

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM  
CONTINUED FROM THE 2/28/06 AND 3/14/06 MEETINGS**

**SUBJECT:** Lakeshore Preserve Rezone from A-1 to PUD

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

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

<b>Agenda Date</b> <u>03/28/2006</u>	<b>Regular</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/>	<b>Public Hearing – 7:00</b> <input type="checkbox"/>	

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of the request and enact an ordinance to rezone 55.94 ± acres from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the south side of Wilson Road and east of International Parkway, based on staff findings, (Morrison Homes, applicant); or
2. Recommend DENIAL of a request to rezone 55.94 ± acres from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the south side of Wilson Road and east of International Parkway, based on staff findings, (Morrison Homes, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 – Commissioner Carey

Tony Walter, Planning Manager

**BACKGROUND:**

*This item was continued*

The applicant is requesting to rezone 55.94 ± acres from A-1 (Agriculture District) to PUD (Planned Unit Development District). The subject property is located on the south side of Wilson Road, east of International Parkway. The Future Land Use designation of the subject property is HIP-TI (North I-4 Corridor High Intensity Planned Development-Target Industry). HIP-TI encourages growth of high tech industries and seeks to maintain adequate land for target industry in close proximity to and high visibility from major interchanges (Policy FLU-5.9). The applicant is proposing 400 town

<b>Reviewed by:</b> <i>[Signature]</i>
<b>Co Atty:</b> <i>[Signature]</i>
<b>DFS:</b> _____
<b>OTHER:</b> _____
<b>DCM:</b> <i>[Signature]</i>
<b>CM:</b> <i>[Signature]</i>
<b>File No.</b> <u>ph130pdp04</u>

homes at a density of approximately 12.5 dwelling units per net buildable acre.

Staff has determined that the parcel is constrained from developing with target businesses and industries, manufacturing or high density residential as called for in HIP-TI as it does not front, nor have direct access to International Parkway. The only access to the property is from Wilson Road. The applicant does not have the ability to gain access from International Parkway and therefore is requesting a project designed to fit within the constraints of the property.

**STAFF RECOMMENDATION:**

Staff recommends the Board APPROVE the request and enact an ordinance to rezone 55.94 ± acres from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the south side of Wilson Road and east of International Parkway, (Morrison Homes, applicant), based on staff findings, the Fiscal Impact Analysis Model, the policies of the Vision 2020 Comprehensive Plan and subject to the following conditions:

1. The development shall have a minimum density of ten dwelling units per net buildable acre (10 du/ net buildable acre).
2. The applicant shall extend the existing southbound left turn lane on International Parkway to provide additional vehicle storage.
3. The applicant shall construct a turn around (cul-de-sac or hammerhead) near the east end of Wilson Road.
4. Garage parking spaces shall have minimum dimensions of 11' x 19.'
5. Garages shall not be converted to living space.
6. Parking of recreation vehicles and/or boats on trailers shall be prohibited within the development.
7. Where sidewalks are installed, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk. 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.
8. Retention ponds designed as an amenity shall be in accordance with Section 30.1344 of the Land Development Code.
9. Interior drives and parking areas within the townhouse tract shall be owned and maintained by a Homeowners Association.
10. Townhouse units shall have a minimum of one car garage each.
11. Required parking within the boundaries of the project shall be 2.33 parking spaces per dwelling unit.

Attachments:

Staff Analysis  
Fiscal Impact Analysis Model Summary  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Preliminary Plan  
Development Order  
Ordinance  
January 11, 2006 LPA/P&Z Minutes

# Lakeshore Preserve

## Rezone from A-1 to PUD Z2005-065

<b>APPLICANT</b>	Morrison Homes
<b>PROPERTY OWNER (S)</b>	PRN Real Estate & Investment, Ltd., WGML Investments, Ltd., and JDF Real Estate & Investment, Ltd.
<b>REQUEST</b>	Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District)
<b>PROPERTY SIZE</b>	55.94± acres
<b>HEARING DATE (S)</b>	P&Z: January 11, 2006   BCC: March 14, 2006
<b>PARCEL ID (S)</b>	31-19-30-300-0020-0000
<b>LOCATION</b>	South side of Wilson Road, east of International Parkway
<b>FUTURE LAND USE</b>	HIP-TI (High Intensity Planned Development-Target Industry)
<b>ZONING</b>	A-1 (Agriculture District)
<b>FILE NUMBER</b>	Z2005-065
<b>COMMISSION DISTRICT</b>	#5 – Carey

### Proposed Development:

The applicant is proposing to develop approximately 400 townhouse units at a density of approximately 12.5 dwelling units per net buildable acre.

### ANALYSIS OVERVIEW:

#### ZONING REQUEST

The applicant is requesting to rezone 55.94 ± acres from A-1 (Agriculture District) to PUD (Planned Unit Development District). The subject property is located on the south side of Wilson Road, east of International Parkway. The Future Land Use designation of the subject property is HIP-TI (North I-4 Corridor High Intensity Planned Development-Target Industry). HIP-TI encourages growth of high tech industries and seeks to maintain adequate land for target industry in close proximity to and highly visible from major interchanges (Policy FLU-5.9). The applicant is proposing 400 town homes at a density of approximately 12.5 dwelling units per acre.

The parcel is constrained from developing with target businesses and industries, manufacturing or high density residential as called for in HIP-TI as it does not front, nor have direct access to International Parkway. The only access to the property is from Wilson Road which is classified as a 2 lane undivided local road with a 25 foot right-of-way. The applicant does not have the ability to gain access from International Parkway which limits the development capacity of the site and reduces the potential for

development of the target industry uses outlined in the Comprehensive Plan and therefore is requesting a project designed to fit within the constraints of the property.

