

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: New Orleans Townhomes: Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) (Max Sabetti, applicant)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date 3/08/05 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Enact an ordinances to ADOPT the request for a rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) and to ADOPT a Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential) on approximately 9.43 acres, located on the northwest corner of Orange Boulevard and Missouri Avenue, and approve the attached Preliminary Master Plan subject to the attached development order, and authorize the Chairman to execute the aforementioned documents (Max Sabetti, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential) and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on approximately 9.43 acres, located on the northwest corner of Orange Boulevard and Missouri Avenue, and deny the attached Preliminary Master Plan (Max Sabetti, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner Carey

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Max Sabetti, proposes a 53 unit residential development on an approximately 9.43-acre site located on the northwest corner of Orange Boulevard and Missouri Avenue. The request is for a townhome development at a maximum density of 10 units per net buildable acre. The proposal includes a rezone from A-1 to PUD and a Small

Reviewed by: KR
Co Atty: _____
DFS: _____
OTHER: MW
DCM: SS
CM: KG
File No. ph700pdp01

Scale Land Use Amendment from Suburban Estates to Medium Density Residential.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, subject to the conditions contained in the attached development order.

LPA/PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on February 2, 2005 and voted 6 to 0 to recommend APPROVAL of the requested Small Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, subject to conditions contained in the attached development order, and the following additional conditions:

1. That the wall and landscaping adjacent to Missouri Avenue shall mirror the wall and landscaping that was approved on the east side of Missouri Avenue as part of the Fossitt Business Park PCD (this condition has been added into staff's conditions of approval and the attached Development Order) ; and
2. That the applicant be required to dedicate a drainage easement to Seminole County over any portion of Smith Canal that is included within the boundaries of the PUD.

INSERT:

**SITE PLAN
DEVELOPMENT ORDER
REZONE AND LAND USE AMENDMENT ORDINANCES
2/2/05 P&Z MINUTES
COLOR MAPS
AERIAL MAP**

New Orleans Townhomes Small Scale Land Use Amendment and Rezone Staff Report

Suburban Estates to Medium Density Residential		Amendment (Z2004-062, 11-04SS.01)
<i>REQUEST</i>		
APPLICANT	Max Sabetti	
PLAN AMENDMENT	Suburban Estates to Medium Density Residential	
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	9.43	
LOCATION	The northwest corner of Orange Boulevard and Missouri Avenue	
BCC DISTRICT	District 5 – Commissioner Carey	
<i>RECOMMENDATIONS AND ACTIONS</i>		
STAFF RECOMMENDATION	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment, rezone, and Preliminary Master Plan, subject to the attached development order.	

STAFF ANALYSIS

1. **Property Owner:** Orville Anderson
2. **Tax Parcel Number:** 16-19-30-5AB-0500-0010
16-19-30-5AB-0500-0080

SITE DESCRIPTION

EXISTING AND PERMITTED USES: The current future land use designation of the subject property is Suburban Estates, which permits single-family homes at a density of 1 unit per acre.

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1 (Agriculture District)	Single-family Residential
North	Suburban Estates	A-1 (Agriculture District)	Single-family Residential
South	Low Density Residential	A-1 (Agriculture District)	Single-family Residential
East	Planned Development	PCD (Planned Commercial Development)	Future Fossitt Office/Warehouses
West	Suburban Estates	A-1 (Agriculture District)	Single-family Residential

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

COMPREHENSIVE PLAN CONSISTENCY

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

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

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

The subject property will have access off of Orange Boulevard, which is classified as a Collector and has an adopted level of service (LOS) of "E". Orange Boulevard is currently operating at a LOS of "C" in that area. The developer will have to construct a left turn lane and sidewalk on Orange Boulevard as part of this project. The Seminole County Public Works Department is currently doing repairs to the bridge over the Smith Canal that is to the west of the subject property. These repairs are due to structural damage that occurred during the hurricanes and are scheduled to be completed in mid to late May 2005.

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

The subject property is located within the Seminole County water and sewer service areas. Both water and sewer services are available to the site. Under the current future land use of Suburban Estates, the estimated potable water demand for the subject property is 2,450 GPD. The proposed land use amendment to Medium Density Residential would result in an estimated potable water demand of 17,420 GPD. Since this increase was not factored into the permitted capacity for the water system serving the site, the applicant is currently working with Seminole County Environmental Services to create a mitigation plan to offset the proposed increase in potable water usage. Staff is recommending that, as a condition of approval, the mitigation plan be presented to the Board for approval at the adoption hearing and that it be incorporated into the development order before it is executed.

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

The property is served by Seminole County EMS/Fire Station #35. Response time is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

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

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

capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities.

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

The site contains approximately 2.02 acres of wetlands. A wetlands mitigation plan approved by the St. Johns River Water Management District shall be required prior to final engineering approval for any proposed wetland impacts on the subject property.

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

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

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

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

Based upon an initial evaluation, the proposed Medium Density Residential land use, with the attendant PUD zoning, would be compatible with the PD (Planned Development), LDR (Low Density Residential) and SE (Suburban Estates) land use designations on surrounding properties, if the Preliminary Master Plan complies with the attached development order. The Orange Boulevard Special Study, which was recently updated by the Planning Division, recommends that the corner of Missouri Avenue and Orange Boulevard should be the demarcation between residential and non-residential uses along Orange Boulevard. This proposed future land use amendment and rezone is consistent with this recommendation. To the east are the recently approved Fossitt Business Park office/warehouses and to the west is property with Suburban Estates Future Land Use. The Vision 2020 Comprehensive Plan states that Medium Density Residential can serve as an appropriate transitional land use between more intense urban development and Low Density Residential/Suburban Estates uses. In this situation, the proposed townhomes will be clustered adjacent to Orange Boulevard and Missouri Avenue, across the street from the future office/warehouses, and the large wetlands area on the west side of the property will be maintained as conservation and open space that will buffer the townhomes from the adjacent Suburban Estates properties. Staff believes that the proposed townhomes are an appropriate transitional use between the future office/warehouses to the east and the properties designated as Suburban Estates to the north and west, if subject to the conditions contained in the attached development order.

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

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

FLU 5.5: Water and Sewer Service Expansion

LDR Future Land Use Definition

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

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

C. **DRAINAGE** – The following drainage improvements by the County are currently underway in this area :

1. Lock-Hart Smith Canal, debris clean-up from hurricane.
2. Easement acquisition and canal erosion improvements, underway.
3. I-4 Regional stormwater facility. Designed & permitted. When funded & constructed will provide water quality treatment and flow attenuation (reduce rate of flow) for flood and erosion control.

4. **SCHOOL IMPACTS** – The proposed project would generate an estimated six elementary school students, three middle school students, and three high school students. At this time staff has not received any comments regarding this project from the School Board, however when they are received, they will be forwarded to the Board.

