

The applicant proposes a 74-unit townhouse development on an 8.1-acre site on Palm Valley Drive, at a maximum density of 11.6 units per net buildable acre. The subject property is a PUD currently approved for C-2 and OP uses. The proposed development requires both a major PUD amendment and a small scale land use amendment since the proposed land use is not allowed under the current Planned Development (PD).

The proposed change in land use is not reflected in the County's projected water use calculations submitted to the St. Johns River Water Management District (SJRWMD). Therefore, a mitigation plan is necessary to prevent the additional demand generated by the project from increasing net water use within the County's southeast service area. The applicant has met with Environmental Services and has agreed to a plan meeting the requirements of that Department. This mitigation plan shall be incorporated into the utility agreements required by the Environmental Services Department.

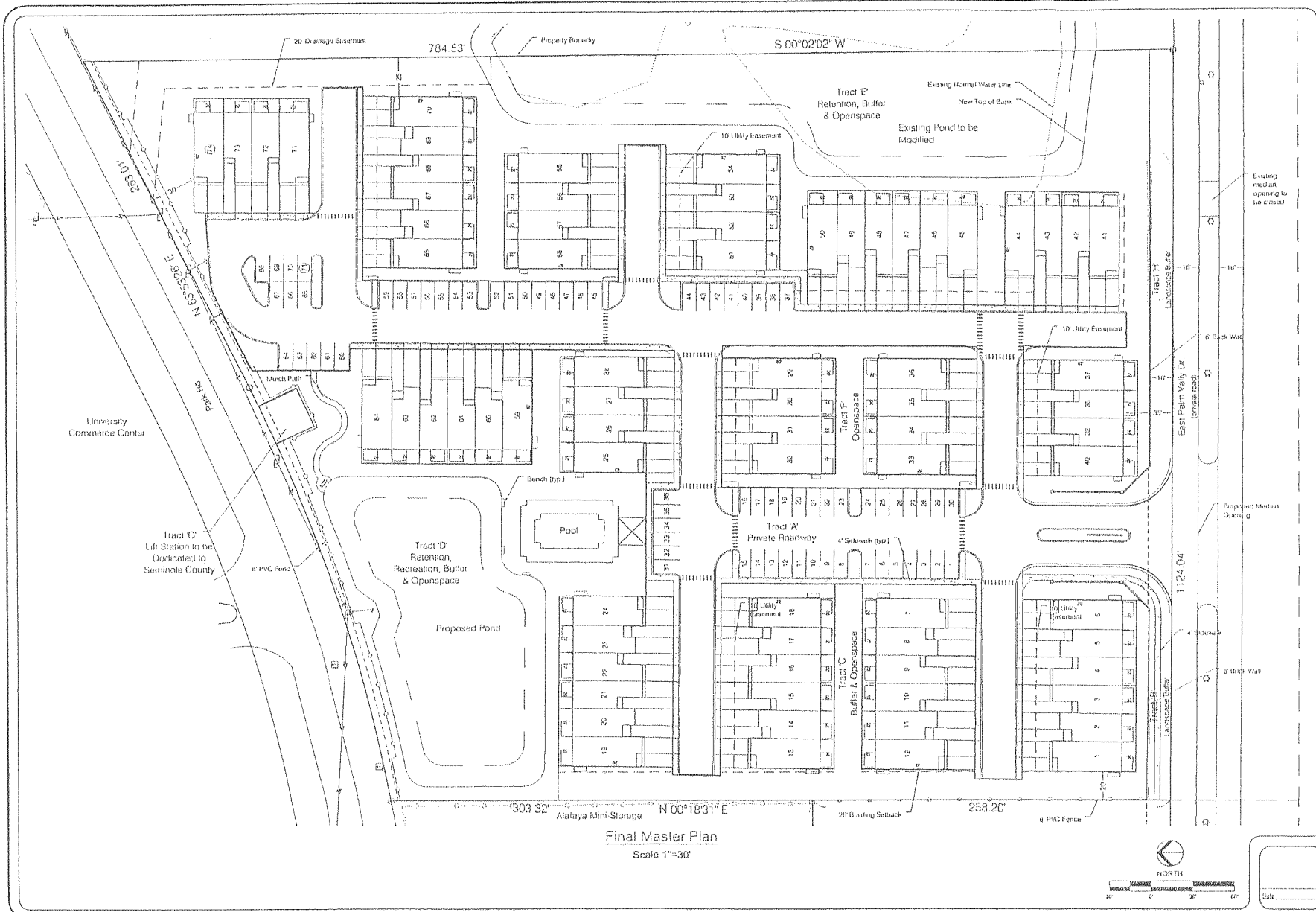
STAFF RECOMMENDATION:

Staff recommends APPROVAL per the attached staff report and Developer's Commitment Agreement.

PLANNING & ZONING COMMISSION RECOMMENDATIONS:

On November 3, 2004 the Planning & Zoning Commission voted 6-0 to recommend APPROVAL of the request subject to the added requirement that the project entrance connect to Park Drive if permission to access Palm Valley Drive cannot be obtained from the owner(s) of that private road.

F:\Projects\Walden Chase\2004\20040814\11-11-04\11-11-04.dwg (11/11/04) 11:28:31 AM



Final Master Plan
 Scale 1"=30'

