

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Silverleaf Park PUD (f.k.a. NW 46 PUD) Final Master Plan

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dan Matthys *(signature)* CONTACT: Tina Williamson EXT. 7353

Agenda Date 4/11/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. APPROVE the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for the Silverleaf Park PUD, consisting of 55.05 ± acres and located on the east side of North Oregon Street, approximately 0.50 miles north of SR 46, based on staff findings (KB Homes of Orlando, LLC, applicant); or
2. DENY the Final Master Plan for the Silverleaf Park PUD, consisting of 55.05 ± acres and located on the east side of North Oregon Street, approximately 0.50 miles north of SR 46, based on staff findings (KB Homes of Orlando, LLC, applicant); or
3. CONTINUE the request until a time and date certain.

District #5 – Carey

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is seeking Final Master Plan approval for a 390 lot townhouse project. On May 10, 2005, the Board adopted a Large Scale Future Land Use Amendment from Commercial to Medium Density Residential and a rezoning from PCD (Planned Commercial Development) to PUD (Planned Unit Development) on the subject property. The maximum residential density is 10.0 dwelling units per net buildable acre. Staff finds that the proposed Final Master Plan and Developer's Commitment Agreement provided by the applicant comply with all of the conditions contained in the approved development order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Master Plan and execution of the Developer's Commitment Agreement for the Silverleaf Park PUD, consisting of 55.05 ± acres and located on

Reviewed by: _____
Co Atty: *(signature)*
DFS: _____
Other: _____
DCM: *(signature)*
CM: _____
File No. rpdp03

the east side of North Oregon Street, approximately 0.50 miles north of SR 46, based on staff findings.

ATTACHMENTS:

Location Map

Zoning and Future Land Use Map

Aerial Map

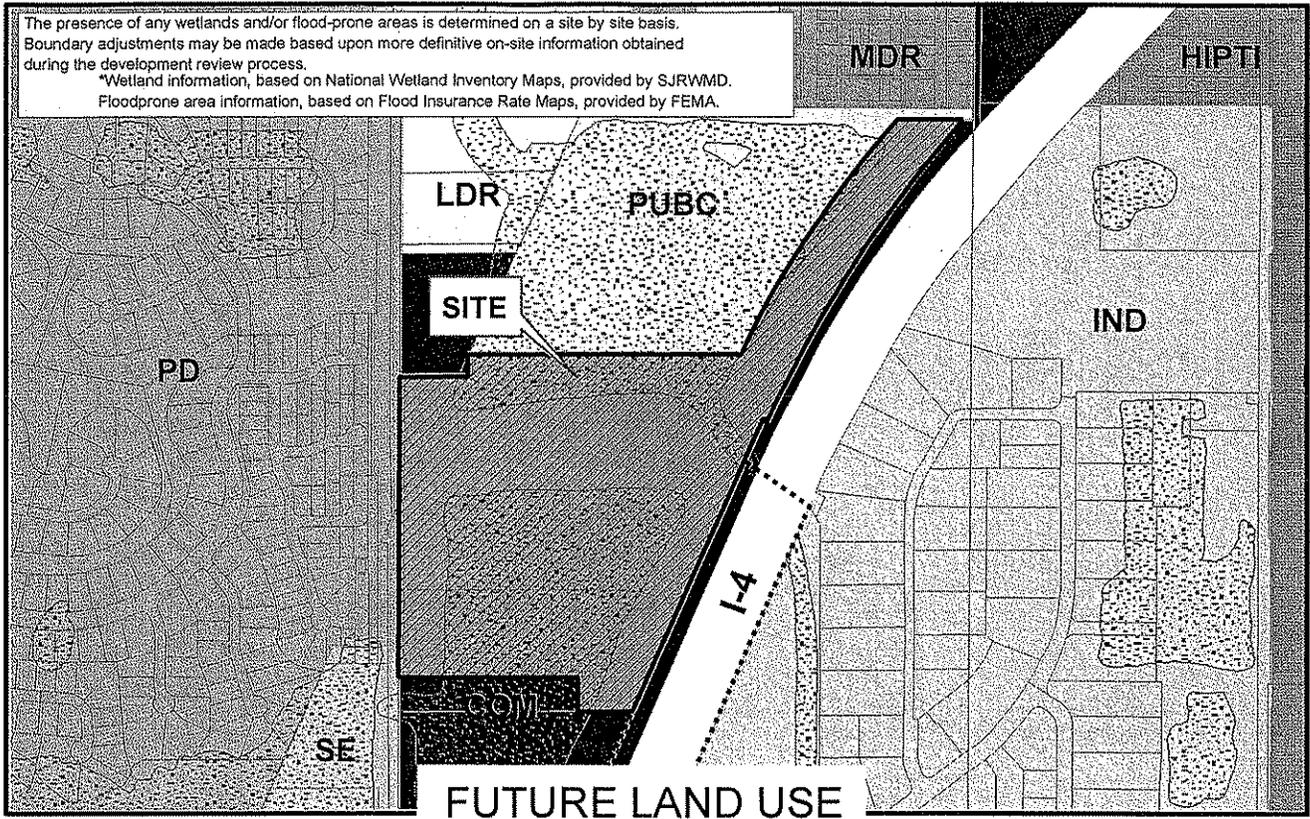
Final Master Plan

Developer's Commitment Agreement

Approved Development Order

May 10, 2005 BCC meeting minutes

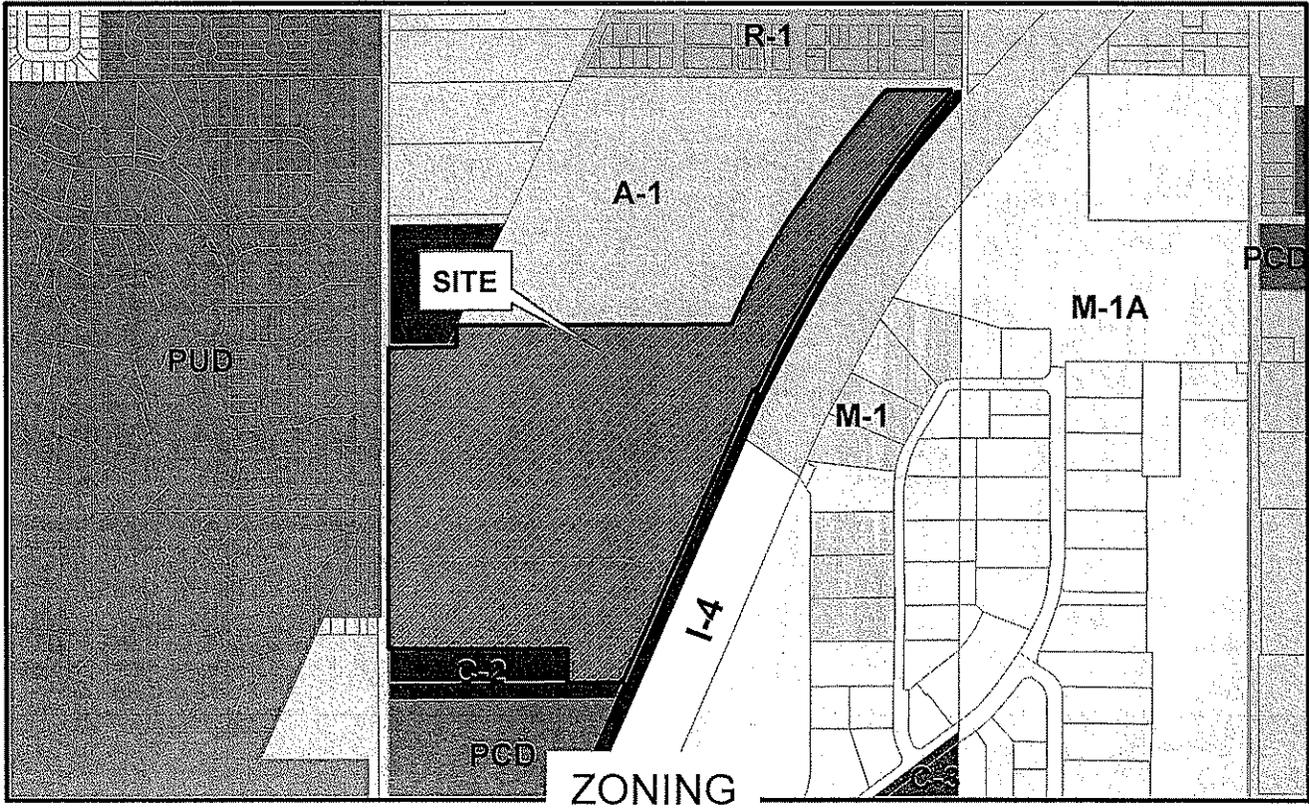
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