Intergovernmental Notice

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the Cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The notice required under this agreement was sent on January 19, 2005.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, subject to the following conditions, which are contained in the attached development order:

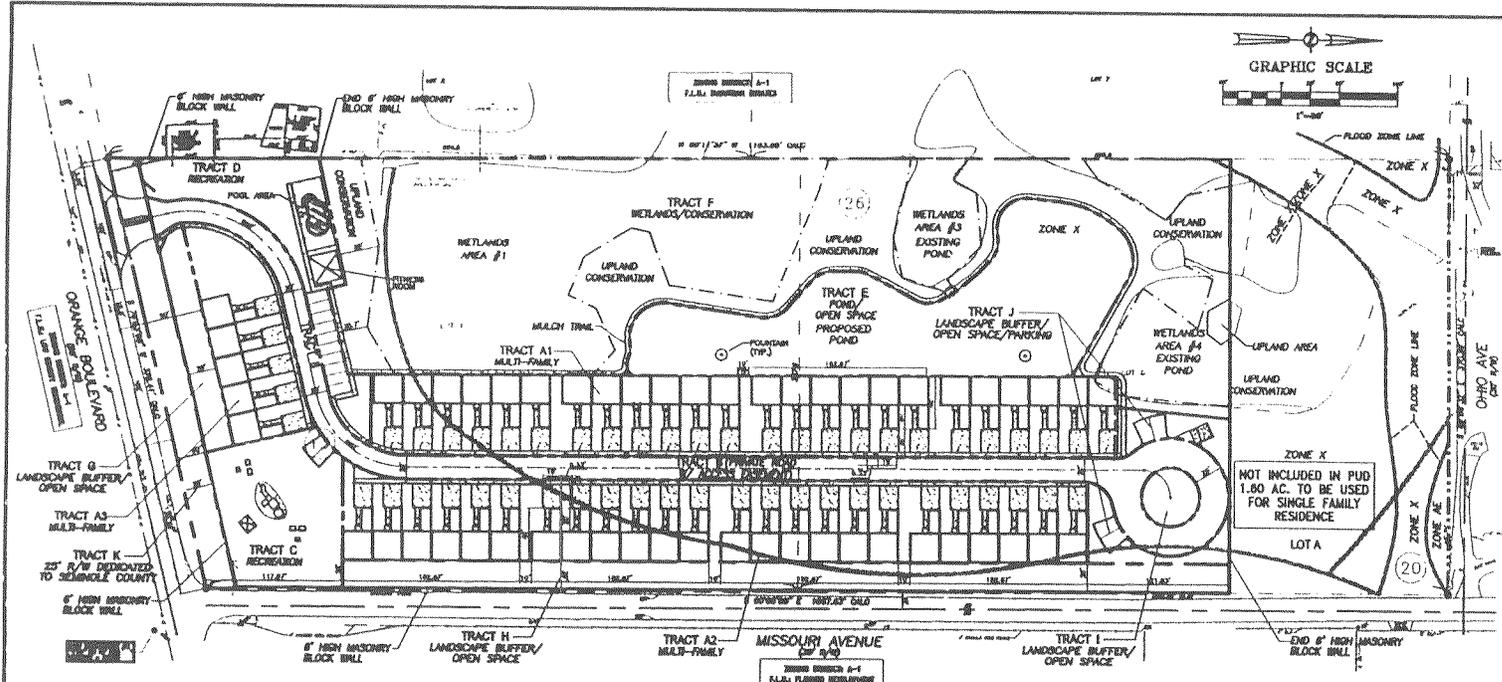
- a. A potable water mitigation plan to offset the increased water demand of the request shall be incorporated into the utility agreement.
- b. All development shall comply with the site plan attached as Exhibit B.
- c. The residential townhome project shall be developed at a maximum density of 10 units per net buildable acre.
- d. The buffer adjacent to Orange Boulevard shall be 25 feet in width, with a 6-foot masonry wall and landscaping in compliance with the Seminole County Land Development Code.
- e. The buffer adjacent to Missouri Avenue shall comply with attached Exhibit C.
- f. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. East (adjacent to Missouri Avenue): 25 foot building setback and 25 foot landscape buffer.
 2. South (adjacent to Orange Boulevard): 25 foot building setback and 25 foot landscape buffer.
 3. North: 25 foot building setback.
 4. West: 50 foot building setback, except that the poolhouse and recreational amenities shall have a minimum 20' building setback. A

- 6 foot masonry wall shall be required along the west property line from Orange Boulevard to the north side of Recreation Tract D.
- g. The following minimum building setbacks shall apply to the individual townhouse buildings:
 - 1. Front (Tracts A1, A2 and A3): 24 foot
 - 2. Rear (Tracts A1 and A3): 0 foot
 - 3. Rear (Tract A2): 0 foot
 - 4. Between buildings: 10 foot
 - h. The following building height limits shall apply:
Maximum height: two stories and 35 feet
 - i. The permitted residential uses shall be townhomes, condominiums, home occupations, and home offices.
 - j. All landscape buffers and common areas shall be maintained by a homeowners association.
 - k. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
 - l. The developer shall construct a 5-foot wide sidewalk along the north side of Orange Boulevard.
 - m. Architectural renderings of the buildings shall be provided with the Final Master Plan.

LPA/PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on February 2, 2005 and voted 6 to 0 to recommend APPROVAL of the requested Small Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, subject to conditions contained in the attached development order, and the following additional conditions:

- 1. That the wall and landscaping adjacent to Missouri Avenue shall mirror the wall and landscaping that was approved on the east side of Missouri Avenue as part of the Fossitt Business Park PCD (this condition has been added into staff's conditions of approval and the attached Development Order) ; and
- 2. That the applicant be required to dedicate a drainage easement to Seminole County over any portion of Smith Canal that is included within the boundaries of the PUD.



LEGAL DESCRIPTION
LOT 1 AND LOT 8, BLOCK 3, SANFORD FARMS, AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SOIL No.	TYPE OF SOIL	AREA
(13)	EAUGALLIE AND IMMOKALEE FINE SAND	2.60 AC.
(26)	UROTHEENTS, EXCAVATED	5.23 AC.



SCS SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA
PAGE 3

PROJECT DESCRIPTION
THE PROJECT WILL CONSIST OF A TOWNHOUSE DEVELOPMENT WITH A TOTAL OF 53 UNITS ACCESSING ORANGE BOULEVARD. THE UNIT TYPICAL AREA UNDER AIR IS 1,618 SF. AND UNDER ROOF IS 1,700 SF.

WETLANDS ON-SITE
THE PRE-DEVELOPMENT WETLANDS AREA IS 2.02 ACRES. TWO MARSH POND (WETLANDS #1 AND A 0.13 AREA PORTION OF WETLANDS #3) ARE INCLUDED IN THIS ACREAGE. HOWEVER, THE POND WILL BE INCORPORATED IN A PROPOSED STORMWATER POND TO SERVE THE PROJECT SITE. THE POST-DEVELOPMENT WETLAND AREA WILL BE 1.71 ACRES. WETLANDS LINES ARE PLANNED BY PRO-TECH CONSULTING, INC. AND SURVEYED BY ACCURIGHT SURVEYS OF ORLANDO, INC. ANY WETLAND VIOLATION WILL COMPLY WITH THE S.U.R.F.A.I.D. REQUIREMENTS AND APPROVED BY SEMINOLE COUNTY.

UTILITIES
WATER & SEWER UTILITIES DESIGN SHALL MEET THE REQUIREMENTS OF SEMINOLE COUNTY AND THE F.D.P.P.

WATER
THE PROPOSED DEVELOPMENT WILL BE SERVED THROUGH AN EXISTING 12" WATER MAIN LOCATED SOUTH OF ORANGE BLVD. THE PROPOSED WATER MAIN WILL BE SIZED TO MEET BOTH POTABLE AND FIRE DEMANDS.

