

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Hilltop Drive/Longwood-Lake Mary Road PUD Final Master Plan

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dan Matthys *(Signature)* CONTACT: Tina Williamson *(TDW)* 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 Hilltop Drive/Longwood-Lake Mary Road PUD, consisting of 23.66 ± acres and located on the west side of Longwood-Lake Mary Road, 700 ± feet south of Acorn Drive, based on staff findings (Allan Goldberg, C&G Real Estate Group, applicant); or
2. DENY the Final Master Plan for the Hilltop Drive/Longwood-Lake Mary Road PUD, consisting of 23.66 ± acres and located on the west side of Longwood-Lake Mary Road, 700 ± feet south of Acorn Drive, based on staff findings (Allan Goldberg, C&G Real Estate Group, applicant); or
3. CONTINUE the request until a time and date certain.

District #4 – Henley

Tina Williamson, Principal Coordinator

**BACKGROUND:**

The applicant is seeking Final Master Plan approval for a 149-lot townhouse project. On May 10, 2005, the Board adopted a Large Scale Future Land Use Amendment from Low Density Residential to Medium Density Residential and a rezoning from A-1 (Agriculture District) 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.

|              |                    |
|--------------|--------------------|
| Reviewed by: | _____              |
| Co Atty:     | <u>KPT</u>         |
| DFS:         | _____              |
| Other:       | _____              |
| DCM:         | _____              |
| CM:          | <u>(Signature)</u> |
| File No.     | <u>rpd02</u>       |

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the Final Master Plan and execution of the Developer's Commitment Agreement for the Hilltop Drive/Longwood-Lake Mary Road PUD, consisting of 23.66 ± acres and located on the west side of Longwood-Lake Mary Road, 700 ± feet south of Acorn Drive, based on staff findings.

**ATTACHMENTS:**

Location Map  
Final Master Plan  
Developer's Commitment Agreement  
Architectural Renderings  
Approved Development Order  
May 10, 2005 BCC meeting minutes





**HILLTOP DRIVE/LONGWOOD-LAKE MARY RD PUD  
FINAL MASTER PLAN  
DEVELOPER'S COMMITMENT AGREEMENT  
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

The Hilltop Drive/Longwood-Lake Mary Road PUD, Final Master Plan Developer's Commitment Agreement dated April 11, 2006 reads as follows:

I. **LEGAL DESCRIPTION** The legal description is attached hereto as Exhibit "A".

II. **DEVELOPER**

CFG at Chapman, Inc.  
706 Turnbull Avenue, Suite  
102  
Altamonte Springs, Florida  
32701  
(407) 834-9543

IV. **STATEMENT OF BASIC FACTS**

- A. Total Acreage: 23.66 ± acres
- B. Zoning: Planned Unit Development (PUD)
- C. Net Density: A maximum of 10 units per net buildable acre.
- D. The development approval sought will be 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.
- E. The Owners/Developers of the Property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such commitments run with, and follow and perpetually burden the Property.

**V. OPEN SPACE CALCULATIONS**

Open Space shall be provided at a minimum overall ratio of 25% of the area covered by the Final Master Plan. Open space (as listed below) is achieved through active recreation, passive recreation, and other green space. Open space amenities shall include the cabana/pool and park area around Retention Tract B. 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. Maintenance of the Common Open Space shall be the responsibility of the Homeowners Association.

Total Land Area: 23.66 acres  
Open Space Required: 25% = 23.66 acres x 0.25 = 5.92 acres

**VI. LAND USE BREAKDOWN**

| <u>Use</u>                  | <u>Acreage</u> |
|-----------------------------|----------------|
| Fee Simple Townhouse Lots   | 6.45 acres     |
| Right of Way                | 3.12 acres     |
| Lift Station<br>Paved Areas | 0.03 acres     |
| Required Open Space         | 5.92 acres     |
| Retention/Buffers           | 2.16 acres     |
| Conservation Areas          | 5.98 acres     |
| Total                       | 23.66 acres    |

**VII. BUILDING SETBACKS AND STANDARDS**

**A. Minimum Building Setbacks**

- Front Yard : 20' from Edge of Pavement or Back of Sidewalk
- Side Yard : 0' except 20' between Buildings
- Side Street: 10' to Edge of Pavement or 5' to Back of Sidewalk
- Rear : 10'

**B. Minimum Lot Size**

Lots shall contain a minimum of 1,800 square feet and shall have a minimum width of 20' at the building line.