NORTH
 HURTH
 0 20 40 60
 METERS FEET METERS FEET METERS FEET

Date: _____

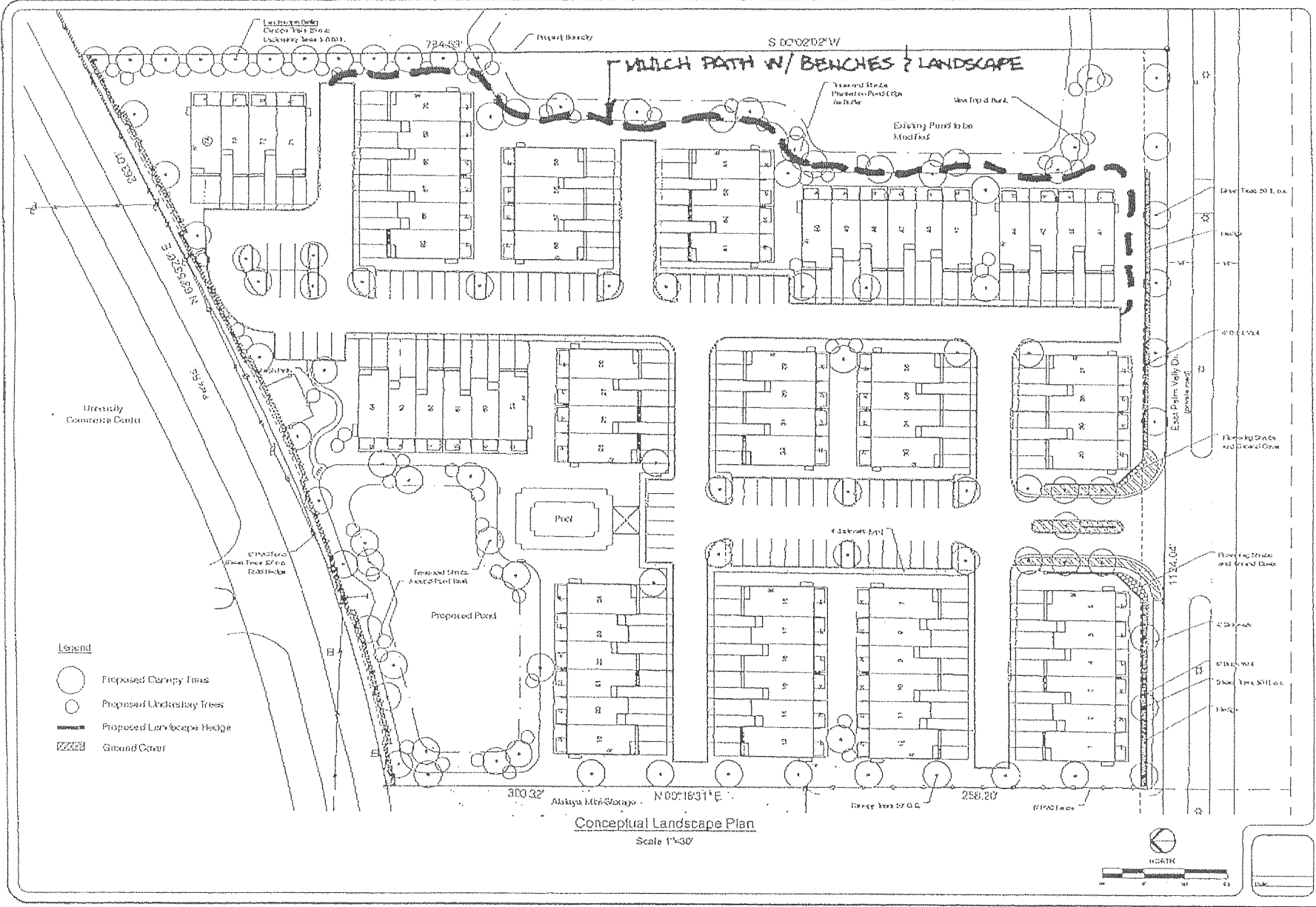


Final Master Plan
 Final Master Plan
 Walden Chase
 Seminole County, Florida

| NO. | DATE | DESCRIPTION |
|-----|----------|---------------------------|
| 1 | 11/11/04 | Approved for Construction |
| 2 | 11/11/04 | Approved for Construction |

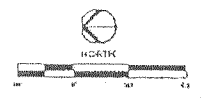
day design group inc.
 day design group inc.
 111 N. Peninsula Ave., Suite 100
 Tallahassee, Florida 32301
 Tel: 904.833.1111 Fax: 904.833.1112
 www.daydesign.com

OCT 11 2004



- Legend**
- Proposed Canopy Trees
 - Proposed Understory Trees
 - Proposed Landscape Hedge
 - Ground Cover

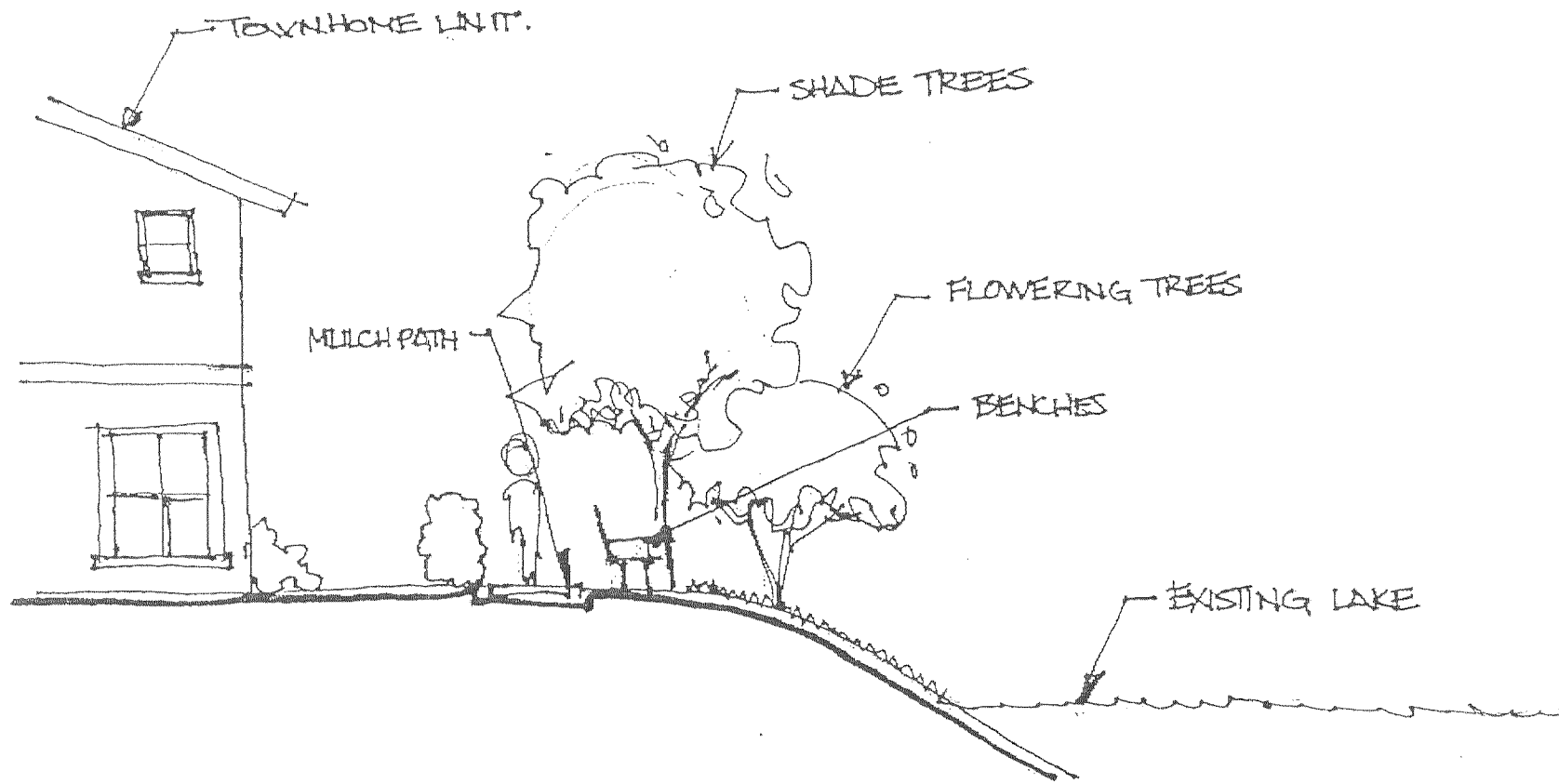
Conceptual Landscape Plan
Scale 1"=30'