SANITARY
A NEW LIFT STATION WILL BE DESIGNED TO CONNECT TO AN EXISTING 12" FORCE MAIN LOCATED AT THE CORNER OF ORANGE BLVD. AND ORANGE STREET.

STORMWATER
THE PROPOSED STORMWATER MANAGEMENT SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF SEMINOLE COUNTY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.

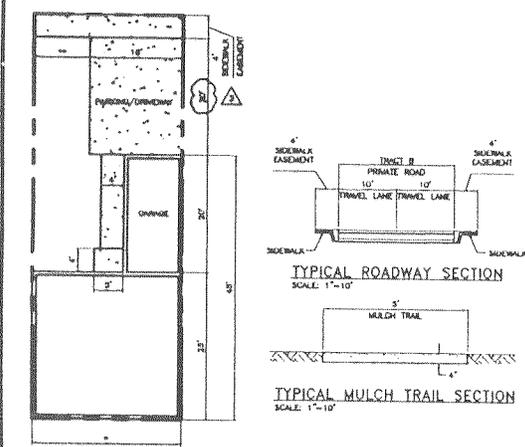
BUFFERS
LANDSCAPE BUFFERS SHALL BE PROVIDED ALONG THE EAST AND SOUTH SIDES OF THE PROPERTY (DESIGNATED AS TRACTS G & H ON THE SITE PLAN). A LANDSCAPE PLAN SHOWING MAJOR LANDSCAPE CONCEPT IS SHOWN ON SHEET C-5.

FLOOD ZONE
FLOOD ZONE X & HE PER FEMA F.I.R.M. PANEL 1211700002E DATED: APRIL 17, 1990.

PRIVATE ROAD & COMMON AREAS
THE PRIVATE ROAD (TRACT B) AND THE COMMON AREAS (TRACTS C, D, E, & F) WILL BE OWNED AND MAINTAINED BY THE H.O.A.

FIRE PROTECTION
FIRE PROTECTION WILL BE PROVIDED THROUGH A SERIES OF PROPOSED FIRE HYDRANTS IN ACCORDANCE WITH THE SEMINOLE COUNTY PUBLIC SAFETY STANDARDS, APPENDIX G OF THE LAND DEVELOPMENT CODE.

SIDEWALK ALONG ORANGE BOULEVARD
A 3 FOOT SIDEWALK WILL BE PROVIDED ALONG THE PROPERTY FRONTAGE ON ORANGE BOULEVARD.



DATE	BY	REVISION
01/24/08	JNA	ISSUED PER SEMINOLE COUNTY COMMENTS DATED 12/3/07
01/24/08	JNA	ISSUED PER SEMINOLE COUNTY COMMENTS DATED 1/24/08
02/05/08	JNA	ISSUED PER SEMINOLE COUNTY COMMENTS DATED 1/28/08

NEW ORLEANS TOWNHOMES
1500 MISSOURI AVENUE
SANFORD, FLORIDA

FLORIDA ENGINEERING GROUP, INC.
CIVIL • ENVIRONMENTAL • LAND DEVELOPMENT
718 GARDEN PLAZA, ORLANDO, FLORIDA 32803
TEL: 407-895-0324 FAX: 407-895-0325
E-MAIL: info@feg.com
WEB PAGE: www.feg.com

PRELIMINARY PUD PLAN

DESIGNED BY: SJS
DRAWN BY: HDR
CHECKED BY: SJS
APPROVED BY: SJS

DATE: 04-08
SCALE: 1" = 50'
NOT TO SCALE 1:1000

PROJECT NO: C-4

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On March 8, 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: Orville Anderson
P.O. Box 470081
Lake Monroe, Florida 32747

Project Name: New Orleans Townhomes, PUD

Requested Development Approval: Rezoning from A-1 (Agriculture District) to PUD
(Planned Unit Development)

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

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

Prepared by: Tina Deater, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

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

- a. A potable water mitigation plan to offset the increased water demand of the request shall be incorporated into the utility agreement.
- b. All development shall comply with the site plan attached as Exhibit B.
- c. The residential townhome project shall be developed at a maximum density of 10 units per net buildable acre.
- d. The buffer adjacent to Orange Boulevard shall be 25 feet in width, with a 6-foot masonry wall and landscaping in compliance with the Seminole County Land Development Code.
- e. The buffer adjacent to Missouri Avenue shall comply with attached Exhibit C.
- f. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. East (adjacent to Missouri Avenue): 25 foot building setback and 25 foot landscape buffer.
 2. South (adjacent to Orange Boulevard): 25 foot building setback and 25 foot landscape buffer.
 3. North: 25 foot building setback.
 4. West: 50 foot building setback, except that the poolhouse and recreational amenities shall have a minimum 20' building setback. A 6 foot masonry wall shall be required along the west property line from Orange Boulevard to the north side of Recreation Tract D.
- g. The following minimum building setbacks shall apply to the individual townhouse buildings:
 1. Front (Tracts A1, A2 and A3): 24 foot
 2. Rear (Tracts A1 and A3): 0 foot
 3. Rear (Tract A2): 0 foot
 4. Between buildings: 10 foot
- h. The following building height limits shall apply:

Maximum height: two stories and 35 feet

- i. The permitted residential uses shall be townhomes, condominiums, home occupations, and home offices.
- j. All landscape buffers and common areas shall be maintained by a homeowners association.
- k. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- l. The developer shall construct a 5-foot wide sidewalk along the north side of Orange Boulevard.
- m. Architectural renderings of the buildings shall be provided with the Final Master Plan.

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

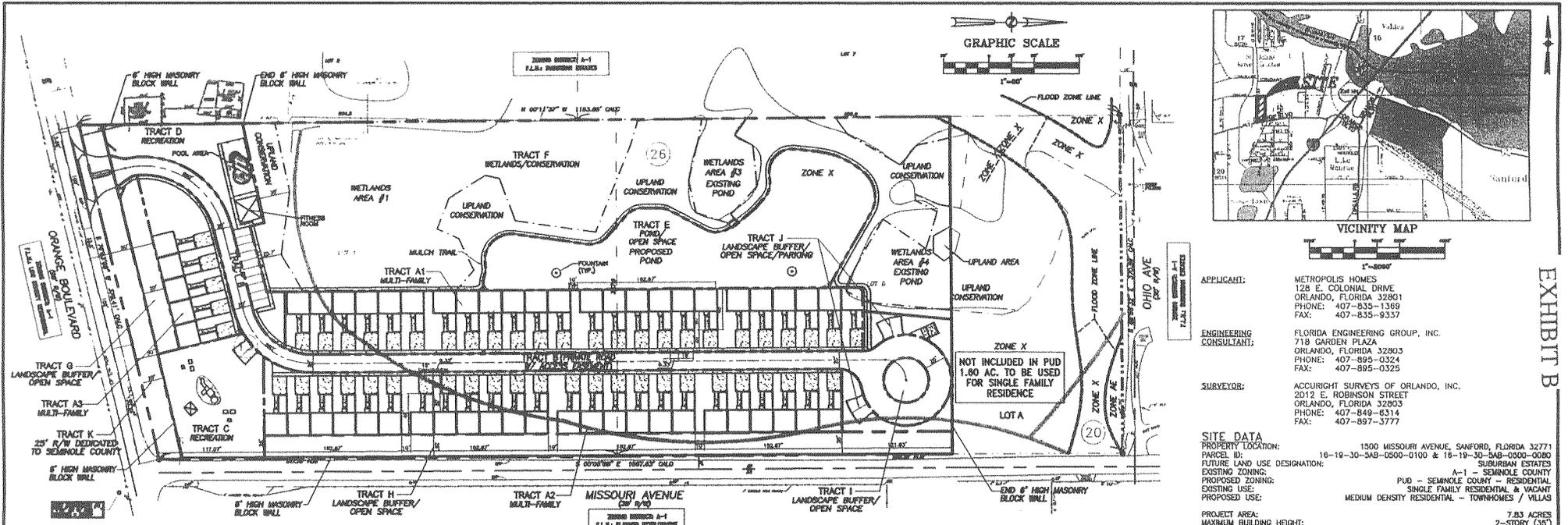
(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
 Carlton Henley
 Chairman, Board of County Commissioners