### **C. Architectural Standards**

The architectural style suggested for the homes is illustrated in Exhibit "B".

### **VIII. PERMITTED USES.**

Fee simple townhouses and customary accessory uses, home occupations and home offices.

### **IX. MICELLANEOUS DEVELOPMENT COMMITMENTS**

- a. All development shall comply with the Final Master Plan attached as Exhibit "C".
- b. The project shall be developed at a maximum density of 10 units per net buildable acre.
- c. All townhouse units shall be located on individual platted lots.
- d. Accessory structures shall be prohibited on the individual townhouse lots.
- e. All landscape buffers and common areas shall be maintained by a homeowners association.
- f. Converting garages to living space shall be prohibited.
- g. Balconies shall be prohibited overlooking adjacent single-family homes which are not buffered by a 50' right-of-way or a 50' building setback.
- h. The maximum building height shall be 35 feet.
- i. A 25' building setback and 10' wide landscape buffer with a 6' tall masonry wall shall apply adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny (PID #29-20-30-300-002B-0000), Ms. Cathy Akers (PID # 29-20-30-300-002F-0000), Ms. Dorothea Clack (PID #29-20-30-300-002C-0000), and Mr. Jeff Clack (PID # 29-20-30-300-002E-0000). If the ownership of these properties changes prior to the commencement of construction, the developer shall have to provide the County a letter of consent for the 25' setback, 10' wide landscape buffer and 6-foot tall masonry wall from the new property owners.
- j. The landscape buffer adjacent to single-family homes along the north property line adjacent to Acorn Drive shall be a minimum of 10' in width, with a 6' tall masonry wall and a 25' building setback.
- k. A 20' building setback shall apply along the Hill Top Drive right-of-way.
- l. The landscape buffer adjacent to Hill Top Drive shall be a minimum of 10' in width, with a 6' tall masonry wall.
- m. The landscape buffer adjacent to the property to the west designated as Low Density Residential and the Low Density Residential property to the east that is being used as a church shall be a minimum 15', with a 6' tall masonry wall, except a wall shall not be required where adjacent to wetlands or floodplain.
- n. A minimum 50' building setback shall apply adjacent to the property to the west designated as Low Density Residential, except that building

setback may be reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.

- o. Where applicable, areas on the property which are within the FEMA 100 Flood elevation pre-development may have a FEMA map revision completed, prior to final engineering approval. If the FEMA map revision is not obtained, the layout of the proposed development may change and the net developable acreage of the project may be reduced, resulting in fewer lots.
- p. The County plans to construct an 8' sidewalk/minor trail along the west side of Longwood-Lake Mary Road, serving as a portion of the Cross Seminole Trail. The developer shall provide a pedestrian connection to the trail from the internal project sidewalks when the trail is completed. The location of the pedestrian connection will be determined at final engineering.
- q. This parcel is in the ten year master plan for reclaimed water. A separate irrigation system will be required. An alternative source for water, such as a shallow well, will be required until reclaimed water becomes available.
- r. Parking shall be provided at a minimum of 2.33 spaces per townhouse unit.
- s. Storage of RVs and boats on the site shall be prohibited.

## XI. **PUBLIC FACILITIES**

### **WATER:**

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

### **SANITARY SEWER:**

Sanitary sewer shall be provided by Seminole County. Service lines shall conform to Seminole County and Department of Environmental Protection Standards.

### **STORM DRAINAGE:**

Storm water pollution abatement and attenuation for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District requirements.

### **FIRE PROTECTION:**

Fire Protection shall be provided by Seminole County. Fire hydrants shall be located according to Seminole County regulations.