Conceptual Landscape Plan
Warden Chase
Burlington, Ontario, Canada

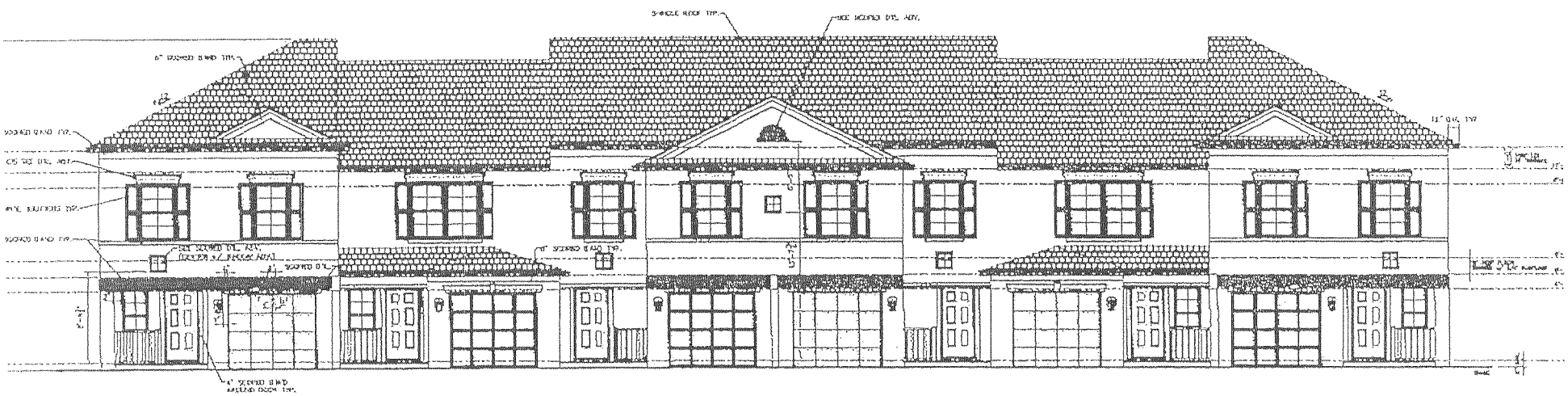
daily design group inc.
1000 Highway 7, Unit 10, Richmond Hill, Ontario L4B 1N2
Tel: (905) 709-2200 Fax: (905) 709-2201 www.dailydesign.com

| | |
|----------|--------------------|
| DATE | DESCRIPTION |
| 11/15/11 | PRELIMINARY LAYOUT |
| 02/12/12 | REVISED LAYOUT |
| 05/15/12 | REVISED LAYOUT |
| 08/15/12 | REVISED LAYOUT |
| 11/15/12 | REVISED LAYOUT |
| 02/15/13 | REVISED LAYOUT |
| 05/15/13 | REVISED LAYOUT |
| 08/15/13 | REVISED LAYOUT |
| 11/15/13 | REVISED LAYOUT |
| 02/15/14 | REVISED LAYOUT |
| 05/15/14 | REVISED LAYOUT |
| 08/15/14 | REVISED LAYOUT |
| 11/15/14 | REVISED LAYOUT |
| 02/15/15 | REVISED LAYOUT |
| 05/15/15 | REVISED LAYOUT |
| 08/15/15 | REVISED LAYOUT |
| 11/15/15 | REVISED LAYOUT |
| 02/15/16 | REVISED LAYOUT |
| 05/15/16 | REVISED LAYOUT |
| 08/15/16 | REVISED LAYOUT |
| 11/15/16 | REVISED LAYOUT |
| 02/15/17 | REVISED LAYOUT |
| 05/15/17 | REVISED LAYOUT |
| 08/15/17 | REVISED LAYOUT |
| 11/15/17 | REVISED LAYOUT |
| 02/15/18 | REVISED LAYOUT |
| 05/15/18 | REVISED LAYOUT |
| 08/15/18 | REVISED LAYOUT |
| 11/15/18 | REVISED LAYOUT |
| 02/15/19 | REVISED LAYOUT |
| 05/15/19 | REVISED LAYOUT |
| 08/15/19 | REVISED LAYOUT |
| 11/15/19 | REVISED LAYOUT |
| 02/15/20 | REVISED LAYOUT |
| 05/15/20 | REVISED LAYOUT |
| 08/15/20 | REVISED LAYOUT |
| 11/15/20 | REVISED LAYOUT |
| 02/15/21 | REVISED LAYOUT |
| 05/15/21 | REVISED LAYOUT |
| 08/15/21 | REVISED LAYOUT |
| 11/15/21 | REVISED LAYOUT |
| 02/15/22 | REVISED LAYOUT |
| 05/15/22 | REVISED LAYOUT |
| 08/15/22 | REVISED LAYOUT |
| 11/15/22 | REVISED LAYOUT |
| 02/15/23 | REVISED LAYOUT |
| 05/15/23 | REVISED LAYOUT |
| 08/15/23 | REVISED LAYOUT |
| 11/15/23 | REVISED LAYOUT |
| 02/15/24 | REVISED LAYOUT |
| 05/15/24 | REVISED LAYOUT |
| 08/15/24 | REVISED LAYOUT |
| 11/15/24 | REVISED LAYOUT |
| 02/15/25 | REVISED LAYOUT |
| 05/15/25 | REVISED LAYOUT |
| 08/15/25 | REVISED LAYOUT |
| 11/15/25 | REVISED LAYOUT |
| 02/15/26 | REVISED LAYOUT |
| 05/15/26 | REVISED LAYOUT |
| 08/15/26 | REVISED LAYOUT |
| 11/15/26 | REVISED LAYOUT |
| 02/15/27 | REVISED LAYOUT |
| 05/15/27 | REVISED LAYOUT |
| 08/15/27 | REVISED LAYOUT |
| 11/15/27 | REVISED LAYOUT |
| 02/15/28 | REVISED LAYOUT |
| 05/15/28 | REVISED LAYOUT |
| 08/15/28 | REVISED LAYOUT |
| 11/15/28 | REVISED LAYOUT |
| 02/15/29 | REVISED LAYOUT |
| 05/15/29 | REVISED LAYOUT |
| 08/15/29 | REVISED LAYOUT |
| 11/15/29 | REVISED LAYOUT |
| 02/15/30 | REVISED LAYOUT |
| 05/15/30 | REVISED LAYOUT |
| 08/15/30 | REVISED LAYOUT |
| 11/15/30 | REVISED LAYOUT |



TYPICAL LAKE/PARK SECTION

WALDEN CHASE PLD.
SEMINOLE CO.
11/2/04 JOB NO. 2421
DALY DESIGN GROUP.



