Forest will have a negative effect on their property values as well as the traffic at their entrance. Two-story townhomes close to the proximity appear to be out of character with the large single-family homes they have in Lake Forest. The Pulte subdivision provides for far greater separation between their multi-family homes and the single-family dwellings of Lake Forest. The other issue he would like staff to look at is the proposed two entrances proposed onto SR 46. This is a proposed right-in and right-out and Lake Forest has only one entrance. There is 732 residents living in Lake Forest, this one entrance could not handle the additional traffic from the proposed project and it is going to make it unbearable.

Fred Bates, 4963 Maple Glen Place, addressed the Board to state the homeowner's association has been working with Mr. Hattaway and Mr. Harling for the last several weeks trying to resolve some of the issues. They did not oppose the conceptual permit because of the agreement that was reached at the St. Johns River Water Management District hearing. He stated they agreed they would not oppose the

rezoning today if they could reach those agreements. The homeowner's association put together a five-part letter (not received and filed) and the final version was submitted to the Planning Department. The homeowner's association agreed with those conditions with the exception of Item #3 as there is still some discussions on it. The association believes the way to handle the stormwater is for it to discharge into the spreader swale system. The association does not want a direct pipe system.

Mr. Grace reentered the meeting at this time.

Mr. Bates stated he feels that the technical review by the County and the SJRWMD is a good idea. He pointed out the association had agreed on a single pond and he has been told that the dimension will be 300 ft. from the back of the property line instead of 170 ft. He also stated the dimension of the pond from the northwest corner was to be 300 ft., running parallel with the culverts running across Lake Forest Blvd. He stated he has heard 500 ft. and 505 ft. and he would like those clarified. He added he has agreed to the technical review as well as the methodology would be discussed further before final engineering and permits are issued. He said he feels the County needs to take a hard look at what's happening to permitting these kinds of situations.

Bob Ward, 5258 Forest Edge Ct., addressed the Board to state the applicant is proposing to put 286 dwelling units in a basin of a flood plain and at some point common sense has to be invoked. Common sense will tell you that the next time they have a hurricane, 286 residents will come before the Board demanding that they fix their flooding problem. He stated Mr. Hattaway has a right to use his property, but he doesn't have a right to cause downstream problems for the other residents.

Gloria Ward, 5258 Forest Edge Ct., addressed the Board to state she has been a resident of Seminole County since 1966 and she has lived in developing areas before. She stated Mr. Hattaway has a right to use his property, but she feels that the quality of life that has been established has to be addressed by this Board. She said to come with a high density proposal for dwelling units and C-2 commercial in an area that has pretty nice homes is an insult.

Chairman Henley stated he has two Written Comment Forms from Steven Forbes and Debra Mischke.

Mr. McMillan reentered the meeting at this time.

Mr. Harling responded to the quality of life and high density issues that Ms. Ward referred to. He stated he will commit to reducing the zoning from C-2 to C-1. The

density is 25% less than what the developer of Lake Forest talked about. He said he is proposing to provide compensating storage so they will control the flood prone area. He stated he agrees with Mr. Ward relative to the methodology of what water will come from SR 46. If all development is held accountable as to the discharge capacity of a design storm that the County and SJRWMD have in their regulations, then the water quantity and water quality will be protected. He added he is in agreement with the 500 ft. distance for the buffer extending down to the pipes under Lake Forest. If they have the setback from the edge of the pavement, then the actual setback would be approximately 235 to 240 ft. from the north property line to the units. Therefore, with the existing setback and the existing lake system conditions, he can commit to a 235 ft. setback. He stated Dyer Riddle Mills and Precourt have done the outfall system so that the spreader swale will work. He said he will continue to work with the County, SJRWMD, and the homeowner's association to determine if there is a better system. Both entrances coming into the townhouse development will be gated, but the second entrance will be a controlled gated entrance for emergency vehicles as well as pedestrian traffic. The residents using their vehicles would come out to the light at

International Parkway and SR 46. There will be a cross access easement across the northern portion of the commercial property so that people living in this development can get to any of the commercial properties without coming out onto SR 46. He stated several years ago the SJRWMD and the County went to a wildlife corridor master wetlands system on a connectivity basis. NTS was one of the first developments that did that.

Commissioner Carey stated it was her understanding from staff's discussions that the wall was going to be along the north edge of the development and not on the north property line.

Mr. Walter stated he believes it was to be on the north property line. There was discussion of putting it on the north edge of the development.

Commissioner Carey suggested making that a 6 ft. precast wall system rather than a masonry wall.

Mr. Harling stated even though you don't have to footer in that, you would have to bring in a very heavy piece of wall system and it will be slotted in place with a heavy piece of equipment. In order to get the equipment and materials to accomplish that, the existing trees and vegetation will be destroyed. He would recommend that if a visual barrier is needed, they would put a dark green PVC

plastic pipe system in and it can be carried in by hand. If it is a matter of security, then a green chain-link fence can be brought in the same way. He stated he would propose moving forward with the dark green PVC plastic wall system that will provide additional screening. They have agreed with the SJRWMD that any of those areas that are slightly barren of any tree cover will be enhanced with additional landscaping.

Upon inquiry by Commissioner Carey, Mr. Walter advised the 6 ft. masonry wall is a requirement of the Code and it could be waived.