## XII. **STANDARD COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with the codes and ordinances, including impact fee ordinance, of Seminole County.

- B. All obligations, liabilities, and responsibilities incurred or implied by the Owners of this agreement shall be assumed by any successors-in-interest of any portion of the Property.
- C. This agreement concerns the Property, and the conditions, commitments and provisions of the agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in full or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of the Property have expressly covenanted and agreed to the provision and all other terms and provisions of this agreement.
- D. The terms and provisions of this agreement are not severable, and in the event any portion of this agreement shall be found to be invalid or illegal, then the entire agreement shall be null and void.

**XIII. 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 04-23000002, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTEST:                      BOARD OF COUNTY COMMISSIONERS  
   SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
Maryanne Morse,  
Clerk of the Board

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

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the owner, CFG at Chapman, Inc., 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 Commitment Agreement.

WITNESSES:

OWNERS:

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

CFG at Chapman, Inc.

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

\_\_\_\_\_  
William W. Cole, Jr., President

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006, by William W. Cole, Jr., as President of CFG at Chapman, Inc., who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Name of Notary, typed, printed or stamped)  
My Commission Expires:

## EXHIBIT A LEGAL DESCRIPTION

### LEGAL DESCRIPTION:

Lots 1 and 2 ,block "D", Henson's Acres, as recorded in Plat Book 9, page 99 of the Public Records of Seminole County, Florida.

### TOGETHER WITH:

The North 1325.4 feet of the West 1/2 of the NE 1/4 West of the Longwood-Lake Mary Road (LESS the North 165 feet thereof) and the East 165 feet of the South 1160.4 feet of the North 1325.4 feet of the East 1/2 of the NW 1/4, all in Section 29, Township 20 South, Range 30 East, Seminole County, Florida, LESS the following described property:

Commence at the intersection of the Westerly right-of-way line of Longwood Lake Mary Road with the South line of the North 165.0 feet of the Northeast 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida; thence run S 22°44'17" E along said Westerly right-of-way line 70.32 feet to the P.C. of a curve concave Southeasterly and having a radius of 1507.98 feet; thence run Southwesterly along said curve and right-of-way line through a central angle of 06°04'01" an arc distance of 159.68; thence leaving said right-of-way line, run N 82°01'24" W 200.00 feet; thence run N 14°13'35" E 200.00 feet to said South line of the North 165.0 feet of the NE 1/4; thence run along said South line S 88°22'43" E 230.00 feet to the Point of Beginning.

### AND LESS:

Commence at the North 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida, and run South 01°10'21" West along the North-South center section line 165.00 feet to the point of beginning, thence run North 89°21'42" West 165.00 feet; thence run South 01°10'21" West 200.00 feet, thence run South 89°21'42" East 220.00 feet, thence run North 01°10'21" East 199.06 feet, thence run North 88°22'43" West 55.00 feet to the point of beginning.

### AND ALSO LESS:

The South 150 feet of the North 1325.4 feet of the NE 1/4 West of Longwood-Lake Mary Road and the South 150 feet of the North 1325.4 feet of the East 165 feet of the NW 1/4.

ALSO LESS lands conveyed to Seminole County by deed recorded in Official Records Book 3087, page 1153, Public Records of Seminole County, Florida.