1 - TYPICAL ELEVATION
 1/4" = 1'-0"

WALDEN CHASE PLD.
 TYPICAL ELEVATION

Walden Chase

Small Scale Land Use Amendment

Staff Report

| | | |
|--|---|---|
| Planned Development (PD) to Planned Development (PD) | | Amendment (Z2004-048, 9- 04SS.02) |
| REQUEST | | |
| APPLICANT | Thomas Daly | |
| PLAN AMENDMENT | Planned Development to Planned Development | |
| REZONING | Major PUD Amendment | |
| APPROXIMATE GROSS ACRES | 8.1 | |
| LOCATION | North side of Palm Valley Dr., 600' east of Alafaya Trail | |
| BCC DISTRICT | 1, Dallari | |
| RECOMMENDATIONS AND ACTIONS | | |
| STAFF RECOMMENDATION March 8, 2005 | Staff recommends APPROVAL per the attached staff report and Developer's Commitment Agreement. | |
| PLANNING & ZONING COMMISSION November 3, 2004 | On November 3, 2004 the Planning & Zoning Commission voted 6-0 to recommend APPROVAL of the request subject to the added requirement that the project entrance connect to Park Drive if permission to access Palm Valley Drive cannot be obtained from the owner(s) of that private road. | |

STAFF ANALYSIS

Planned Development (PD) to Planned Development (PD)

Amendment
(Z2004-048,
9-04SS.02)

1. **Property Owner:** Fradkin Brothers Realty Co. LLC
2. **Tax Parcel Number:** 34-21-31-503-0000-022A
3. **Development Trends:** The subject property is surrounded by Industrial future land use to the north and west, and Medium and High Density Residential to the east and south. The proposed density of 11.6 units per net buildable acre is slightly higher than the allowable density in MDR to the east (developed as a mobile home park). The proposed project is consistent with permitted densities of HDR future land use to the south, although this property is developed as a single-family subdivision. Adjacent properties to the north and west are developed as heavy commercial uses.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Planned Development, currently assigned to the subject property, permits general commercial and office uses.

| | | | | | |
|------------------|--|--------------------|--|------------------|---|
| <u>NW</u> | IND Warehouse <i>M-1A</i> | <u>N</u> | IND Warehouse <i>M-1A</i> | <u>NE</u> | LDR SF residential <i>R-1A</i> |
| <u>W</u> | IND mini-warehouse / vacant <i>M-1A / C-1</i> | <u>Site</u> | PD Vacant <i>PUD</i> | <u>E</u> | MDR Mobile Home park <i>RM-2</i> |
| <u>SW</u> | HDR Subdivision retention area <i>R-1BB</i> | <u>S</u> | HDR SF residential <i>R-1BB</i> | <u>SE</u> | MDR Mobile Home park <i>RM-2</i> |

***Bold** text depicts future land use designation and *italicized* text depicts zoning district. 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 and adopted Design Element (Transportation Policy 2.1).*

Access to the subject property is via Palm Valley Drive, a privately owned local road. The nearest arterial is SR 434, approximately 600' west of the site. The most recent available Level of Service (LOS) information on this portion of SR 434 indicated a rating of "D" (This is based on 2002 traffic data. Traffic count information from 2004 is not yet available.). SR 434 was recently widened to 6 lanes, significantly increasing its capacity. The adopted LOS standard is "D."

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 not located within the Seminole County utility service area as established by the Vision 2020 Plan. It was recently removed from the Palm Valley service area, and the applicant is now asking the County to serve the site. Seminole County is able to provide utility service to the proposed development, subject to an approved water use mitigation plan for the Southeast service area. Projected water use of the proposed development is 8,100 gallons/day additional to the amount potentially generated by the currently permitted commercial and office uses. The applicant has reached an agreement with the Environmental Services Department on appropriate responses to this issue. Mitigation of the additional impact will be incorporated into the Utility Agreement(s) for the development.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.2.1).*

The property is served by the Seminole County EMS/Fire Station #65. 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 for 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 preliminary analysis of public facilities indicates there is adequate capacity to serve the proposed project, or that such facilities could be made available, and that the proposed Plan amendment would not create any adverse impacts to public facilities.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall continue to 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 1.1.2 and 1.1.3).*

The site contains less than 5% wetlands or flood prone areas, and is permitted to be developed per the policies and 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 3.3.13).*

A threatened and endangered species report is 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 a preliminary evaluation, the proposed amendment to the PD land use is potentially compatible with the Industrial land use designation on adjoining properties to the north and west. Compatibility can be achieved through sensitive site design features such as setbacks, buffers, and fences or walls to screen the proposed residential use from more intensive industrial and commercial uses. The amendment also represents an appropriate transition of land use intensity between the Industrial properties to the north and west, and the less intense residential uses to the east and south of the subject property.

Transitional Land Uses (Policy FLU 2.2.5): *The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses and in managing 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.*

The proposed development would be in a Planned Development (PD) land use designation, with a net density of 11-12 units per acre. As such, the project density is consistent with the lower range of densities allowable in the High Density Residential (HDR) future land use designation. Exhibit FLU: Appropriate Transitional Land Uses indicates that HDR is an appropriate transitional use adjacent to MDR and HDR to the east and south. Also, HDR can be compatible with the adjacent light industrial uses to the north and west. This can be achieved with

appropriate design features such as buffer areas and walls to minimize any adverse impacts.

Other applicable plan policies include:

FLU 2.2.1 Subdivision Standards.

FLU 2.2.11 Determination of Compatibility in the PUD and PCD Zoning Classification

FLU 5.5.5: Water and Sewer Service Expansion

PD Future Land Use Definition

B. Concurrency Review - Application to New Development: *For the purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facility level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element. (Capital Improvements Policy 3.3.2).*

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 County approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

STAFF RECOMMENDATION:

Staff recommends APPROVAL subject to the following recommendations:

1. Prior to finalizing the required utility agreements, the applicant shall provide a plan, to the satisfaction of the Environmental Services Director, for mitigating the additional projected potable water use generated by the development.
2. Buffers along the north and west property lines shall contain 4 canopy trees per 100 linear feet, having a minimum caliper of 3" as measured 1 foot above ground. Additionally, the applicant shall install a 6-foot PVC fence along the entire north and west property boundaries.
3. Sales materials on the proposed development shall clearly indicate the presence of industrial and commercial land uses to the north and west.
4. Building setbacks from the perimeter of the site shall be as follows:

| | |
|-------|-----|
| North | 25' |
| South | 35' |
| East | 25' |
| West | 20' |
5. Permitted uses shall be single family homes, townhouses, home occupations, home offices, and appropriate accessory uses.

6. Minimum required setbacks on individual lots shall be:

| | |
|-------|-----|
| Front | 22' |
| Rear | 10' |
| Side | 0' |
7. In the event that sidewalks are installed in easements on privately owned lots, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk.
8. No accessory buildings shall be permitted on platted townhouse lots.
9. 5' sidewalks shall be provided adjacent to all dwelling units, and crosswalks shall be designated to establish continuous pedestrian access to all parts of the development. This shall include a crosswalk to visitor parking at the north end of the site, and a sidewalk at the head of any such spaces that abut unpaved areas.
10. Balconies and similar appurtenances shall be prohibited on units having rear walls within 50 feet of the east property line.
11. Front walls of the units shall be staggered.
12. The project entrance shall be on Park Drive if the applicant cannot obtain permission to access Palm Valley Drive from the owner(s) of that private road.