Exhibit A
Legal Description

LOT 1 AND LOT 8 LESS THE NORTH 188.07 FT. OF SAID LOT 8, BLOCK 5, SANFORD FARMS, AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



APPLICANT: METROPOLIS HOMES
1228 E. COLONIAL DRIVE
ORLANDO, FLORIDA 32801
PHONE: 407-833-1369
FAX: 407-835-9337

ENGINEERING CONSULTANT: FLORIDA ENGINEERING GROUP, INC.
718 GARDEN PLAZA
ORLANDO, FLORIDA 32803
PHONE: 407-893-0324
FAX: 407-895-0325

SURVEYOR: ACCURIGHT SURVEYS OF ORLANDO, INC.
2012 E. ROBINSON STREET
ORLANDO, FLORIDA 32803
PHONE: 407-849-6314
FAX: 407-897-3777

SITE DATA
PROPERTY LOCATION: 1500 MISSOURI AVENUE, SANFORD, FLORIDA 32771
PARCEL ID: 18-19-30-3AB-0500-0100 & 18-19-30-5AB-0500-0000
FUTURE LAND USE DESIGNATION: SUBURBAN ESTATES
EXISTING ZONING: A-1 - SEMINOLE COUNTY
PROPOSED ZONING: PUD - SEMINOLE COUNTY - RESIDENTIAL
EXISTING USE: SINGLE FAMILY RESIDENTIAL & VACANT
PROPOSED USE: MEDIUM DENSITY RESIDENTIAL - TOWNHOMES / VILLAGES

PROJECT AREA: 7.83 ACRES
MAXIMUM BUILDING HEIGHT: 2-STORY (30')
BUILDING TYPE: CONTEMPORARY W/ STUCCO VENEER & ARCHITECTURAL SHINGLES
MAXIMUM IMPERVIOUS AREA: 75% (5.87 ACRES)
PROPOSED IMPERVIOUS AREA: 29% (2.27 ACRES)
BUILDINGS: 1.02 ACRES
PAVEMENT & SIDEWALKS: 1.25 ACRES
MINIMUM PERVIOUS AREA: 25% (1.98 ACRES)
PROPOSED PERVIOUS AREA: 71% (5.58 ACRES)
EXISTING WETLANDS AREA #1 (IMPACT 0.08 AC): 1.28 ACRES
EXISTING WETLANDS AREA #2 (MANMADE POND): 0.18 ACRES
EXISTING WETLANDS AREA #3 (0.13 AREA MANMADE POND): 0.28 ACRES
EXISTING WETLANDS AREA #4 (IMPACT 0.005 AC): 0.28 ACRES
GROSS ACREAGE (7.83 ACRES) LESS PRIVATE ROAD TRACT B (0.58 ACRES), TRACT K (R/W DEDICATION 0.22 ACRES), WETLAND #1 (1.23 ACRES), 0.15 ACRES OF WETLAND #3 & WETLAND #4 (0.28 ACRES): 5.37 ACRES
PROPOSED NET RESIDENTIAL DENSITY: 9.86 D.U./ACRE
PROPOSED GROSS RESIDENTIAL DENSITY: 6.84 D.U./ACRE

IMPACT ANALYSIS IS AS FOLLOWS:
SCHOOLS:
ELEMENTARY SCHOOL: 53 X 0.115 STUDENTS/UNIT = 6 STUDENTS
MIDDLE SCHOOL: 53 X 0.053 STUDENTS/UNIT = 3 STUDENTS
HIGH SCHOOL: 53 X 0.057 STUDENTS/UNIT = 3 STUDENTS
TOTAL: 12 STUDENTS
ROADS: 53 X 5.86 ADT/DU = 311 ADT (ITE 6TH EDITION)
WATER: 53 X 335 GPD/DU = 17,755 GPD
SEWER: 53 X 300 GPD/DU = 15,900 GPD

OPEN SPACE CALCULATIONS WILL EMPLOY A 50% CREDIT FOR WETLANDS AS FOLLOWS:
1.66 ACRES (WETLANDS) X 0.5 = 0.83 ACRES
1.44 ACRES (TRACTS C, D & E) = 1.44 ACRES
0.88 ACRES (UPLAND CONSERVATION AREA) = 0.88 ACRES
TOTAL: 3.15 ACRES
PROVIDED COMMON USABLE OPEN SPACE: 40% (3.15 ACRES)

UTILITY COMPANIES
WATER: SEMINOLE COUNTY UTILITIES
SEWER: SEMINOLE COUNTY UTILITIES
ELECTRIC: FLORIDA POWER & LIGHT
TELEPHONE: BELLSOUTH
CABLE: BRIGHTHOUSE NETWORKS

LEGAL DESCRIPTION

LOT 1 AND LOT 8, BLOCK 5, SANFORD FARMS, AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SOIL No.	TYPE OF SOIL	AREA
(13)	EAUGALLIE AND IMMOKALEE FINE SAND	2.60 AC.
(26)	UROTHENTS, EXCAVATED	5.23 AC.

LEGEND:

- WETLANDS LINE
- FLOOD ZONE LINE
- TRACT LINE

SCS SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA
PAGE 3

PROJECT DESCRIPTION

THE PROJECT WILL CONSIST OF A TOWNHOUSE DEVELOPMENT WITH A TOTAL OF 83 UNITS ACCESSING ORANGE BOULEVARD. THE UNIT TYPICAL AREA UNDER IS 1,410 SF. AND UNDER ROOF IS 1,700 SF.

WETLANDS ON-SITE

THE PRE-DEVELOPMENT WETLANDS AREA IS 2.02 ACRES. TWO MANMADE PONDS (WETLANDS #3 AND A 0.13 AREA PORTION OF WETLANDS #3) ARE INCLUDED IN THIS ACREAGE. HOWEVER, THE POND WILL BE INCORPORATED IN A PROPOSED STORMWATER POND TO SERVE THE PROJECT SITE. THE POST-DEVELOPMENT WETLAND AREA WILL BE 1.71 ACRES. WETLANDS LINES ARE FLAGGED BY 800-TECH CONSULTING, INC. AND SURVEYED BY ACCURIGHT SURVEYS OF ORLANDO, INC. ANY WETLAND VIOLATION WILL COMPLY WITH THE S.J.R.I.M.L.D. REQUIREMENTS AND APPROVED BY SEMINOLE COUNTY.