- FUTURE LAND USE**
- Site
 - Municipality
 - LDR
 - MDR
 - COM
 - PUBC
 - IND
 - PD
 - HIPTI
 - SE
 - CONS

Applicant: Daniel B. Green, KB Home
 Physical STR: 20-19-30-300-0040-0000, 004F-0000 & 16-19-30-5AB-200E-0000
 Gross Acres: 12.07 +/- BCC District: 5
 Existing Use: Vacant Wasteland
 Special Notes: Final Master Plan

	Amend/Rezzone#	From	To
FLU	--	--	--
Zoning	Z2005-067	PUD	PUD



- ZONING**
- A-1
 - R-1
 - C-2
 - C-3
 - PUD
 - PCD
 - FP-1
 - W-1
 - M-1A
 - M-1



Z2005-067
SITE

Rezone No: Z2005-067
From: PUD To: PUD

 Parcel
 Subject Property



January 2004 Color Aerials

**SILVERLEAF PARK PUD (F.K.A. NW 46 PUD)
FINAL MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATION AND DISTRICT DESCRIPTION**

On April 11, 2006 the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

1. **LEGAL DESCRIPTION:**

This document addresses development within the legal description attached hereto as Exhibit A.

2. **PROPERTY OWNER**

KB HOME ORLANDO, LLC
8403 South Park Circle
Suite 670
Orlando, FL 32819

3. **STATEMENT OF BASIC FACTS**

- | | |
|----------------|---|
| A. Total Area: | 55.05 Acres |
| B. Zoning: | Planned Unit Development (PUD) |
| C. Total Units | 390 units |
| D. Density | Maximum 10 units per net buildable acre |

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

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

4. **LAND USE BREAKDOWN**

Tract	Tract Use	Acreage	% of Site
A	Open Space / Landscape Buffer	17.17	31.19
B	Open Space / Common Area	5.19	9.43
C	Utility & Access R/W	6.83	12.41
D	Open Space / Common Area	0.40	0.73
E	Open Space / Common Area	0.40	0.73
F	Open Space / Common Area	0.40	0.73
G	Open Space / Common Area	0.27	0.49
H	Open Space / Common Area	0.40	0.73
I	Open Space / Common Area	0.53	0.96
J	Open Space / Common Area	0.52	0.94
K	Open Space / Retention	12.46	22.63
	Fee Simple Townhomes	10.48	19.03
Total		55.05	100

5. **OPEN SPACE AND RECREATION AREAS**

Gross Site Area: 55.05 acres
 Required Open Space: 55.05 acres x 0.25 = 13.76 acres
 Open Space Provided 19.86 acres

6. **TOWNHOUSE BUILDING SETBACKS**

Development perimeter	25'
Front (w/ front entry garage)	20'
Front (w/ rear entry garage)	15'
Side (interior units)	0'
Side (end units)	10'
Side street	10'
Rear	20', except that those units that are back to back shall have a 10' setback on the lot and be adjacent to an additional 20' of common property between them, maintained by the HOA, for a total of 40' between units.
Building separation	20'

7. **PERMITTED USES**

Townhouses
 Condominiums
 Home occupations
 Home offices

Exclusions:

Rental units shall not be permitted.

8. LANDSCAPE & BUFFER CRITERIA

All landscape buffers and common areas shall be designed pursuant to the requirements of the County's Land Development Code, and shall be maintained by a property owners association.