PLANNING & ZONING COMMISSION RECOMMENDATIONS:

On November 3, 2004 the Planning & Zoning Commission voted 6-0 to recommend APPROVAL of the request subject to the added requirement that the project entrance connect to Park Drive if permission to access from Palm Valley Drive cannot be obtained from the owner(s) of that private road.

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 PLANNED DEVELOPMENT 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 November 3, 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 March 8, 2005, 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 "Walden Chase 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.

ORDINANCE 2005-

SEMINOLE COUNTY, FLORIDA

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

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

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

| | |
|---|--|
| <u>Amendment Number</u> 09-04SS02 | <u>Amendment</u> Amendment from Planned Development to Planned Development |
|---|--|

- (b) The associated rezoning request was completed by means of Ordinance Number 2005-____.

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 2005-

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 #4-22000005 in the Official Land Records of Seminole County.

ENACTED this 8th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley,
Chairman

EXHIBIT A

A parcel of land comprising a portion of Lot 23, ORLANDO INDUSTRIAL PARK, according to the Plat thereof as recorded in Plat Book 10, Page 100 of the Public Records of Seminole County, Florida.

Being more particularly described as follows:

Begin at the Northwest corner of aforesaid Lot 23; also being a point on the Southerly right-of-way line of Park Road, also being a point on a non tangent curve concave Northwesterly and having a radius of 1156.78 feet; thence from a tangent bearing of North 79°30'39" East run Northeasterly along the Northerly line of said Lot 23, also being said Southerly right-of-way line, also being said curve through a central angle of 15°37'13" for an arc distance of 315.37 feet to a point of tangency; thence continuing along said Northerly line and said Southerly right-of-way line run North 63°53'26" East for a distance of 263.01 feet to a point on a line 125.00 feet West of and parallel with the Easterly line of said Lot 23; thence departing said Northerly line and said Southerly right-of-way line run South 00°02'02" West along said parallel line for a distance of 784.53 feet to a point on the Northerly right-of-way line of an unnamed private roadway; thence departing said parallel line run North 89°05'16" West along said Northerly right-of-way line for a distance of 537.29 feet to a point on the Westerly line of aforesaid Lot 23; thence departing said Northerly right-of-way line thence run North 00°18'31" East along said Westerly line for a distance of 561.53 feet to aforesaid POINT OF BEGINNING.

Contains 8.096 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 PUD (PLANNED UNIT DEVELOPMENT) DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; 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 "Walden Chase 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 PUD (Planned Unit Development) to PUD (Planned Unit Development):

Legal Description Attached as Exhibit A

Section 3. 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 4. 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 #4-22000005 in the official land records of Seminole County.

ENACTED this 8th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

FILE # Z2004-048

EXHIBIT "A"

A parcel of land comprising a portion of Lot 23, ORLANDO INDUSTRIAL PARK, according to the Plat thereof as recorded in Plat Book 10, Page 100 of the Public Records of Seminole County, Florida.

Being more particularly described as follows:

Begin at the Northwest corner of aforesaid Lot 23; also being a point on the Southerly right-of-way line of Park Road, also being a point on a non tangent curve concave Northwesterly and having a radius of 1156.78 feet; thence from a tangent bearing of North 79°30'39" East run Northeasterly along the Northerly line of said Lot 23, also being said Southerly right-of-way line, also being said curve through a central angle of 15°37'13" for an arc distance of 315.37 feet to a point of tangency; thence continuing along said Northerly line and said Southerly right-of-way line run North 63°53'26" East for a distance of 263.01 feet to a point on a line 125.00 feet West of and parallel with the Easterly line of said Lot 23; thence departing said Northerly line and said Southerly right-of-way line run South 00°02'02" West along said parallel line for a distance of 784.53 feet to a point on the Northerly right-of-way line of an unnamed private roadway; thence departing said parallel line run North 89°05'16" West along said Northerly right-of-way line for a distance of 537.29 feet to a point on the Westerly line of aforesaid Lot 23; thence departing said Northerly right-of-way line thence run North 00°18'31" East along said Westerly line for a distance of 561.53 feet to aforesaid POINT OF BEGINNING.

Contains 8.096 acres more or less.

**WALDEN CHASE TOWNHOMES PUD
DEVELOPER'S COMMITMENT AGREEMENT**

On March 8, 2005 the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1. **LEGAL DESCRIPTION:**

See Exhibit A

2. **PROPERTY OWNER**

Fradkin Brothers Realty Co. LLC
9199 Reisterstown Road
Owings Mills MD 21117

3. **STATEMENT OF BASIC FACTS**

- A. Total Area: 8.09 Acres
- B. Zoning: Planned Unit Development
- C. Net Density 11.6 units/acre
- D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- E. 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.

4. **LAND USE BREAKDOWN**

| <i>LAND USE</i> | <i>AREA (acres)</i> | <i>% OF SITE</i> |
|-------------------------------------|---------------------|------------------|
| Residential Lots | 2.89 | 35.7 |
| Utility & access R/W | 1.71 | 21.1 |
| Buffer, Drainage & Open Space tract | 3.49 | 43.2 |
| TOTAL AREA | 8.09 | 100.00 |

5. **OPEN SPACE AND RECREATION AREAS**

Required Open Space: 25% = 8.01 acres x 0.25 = 2.02 acres
Open Space Provided: 3.47 Acres

6. **BUILDING SETBACKS**

Building setbacks from the perimeter of the site shall be as follows:

| | |
|-------|-----|
| North | 25' |
| South | 35' |
| East | 25' |
| West | 20' |

Minimum required setbacks on individual lots shall be:

| | |
|-------|-----|
| Front | 22' |
| Rear | 10' |
| Side | 0' |

In the event that sidewalks are installed in easements on privately owned lots, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk.

7. **PERMITTED USES**

- attached single family dwelling units
- single family homes
- home occupations
- home offices

8. **LANDSCAPE & BUFFER CRITERIA**

Buffers along the north and west property lines shall contain:

- A. 4 canopy trees per 100 linear feet, having a minimum caliper of 3" as measured 1 foot above ground, and
- B. a 6-foot PVC fence

All landscape buffers and common areas shall be maintained by a homeowners association.