UTILITIES

WATER & SEWER UTILITIES DESIGN SHALL MEET THE REQUIREMENTS OF SEMINOLE COUNTY AND THE F.D.E.P.

WATER:

THE PROPOSED DEVELOPMENT WILL BE SERVED THROUGH AN EXISTING 12" WATER MAIN LOCATED SOUTH OF ORANGE BLVD. THE PROPOSED WATER MAIN WILL BE SIZED TO MEET BOTH POTABLE AND FIRE DEMANDS.

SANITARY:

A NEW LIFT STATION WILL BE DESIGNED TO CONNECT TO AN EXISTING 12" FORCE MAIN LOCATED AT THE CORNER OF ORANGE BLVD. AND OREGON STREET.

STORMWATER

THE PROPOSED STORMWATER MANAGEMENT SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF SEMINOLE COUNTY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.

BUFFERS

LANDSCAPE BUFFERS SHALL BE PROVIDED ALONG THE EAST AND SOUTH SIDES OF THE PROPERTY DESIGNATED AS TRACTS G & H ON THE SITE PLAN. A LANDSCAPE PLAN SHOWING MAJOR LANDSCAPE CONCEPT IS SHOWN ON SHEET C-3.

FLOOD ZONE

FLOOD ZONE X & AE PER FEMA F.I.R.M. PANEL1211700030E DATED: APRIL 17, 1996.

PRIVATE ROAD & COMMON AREAS

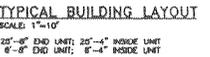
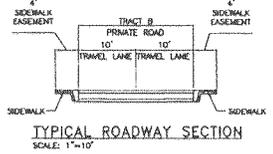
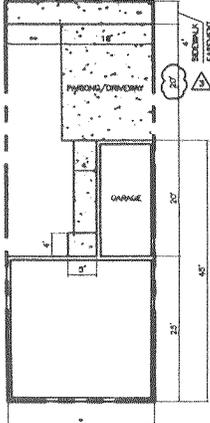
THE PRIVATE ROAD (TRACT B) AND THE COMMON AREAS (TRACTS C, D, E & F) WILL BE OWNED AND MAINTAINED BY THE H.O.A.

FIRE PROTECTION

FIRE PROTECTION WILL BE PROVIDED THROUGH A SERIES OF PROPOSED FIRE HYDRANTS IN ACCORDANCE WITH THE SEMINOLE COUNTY PUBLIC SAFETY STANDARDS. APPENDIX C OF THE LAND DEVELOPMENT CODE.

SIDEWALK ALONG ORANGE BOULEVARD

A 5 FOOT SIDEWALK WILL BE PROVIDED ALONG THE PROPERTY FRONTAGE ON ORANGE BOULEVARD.



25'-0" END UNIT; 25'-4" INSIDE UNIT
6'-0" END UNIT; 6'-4" INSIDE UNIT

REV	DATE	DESCRIPTION	BY	CHKD
01/24/20		REQUIRED PER SEMINOLE COUNTY COMMENTS DATED 12/3/20	MDR	JJA
01/24/20		REQUIRED PER SEMINOLE COUNTY COMMENTS DATED 1/19/20	MDR	JJA
02/02/20		REQUIRED PER SEMINOLE COUNTY COMMENTS DATED 1/29/20	MDR	JJA

NEW ORLEANS TOWNHOMES
1500 MISSOURI AVENUE
SANFORD, FLORIDA

FLORIDA ENGINEERING GROUP, INC.
CIVIL & ENVIRONMENTAL & LAND DEVELOPMENT
718 GARDEN PLAZA, ORLANDO, FLORIDA 32803
TEL: 407-893-0324 FAX: 407-895-0325
E-MAIL: info@feg.com
WEB PAGE: www.feg.com

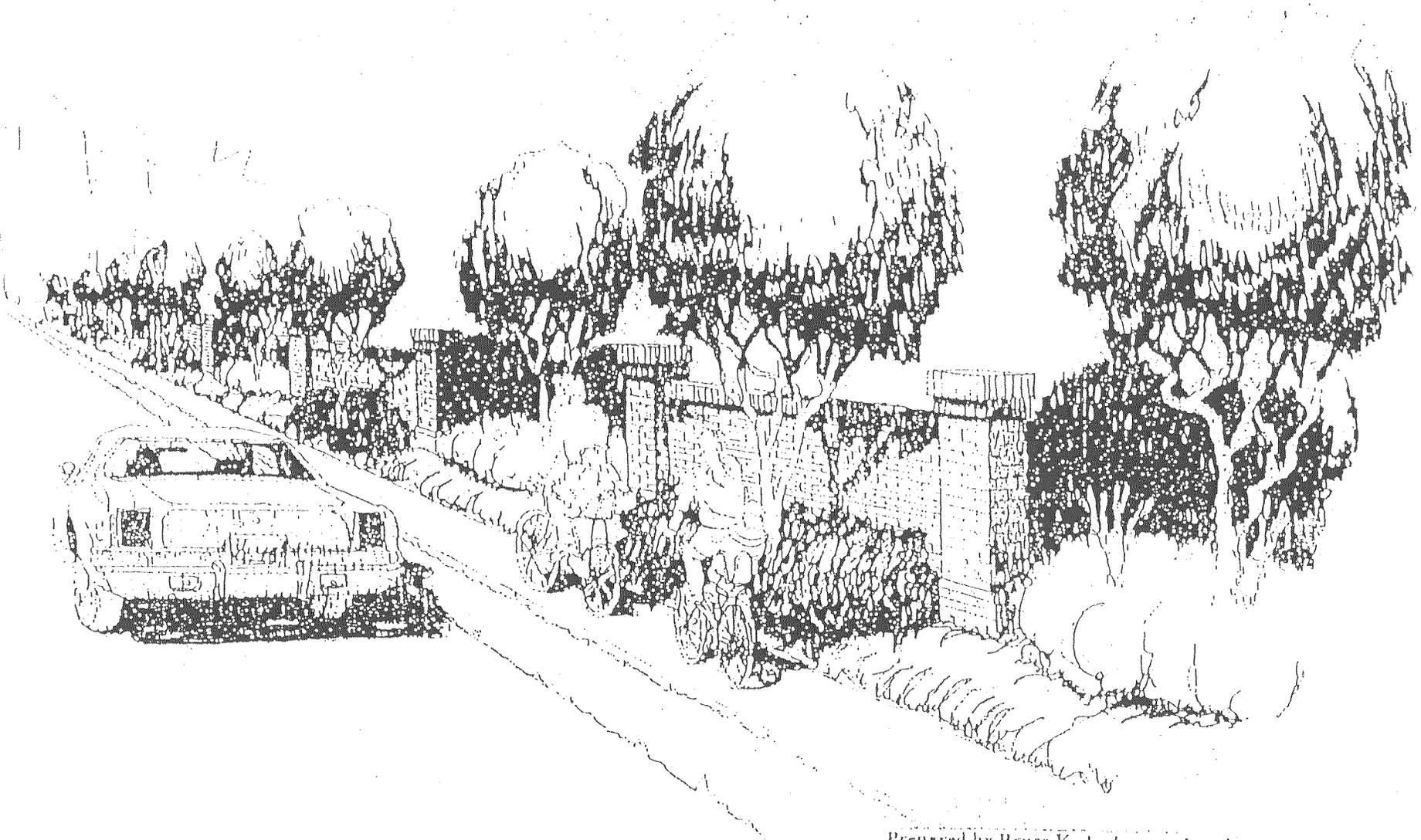
PRELIMINARY PUD PLAN

PROJECT NO: 04-080
SCALE: 1"=50'
DATE: NOVEMBER 1, 2004
C-4
4 of 5

DESIGNED BY: SJS
CHECKED BY: SJS
DRAWN BY: MDR
APPROVED BY: SJS

EXHIBIT B

EXHIBIT C:
MISSOURI BUFFER CONCEPT



Prepared by Bruce K. Andersen, Landscape Architect,
State of Florida Cert. No. 821 Tel. (407) 320-9980