9. DEVELOPMENT COMMITMENTS

- a. All development shall comply with Exhibit B, the Final Master Plan.
- b. The development shall not exceed 390 units.
- c. A minimum of 25 percent of the project area must be designated as usable common open space per the requirements of the Land Development Code.
- d. Maximum building height shall be 2 stories and not to exceed 35 feet.
- e. Sidewalks shall be provided adjacent to all units, visitor parking, and linking to future public sidewalks along North Oregon St.
- f. Minimum living area shall be 1,300 square feet per unit.
- g. Setbacks and buffering for multi-unit condominium structures shall conform to R-3 standards.
- h. Accessory buildings shall not be permitted on individual townhouse lots.
- i. Where garages are entered from the front, there shall be a minimum distance of 20 feet from the front building line to the sidewalk.
- 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 public sidewalks outside the development.
- l. Minimum townhouse lot width shall be 15'.
- m. Front walls of townhouse units shall be staggered.
- n. Mechanical units shall be located and/or screened to prevent visibility from North Oregon St. or adjoining single family development.
- o. Garages shall not be converted to living space.
- p. Each unit shall have a minimum of a 1-car garage and driveway providing an additional parking space.
- q. Visitor parking shall be provided at the rate of 1 space per 3 units.
- r. Parking of boats, trailers and recreational vehicles shall be prohibited within the development.
- s. A 6-foot PVC fence (or better quality as approved by County staff) and 4 canopy trees (per 100 linear feet) shall be provided along the south property line.
- t. Outdoor lighting shall be limited to 16 feet in height and meet all applicable standards of the Seminole County Land Development Code.
- u. Left- and right-turn lanes shall be provided at each of the project entrances.
- v. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way section along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.
- w. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.
- x. The site shall utilize reclaimed water.
- y. All home buyers shall have deeds noting the development's proximity to Interstate 4.

10. **WATER, SEWER AND STORMWATER**

WATER: Water services shall be provided by Seminole County.

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

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

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

11. **PHASING**

The residential development will be constructed in 3 phases and will proceed first, with the units closest to the southern property line and construction of some, or all, of the public roadway needed for access.

12. **STANDARD COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. The Developer's Commitment Agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the Developer's Commitment Agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or by part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the Developer's Commitment Agreement.
- D. The terms and provisions of the Developer's Commitment Agreement are not severable, and in the event any portion of this Developer's Commitment Agreement shall be found to be invalid or illegal, then the entire Developer's Commitment Agreement shall be null and void.

13. **INTERPRETATION; RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER.**

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 04-2300004, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON

THE DATE FIRST WRITTEN ABOVE

By: _____

Carlton D. Henley

Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, KB HOME ORLANDO, LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

Witness

Print Name

By:

Daniel B. Green
Senior Vice President Land Acquisition

Witness

Print Name

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Daniel B. Green, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION NW 46 PROPERTY:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N 89°38'35" E along the South line of said East 1/2 for a distance of 25.00 feet to the East Right-of-Way line of Oregon Avenue; thence run N 00°12'27" W along said East Right-of-Way line for a distance of 690.63 feet to the POINT OF BEGINNING; thence continue N 00°12'27" W along said East Right-of-Way line for a distance of 1308.78 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520 , Page 535, of the Public Records of Seminole County, Florida; thence run N 89°20'41" E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N 00°39'19" W along said Easterly line for a distance of 100.00 feet to the South line of Borrow Pit No. 2 (retention pond); thence run N 89°20'41" E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N 32°35'43" E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N 89°16'23" E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of-way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S 32°47'00" W; thence run Southwesterly along said Westerly Right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N 37°21'01" W along said Northeasterly line and said Westerly Right-of-Way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S 24°30'21" W; thence run Southwesterly along said Westerly Right-of-Way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet; thence run S 24°00'12" W along said Westerly Right-of-Way line for a distance of 1355.40 feet; thence run S 89°38'22" W for a distance of 243.58 feet; thence run N 00°21'38" W for a distance of 157.35 feet; thence run N 90°00'00" W for a distance of 816.93 feet to the POINT OF BEGINNING.

Containing 55.050 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

EXHIBIT B

Final Master Plan



SITE PLAN FOR SILVERLEAF PARK
SUNDOLE COUNTY

KB HOMES
1000 S. W. 10th St.
Fort Lauderdale, FL 33304
Tel: (954) 344-3900

ENGINEER IN CHARGE:
MADONNE M. MERRILL, P.E., (1010)
LICENSED PROFESSIONAL ENGINEER IN FLORIDA

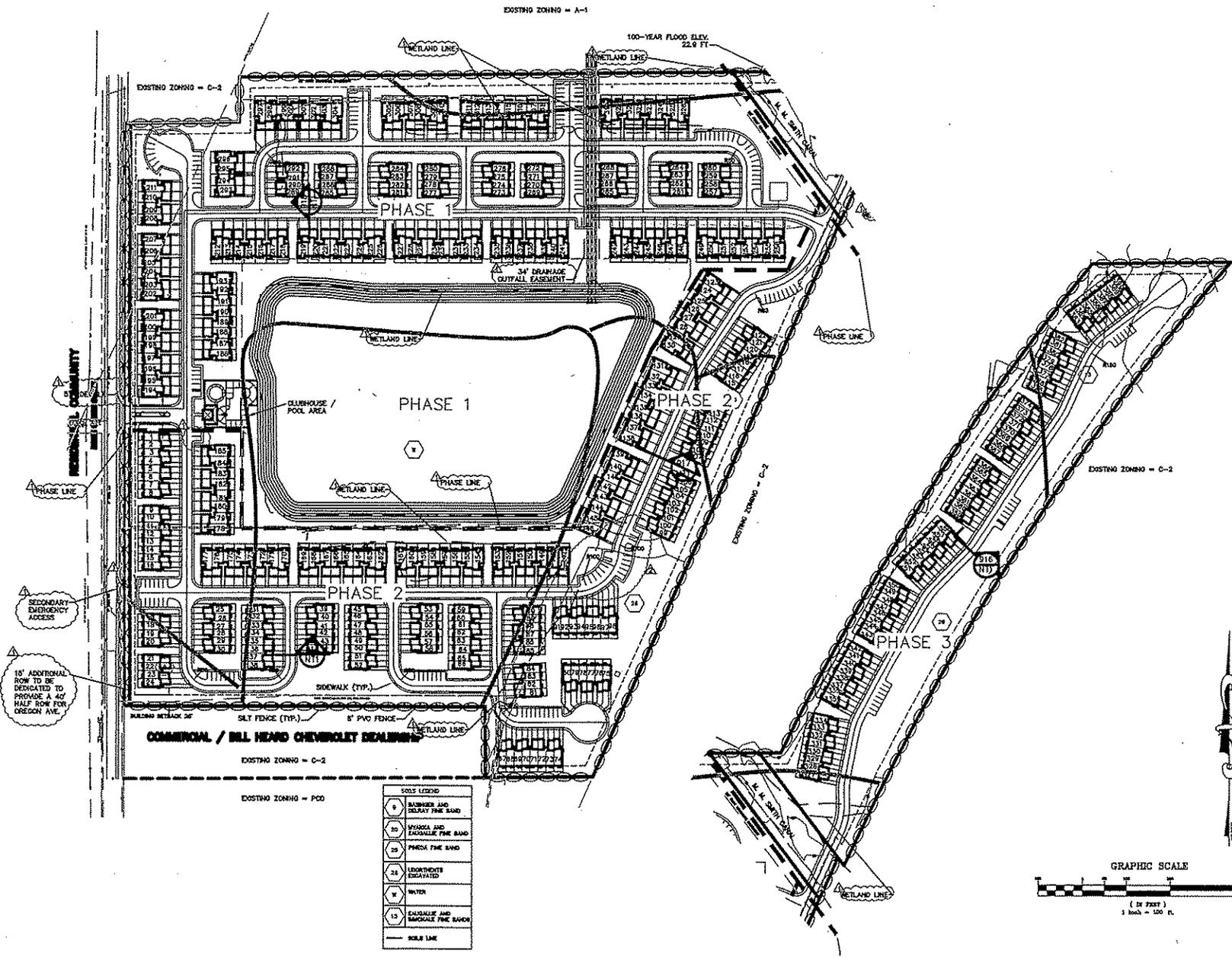
NO.	REVISION	DATE

JOB # 23122
DATE 06/08/05
SCALE 1" = 100'
DESIGNED BY: OAS
DRAWN BY: SCW
APPROVED BY: CSM

ST-1

03-01-06A01

03-01



STYLE LEGEND

⊙	BURNED AND SILTAY FINE SAND
⊙	SPONGE AND SANGALLE FINE SAND
⊙	PERCA FINE SAND
⊙	LEONTOPODIUM DECATAY
⊙	WATER
⊙	SANGALLE AND SANGALLE FINE SAND
—	SOLA LINE

SECONDARY EMERGENCY ACCESS

15' ADDITIONAL ROW TO BE DEDICATED TO PROVIDE A 40' HALF ROW FOR OREGON AVE.

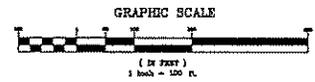
COMMONAL / BILL HEARD CHEVROLET DEMONSTRATION

EXISTING ZONING = C-2

EXISTING ZONING = PCD

EXISTING ZONING = A-1

100-YEAR FLOOD ELEV. 22.9 FT



SEMINOLE COUNTY DEVELOPMENT ORDER

On May 10, 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: ORIX TRIAD LAKE FOREST LLC NW 46 LTD.

Project Name: NW 46 PUD

Requested Development Approval: Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR) and rezoning from PCD (Planned Commercial Development) to PUD (Planned Unit Development)

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

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

Prepared by: JEFF HOPPER 1101 East First Street Sanford, Florida 32771

RETURN TO SANDY MCCANN

MARYANNE MORSE, CLERK OF CIRCUIT COURT CLERK OF SEMINOLE COUNTY BK 05906 PGS 0221-0227 FILE NUM 2005159336 RECORDED 09/15/2005 04:00:08 PM RECORDING FEES \$1.00 RECORDED BY G Harford

CERTIFIED COPY MARYANNE MORSE CLERK OF CIRCUIT COURT SEMINOLE COUNTY, FLORIDA BY [Signature] DEPUTY CLERK

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. The development shall not exceed 400 units or 10 units per net buildable acre, whichever is less, as determined at Final Master Plan approval.
- b. Permitted uses shall be townhouses, condominiums, home occupations and home offices. Rental units shall not be permitted.
- c. A minimum of 25 percent of the project area must be designated as usable common open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. Maximum building height shall be 2 stories and 35 feet.
- e. Sidewalks shall be provided adjacent to all units, visitor parking, and linking to future public sidewalks along North Oregon St.
- f. Townhouse building setbacks shall be as follows:

Development perimeter	25'
Front (w/ front entry garage)	20'
Front (w/ rear entry garage)	15'
Side (interior units)	0'
Side (end units)	10'
Side street	10'
Rear	20'
Building separation	20'

- g. Minimum living area shall be 1,300 square feet per unit.
- h. Setbacks and buffering for multi-unit condominium structures shall conform to R-3 standards.
- i. Accessory buildings shall not be permitted on individual townhouse lots.
- j. Where garages are entered from the front, there shall be a minimum distance of 20 feet from the front building line to the sidewalk.

- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- m. Minimum townhouse lot width shall be 15'.
- n. Front walls of townhouse units shall be staggered.
- o. Mechanical units shall be located and/or screened to prevent visibility from North Oregon St. or adjoining single family development.
- p. Garages shall not be converted to living space.
- q. Each unit shall have a minimum of a 1-car garage and driveway providing an additional parking space.
- r. Visitor parking shall be provided at the rate of 1 space per 3 units. The method for providing this parking shall be evaluated at Final Master Plan.
- s. Parking of boats, trailers and recreational vehicles shall be prohibited within the development.
- t. A 6-foot PVC fence (or better quality as approved by County staff) and 4 canopy trees (per 100 linear feet) shall be provided along the south property line.
- u. Outdoor lighting shall be limited to 16 feet in height and meet all applicable standards of the Seminole County Land Development Code.
- v. Left- and right-turn lanes shall be provided at each of the project entrances.
- w. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way section along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.
- x. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.
- y. The site shall utilize reclaimed water.
- z. At the time of Final Master Plan approval, the site layout shall be evaluated to minimize unit proximity to I-4.
- aa. All home buyers shall have deeds noting the development's proximity to Interstate 4.

(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.

FILE # Z2004-053

DEVELOPMENT ORDER #4-23000004

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

Done and Ordered on the date first written above.

By: 
Carlton D. Henley, Chairman
Board of County Commissioners



OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Orix Triad Lake Forest LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

[Signature]
Witness

[Signature]
DAVID R. BROWN
President and CEO

[Signature]
Witness

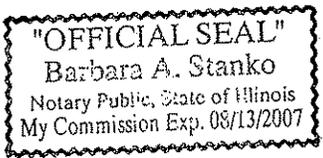
Illinois
STATE OF FLORIDA)
Cook)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared David R. Brown, President and CEO, who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of September, 2005.

[Signature]

Notary Public, in and for the County and State Aforementioned



My Commission Expires: 8.13.07

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, NW 46 Ltd., on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.



Witness



J. STEVEN SCRIMSCHER
President

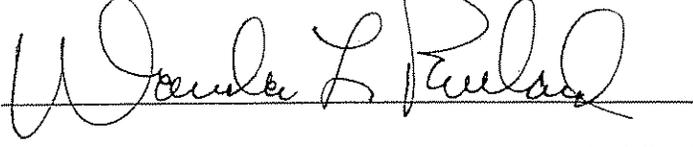


Witness

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

WITNESS my hand and official seal in the County and State last aforesaid this 17th day of June, 2005.



Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

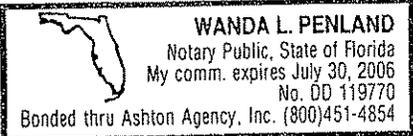


EXHIBIT A

LEGAL DESCRIPTION NW 46 PROPERTY:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N 89°38'35" E along the South line of said East 1/2 for a distance of 25.00 feet to the East Right-of-Way line of Oregon Avenue; thence run N 00°12'27" W along said East Right-of-Way line for a distance of 690.63 feet to the POINT OF BEGINNING; thence continue N 00°12'27" W along said East Right-of-Way line for a distance of 1308.78 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520 , Page 535, of the Public Records of Seminole County, Florida; thence run N 89°20'41" E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N 00°39'19" W along said Easterly line for a distance of 100.00 feet to the South line of Borrow Pit No. 2 (retention pond); thence run N 89°20'41" E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N 32°35'43" E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N 89°16'23" E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of-way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S 32°47'00" W; thence run Southwesterly along said Westerly Right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N 37°21'01" W along said Northeasterly line and said Westerly Right-of-Way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S 24°30'21" W; thence run Southwesterly along said Westerly Right-of-Way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet; thence run S 24°00'12" W along said Westerly Right-of-Way line for a distance of 1355.40 feet; thence run S 89°38'22" W for a distance of 243.58 feet; thence run N 00°21'38" W for a distance of 157.35 feet; thence run N 90°00'00" W for a distance of 816.93 feet to the POINT OF BEGINNING.

Containing 55.050 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

**NW 46 PUD LARGE SCALE LAND
USE AMENDMENT AND REZONE
KENNETH WRIGHT/SHUTTS & BOWEN**

Proof of publication, as shown on page _____, calling for a public hearing to consider approval of a Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR); and rezoning from PCD (Planned Commercial Development) to PUD (Planned Unit Development) on 55+/- acres located on the east side of North Oregon Street, ½ mile north of SR 46, Kenneth Wright/Shutts & Bowen, received and filed.

Mr. Hopper presented the request stating the Department of Community Affairs raised an objection relating to the availability of water and sewer capacity to serve the site. The staff's response indicated this project had been included in the updated Consumptive Use Permit application submitted to the St. Johns River Water Management District and is now being addressed in the projected water needs. He said staff is recommending adoption subject to the conditions listed in the staff report which include the following:

- (1) the development be limited to 400 dwelling units, or ten units per net buildable acre;
- (2) no rental units shall be permitted;
- (3) reclaimed water should be used on the site; and
- (4) all homebuyers shall have deeds noting the site's proximity to I-4.

Mr. Hopper advised of two corrections, discussed by the applicant and supported by staff, to the list of staff recommendations in the staff report and Development Order as follows: Item "t" is revised to say a 6-foot PVC fence, or better quality as approved by County staff, and 4 canopy trees (per 100 linear feet) shall be provided along the south property line; and Item "z" to read, at the time of final master plan, the site layout

shall be evaluated to minimize unit proximity to I-4.

Upon inquiry by Chairman Henley on the number of students that might be impact the school system from this project, Mr. West advised the staff did their own report and through their own analysis, it seems that townhomes generate about half the number of students as apartments or rental units. Staff's estimate is about .13 students per townhome unit, but that is not official.

Commissioner Morris requested a copy of staff's analysis and to see how the calculations compare with the Board of Realtors and with surrounding counties.

Attorney Meredith Pickens, representing the applicant, stated she believes the number of students came to 102 based on the typical formula. Based on the County data provided of .13 students per unit, which would result in approximately 45 students from the townhomes development.

Ms. Pickens stated she concurs with the provisions of the staff report and Development Order, particularly with the notation about the fence and site plan corrections that Mr. Hopper made.

Michael Hanson, 1829 Stargazer Terrace, addressed the Board to state he recognizes the property is going to get developed and he does not care if it's commercial or not. He said within the last two years, probably about 600 homes have been built in the area. They would like to have access to the trail system. He explained his request that the two sidewalks in the area on the south side where Oregon Trace is located connect up to Wayside Drive to give access to the trail system. He said last year the Board approved business along Orange Avenue and allowed them to develop without sidewalks and to make a contribution to the sidewalk fund. He said that is not the

way to go and he asked the Board not to do that with this development.

Commissioner Carey discussed the sidewalk fund.

Deputy County Attorney Steve Lee addressed the Board to state he would have to find out more information about the sidewalk fund.

Mr. Grace advised that in the past, the Board has done that and monies have been set aside for sidewalk improvements. That has not been done lately and the Board has indicated the developments are to provide the sidewalks.

Whereupon, Commissioner Carey requested that Mr. Grace report back to her on where the \$4,000 went that was mentioned by Mr. Hanson.

During discussion, Commissioner Morris said he thinks the issue the Board needs to answer is what are the future plans for sidewalks in this area. He advised Mr. Hanson that they will get his issue sorted out and get back with him.

Commissioner Carey advised her office will follow up with Mr. Hanson on the sidewalk plan.

No one else spoke in support or in opposition.

Speaker Request Form was received and filed.

Motion by Commissioner Carey, seconded by Commissioner Van Der Weide, to approve the proposed map amendment from Commercial to Medium Density Residential (MDR) and adopt Ordinance #2005-20, as shown on page _____, rezoning the property from PCD to PUD, per the staff report, on 55+/- acres located on the east side of North Oregon Street, ½ mile north of SR 46; as described in the proof of publication; and approval of Development Order, as shown on page _____, as amended, Kenneth Wright/Shutts & Bowen.

Under discussion, Commissioner Morris stated he would vote against the motion for the same reasons the Local Planning Agency (LPA) voted against the request (due to concerns related to school capacities, reduction of the County's commercial tax base, and the possible need for noise abatement measures resulting from placing residential uses adjacent to Interstate 4).

Chairman Henley stated he would also vote against the motion for the same reasons as stated by Commissioner Morris.

Districts 1, 3 and 5 voted AYE.

Commissioners Morris and Henley voted NAY.