9. **DEVELOPMENT COMMITMENTS**

- A. All townhouse units will be located on individual platted lots.
- B. The development will not be designed or marketed as student housing.
- C. Balconies and similar appurtenances shall be prohibited on units having rear walls within 50 feet of the east property line.
- D. Use of common areas shall be limited to open space, recreational amenities, and utility facilities serving all residents of the development.
- E. Front walls of townhouse units shall be staggered.
- F. No accessory buildings shall be allowed on individual townhouse lots.
- G. Sidewalks shall be provided adjacent to all dwelling units, and crosswalks shall be designated to establish continuous pedestrian access to all parts of the development. This shall include a crosswalk to visitor parking at the north end of the site, and a sidewalk at the head of any such spaces that abut unpaved areas.
- H. Sales materials on the proposed development shall clearly indicate the presence of industrial and commercial land uses to the north and west.

- I. The project entrance shall be on Park Drive if the applicant cannot obtain permission for access from Palm Valley Drive from the owner(s) of that private road.
- J. Building height shall be limited to 35 feet. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- K. Existing trees that are preserved during construction may satisfy applicable landscaping requirements where they are located in buffer areas.

10. **WATER, SEWER AND STORMWATER**

WATER: Prior to finalizing the required utility agreements, the applicant shall provide a plan, to the satisfaction of the Seminole County Environmental Services Director, for mitigating the additional projected potable water use generated by the development.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County.

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

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

11. **PHASING**

The development will be constructed in 1 phase.

12. **STANDARD COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. The developer's commitment agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the developer's commitment agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or by part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the developer's commitment agreement.

- D. The terms and provisions of the developer's commitment agreement are not severable, and in the event any portion of this developer's commitment agreement shall be found to be invalid or illegal, then the entire developer's commitment agreement shall be null and void.

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

By: _____
Carlton D. Henley
Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Fradkin Brothers Realty Company LLC, on behalf of 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 Developer's Commitment Agreement.

Witness

Print Name

By: _____
MARK FRADKIN
Officer

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 MARK FRADKIN, 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 _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Legal Description

A parcel of land comprising a portion of Lot 23, ORLANDO INDUSTRIAL PARK, according to the Plat thereof as recorded in Plat Book 10, Page 100 of the Public Records of Seminole County, Florida.

Being more particularly described as follows:

Begin at the Northwest corner of aforesaid Lot 23; also being a point on the Southerly right-of-way line of Park Road, also being a point on a non tangent curve concave Northwesterly and having a radius of 1156.78 feet; thence from a tangent bearing of North 79°30'39" East run Northeasterly along the Northerly line of said Lot 23, also being said Southerly right-of-way line, also being said curve through a central angle of 15°37'13" for an arc distance of 315.37 feet to a point of tangency; thence continuing along said Northerly line and said Southerly right-of-way line run North 63°53'26" East for a distance of 263.01 feet to a point on a line 125.00 feet West of and parallel with the Easterly line of said Lot 23; thence departing said Northerly line and said Southerly right-of-way line run South 00°02'02" West along said parallel line for a distance of 784.53 feet to a point on the Northerly right-of-way line of an unnamed private roadway; thence departing said parallel line run North 89°05'16" West along said Northerly right-of-way line for a distance of 537.29 feet to a point on the Westerly line of aforesaid Lot 23; thence departing said Northerly right-of-way line thence run North 00°18'31" East along said Westerly line for a distance of 561.53 feet to aforesaid POINT OF BEGINNING.

Contains 8.096 acres more or less.

EXHIBIT B

Final Master Plan

B. Walden Chase; Thomas Daly / Daly Design Group, applicant; approximately 8.09 acres; Small Scale Land Use Amendment from PD to PD; and Major PUD Amendment, located on the north side of Palm Valley Drive, 600 feet east of Alafaya Trail. (Z2004-048 and 09-04SS.02)

Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Mr. Hopper said that this is a proposal for a 74-unit townhouse development at a maximum density of 11.6 units per net buildable acre. The site is currently approved for C-2 and OP uses. Access to the development will be from Palm Valley Drive, with no connection to Park Drive on the north. Amenities include a swimming pool and walking paths, and there will be extensive landscaping on the east adjacent to Palm Valley PUD.

Our staff report recommended continuance due to some unresolved issues, but the applicant has provided additional information that addresses our concerns. The existing lake on the east side of the property will be amenitized with sodding, landscaping, and benches to make the area into a recreational amenity so that it can count toward required usable common open space. In addition, a typical architectural elevation has been provided for review.

Staff recommends approval of the request, subject to the conditions listed in the staff report, including the following:

- Adjacent to commercial and industrial property along the north and west property lines, the developer will provide 4 canopy trees per 100 feet and a 6-foot PVC fence
- Sales materials will clearly indicate the proximity of these commercial and industrial uses
- Building setbacks will be a minimum of 20 feet from sidewalks
- Sidewalks will be provided adjacent to all units, on both sides of the road.

Thomas Daly of Daly Design Group spoke next, giving background on the property. He said that the property began in 1989 as part of Palm Valley. It was changed from RM-2 to PCD. In 1994 it changed from PCD to PUD. Now it has office and C-2 zoning uses. Mr. Fradkin rezoned adjacent parcels to C-1. Now it can be C-2 uses and office, multi-family with medium to high density use. This with R-3 zoning is more to apartment standards. During the pre-application conference we decided to amend the planned development to eliminate commercial uses. The second page of the Sheriff's Department comments involve apartments. We have here a fee simple town home project. In August we met with Sandy Sara, the local property manager for Palm Valley. She had no objection.

Annabelle Clausen of Palm Valley Drive stated that she was concerned with the rezoning of Parcel 23. There have been changes in the Board of Palm Valley since August. There should be a one story limitation, as agreed upon in the past documents on this property. Mr. Fradkin had a Lot 23 agreement with Palm Valley residents. There is a stipulation for a wall between the retirement community and Walden Chase.

Ms. Claussen noted that on December 4 of 1996 access to Lot 22 is provided with Lot 23. Fox Run and East Point have only right turns to get out. The access easement was to allow Lot 22 to get out of the area to Palm Valley. There was an agreement to develop sidewalk 4 feet wide to go to Publix on Palm Valley. There was a traffic study done. The egress road was originally on the south. This plan has 71 parking spaces for 74 homes.

Ms. Claussen pointed to the retention pond. She said that she had a pretty community, and that this was a leach pond with half the use coming from Palm Valley and shared use with Walden Chase. She wants to know where the wall will be put to separate the mobile home park from Walden Chase. After the construction starts, gates will go in on Park Road. We would prefer one-story town homes, as agreed on in 1994. This has not been rescinded anywhere.

Commissioner Harris stated that the issue in 1996 was the ingress and egress. There was a concern for no signalization. Ms. Claussen's community did not want additional traffic. Now that the traffic signal is there, isn't the argument mute?

Ms. Claussen said that her neighborhood was having a problem with outside subdivision traffic cutting through the Palm Valley community.

Commissioner Harris said that there are restrictions in place to reduce the traffic on Palm Valley. People are only making a right out of their subdivision and driving to the light. The subdivision to the north passes through your neighborhood to access Alafaya Trail.

Ms. Claussen stated that her community could not put in a gate because they do not own the property. The past agreement says that gates go in when construction starts.