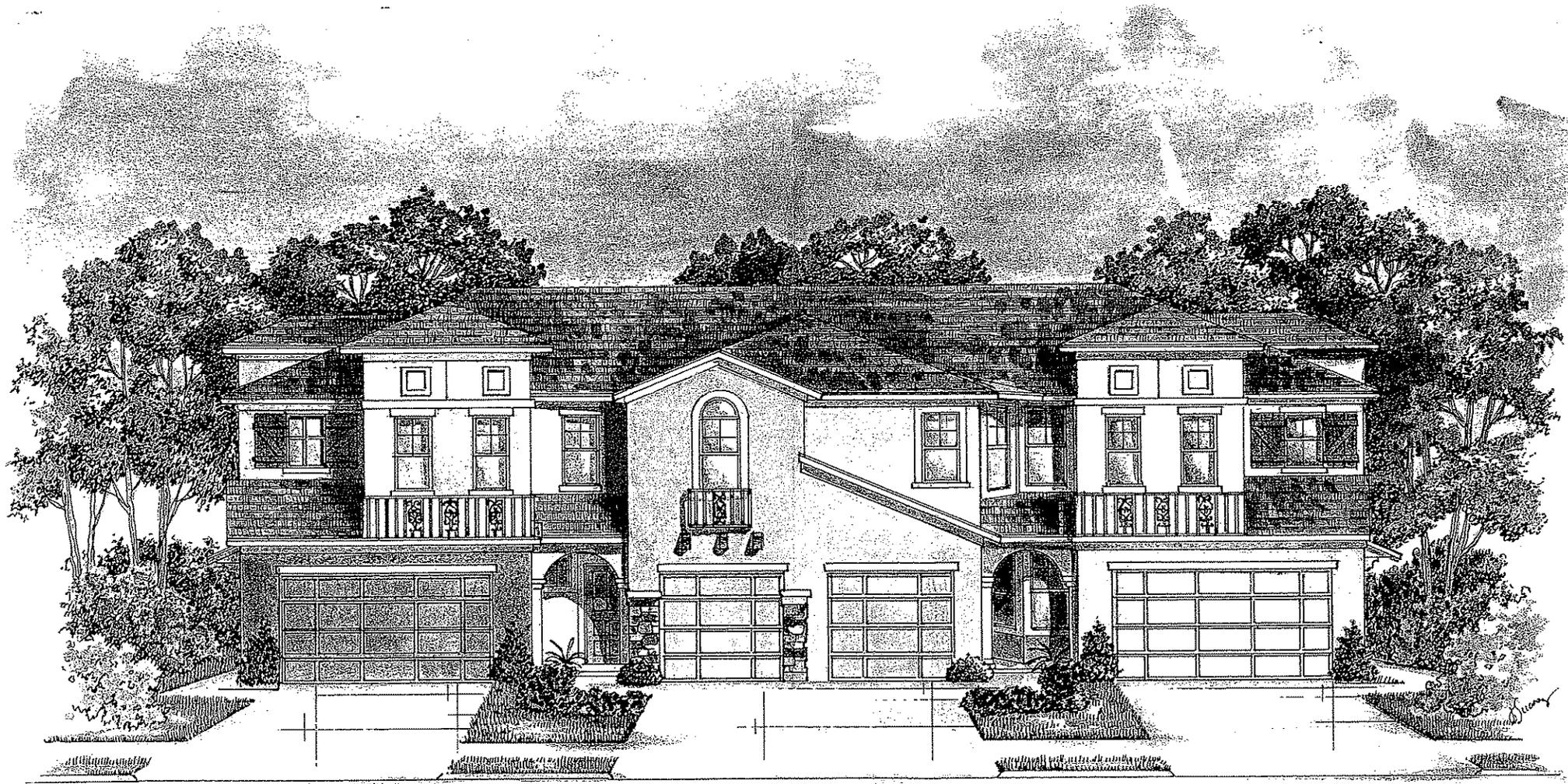
### AND ALSO LESS:

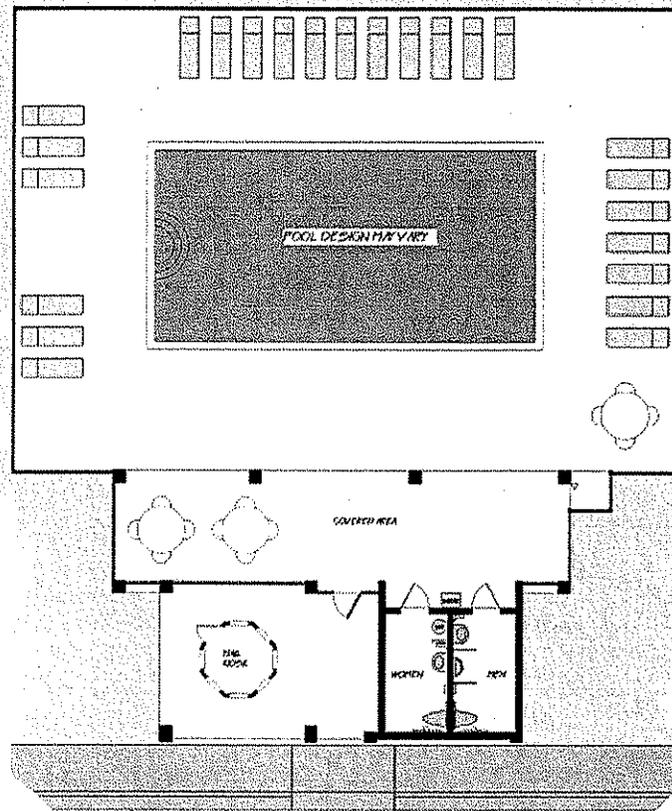
A portion of land lying in Section 29, Township 20 South, Range 30 East, Seminole County, Florida. Being more particularly described as follows:

BEGIN at the Northeast corner of Seminole County retention pond per Official Records Book 3087, page 1153, Public Records of Seminole County, Florida; thence run South 73°50'23" West along the Northerly line of said Seminole County Retention pond for a distance of 83.08 feet; thence departing said Northwesternly line run North 01°56'23" East for a distance of 173.32 feet; thence run South 88°00'10" East for a distance of 235.57 feet to a point on the Westerly right of way line of Longwood – Lake Mary Road; thence run South 01°51'22" West along said Westerly right of way for a distance of 196.96 feet; thence departing said Westerly right of way line run North 88°08'38" West for a distance of 156.67 feet to a point on the Easterly line of said Seminole County retention pond; thence run North 01°41'45" East along said Easterly line for a distance of 49.91 feet to aforesaid POINT OF BEGINNING.

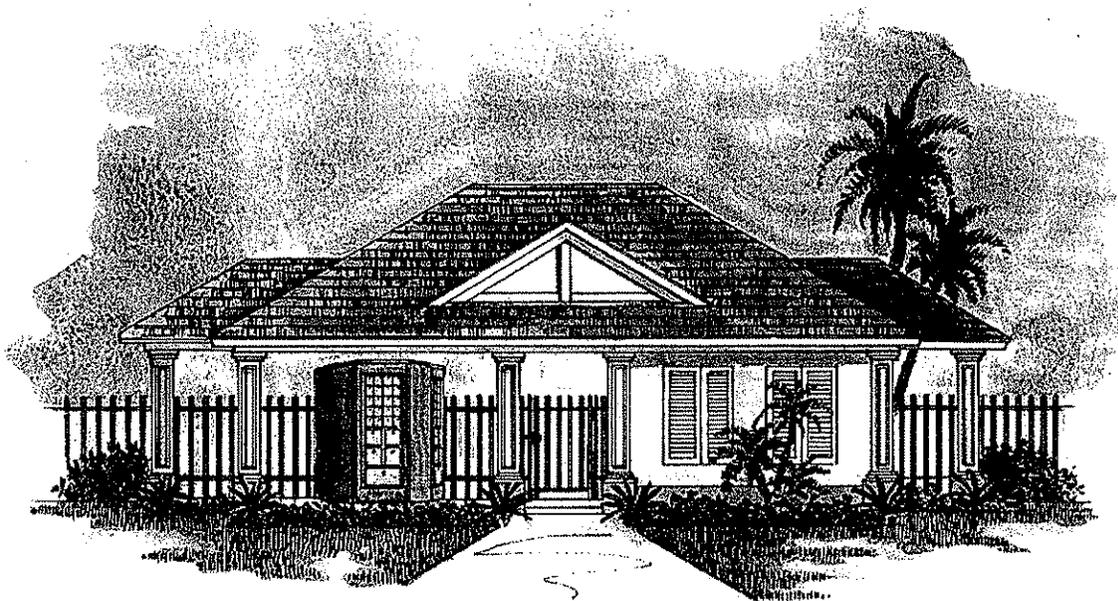
Contains 1.0 acres more or less.

**EXHIBIT B**  
**ARCHITECTURAL RENDERINGS**





*Pool Cabana-Pavillion  
With Mailboxes*



**EXHIBIT C  
FINAL MASTER PLAN**





**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's approval, all of which have been accepted by and agreed to by the owner of the property are as follows;

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The residential portion of the project shall be developed at a maximum density of 10 units per net buildable acre.
- c. All townhouse units shall be located on individual platted lots.
- d. A minimum of twenty-five (25) percent of the project area must be designated as 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.
- e. The maximum building height shall be 35 feet.
- f. A 25' building setback and 10' wide landscape buffer with a 6-foot tall masonry wall shall apply adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny (PID #29-20-30-300-002B-0000), Ms. Cathy Akers (PID # 29-20-30-300-002F-0000), Ms. Dorothea Clack (PID #29-20-30-300-002C-0000), and Mr. Jeff Clack (PID # 29-20-30-300-002E-0000). If the ownership of these properties changes prior to the commencement of construction of the townhouse project, the developer shall have to provide the County a letter of consent for the 25' setback, 10' wide landscape buffer and 6-foot tall masonry wall from the new property owners.
- g. The landscape buffer adjacent to single-family homes along the north property line adjacent to Acorn Drive shall be a minimum of 10 feet in width, with a 6-foot tall masonry wall and a 25' building setback.
- h. A 20' building setback shall apply along the Hill Top Drive right-of-way.
- i. The landscape buffer adjacent to Hill Top Drive shall be a minimum of 10 feet in width, with a 6-foot tall masonry wall.
- j. The landscape buffer adjacent to the property to the west designated as Low Density Residential and the Low Density Residential property to the east that is being used as a church shall be a minimum 15', with a 6-foot tall masonry wall, except a wall shall not be required where adjacent to wetlands or floodplain.
- k. A minimum 50' building setback shall apply adjacent to the property to the west designated as Low Density Residential, except that building setback may be

reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.

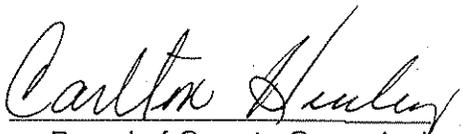
- l. The following minimum building setbacks shall apply to the individual townhouse units:
  - 1. Front: 20 foot setback from nearest edge of sidewalk
  - 2. Rear: 10 foot setback
  - 3. Side: 0 foot setback, except for 20' between blocks of units
  - 4. Side Street: 20 foot setback from nearest edge of sidewalk
- m. Accessory structures shall be prohibited on the individual townhouse lots.
- n. Permitted uses for the residential portion shall be single-family townhouse units, home offices, and home occupations.
- o. All landscape buffers and common areas shall be maintained by a homeowners association.
- p. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- q. Sidewalks shall be required on both sides of the internal streets, except that the Board of Commissioners may choose to allow sidewalks on only one side of the internal streets at the time of Final Master Plan approval.
- r. Front walls of townhouse units shall be staggered.
- s. Converting garages to living space shall be prohibited.
- t. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.
- u. Balconies shall be prohibited overlooking adjacent single-family homes which are not buffered by a 50' right of way or a 50' setback.
- v. 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 owners of the said property have 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.

Attest:   
Maryanne Morse  
Clerk to the Board of County Commissioners

By:   
Board of County Commissioners  
Carlton Henley, Chairman

**OWNER'S CONSENT AND COVENANT**

COMES NOW, the owners, Dorothea M. Clack, on behalf of herself and her 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

Glenn Allen  
Print Name

*Dorothea M. Clack*  
Dorothea M. Clack

*[Signature]*  
Witness

STEPHEN W. AXERS  
Print Name

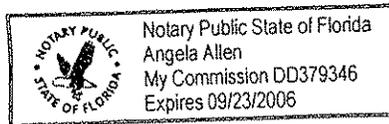
STATE OF FLORIDA     )  
  )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Dorothea M. Clack, who is personally known to me or who has produced \_\_\_\_\_ has 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 6<sup>th</sup> day of July, 2005.

*Angela Allen*  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, Raymond T. Huegel, on behalf of themselves and their 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

Sharon Huegel

Print Name

Max Rapp

Witness

Max Rapp

Print Name

Raymond T. Huegel  
Raymond T. Huegel

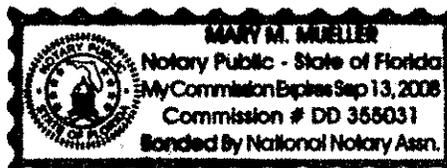
STATE OF FLORIDA )  
 )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Raymond T. Huegel, who is personally known to me or who has produced FLA. DRIVER'S LICENSE 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 8 day of July, 2005.

Mary M. Mueller  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: 9/13/08



OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, Sharon C. Huegel, on behalf of themselves and their 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.

Mark Rapp  
Witness  
MARK RAPP

Sharon C. Huegel

Print Name

Sharon C. Huegel

E. F. Mueller  
Witness

EUGENE F. MUELLER  
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 Sharon C. Huegel, who is personally known to me or who has produced FLA DMV 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 8 day of July, 2005.

Mary M. Mueller  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: 9/13/08

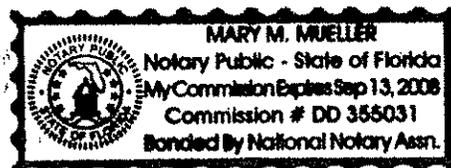


EXHIBIT A  
Legal Description

Lots 1 and 2, block "D", Henson's Acres, as recorded in Plat Book 9, page 99 of the Public Records of Seminole County, Florida.

TOGETHER WITH:

The North 1325.4 feet of the West 1/2 of the NE 1/4 West of the Longwood-Lake Mary Road (LESS the North 165 feet thereof) and the East 165 feet of the South 1160.4 feet of the North 1325.4 feet of the East 1/2 of the NW 1/4, all in Section 29, Township 20 South, Range 30 East, Seminole County, Florida, LESS the following described property:

Commence at the intersection of the Westerly right-of-way line of Longwood Lake Mary Road with the South line of the North 165.0 feet of the Northeast 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida; thence run S 22°44'17" E along said Westerly right-of-way line 70.32 feet to the P.C. of a curve concave Southeasterly and having a radius of 1507.98 feet; thence run Southwesterly along said curve and right-of-way line through a central angle of 06°04'01" an arc distance of 159.68; thence leaving said right-of-way line, run N 82°01'24" W 200.00 feet; thence run N 14°13'35" E 200.00 feet to said South line of the North 165.0 feet of the NE 1/4; thence run along said South line S 88°22'43" E 230.00 feet to the Point of Beginning.

AND LESS:

Commence at the North 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida, and run South 01°10'21" West along the North-South center section line 165.00 feet to the point of beginning, thence run North 89°21'42" West 165.00 feet; thence run South 01°10'21" West 200.00 feet, thence run South 89°21'42" East 220.00 feet, thence run North 01°10'21" East 199.06 feet, thence run North 88°22'43" West 55.00 feet to the point of beginning.

AND ALSO LESS:

The South 150 feet of the North 1325.4 feet of the NE 1/4 West of Longwood-Lake Mary Road and the South 150 feet of the North 1325.4 feet of the East 165 feet of the NW 1/4.

ALSO LESS lands conveyed to Seminole County by deed recorded in Official Records Book 3087, page 1153, Public Records of Seminole County, Florida.

AND ALSO LESS:

A portion of land lying in Section 29, Township 20 South, Range 30 East, Seminole County, Florida. Being more particularly described as follows:

BEGIN at the Northeast corner of Seminole County retention pond per Official Records Book 3087, page 1153, Public Records of Seminole County, Florida; thence run South 73°50'23" West along the Northerly line of said Seminole County Retention pond for a distance of 83.08 feet; thence departing said Northwesterly line run North 01°56'23" East for a distance of 173.32 feet; thence run South 88°00'10" East for a distance of 235.57 feet to a point on the Westerly right of way line of Longwood - Lake Mary Road; thence run South 01°51'22" West along said Westerly right of way for a distance of 196.96 feet; thence departing said Westerly right of way line run North 88°08'38" West for a distance of 156.67 feet to a point on the Easterly line of said Seminole County retention pond; thence run North 01°41'45" East along said Easterly line for a distance of 49.91 feet to aforesaid POINT OF BEGINNING.

Contains 1.0 acres more or less.



**HILLTOP DRIVE/LONGWOOD-LAKE MARY  
ROAD LARGE SCALE LAND USE AMENDMENT  
AND REZONE/ALLAN GOLDBERG**

—  
Proof of publication, as shown on page \_\_\_\_\_, calling for a public hearing to consider the Hilltop Drive/Longwood-Lake Mary Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) on approximately 22.45 acres, and Rezone from A-1 (Agriculture) to Planned Unit Development (PUD) on approximately 21.45 acres located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, Allan Goldberg, received and filed.

Tina Deater, Senior Planner, presented the request. She advised the Department of Community Affairs (DCA) has provided staff with their Objections, Recommendations and Comments and a copy (received and filed) of the staff's responses was provided to the Board last week. DCA's objection to this amendment was that staff did not adequately address the availability of water and wastewater to serve the development. The staff's response is that there is currently capacity in the northeast service area with water use productions demonstrating this. Staff is recommending adoption of an ordinance that includes the proposed map amendment from LDR to MDR and adoption of an ordinance for the proposed rezone from A-1 to PUD, subject to the Development Order and Preliminary Master Plan.

Commissioner Morris asked staff to discuss how it can be assured some future Board will not make a change to the outlying parcel not included in the rezoning where property owner Dorothea Clack wishes to retain the A-1 zoning to avoid a commercial zoning.

Ms. Deater advised the future land use would be Medium Density Residential, and if anyone wanted to have some type commercial use,

that would have to come back before the Board for a land use amendment to change it.

Matt West, Planning Manager, stated the only other zoning that would be allowed in MDR is the RP zoning which is an office-type zoning.

DCM Don Fisher addressed the Board to advise this Board cannot bind a future Board, but they can put the statement on the Record and a statement can be added to a future developer's commitment agreement regarding the process that would need to take place to change the outparcel to commercial.

Commissioner Morris stated the Board worked very hard on Longwood-Lake Mary Road to try to make that area conducive with the residential areas. He would hate to see someone not understand what the Board has worked on.

Mr. McMillan advised the Board can make it as clear as possible on the Record that what the Board is doing today is not to be taken as any intent to increase the density in the future in that area, nor should it be considered that there is a trend towards that kind of development. He stated that still does not bind a future Board, but it makes it clear that a future Board can't rely on what the Board did today as indicating their intent to move in that direction.

Commissioner Morris additionally stated for the Record that the Planning staff will work with getting a statement from the applicant when the final site plan comes back. He noted, for the Record, that the Board understood that the reason this outparcel developed in this way is because of the intent of the resident to stay there until such time she may choose to sell or move.

Commissioner Carey added that if there was a request for the

outparcel to go to commercial, the applicant would have to come in for a land use amendment.

Allan Goldberg, applicant, C & G Real Estate Group, addressed the Board to state they agree with the staff recommendations.

No one else spoke in support or in opposition.

District Commissioner Henley recommended approval of the staff's recommendation.

**Motion** by Commissioner Van Der Weide, seconded by Commissioner Carey, to approve the proposed map amendment from Low Density Residential to Medium Density Residential on approximately 22.45 acres and adopt Ordinance #2005-18, as shown on page \_\_\_\_\_, rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, subject to the Development Order, as shown on page \_\_\_\_\_, and the Preliminary Master Plan; as described in the proof of publication, Allan Goldberg, with staff recommendations.

Districts 1, 2, 3, 4 and 5 voted AYE.