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 sq. ft.	1700 sq. ft.
Minimum House Size	N/A	1200 sq. ft.
Minimum Width at Building Line	150 feet	20 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	10 feet	0 feet
(Street) Side Yard Setback	50 feet	N/A feet
Rear Yard Setback	30 feet	10 feet (2 feet for porches/patios)
Maximum Building Height	35 feet	35 feet
Office	N/A	N/A

**PERMITTED & SPECIAL EXCEPTION USES**

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (Existing)	Citrus or other fruit crops cultivation, production, and horticulture. Truck farms. Plant nurseries and greenhouses not involved with retail sales to the general public. Poultry and livestock production, excluding commercial swine raising, except as otherwise provided within the district. Grazing and pasturing of animals. Home occupations and home offices. Roadside stands for the sale of fruits, vegetables, and similar products produced on the premises. Government-owned or government-operated building or use, excluding public utility and service structures public. Public and private elementary	Cemeteries and mausoleums. Kennels including the commercial raising or breeding of dogs. Hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes when such facilities and homes are approved and licensed by the State of Florida. Public and private nursery schools, kindergartens, middle schools, high schools and colleges. Temporary asphalt plants for purpose of specific public road construction. Sawmills. Public utility and service structures. Fraternal clubs when chartered with the State. Country and golf	1 acre

	<p>schools. Fish hatcheries or fish pools, when approved in accordance with all applicable federal, state, and County regulations and laws. Publicly owned and/or controlled parks and recreation areas. Bait production. Stables, barns, shed, silos, granaries, windmills, and related agricultural structures. Dairies. Apiculture. Silviculture including timber production. Single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses. Neighborhood recreation areas, when approved as part of a subdivision plat. Churches and structures appurtenant thereto. Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.</p>	<p>clubs, fishing clubs, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, as determined by the Planning Manager. Privately owned and operated recreational facilities open to the paying public. Golf driving ranges. Riding stables. Commercial raising of swine (other than for family use). Sewage disposal plants, water plants, and sanitary landfill operations. Off-street parking lots. Farm worker housing. Mobile home. Retail nurseries. Organizations involved in either the slaughter of livestock, meat cutting, and/or processing operations, but that do not engage in retail sales. Community residential homes. Landscaping contractors. Communication towers. Disposal of tree cuttings or similar organic materials by burning in which materials have been transported to the property. Bed and Breakfast establishments which are not located within a platted subdivision.</p>	
<p>PUD (Proposed)</p>	<p>400 Townhouse units, home occupations and home office.</p>	<p>N/A</p>	<p>1700 sq. ft.</p>

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	<b>HIP-TI</b> <i>Vacant</i> <b>A-1</b> <i>(31.16 acres)</i>	<b>HIP-TI</b> <i>Vacant</i> <b>A-1</b> <i>(24.84 acres)</i>	<b>HIP-TI</b> <i>Vacant</i> <b>A-1</b> <i>(15.21 acres)</i>	
(West)	<b>HIP-TI</b> <i>Vacant</i> <b>A-1</b> <i>(17.32 acres)</i>	<b>HIP-TI</b> <i>Vacant</i> <b>A-1</b> <i>(55.94 acres)</i>	<b>I-4</b> <i>Roadway</i>	(East)
	<b>HIP-TI</b> <i>Vacant</i> <b>A-1</b> <i>(1.66 acres)</i>	<b>HIP-TI and SR 417</b> <i>Vacant/Roadway</i> <b>A-1</b> <i>(9.97 acres)</i>	<b>I-4 and SR 417</b> <i>Roadway</i>	

(South)

\* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FIRM maps there appears to be no floodplains located on the subject property.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, it appears that a portion of the subject property on the east and west sides may contain wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

A threatened and endangered species survey will be required prior to final engineering approval.

**PUBLIC FACILITY IMPACTS**

*Concurrency:*

Rule 9J-5.0055(3) (c), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted for concurrency review at this time.

The following tables depict the impacts the proposed development has on public facilities:

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development Townhomes</b>	<b>Net Impact</b>
Water (GPD)	18,550	110,000	91,450
Sewer (GPD)	15,900	100,000	84,200
Traffic (ADT)	507	2,344	1,837
Schools			
Elementary	13	46	33
Middle	6	21	15
High	7	23	116

*Estimated impacts based on proposed 400 town home units.*

*Utilities:*

The site is located in the utility service area of Seminole County and is required to connect to public utilities. There is a 15-inch gravity sewer main and 12-inch water main located on the south side Wilson Road, and also a 10-inch reclaim water main stub-out on the south side of Wilson Road. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

*Transportation / Traffic:*

The property accesses Wilson Road, which is classified as a 2-lane undivided local road with a 25-foot right-of-way. The developer is responsible for constructing Wilson Road to County standards and is also responsible for dedicating the right-of-way required on Wilson Road to construct the road to Seminole County standards.

*School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 90 school-age children. This subject site is currently zoned for children, and will affect the following schools:

<b>Schools Impacted</b>	<b>Proposed Impact</b>	<b>Current Capacity</b>	<b>05/06 Enrollment</b>	<b>Percent Capacity</b>
Northwest Cluster Elementary	56			
Sanford Middle	21			
Seminole High	23			

Enrollment numbers will be provided by the School District at the 3/14/06 meeting.

*Public Safety:*

The nearest response unit to the subject property is Station # 34, which is located at 4905 State Road 46. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 2.5 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the Lake Monroe Drainage Basin. There is positive outfall for the subject property with limited capacity; therefore the applicant will be required to limit post development discharge to a rate meeting this capacity.

*Parks, Recreation and Open Space:*

The applicant is required to design the project to provide a minimum of 25% common usable open space per the Seminole County Land Development Code. All open space requirements will be verified prior to Final Master Plan approval.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

This project, due to the HIP-TI land use, does warrant processing the County Fiscal Impact Analysis Model (FIAM). The following table depicts the fiscal impacts of the proposed project over a period of 20 years. The table demonstrates that there is a minimal positive fiscal impact to the County and major negative economic and job impact for the proposed town home development.

<b>Lakeshore Preserve PUD (20-Year Impacts)</b>		<b>Development Scenarios</b>	
		<b>Current</b>	<b>Proposed</b>
<b>Total County Fiscal Impacts</b>		-\$134,386	\$1,332,607
<b>Total Economic Impacts</b>	Jobs	3,007	350
	Sales	\$194,132,704	\$24,365,092
	Earnings	\$85,274,465	\$9,874,104
<b>Total School Student Impacts</b>		0	219

## **SPECIAL DISTRICTS**

The subject property is not located within any special districts or overlays.