Mr. Daly stated that this is a private agreement. Palm Valley is a private road not built to County standards. As for the access question, Mr. Fradkin in the rezoning gave cross access agreement to Lot 22. We must have a formal agreement for access and maintenance. Allow us to get the agreement. He is unaware of any agreement to put in a road giving access to Palm Valley Drive. He is opposed to any cut-through traffic. There is \$25,000. in escrow right now for the installation of a gate.

Mr. Daly said that the plan has 71 guest parking spaces, which is 2 per unit. The community pool will be 25 feet by 50 feet and will have restrooms as required by the state. There will be a home owner association. Units will be 3 bedroom, 2 bath. It is not an over 55 community. It will be fee simple ownership for sale product. A playground may go in when the developer takes over.

Mr. Daly said that a landscape berm will be constructed on the east side. The north pond will be dug out and made attractive. This is not being used for storm water. A PVC fence will be installed on the north with landscaping.

Commissioner Harris asked Mr. Daly if he would object to putting in more trees on the side near the mobile home park.

Mr. Daly said that he would agree to put in extra trees if necessary.

Mr. Daly stated that he would be dealing with the Lamplighter Association, the Palm Valley Association, and Mr. Fradkin.

Commissioner Hattaway pointed out the former agreement stating that there was to be no 2 story development.

Mr. Daly stated that that language pertained to the commercial development that was going on Mr. Fradkin's property. He would like to amend the PUD as requested, and work out an agreement with interested parties.

Commissioner Tucker asked about units 54, 55, and 70. Do they have side windows?

Mr. Daly said that they may have small windows.

Commissioner Tucker asked if there were patios and balconies on units 71 to 75.

Mr. Daly said that there would be no second story balconies. He would not object to making the end windows opaque.

Commissioner Tucker said that he had no objection to the project conditions as restated by Mr. Daly. He was not sure how germane the traffic issue was to tonight's request.

Commissioner Harris stated that the 1996 issue pertained to the area not having a traffic light. Now there is a light, and many of the past concerns are not relevant. This will reduce traffic that would have been from other uses.

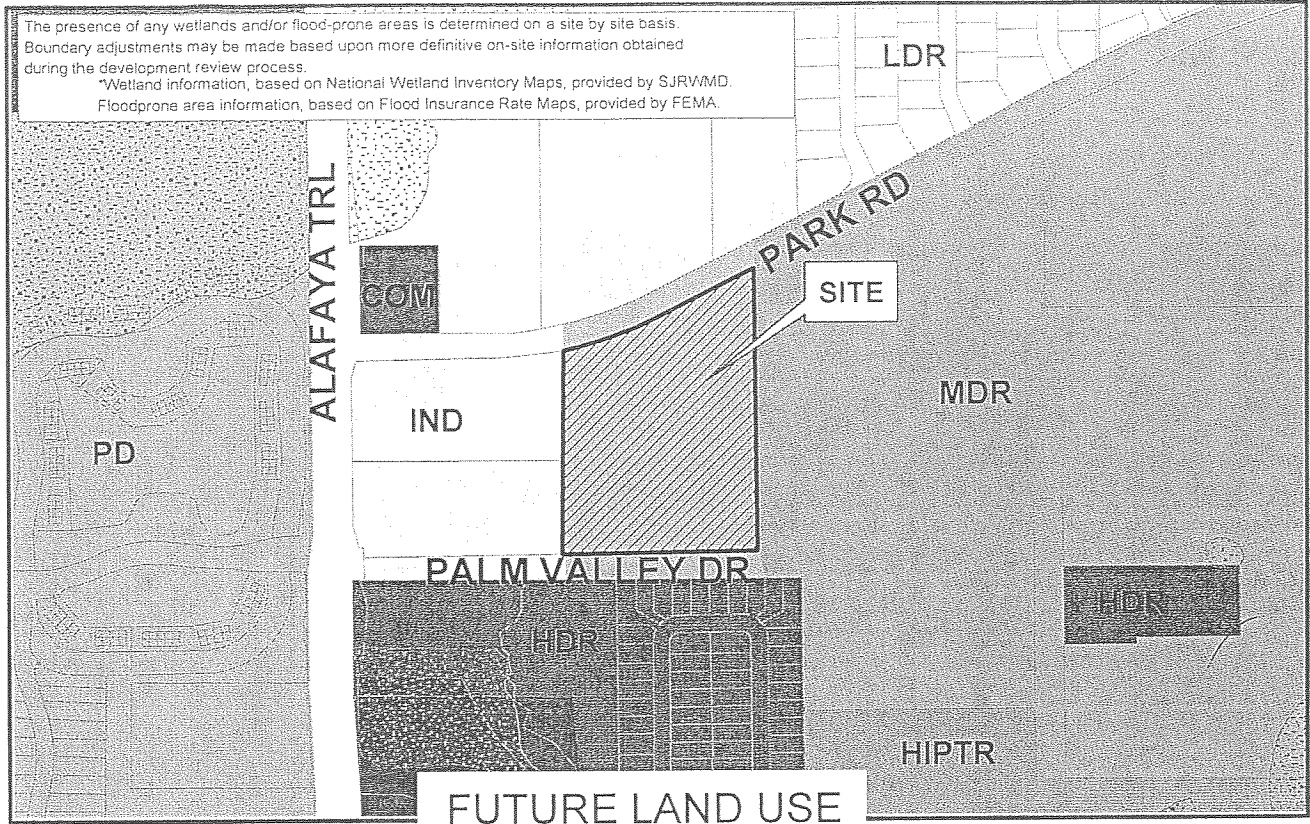
Mr. Daly stated that if he cannot work out an access agreement, he will put it in the agreement that he would access Park Drive.

Commissioner Dorworth made a motion to recommend approval of the request with the notation that if an access agreement is not worked out, access will be to Park Drive.

Commissioner Peltz seconded the motion.

The vote was 6 – 0 in favor of the motion.

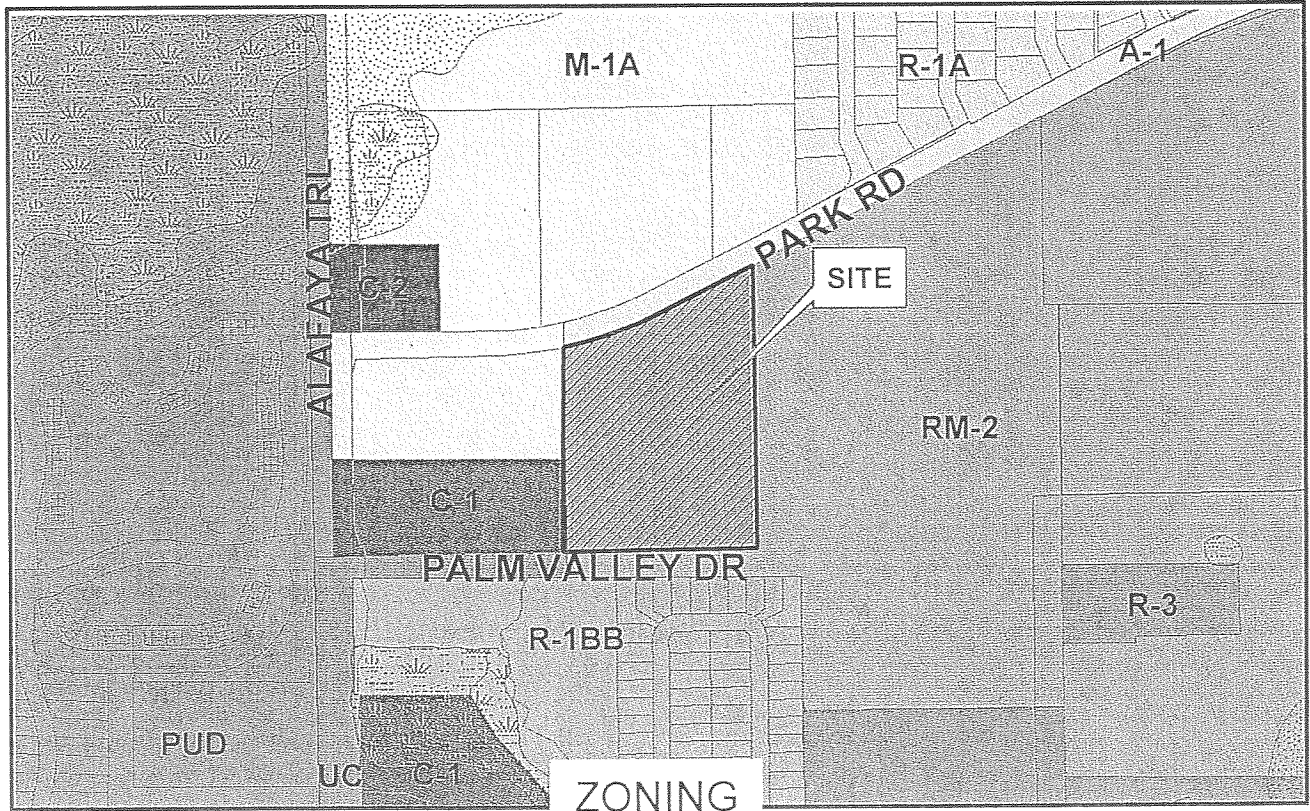
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 LDR
 MDR
 HDR
 PD
 COM
 IND
 HIPTR
 CONS

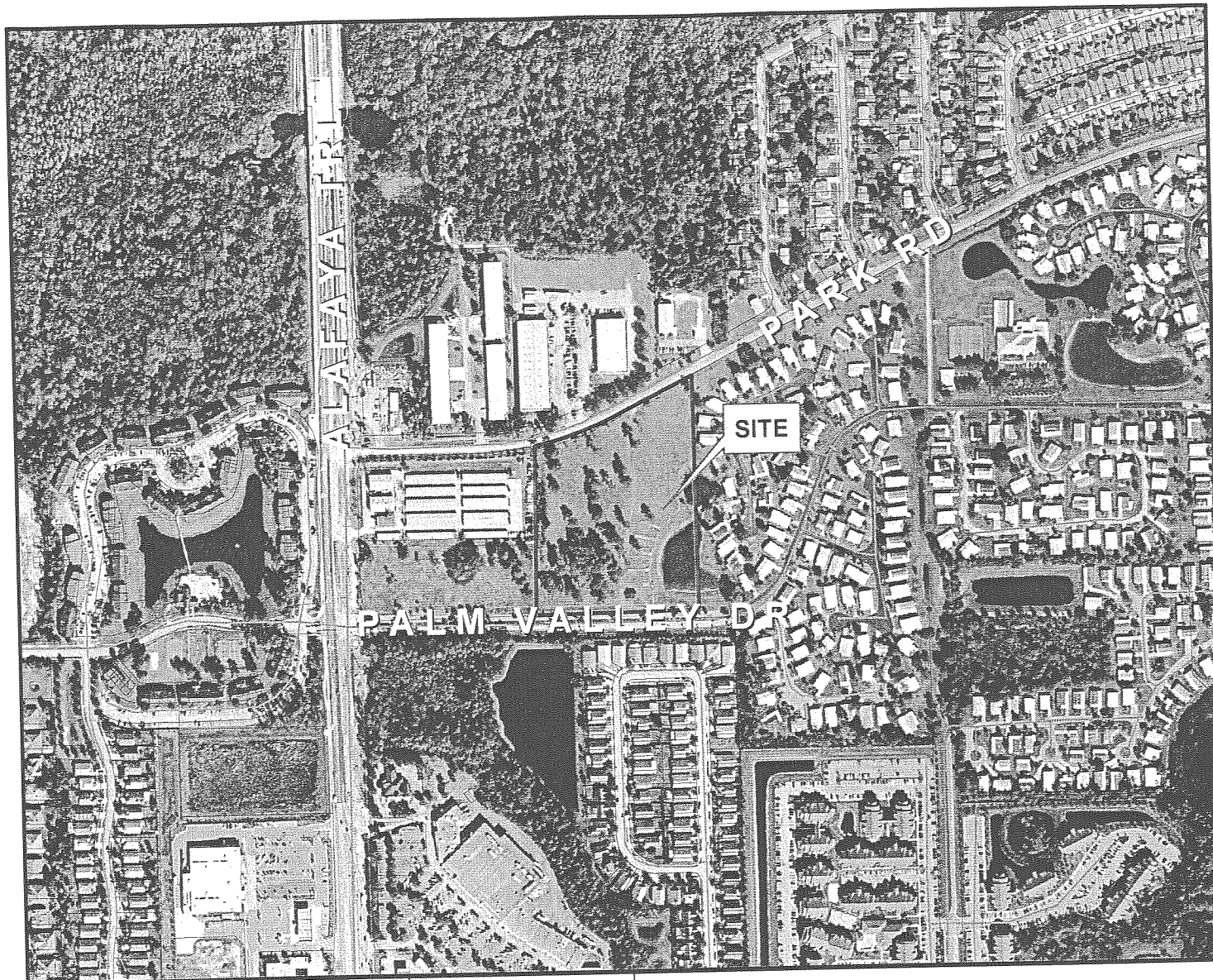
Applicant: Thomas Daly, Daly Design Group Inc.
 Physical STR: part of 34-21-31-503-0000-022A
 Gross Acres: +/- 8.09 BCC District: 1
 Existing Use: Vacant
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|-----|
| FLU | 09-04SS.02 | PD | PD |
| Zoning | Z2004-048 | PCD | PUD |





Site
 R-1A
 R-3
 RM-2
 C-1
 C-2
 M-1A
 PUD
 A-1
 UC

R-1BB
 FP-1
 W-1



Amendment No: 09-04SS.02
 From: PD To: PD
 Rezone No: Z2004-048
 From: PCD To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials