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "New Orleans Townhomes Small Scale Land Use Amendment and Rezone Staff Report"

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 to PUD:

LOT 1 AND LOT 8 LESS THE NORTH 188.07 FT. OF SAID LOT 8, BLOCK 5, SANFORD FARMS, AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

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 this order by the Department and recording of Development Order # 04-20500007 in the official land records of Seminole County.

ENACTED this _____, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

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 LAND USE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM SUBURBAN ESTATES TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on February 2, 2005, 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 staff report entitled "New Orleans Townhomes Small Scale Land Use Amendment and Rezone."

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

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

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
11-04SS.01	Amendment from Suburban Estates to Medium Density Residential

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 filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 8th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

Exhibit A
Legal Description

LOT 1 AND LOT 8 LESS THE NORTH 188.07 FT. OF SAID LOT 8, BLOCK 5, SANFORD FARMS,
AS RECORDED IN PLAT BOOK 1, PAGES 127 AND 128, PUBLIC RECORDS OF SEMINOLE
COUNTY, FLORIDA.

Mr. Radzai stated that the eastern side was the problem. Currently, a pump has been installed to pump water to Grace Lake.

Commissioner Hattaway asked if the new berm could not be made as a stop-gap measure.

Mr. Radzai stated that the berm would go beyond what the County currently has easements over. This could be worked on with this development as a positive thing.

Commissioner Tucker summarized by stating that the drainage and traffic would be addressed at the time of final site plan approval.

Ms. Deater agreed.

Commissioner Harris made a motion to recommend approval according to staff recommendations.

Commissioner Eismann seconded the motion.

Commissioner Harris stated that the sheet flow of rain from the property will cease to come off of the higher property. With the development the applicant will be able to work with the County to remove some of the water problems. All in all, the surrounding homeowners should see some relief as the property is developed.

The motion passed unanimously (6 – 0). (Commissioner Dorworth was not present for this item.)

G. New Orleans Townhomes; Max Sabetti, applicant; approximately 9.43 acres; rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) and a small scale land use amendment from SE (Suburban Estates) to MDR (Medium Density Residential); located on the northwest corner of Missouri Avenue and Orange Boulevard. (Z2004-062/11-04SS.FLU01)

Commissioner Carey - District 5

Tina Deater, Senior Planner

Tina Deater stated that the subject property contains approximately 9.43 acres. The applicant is proposing a 54 unit fee-simple townhouse development with a density of 10 units per net buildable acre. The Orange Boulevard study which was recently completed, recommends that the corner of Orange Boulevard and Missouri Avenue be the point of demarcation between residential and non-residential uses. This proposed project is consistent with the study recommendation. To the east is the Fossitt Business Park; to the west is property with Suburban Estates future land use. The Vision 2020

Comprehensive Plan recommends Medium Density Residential as an appropriate transitional land use between such uses. The townhomes will be clustered adjacent to Missouri Avenue and Orange Boulevard. A large, open space wetlands will serve as a buffer to adjacent Suburban Estates property. The proposed townhomes are a suitable transitional use between the future office/warehouses east and to the suburban estates properties to the north and west. The subject property has both water and sewer services available to the site from Seminole County. Under the current land use designation of Suburban Estates the estimated potable water demand from the site is 2,450 gallons per day. The proposed change of future land use designation to Medium Density Residential will result in an estimated potable water demand of 17,420 gallons per day. This increase was not factored into the permitted capacity of the water system. The applicant is currently working with the County to create a mitigation plan for the increase in potable water usage.

Staff recommendation is for approval, including that the applicant will present a mitigation plan at the time of the adoption hearing with the Board of County Commissioners and that it be incorporated into the development order.

Ms. Deater stated that since the preparation of the staff report the applicant has submitted a revised site plan which is different from the one included in the agenda book. It differs in the following way: 1) a 25 foot buffer and building setback has been added along Missouri Avenue; 2) a clear 20 feet has been provided between the front of the garage and the back of the sidewalk along all units; 3) the project footprint has been shifted slightly to the west. This has resulted in an additional wetland impact of approximately .053 acre which will be mitigated with the St. John's River Water Management District prior to the final engineering approval.

Based upon these changes, Staff recommendation is for approval subject to the conditions contained in the revised development order.

Commissioner Tucker asked what the estimated completion date of the bridge for Smith Canal would be.

Ms. Deater stated that the Public Works Department estimates that the date for completion is in May.

Commissioner Harris asked the minimum square footage of the living area of the houses.

Ms. Deater stated that living space is 1,400 square feet under air and 1,700 square feet with garage.

Jean Abi Aoun of Florida Engineering Group is the civil engineer on the project. He stated that he concurs with the staff recommendation. This is not an

affordable housing project. The units will be 1,400 square feet minimum and have a price of approximately \$200,000.00. It will be a 2 story building, with bedrooms on the second floor. There will be a 20 strip by the garages for landscaping.

Commissioner Tucker stated that he had received a handout which stated that this would be a three story project.

Mr. Abi Aoun said it was 2 stories.

Commissioner Brown asked if the parking would be a double-wide driveway to the approach to the single garage, which would give 3 parking spaces for vehicles per unit.

Mr. Abi Aoun said that was correct. This is beyond the required 2 spaces. Parking will be 16 feet by 20 feet in front of each unit.

Commissioner Brown asked if there will be a home owners association.

Mr. Abi Aoun said there would be one.

Kathy Brown of 1730 Beacon Drive stated that she was in favor of the project with a few warnings. Her main concern was no access on Missouri Avenue and that the wall and buffer along Missouri Avenue should mirror the wall and buffer that was approved as part of the Fossitt Business Park on the east side of Missouri. She does agree with the 2 story design. Mr. Sabetti had stated that he would do a nice wall.

Bruce Andersen showed the Board the wall and buffer exhibits that are incorporated into the Development Order for the Fossitt Business Park project. His main concern is that the wall and buffer on the proposed project should mirror this wall and buffer design.

Commissioner Brown stated this wall should mirror the wall along the Fossitt Office Park.

Commissioner Tucker noted for the record that David Heinkel submitted 2 pages of signatures in opposition to the project. Density of 10 units per acre was an issue, not the looks of the townhouses. Since the hurricanes, flooding in the area has been serious. Bears and other wildlife live there. How will this project impact the environment?

Marilyn Hendricks stated that she lives across from the property. Traffic in the area is horrible. This should be one acre lots, not townhomes.

Dennis Smathers lives in St. Johns River Estates. He was concerned about ground water and drainage. Wells could become contaminated with runoff. The water table is too high for underground utilities. Missouri Avenue has been under water multiple times. Where will the children go to school? What is the effect on the proposed Western Beltway?

Penny Sheipe stated that she is in favor of the project. She is concerned about the back of her property.

Tom Sheipe stated that the Smith Canal restoration project is in progress now.

Marcia Langois is a future homeowner in the area. She asked that the County please address the flooding issue. She stated that she had contacted Public Works and found no great concern for this problem.

Max Sabetti addressed the issue of density, stating that a study was done of the Orange Boulevard area. This project is in line with that proposed density. Traffic studies have been done. Nobody likes traffic, but it is a fact of life. He also said that placement of underground power lines can be accomplished.

Mr. Sabetti said that this development would not be conducive to buyers who wanted a dog, yard, and fence. We are willing to shift the wall in order to place the landscaping. We will mirror the wall across the street.

Mr. Abi Aoun said that a 6-foot masonry wall would run on the west side of the property. Drainage will be excellent with 29 percent impervious land, which is very low. We can make the drainage work on this project. Look at the downstream problems.

Commissioner Tucker asked if the Smith Canal touched the property.

Mr. Abi Aoun stated that only one corner of the property touches the canal on the northwest corner of the property. There is no easement there. We can work with the County on a drainage easement.

Commissioner Harris asked if there would be a 16 foot X 20 foot parking pad with each unit.

Mr. Abi Aoun said that his client had committed to that.

Commissioner Harris asked if he would commit to a wall mirroring the wall on the Fossitt Business Park property.

Mr. Abi Aoun said that he would commit to that also.

John Miklos noted that there are 2 gopher tortoises to relocate on the site.

Mr. Sabetti said that the community will be gated with walls on 3 sides.

Carla Shryock asked what would happen if this project did not go on? What if the quality of the project is downgraded?

Commissioner Tucker asked Ms. Shryock what issues she was concerned with.

Ms. Shryock said that she was concerned for the value of property going down.

The public hearing was now closed.

Commissioner Tucker asked Ms. Deater to review the line of demarcation for non-residential uses.

Ms. Deater stated that the non-residential uses would stop on the east side of Missouri Avenue, which is the dividing line between residential and non-residential uses. This project is an appropriate transitional use.

Commissioner Harris made a motion to recommend approval with staff recommendations and the following additional condition:

That the wall and landscaping adjacent to Missouri Avenue shall mirror the wall and landscaping that was approved on the east side of Missouri Avenue as part of the Fossitt Business Park PCD.

Commissioner Eismann seconded the motion.

Commissioner Tucker asked if that included the addition of the dedication of Smith Canal right of way.

Mr. Abi Aoun said that it would be included if it is within the 7.83 acres that they own. It could be included in the motion.

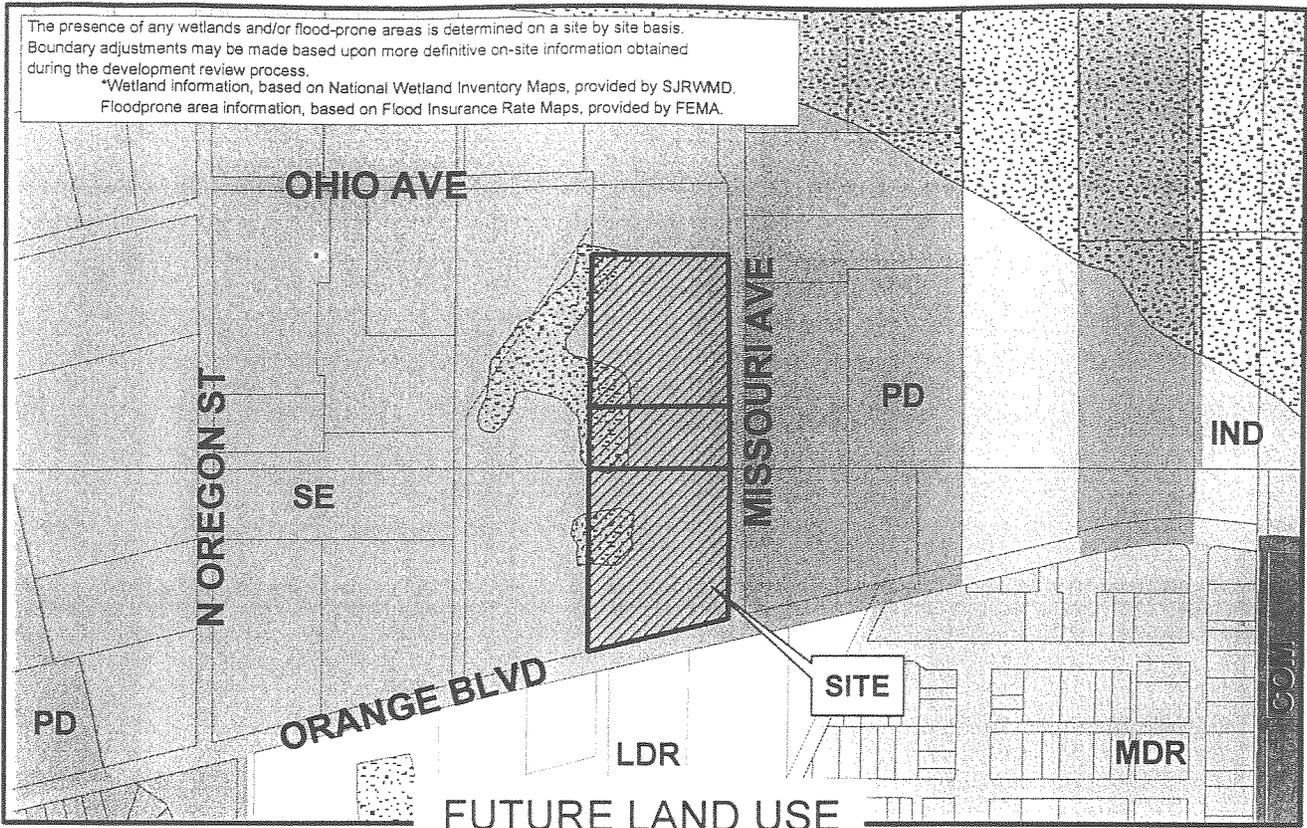
The motion passed by unanimous consent (6 – 0). (Commissioner Dorworth had left the meeting.)

VII. Planning Manager's Report

Alice Gilmartin distributed a fact sheet which will be part of the update to the Board of County Commissioners on February 22, 2005. She asked the commissioners to contact either Tom at extension 7342, or Alice at extension 7353 with questions or comments.

There being not further business, the meeting adjourned at 9:10 P.M.