## **COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications

Policy FLU 5.6: Higher Intensity Planned Development (HIP) Purpose

Policy FLU 5.7: Higher Intensity Planned Development (HIP) General Uses and Intensities

Policy FLU 5.9: North I-4 Corridor Higher Intensity Planned Development-Target Industry (HIP-TI) Permitted Uses and Locational Standards

Policy FLU 5.13: Higher Intensity Planned Development (HIP) Design Standards

## **INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notices were sent to the Seminole County School District on December 20, 2005. To date, no comments have been received.

## **LETTERS OF SUPPORT OR OPPOSITION:**

At this time, Staff has received no letters of support or opposition for this application.

## **STAFF FINDINGS:**

Due to the following findings, Staff supports the applicant's request to develop the subject property as 400 town home units:

1. Higher Intensity Planned Development areas should ensure that the uses developed can meet particular standards for facility capacity and land use compatibility. While the County has provided the infrastructure capacities to support development of non-residential target industries, this parcel is constrained from developing with target businesses and industries, manufacturing or high density residential as called for in HIP-TI because it does not front, nor have direct access to International Parkway. Access to the property is from Wilson Road which is classified as a 2-lane undivided local road with a 25-foot right-of-way. The applicant does not have the ability to gain direct access from International Parkway which limits the development capacity of the site and reduces the potential for development of the target industry uses outlined in the Comprehensive Plan.
2. The uses anticipated for Higher Intensity Planned Developments represent major traffic generators and attractors. If this site is developed with an office use at a .35 floor area ratio, 5,450 average daily trips are generated verses 2,344 average daily trips generated by the proposed residential development.

3. Comprehensive Plan Policy FLU 5.7 (A) Location and Timing of Specific Uses states that; "The ultimate land uses within these areas are subject to economic cycles and the timing of individual property owner(s) proposals and therefore should not be specifically designated on Exhibit FLU: Future Land Use Map. Rather these areas should remain flexible in terms of future land use while ensuring that the uses developed can meet particular standards for facility capacity and land use compatibility." While the site is highly visible from Interstate-4, the lack of access to International Parkway renders it as a marginal site of Class - A office or commercial uses. Being a marginal site for Class-A office or commercial uses indicates that the site will be developed much later than other sites with adequate access to International Parkway in the area.
4. This site is unique in that it is the only site in this area of Higher Intensity Planned Development without adequate access to International Parkway.

### **STAFF RECOMMENDATION:**

Staff recommends the Board APPROVE the request and enact an ordinance to rezone 55.94 ± acres from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the south side of Wilson Road and east of International Parkway, (Morrison Homes, applicant), based on staff findings, the Fiscal Impact Analysis Model, the policies of the Vision 2020 Comprehensive Plan and subject to the following conditions:

1. The development shall have a minimum density of ten dwelling units per acre (10 du/acre).
2. The applicant shall extend the existing southbound left turn lane on International Parkway to provide additional vehicle storage.
3. The applicant shall construct a turn around (cul-de-sac or hammerhead) near the east end of Wilson Road.
4. Garage parking spaces shall have minimum dimensions of 11' x 19.'
5. Garages shall not be converted to living space.
6. Parking of recreation vehicles and/or boats on trailers shall be prohibited within the development.
7. Where sidewalks are installed, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk. 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.
8. Retention ponds designed as an amenity shall be in accordance with Section 30.1344 of the Land Development Code.
9. Interior drives and parking areas within the townhouse tract shall be owned and maintained by a Homeowners Association.
10. Townhouse units shall have a minimum of one car garage each.
11. Required parking within the boundaries of the project shall be 2.33 parking spaces per dwelling unit.

**LAND PLANNING AGENCY / PLANNING & ZONING COMMISSION**  
**RECOMMENDATION:**

At its meeting of January 11, 2006, the Planning & Zoning Commission unanimously voted to recommended approval of the request to rezone 55.94 ± acres located on the south side of Wilson Road, east of International Parkway from A-1 (Agriculture District) to PUD (Planned Unit Development District) subject to staff's recommendation with the elimination of conditions which prohibited communication towers, billboards and pole signs and the addition of two conditions addressing noise due to proximity to Interstate-4.

12. Subdivision plats establishing residential lots within the limits of the subject property shall include a note (font size twelve point or larger) stating the following:

***This property is located in proximity to Interstate-4. The properties delineated on this plat are subject to traffic noise that may be objectionable.***

13. The sale of each residential lot shall include a deed containing the following language in bold type face:

***NOTICE OF TRAFFIC NOISE***

***This property is located in proximity to Interstate-4. Residents will be subject to traffic noise that may be objectionable.***

**Seminole County -- Fiscal Impact Analysis Summary**  
2006 - 2025

Project Name:

**Current HIP-TI Class A Office Scenario**

**Summary of Proposed Land Use Change**

<u>Land Uses</u>	<u>Unit of Measure</u>	<u>Total</u>	<u>Average Value</u>
Single-family	Dwelling Units	0	\$0
Multifamily - Town Homes	Dwelling Units	0	\$0
Mobile Home	Dwelling Units	0	\$0
Hotel	Rooms	0	\$0
Retail	Sq. Ft.	0	\$0
Office - Class A	Sq. Ft.	433,500	\$100
Warehouse	Sq. Ft.	0	\$0
Industrial	Sq. Ft.	0	\$0
Instutional/Gov't	Sq. Ft.	0	\$0
Golf Course	Holes	0	\$0

**Summary of Fiscal Impacts**

	<u>Total</u>	<u>Present Value*</u>
Total Operating Revenue	\$10,525,693	\$3,855,443
Total Operating Cost	\$6,108,793	\$2,198,399
<b>Net Operating Impact</b>	<b>\$4,416,900</b>	<b>\$1,657,044</b>
<b>95% of Net Operating Impact</b>	<b>\$4,196,055</b>	<b>\$1,574,191</b>
Total Capital Revenue	\$1,040,400	\$859,835
Total Capital Cost	\$5,370,841	\$2,149,601
<b>Net Capital Impact</b>	<b>-\$4,330,441</b>	<b>-\$1,289,766</b>
<b>Net Total Impact (using 95% of Net Operating Impact)</b>	<b>-\$134,386</b>	<b>\$284,426</b>

(20 years @ 10% discount rate)