Upon further inquiry by Commissioner Carey, Mr. Bates advised not only did the homeowner's association like the masonry wall on the north side, there were discussion relative to having a wall on the west side to create privacy on their side. The association indicated that they would continue the dialogue on that hopefully before final permits are issued. He understood that the masonry wall would be built on this side of the conservation area.

Mr. Walter informed Commissioner Carey that the Board can require a 6 ft. vinyl fence with decorative columns.

Commissioner Morris stated he feels that a bobcat can move in 6 ft. segments very easily. The destruction area is going to be 2 to 3 feet anyway.

Upon inquiry by Commissioner Carey, Mr. Harling advised the precast panels would weigh approximately 2.5 tons, therefore, a bobcat couldn't get them in there. He stated he would prefer a PVC system and he doesn't have a problem bringing it down both the west and north sides. He said he would propose using the 50 ft. conservation easement and meander the fence in there so they can save the maximum amount of trees and also on the conservation area on the western side of the property.

Mr. Harling informed Commissioner Carey he feels it would be appropriate if they could meander the fence on the south side and have the ability to jog five to ten feet to the north where there are no trees within the conservation easement.

Commissioner Carey stated the developer needs to jog the fence toward their side so they can protect the conservation easement.

Mr. Harling stated they could jog the fence a maximum of 10 ft. away from the conservation easement.

Bob Hattaway, owner, stated he has been trying to keep a fence up on his property for the last eight years. He stated at one time he had over 40 cows on his property and the residents in Lake Forest would call him to tell him that his cattle would be on their property because trees

have fallen down on the fence. He said he can put a plastic or vinyl fence on the property, but the trees would still fall down.

No one else spoke in support or in opposition.

Speaker and Written Request Forms were received and filed.

Motion by Commissioner Carey, seconded by Commissioner Morris to adopt Ordinance #2005-48, as shown on page _____, approving rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development) of a 42.55 acre tract, located on the north side of SR 46, across from International Parkway, Robert Hattaway, per the staff report, preliminary master plan, and approval of the revised Development Order, as shown on page _____, with the following changes: zoning for the commercial lots to be C-1 prohibiting use of a convenience store and self-service laundry; the fence to be vinyl, slatted, 6 ft. in height with columns to tie into the architecture of the building and to be placed on the south and east side of the conservation easements; correction to change minimum unit size to be 1400 sq. ft.; changing "the minimum north/south dimension of the pond on the west side shall be 500 ft. instead of 350 ft. from the northwest corner of the parcel"; and changing the total minimum setback of 235 ft.

instead of 170 ft. She stated, relative to the technical review, she feels that with the homeowner's association and engineers working on this that they will come up with something good. She added that the second entrance between Lake Forest and International Parkway, would be gated controlled with emergency access only into the residential section from the commercial section with pedestrian access; and there will be a cross access easement on the north edge of the commercial parcel so that the residents can go in and out on the north side of the parcel without going out on SR 46.

Districts 1, 2, 4 and 5 voted AYE.

Commissioner Van Der Weide voted NAY.

Commissioner Van Der Weide stated the reason he is opposed to the request is the developer had to give up aesthetics of placing the fence on the south and east part of the property. He stated he feels that is over kill.

Commissioner Morris asked if the District Commissioner would allow giving a flexibility of the applicant to build in some aesthetics versus a required slotted fence.

Commissioner Carey stated the fence could be vinyl or rod iron and she will include in the motion the interpretation of the fence is flexible.

Chairman Henley recessed the meeting at 4:55 p.m., reconvening at 5:05 p.m., with Commissioner Van Der Weide entering late.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 2, 2005**

Members present: Rob Wolf, Matt Brown, Ben Tucker, Walt Eismann, and Jason Brodeur

Members absent: Dudley Bates, and Beth Hattaway

Also present: Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Brian Nelson, Principal Coordinator; Denny Gibbs, Senior Planner; Cynthia Sweet, Planner; Tony Matthews, Principal Planner; Tom Radzai, Senior Engineer, Development Review; and Candace Lindlaw-Hudson, Senior Staff Assistant.

D. SR 46 / LAKE FOREST PSP; Robert Hattaway, applicant; approximately 42.55 acres; Preliminary Subdivision Plan approval; 284 fee simple townhome lots and mixed use commercial; located on the north side of SR 46 at the intersection of International Parkway.

Commissioner Carey – District 5
Cynthia Sweet, Planner

Ms. Sweet stated that staff had received an extensive e-mail concerning the PSP from the Lake Forest Homeowners Association.

Commissioner Brodeur noted that this is a different layout from the one approved by this commission.

Dan Matthys stated that the 11X17 diagram is the one that was approved. What had happened is the St. Johns River Water Management and meetings with homeowners caused changes to be made to the plan. That revised plan went to the BCC and was approved. The comments made in an 8 page note from the Lake Forest Homeowners Association will be addressed at the time of final engineering. Staff has made note of them and they will be addressed.

Commissioner Eismann made a motion to recommend approval of the plan, with conditions noted in the staff report.

Commissioner Wolf seconded the motion.

The motion passed unanimously (5 – 0).

SR 46 / LAKE FOREST BLVD.
FINAL MASTER PLAN