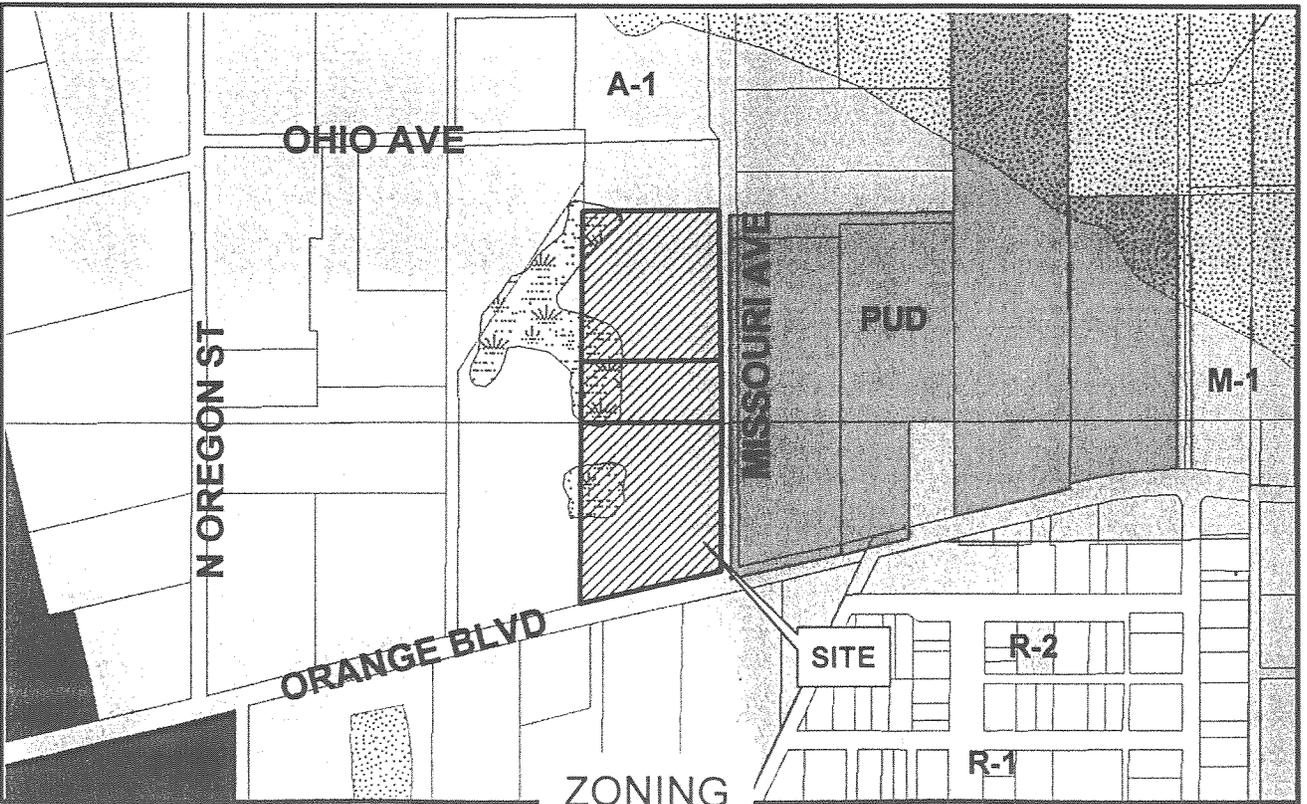
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



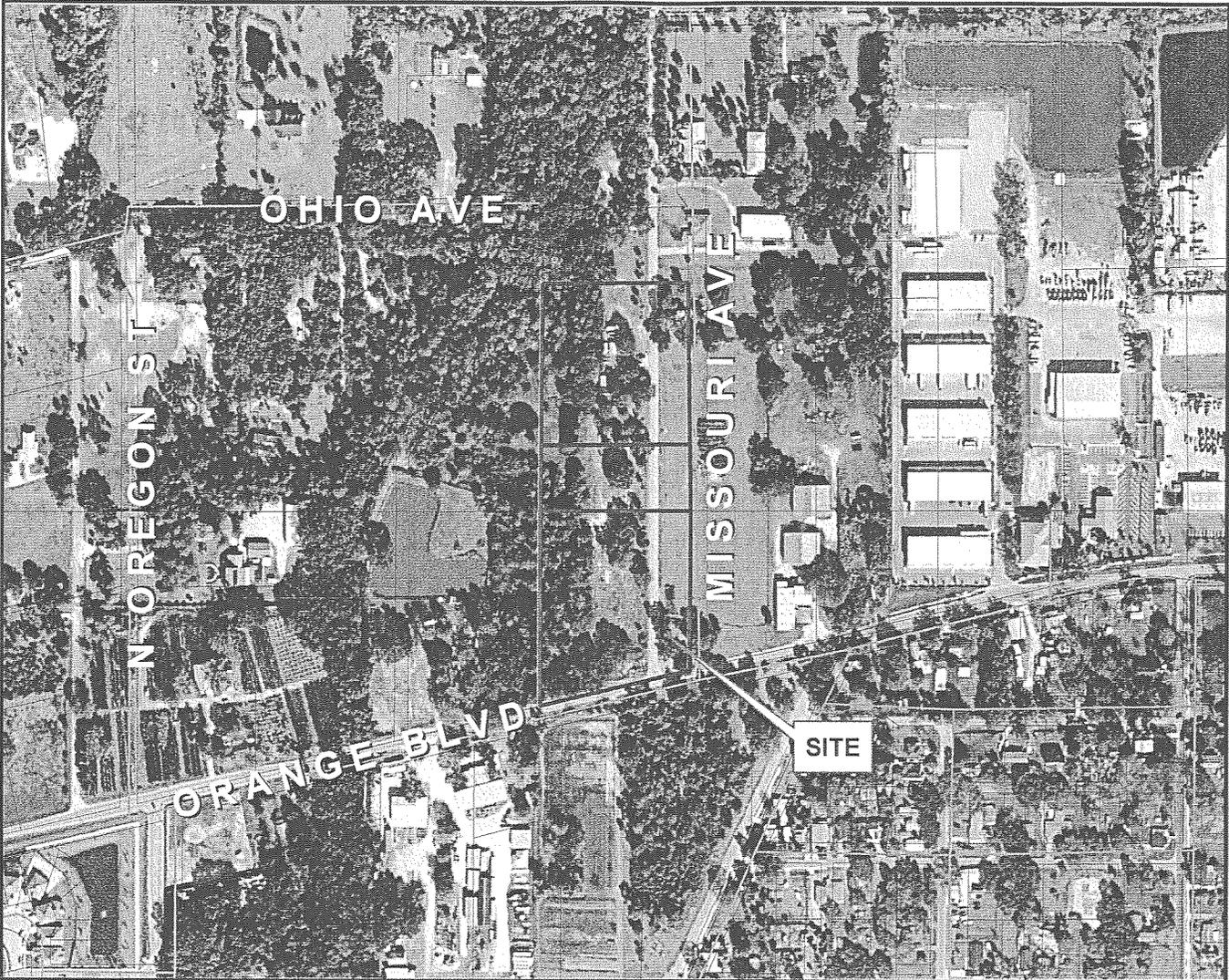
Site
 SE
 LDR
 MDR
 PD
 COM
 IND
 CONS

Applicant: Orville Anderson / Max Sabetti
 Physical STR: 16-19-30-5AB-0500-0010 & pt of 0080
 Gross Acres: 8.18 +/- BCC District: 5
 Existing Use: Vacant and Single Family
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	11-04SS.01	SE	MDR
Zoning	Z2004-062	A-1	PUD



Site
 A-1
 R-1
 R-2
 M-1
 PUD
 PCD
 FP-1
 W-1



Amendment No: 11-04SS.01
 From: SE To: MDR
 Rezone No: Z2004-062
 From: A-1 To: PUD



January 2004 Color Aerials

-  Parcel
-  Subject Property