<u>Economic Impacts</u>	<u>Direct Impacts</u>	<u>Indirect Impacts</u>	<u>Total Impacts</u>
Jobs	1,205	1,801	3,007
Output/Total Sales	\$70,622,747	\$123,509,956	\$194,132,704
Earnings	\$42,045,981	\$43,228,485	\$85,274,465

**School Impacts**

	<u>10 Years</u>	<u>20 Years</u>
New Students	0	0
PV of Capital Impacts	\$474,103	\$750,201

**Seminole County -- Fiscal Impact Analysis Summary**  
 2005 Thru 2024 (20 Year Period)

Project Name: **Lakeshore Preserve - Proposed Scenario**

**Summary of Proposed Land Use Change**

<u>Land Uses</u>	<u>Unit of Measure</u>	<u>Total</u>	<u>Average Value</u>
Single-family	Dwelling Units	0	\$0
Multifamily - Town Homes	Dwelling Units	450	\$200,000
Mobile Home	Dwelling Units	0	\$0
Hotel	Rooms	0	\$0
Retail	Sq. Ft.	0	\$0
Office - One story	Sq. Ft.	17,000	\$80
Warehouse	Sq. Ft.	0	\$0
Industrial	Sq. Ft.	0	\$0
Instutional/Gov't	Sq. Ft.	0	\$0
Golf Course	Holes	0	\$0

**Summary of Fiscal Impacts**

	<u>Total</u>	<u>Present Value*</u>
Total Operating Revenue	\$25,794,848	\$9,423,829
Total Operating Cost	\$20,997,413	\$7,562,574
	=====	=====
<b>Net Operating Impact</b>	<b>\$4,797,435</b>	<b>\$1,861,255</b>
<b>95% of Net Operating Impact</b>	<b>\$4,557,563</b>	<b>\$1,768,192</b>
Total Capital Revenue	\$461,550	\$381,446
Total Capital Cost	\$3,686,507	\$1,475,470
	=====	=====
<b>Net Capital Impact</b>	<b>-\$3,224,957</b>	<b>-\$1,094,024</b>
<b>Net Total Impact (using 95% of Net Operating Impact)</b>	<b>\$1,332,607</b>	<b>\$674,168</b>

(20 years @ 10% discount rate)

<u>Economic Impacts</u>	<u>Direct Impacts</u>	<u>Indirect Impacts</u>	<u>Total Impacts</u>
Jobs	252	98	350
Output/Total Sales	\$17,615,550	\$6,749,542	\$24,365,092
Earnings	\$7,511,764	\$2,362,340	\$9,874,104

<u>School Impacts</u>	<u>10 Years</u>	<u>20 Years</u>
<b>New Students</b>	<b>219</b>	<b>219</b>
PV of Capital Impacts	-\$1,044,364	-\$1,688,940

**Comparison of Alternative Land Use Scenario Impacts**  
*Description of Tables*

**TABLE 1 - COMPARISON OF LAND USE CHANGES – CURRENT vs PROPOSED**

This table defines the three alternative development scenarios for the property(ies) in question. The changes may involve an actual change in the land use category of the property or a change in the amounts of allowed uses within the land use category. It should be noted that the model does not calculate the secondary impacts from the proposed development scenario. For example, the model does not calculate the demand for housing created by the proposed office development. Likewise, the demand for employment in the County as a response to the proposed residential units is also not calculated within the model.

**TABLE 2 - FISCAL IMPACTS**

Net Present Value (NPV) figures represent the total value in today's dollars using a 10% discount rate over a period of 20 years. The NPV measurement is commonly used as a gauge of the acceptability of a new project. The discount rate is generally associated with the long term estimate of the cost to borrow funds. The discount rate converts all cashflows backward in time to an equivalent amount of cash today. If the NPV is a positive number, the NPV of all future cashflows is greater than the amount to be initially invested. In contrast, if the NPV is negative, the NPV of all future cash flows is less than the amount of the initial investment. Regardless of whether the NPV is positive or negative, these results should be evaluated in conjunction with other goals and objectives.

20 Year Total figures represent the sum of the annual total operating revenues and costs and capital revenues and costs over a twenty-year study period.

Because these are modeled results and minor changes to the input can alter the output considerably, the fiscal impacts shown should be evaluated based on the relative scale or magnitude of their differences, not on the exact figures themselves.

**A Operating Revenue and Cost Impacts**

- 1 Total Operating Revenue is generated from budgetary line items found in the "Budget Output" tab. The majority of the operating revenue is from ad valorem taxes generated by the taxable value of the development. For example, Scenario 1 is projected to produce over \$200 million of taxable property values in 2008 and their values will increase each year through the 2026 end year.
- 2 Total Operating Costs are represented by the variety of public services provided to the development over time. These operating costs compare with offsetting revenues generated by the project over the same budget, horizon, or planning period. These costs are calculated on a per capita basis, meaning costs increase as new residents and/or employees are generated.
- 3 Net Operating Impact is calculated as the difference between Operating Revenue and Operating Cost. A positive number indicates that the scenario is projected to return more dollars to County accounts than are spent providing service to the development. A negative number indicates an overall loss to County accounts over the time period modeled for this development. As noted under the NPV discussion above, a negative account balance alone is not sufficient to determine the overall value of the development scenario to the community. The value in the modeling is that the losses can be identified and can then be addressed or offset by other planning tools.
- 4 95% of Net Operating Impact reflects Florida Statutes Chapter 129.01(2)(b), requiring a 5% statutory revenue reduction to be included in revenue budgets. The reduction serves as a hedge against unforeseen shortfalls.

**B Capital Revenue and Cost Impacts**

- 1 Total Capital Revenue represents the proceeds produced by the impact fees collected by the County. At the time of this analysis, Seminole County charges impact fees for roads, fire, library, and schools.
- 2 Total Capital Cost represents dollars that should be spent for acquisition, construction, major renovation, or replacement of land, buildings, and major equipment associated with the provision by the County of public facilities and services required by the project. Major capital items include transportation, parks, public buildings, fire protection, emergency management services and law enforcement. It should be noted that 100% of the capital costs are bonded at 7% interest over a

period of 25 years. The cost of capital expenses, in turn, becomes the debt service to provide the required capital resources.

- 3 **Net Capital Impact** is calculated as the difference between Capital Revenues and Capital Costs. A positive number indicates that the scenario is projected to return more dollars to County accounts than are spent providing service to the development. A negative number indicates an overall loss to County accounts over the time period.

**C Net Total Fiscal Impact**

- 1 The Net Total Fiscal Impact line is calculated as the sum of 95% Net Operating Impact and the Net Capital Impact. This line provides the reader with a relative comparison of the general magnitude of the long term difference in County accounts balances between the three development scenarios. Regardless of whether the resulting NPV is positive or negative, the project should also be evaluated in terms of their long term impact and its role in meeting the planned goals and objectives for the community.

**TABLE 3 - ECONOMIC IMPACTS**

Similar to the fiscal impacts, the economic impacts shown should be evaluated based on the relative scale or magnitude of their differences, not on the exact figures themselves. The model does not calculate the portion of economic impacts will flow into County fiscal accounts, but it can be inferred that some portion of the economic impact from the scenario in question will flow into various County accounts. The model also does not calculate the jobs that may be created from the residential component of the development scenario.

**A Direct Impacts** - Projected impact directly related to the specified development scenario.

- 1 **Jobs** – Annual average of the estimated jobs within the development scenario or directly supporting the development (such as cleaning and lawn service, etc.) over a 20 year period.
- 2 **Sales/Output** – Annual average of the estimated economic output generated from the non-residential development(s). The economic output as shown here is not the amount of local retail sales but illustrates the estimated economic productivity from the specified developments.
- 3 **Earnings** – Annual average wages earned by the new employees within and directly servicing this development. A portion of this money can be expected to be spent in the local economy.

**B Indirect Impacts** - Projected impact indirectly related to the specified development scenario.

- 1 **Jobs** - Annual average of the estimated jobs within the development scenario over a 20 year period. For example, new retail or restaurant jobs created by the demand generated from the new office employees.
- 2 **Sales** - Annual average of the estimated economic output generated from the non-residential development(s).
- 3 **Earnings** - Annual average wages earned by the new employees.

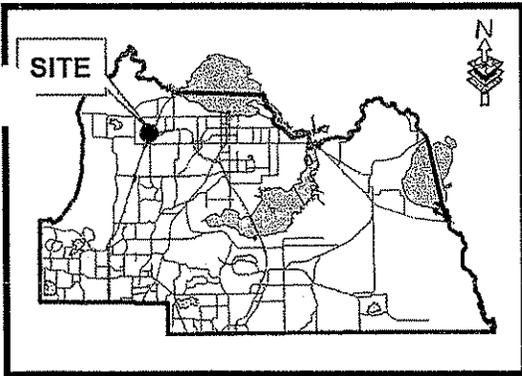
**C Total Impacts** - The sum of Direct and Indirect Economic Impacts. Economic impact dollar figures cannot be compared directly with fiscal impacts. In absolute terms, they are generally significantly larger than the fiscal impact figures and provide a gauge of the economic impact from the development.

**TABLE 4 - IMPACT ON SCHOOL DISTRICT**

Similar to the fiscal impacts and the economic impacts, the school impacts shown should be evaluated based on the relative scale or magnitude of their differences, not on the exact figures themselves. Two projections are shown, one at year 10 and the other at year 20.

**A Student Impact** - Total estimated number of new public school students in the District's system. These figures can vary significantly between the types of dwelling unit being built – single family units tend to contribute more children while multifamily units tend to generate fewer children.

**B Capital Impact** – The capital costs associated with the new student stations required by the new students generated by the new residential development.



SITE



VOLUSIA COUNTY

Lake Monroe

LAKE COUNTY

NW US 17-92

SR 46 W

SR 417

Z2005-065

US 17-92

LAKE MARY

LAKE MARY BLVD W

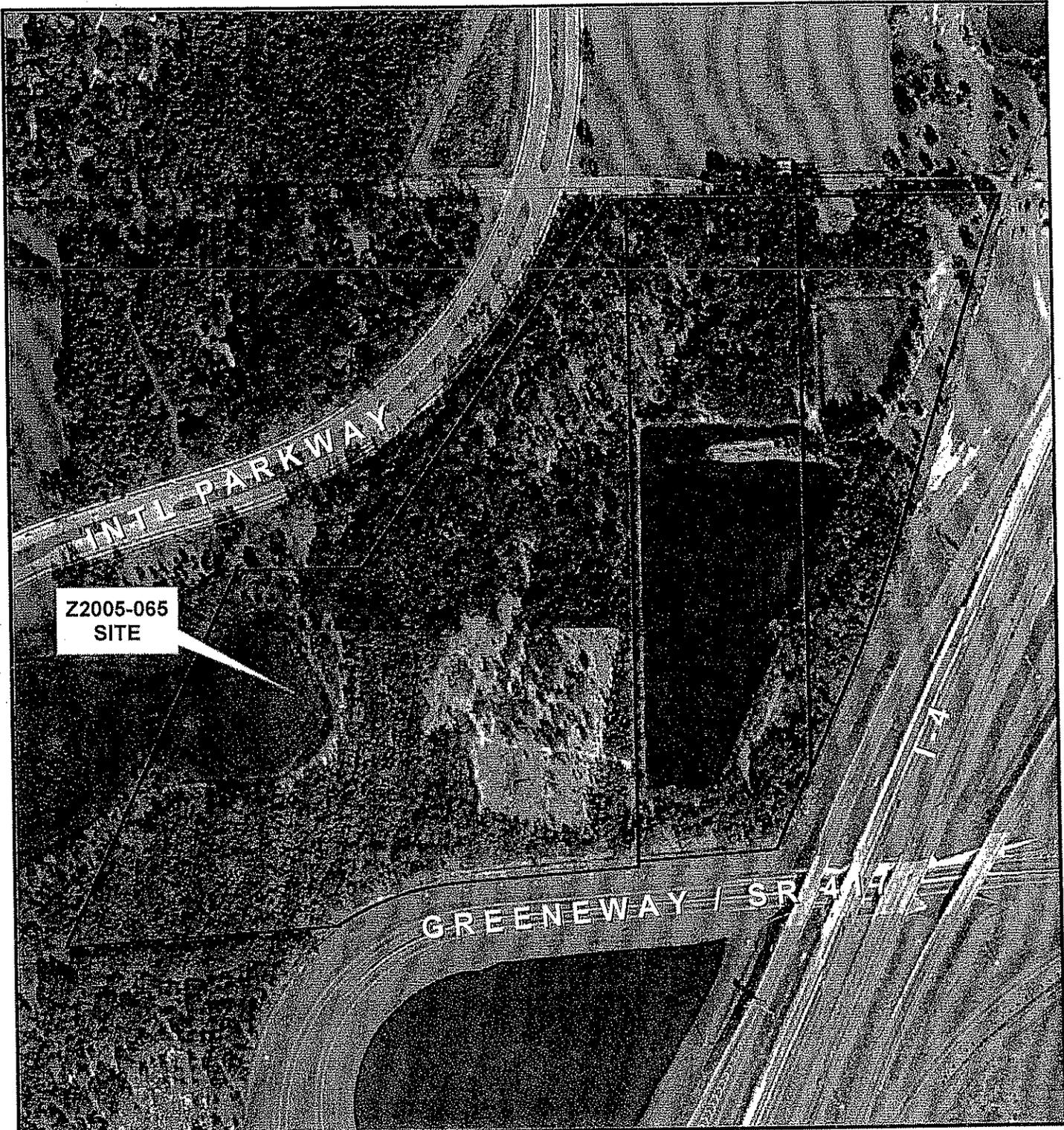
LAKE MARY BLVD E

LONGWOOD

Lake Jesup

SR 434 E





Z2005-065  
SITE

Rezone No: Z2005-065  
From: A-1 To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials



## **SEMINOLE COUNTY DEVELOPMENT ORDER**

On On March 28, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

### **FINDINGS OF FACT**

**Property Owner:** PRN Real Estate & Investment, Ltd., WGML Investments, Ltd., and  
JDF Real Estate & Investment, Ltd.  
6355 Metro West Boulevard  
Suite 330  
Orlando, Florida 32835; and  
860 State Road 434  
Suite 7  
Altamonte Springs, Florida 32714

**Project Name:** Lakeshore Preserve

#### **Requested Development Approval:**

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

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

Prepared by: Tony Walter, Planning Manager  
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:
  1. The development shall have a minimum density of ten dwelling units per net buildable acre (10 du/acre).
  2. The applicant shall extend the existing southbound left turn lane on International Parkway to provide additional vehicle storage.
  3. The applicant shall construct a turn around (cul-de-sac or hammerhead) near the east end of Wilson Road.
  4. Garage parking spaces shall have minimum dimensions of 11' x 19.'
  5. Garages shall not be converted to living space.
  6. Parking of recreation vehicles and/or boats on trailers shall be prohibited within the development.
  7. Where sidewalks are installed, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk. 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.
  8. Retention ponds designed as an amenity shall be in accordance with Section 30.1344 of the Land Development Code.
  9. Interior drives and parking areas within the townhouse tract shall be owned and maintained by a Homeowners Association.
  10. Townhouse units shall have a minimum of one car garage each.
  11. Required parking within the boundaries of the project shall be 2.33 parking spaces per dwelling unit.
- (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.

Board of Seminole County Commissioners

By: \_\_\_\_\_

Carlton D. Henley,  
Chairman

**OWNER'S CONSENT AND COVENANT**

COMES NOW, the agent, Leslie G. Peters, Division President of Morrison Homes, on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Leslie G. Peters, Division President,  
Morrison Homes

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
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 Leslie G. Peters, Division President of Morrison Homes, is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**EXHIBIT A  
LEGAL DESCRIPTION**

ALL OF THAT PART OF THE NE 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, LYING WITHIN THE SANFORD GRANT AND LYING NORTH OF THE RIGHT OF WAY OF THE ATLANTIC COASTLINE RAILROAD, LESS BEGINNING AT A POINT 45 LINKS WEST OF THE NORTHEAST CORNER OF SAID SECTION 31, RUN WEST TO THE WEST LINE OF THE SANFORD GRANT, RUN THENCE SOUTH 25° WEST 15.60 CHAINS ALONG SAID GRANT LINE, THENCE EAST 4.68 CHAINS, THENCE NORTHEASTERLY 17.55 CHAINS TO THE POINT OF BEGINNING AND ALSO LESS THE NORTH 25 FEET THEREOF FOR PUBLIC ROAD.

AND

THE WEST 429.7 FEET OF THE NORTHWEST 1/4 SECTION 32, TOWNSHIP 19 SOUTH, RANGE 30 EAST, LYING NORTH OF THE RIGHT OF WAY OF THE ATLANTIC COASTLINE RAILROAD, LESS THE NORTH 25 FEET THEREOF FOR PUBLIC ROAD.

AND

THAT PART OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 30 EAST, LYING NORTH OF ATLANTIC COASTLINE RAILROAD RIGHT-OF-WAY, WEST OF INTERSTATE 4 RIGHT-OF-WAY AND SOUTH OF THE SOUTH RIGHT-OF-WAY OF WILSON ROAD, A PUBLIC ROAD, LESS WEST 429.7 FEET THEREOF.

AND LESS:

AS DESCRIBED IN OFFICIAL RECORD BOOK 1291, PAGE 1587, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 77160-2441, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 32, (A ONE INCH (1") IRON PIPE AS NOW EXISTS); RUN SOUTH 00°14'59" EAST ALONG THE WEST LINE THEREOF 1726.77 FEET TO A POINT ON THE NORTH LINE OF THE ABANDONED ATLANTIC COASTLINE RAILROAD RIGHT-OF-WAY (A 100 FOOT RIGHT-OF-WAY BY PLAT), AND THE POINT OF BEGINNING; THENCE SOUTH 85°40'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 704.27 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 647.31 FEET AND A CENTRAL ANGLE OF 29°17'06"; THENCE FROM A CHORD BEARING OF NORTH 71°01'47" EAST RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE 330.85 FEET TO THE END OF SAID CURVE; THENCE NORTH 85°40'20" EAST 393.53 FEET TO SAID WEST LINE OF SECTION 32; THENCE CONTINUE NORTH 85°40'20" EAST 354.94 FEET; THENCE NORTH 24°03'25" EAST 426.30 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A

RADIUS OF 3162.72 FEET AND CENTRAL ANGLE OF 07°12'51" AND CHORD BEARING OF NORTH 20°27'00" EAST; THENCE RUN NORTHERLY ALONG THE ARC THEREOF 398.22 FEET TO THE END OF SAID CURVE; THENCE NORTH 16°50'34" EAST 668.08 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2742.78 FEET AND CHORD BEARING OF NORTH 19°14'05" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°47'03" A DISTANCE OF 229.02 FEET TO A POINT ON THE SOUTH LINE OF WILSON AVENUE; THENCE DEPARTING SAID CURVE, NORTH 89°57'24" EAST ALONG SAID SOUTH LINE 260.57 FEET TO A POINT ON THE WEST LINE OF EXISTING STATE ROAD 400 LIMITED ACCESS RIGHT-OF-WAY; THENCE SOUTH 24°03'25" WEST ALONG SAID WEST RIGHT-OF-WAY LINE 1855.57 FEET TO THE NORTH LINE OF SAID ATLANTIC COASTLINE RAILROAD; THENCE SOUTH 85°40'20" WEST ALONG SAID NORTH LINE 440.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 55.942 ACRES, MORE OR LESS

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

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Lakeshore Preserve PUD dated March 28, 2006

(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:

**SEE ATTACHED 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, and this Ordinance shall be effective on the recording date of the Development Order # \_\_\_\_\_ in the Official Land Records of Seminole County.

ENACTED this 28th day of March 2006

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley,  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

Lake Shore Preserve (Z2005-065) DESCRIPTION:

ALL OF THAT PART OF THE NE 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, LYING WITHIN THE SANFORD GRANT AND LYING NORTH OF THE RIGHT OF WAY OF THE ATLANTIC COASTLINE RAILROAD, LESS BEGINNING AT A POINT 45 LINKS WEST OF THE NORTHEAST CORNER OF SAID SECTION 31, RUN WEST TO THE WEST LINE OF THE SANFORD GRANT, RUN THENCE SOUTH 25° WEST 15.60 CHAINS ALONG SAID GRANT LINE, THENCE EAST 4.68 CHAINS, THENCE NORTHEASTERLY 17.55 CHAINS TO THE POINT OF BEGINNING AND ALSO LESS THE NORTH 25 FEET THEREOF FOR PUBLIC ROAD.

AND

THE WEST 429.7 FEET OF THE NORTHWEST 1/4 SECTION 32, TOWNSHIP 19 SOUTH, RANGE 30 EAST, LYING NORTH OF THE RIGHT OF WAY OF THE ATLANTIC COASTLINE RAILROAD, LESS THE NORTH 25 FEET THEREOF FOR PUBLIC ROAD.

AND

THAT PART OF THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 19 SOUTH, RANGE 30 EAST, LYING NORTH OF ATLANTIC COASTLINE RAILROAD RIGHT-OF-WAY, WEST OF INTERSTATE 4 RIGHT-OF-WAY AND SOUTH OF THE SOUTH RIGHT-OF-WAY OF WILSON ROAD, A PUBLIC ROAD, LESS WEST 429.7 FEET THEREOF.

AND LESS:

AS DESCRIBED IN OFFICIAL RECORD BOOK 1291, PAGE 1587, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA AND AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 77160-2441, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 32, (A ONE INCH (1") IRON PIPE AS NOW EXISTS); RUN SOUTH 00°14'59" EAST ALONG THE WEST LINE THEREOF 1726.77 FEET TO A POINT ON THE NORTH LINE OF THE ABANDONED ATLANTIC COASTLINE RAILROAD RIGHT-OF-WAY (A 100 FOOT RIGHT-OF-WAY BY PLAT), AND THE POINT OF BEGINNING; THENCE SOUTH 85°40'20" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE 704.27 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 647.31 FEET AND A CENTRAL ANGLE OF 29°17'06"; THENCE FROM A CHORD BEARING OF NORTH 71°01'47" EAST RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE 330.85 FEET TO THE END OF SAID CURVE; THENCE NORTH 85°40'20" EAST 393.53 FEET TO SAID WEST LINE OF SECTION 32; THENCE CONTINUE NORTH 85°40'20" EAST 354.94 FEET; THENCE NORTH 24°03'25"

EAST 426.30 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 3162.72 FEET AND CENTRAL ANGLE OF 07°12'51" AND CHORD BEARING OF NORTH 20°27'00" EAST; THENCE RUN NORTHERLY ALONG THE ARC THEREOF 398.22 FEET TO THE END OF SAID CURVE; THENCE NORTH 16°50'34" EAST 668.08 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 2742.78 FEET AND CHORD BEARING OF NORTH 19°14'05" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°47'03" A DISTANCE OF 229.02 FEET TO A POINT ON THE SOUTH LINE OF WILSON AVENUE; THENCE DEPARTING SAID CURVE, NORTH 89°57'24" EAST ALONG SAID SOUTH LINE 260.57 FEET TO A POINT ON THE WEST LINE OF EXISTING STATE ROAD 400 LIMITED ACCESS RIGHT-OF-WAY; THENCE SOUTH 24°03'25" WEST ALONG SAID WEST RIGHT-OF-WAY LINE 1855.57 FEET TO THE NORTH LINE OF SAID ATLANTIC COASTLINE RAILROAD; THENCE SOUTH 85°40'20" WEST ALONG SAID NORTH LINE 440.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 55.942 ACRES, MORE OR LESS

MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION  
JANUARY 11, 2006

Members present: Rob Wolf, Beth Hattaway, Matt Brown, Ben Tucker, Dudley Bates, Walt Eismann, and Jason Brodeur.

Also present: Dan Matthys, Director of Planning & Development; Tony Walter, Planning Manager; Tom Radzai, Senior Engineer; Tyrone K. Smith, Senior Planner; Chris Schmidt, Senior Planner; Kim Laucella, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

**G. Lakeshore Preserve; Morrison Homes, applicant**; 55.94 acres; Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development); located on the corner of International Parkway and Wilson Road. (Z2005-065)

Commissioner Carey – District 5

Tyrone Smith, Senior Planner

Tyrone Smith presented the application for a PUD with 450 town homes with a density of 12.5 dwelling units per acre. The parcel's only access is from Wilson Road. It cannot have access to International Drive and is requesting approval with the design constraints of the property. Staff recommends approval of the request. The following conditions were included in the staff report: 1) The project shall be limited to the density of 10 dwelling units per acre 2) Communication towers, billboards and pole signs shall be prohibited; 3) The applicant shall extend the existing southbound left turn lane on International Parkway to provide additional vehicle storage; 4) The applicant shall construct a turn around (cul-de-sac or hammerhead) near the east end of Wilson Road; 5) Garage parking spaces shall have minimum dimensions of 11' by 19'; 6) Garages shall not be converted to living space; 7) Parking of recreation vehicles and/or boats on trailers shall be prohibited within the development; 8) Where sidewalks are installed, the front building setback shall be no less than 20 feet from the nearest edge of the sidewalk. 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; 9) Retention ponds designed as an amenity shall be in accordance with Section 30.1344 of the Land Development Code; 10) Interior drives and parking areas within the townhouse tract shall be owned and maintained by a Homeowners Association; 11) Townhouse units shall have a minimum of one car garage each; 12) Required parking within the boundaries of the residential tract shall be 2.33 parking spaces per dwelling unit.

Commissioner Brown questioned why a minimum of 450 townhomes was specified. Why do we not specify a maximum number?

Dan Matthys said that this condition had been changed to be a minimum density figure of 10 dwelling units per acre.

Commissioner Brown asked why communication towers and billboards were eliminated. We have stringent codes in place that address this need. Why not allow the uses if the code is complied with? Communication towers are how we communicate. If the property owner can fit one on the property and it is along I-4, we need it.

Mr. Smith said that communication towers and pole signs and billboards were not in the aesthetic that was wanted along the HIPTI corridor along I-4. The HIP core area is meant to be a more attractive aesthetic area.

Commissioner Brown said that we need communications. I-4 is a mass transit corridor, not a scenic road. When we have good codes, why not allow the property owner his rights.

Mr. Walter said that staff would take that recommendation under advisement.

Commissioner Tucker said that this has been a concern of his for years. Soon state laws will take the communication towers out of local jurisdiction. It is the same as the losing of jurisdiction over half-way houses. The counties would not approve them, so they were taken over by the state. You talk about the 35 foot maximum height along an interstate; what is so displeasing about seeing a 50-foot flagpole with an American Flag on it along a highway? We will lose the right to have any jurisdiction over communication towers if we keep using boiler plate language on such issues. Home rule will be lost.

Commissioner Tucker said that one thing is missing here on this item. As with the last multi-family along I-4 that was previously addressed, he pointed out the need to have either a sound easement over the property to address the noise from the highway, or do something to address the need for a wall, so that the County does not have to go back at taxpayer expense to put in a wall later. Now is the time to address this issue.

Mr. Walter said that the way it was handled before was to have a notification similar to an aviation easement.

Commissioner Tucker said that it could be a deed restriction that prohibits them from coming back and requiring that the state DOT come back in to put in the sound baffling walls.

Mr. Walter said that he would take that under advisement as well as removing the language about the communication towers.

Commissioner Wolf said that it had been stated before that such language would become part of the "boiler plate" in the future on such properties.

Commissioner Brown said that he would like to let the BCC is made aware of this board's desire to see this need addressed. It has not gotten through in the past through the staff.

Commissioner Brodeur pointed out that, pertaining to staff recommendation #3, the applicant does not own the small strip of property adjacent to Wilson Road. Commissioner Brodeur said that he did not want to see the applicant have to extend turn lanes onto property he does not own.

Commissioner Tucker asked if it would be extended within the existing right-of-way and the applicant would pay for the pavement.

Mr. Walter said it would.

Commissioner Brown asked why the applicant did not have access to International Parkway.

Mr. Walter said that they do not have frontage on International Parkway. There is a different property owner.

Mr. Smith said that the access is from Wilson Road to International Parkway.

Chad Moorehead of Madden Engineering spoke for Morrison Homes. He said that he agrees with staff recommendations. He stated that he would be extending an existing turn lane, not requiring any additional right-of-way to do so.

Commission Tucker asked Mr. Moorehead what his position was on an easement or sound barrier, as previously discussed.

Mr. Moorehead said that his intention was to put a retention pond on that side, making the distance from the edge of the right-of-way to any units at least 450 feet. It was planned that this would be the buffer. Anything else as a possible protection would be addressed at site plan approval time.

Commissioner Tucker asked if the applicant would commit to a deed restriction saying that there would be no future requirements.

Mr. Moorehead agreed.

There were no questions from the floor.

The public hearing was now closed.

**Commissioner Brown made a motion to recommend approval.**

**Commissioner Hattaway seconded the motion.**

Commissioner Brown said that he is not asking to change about communications towers, since the applicant has not asked for it, but he would like to see that removed in the future. Also, Commissioner Brown said that he had an understanding that the sound barrier walls were only good for up to 300 feet. So for this situation there would be no need for one to be put there.

**Commissioner Brown said that he would amend his motion to include a deed restriction for the sound.**

**Commissioner Hattaway agreed to a second.**

**The motion passed 7 – 0.**

#### **PLANNING MANAGER'S REPORT**

Tony Walter stated that the first order of business next month would be to elect new officers.

#### **OTHER BUSINESS**

Commissioner Tucker said that the issue of whether or not the applicant is able to speak during technical reviews has been investigated. The applicant is not considered a member of the public and therefore can address the board. There is no need to open things up with the public. This procedure will continue. Technical reviews will be public meetings, but not public hearings. The applicants will be allowed to speak. This is what we have done in the past.

Commissioner Brown asked if the board will recommend that the issues concerning the sound wall be sent to the BCC, which could direct staff to compose deed restrictions on properties as they are rezoned. This would make people aware of what they are moving in next to.

Dan Matthys said that he would pass this on.

Commissioner Tucker said that if the 300-foot barrier standard were something they would like to put in, that could be done.

The BCC could direct staff to look at DOT standards to try to develop something that would fit this need.

Dan Matthys said that he would communicate that directive.

There being no further business, the meeting was adjourned at 10:25 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson