

the Board of County Commissioners, and the developer. It was transmitted to the Department of Community Affairs (DCA) for review and found to be in compliance with state growth management regulations. However, upon returning to the Board of County Commissioners for final adoption, the proposal was continued to subsequent public hearings for further revisions to reduce the commercial intensity and increase the residential component of the proposal.

The Preliminary Master Plan under consideration at this time, now known as "Tradition at Red Bug", substantially differs from the original proposal. The 140,000 s.f. of commercial and 54,000 s.f. of office uses proposed as "Mikler Shoppes" have been reduced to a maximum of 133,299 s.f. of commercial on 20.88 acres. Of particular concern within the commercial part of the development is the elimination of the previous project's limit of 40,000 square feet for any individual commercial building. This limit was intended to promote a village concept rather than a power center. In the new submittal, maximum building size for "Anchor A", the largest structure on the site, is shown as 95,617 s.f.

While the original plan showed 50 multi-family units on the upper floors of commercial/office structures, the new plan proposes 250 residential condominium units, separate from the commercial structures, on 25.86 acres for a gross residential density of 9.67 dwelling units per acre. The plan does not provide a net density figure for the development. Since substantial amounts of the site are wetlands and vehicle use areas, there will be a significant difference between gross and net density as calculated in accordance with the Land Development Code. Further, the applicant has represented to staff that the residential component of the development was to be configured for fee simple ownership, while apartments are listed as a permitted use on the current submittal. These important discrepancies should be resolved prior to any approval. (Please see the attached staff report for a table outlining the differences between the transmitted "Mikler Shoppes" plan and the updated "Tradition at Red Bug" plan.)

The proposed arrangement of land uses on the site could be made compatible with surrounding land uses with the application of increased setbacks, buffering and building height limitations required by the Vision 2020 Plan, but the proposal does not appear to meet basic concerns about transitioning development intensities. Proposed commercial development is confined to the northeast portion of the site, adjacent to Slavia and Red Bug Lake Roads. Proposed residential uses are concentrated to the southwest of the property, in proximity to existing single family developments at densities no greater than 4 units per net buildable acre. A density in excess of 10 units per net buildable acre would make the project equivalent to the High Density Residential (HDR) future land use designation. The difference in development intensity between the proposed and abutting residential is relatively high, and the proposed plan fails to adequately address this issue.

The new development concept for "Tradition at Red Bug" is a departure from the concept approved for "Mikler Shoppes." The Board of County Commissioners

expressed to the applicant a desire to see a mixed use project with a village concept, as opposed to a conventional, suburban shopping center. The newest proposal does not address that desire from a design standpoint. The new proposal could also raise issues that were not considered in earlier discussions, such as school capacities and potable water consumption associated with the newly proposed residential development. For example, the Environmental Services Department calculates that the proposed "Tradition at Red Bug" plan would result in an increase of 68,480 gallons per day (gpd) in water use as compared with the transmitted plan of "Mikler Shoppes," and 39,330 gpd over the LDR future land use designation currently assigned to the property.

Staff's previous recommendation for approval was conditioned upon a wide range of development criteria, including use restrictions, signage and landscaping, building sizes, setbacks and architectural standards. While the new plan retains the original permitted or conditional C-1 (Commercial District) uses as a component of the proposed PUD zoning, proposed buffers along the western and southern edges of the property have been significantly reduced and the proposed village concept eliminated. Both of these features were intended to further the compatibility of the proposed development with abutting single-family uses to the southwest and effectively provide a transition between those uses and the higher intensity commercial development along Red Bug Lake Road. To clarify the differences between the two proposals, a matrix is provided in the body of this report.

STAFF RECOMMENDATION:

Based upon the newly submitted preliminary master plan for "Tradition at Red Bug", staff recommends DENIAL of the request for the reasons stated in the staff report.

Should the Board approve the request, staff recommends that the following requirements be addressed and included in the Preliminary Master Plan and Development Order:

- a. Dwelling units shall be configured for fee simple ownership.
- b. Density within the residential portion of the development shall not exceed 10 dwelling units per net buildable acre.
- c. Parking spaces shall be a minimum of 10' x 20'.
- d. Parking shall be provided at a ratio of 1 space per 250 square feet for the proposed multi-tenant design.
- e. Visitor parking for the residential area shall be provided at a minimum rate of 1 space per 3 units in addition to the normal requirement of 2 off-street spaces per unit.
- f. Active / passive setbacks and buffers shall apply along the western and southern edges of the property.
- g. No structures shall be permitted within 50 feet of any public right-of-way.
- h. Allowable uses shall be those listed as permitted or conditional uses in C-1, except for the following:
 - gasoline pumps

hospitals and nursing homes
auto sales/repair
boat sales
RV sales

Drive-thru businesses shall be prohibited, with the exception of banks, pharmacies and dry cleaners. Alcoholic beverage establishments shall be allowed by special exception.

- i. Commercial uses shall not exceed 125,000 s.f. and no individual building shall exceed 40,000 s.f.
- j. Mechanical units within the commercial tract shall be located and/or screened so as not to be visible from Red Bug Lake Road or adjoining single family development.
- k. A minimum of 25 percent of the project area shall 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 PUD final master plan that the open space requirements have been met, with final landscaping and amenities to be approved by the Board of County Commissioners as part of the final site plan.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development, including a connection to Mikler Road on the south side of property.
- m. Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others.
- n. No motorized water craft shall be permitted in the water feature.
- o. All architectural and landscape/hardscape designs shall be submitted to and approved by the Board of County Commissioners as part of the final master plan. These designs shall have a village theme.
- p. Hours of operation within the commercial tract shall be limited to the hours of 7:00 a.m. – 11:00 p.m. Sunday through Thursday, and 7:00 a.m. – 12:00 a.m. Friday and Saturday.
- q. Signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay standards.
- r. The developer shall provide a drainage easement to Seminole County across the water feature and associated retention facilities.
- s. A historic resource survey of the subject property shall be submitted and approved prior to Final Master Plan approval.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On April 6, 2005, the Land Planning Agency voted 5-1 to recommend APPROVAL of the request, subject to conditions recommended by staff.

ATTACHMENTS: Development Order
 FLU / Zoning Map
 LPA Minutes 4/6/05

***Tradition at Red Bug PUD
Large Scale Land Use Amendment
Staff Report***

LDR to Planned Development (PD)		Amendment (Z2004-013, 04F.FLU02)
APPLICANT	Javier E. Omana	
PLAN AMENDMENT	LDR (Low Density Residential) to PD (Planned Development)	
REZONING	A-1 (Agriculture District) to Planned Unit Development (PUD)	
APPROXIMATE GROSS ACRES	44	
LOCATION	Located east of Mikler Road and south of Red Bug Lake Road at Slavia Road intersection	
BCC DISTRICT	District 1 - Dallari	

**MAJOR DIFFERENCES BETWEEN "MIKLER SHOPPES" &
"TRADITION AT RED BUG" PROPOSALS**

	MIKLER SHOPPES (TRANSMITTED PLAN)	TRADITION AT RED BUG (PROPOSED PLAN)
<i>REQUESTED ZONING</i>	PCD (PLANNED COMMERCIAL DEVELOPMENT)	PUD (PLANNED UNIT DEVELOPMENT)
<i>USE DISTRIBUTION COMMERCIAL SINGLE-FAMILY OFFICE</i>	140,000 SF 50 UNITS 54,000 SF	125,000 SF 250 UNITS NONE PROPOSED
<i>NO. OF COMMERCIAL BUILDINGS MAX. UNIT SIZE</i>	6 40,000 SF	4 95,617 SF
<i>RESIDENTIAL USES NET DENSITY</i>	50 MF UNITS LESS THAN 10 UNITS/ACRE	250 MF UNITS MAX. 10 UNITS/ACRE
<i>MAXIMUM BUILDING HEIGHTS</i>	40 FT MAX FOR STRUCTURES WITHIN 300 FT OF RED BUG LAKE & SLAVIA ROADS, 35 FT FOR ALL OTHERS	SAME
<i>PROPOSED SETBACKS</i>	NO STRUCTURES OR PARKING WITHIN 500 FT OF MIKLER ROAD	NO STRUCTURES PERMITTED WITHIN 50 FEET OF ANY PUBLIC R/W
<i>ARCHITECTURAL DESIGN</i>	ALL ARCHITECTURAL & LANDSCAPE/HARDSCAPE DESIGNS SHALL HAVE A VILLAGE THEME	ALL ARCHITECTURAL & LANDSCAPE/HARDSCAPE DESIGNS SHALL HAVE A VILLAGE THEME

RECOMMENDATIONS AND ACTIONS

STAFF RECOMMENDATION April 26, 2005	Staff recommends DENIAL of the request, based on findings stated elsewhere in this report.
LPA RECOMMENDATION April 6, 2005	The Land Planning Agency voted 5-1 to recommend APPROVAL of the request, subject to conditions recommended by staff.

LDR to Planned Development (PD)

Amendment
(Z2004-013,
04F.FLU02)

1. **Property Owners:** Janet L. Stone, Trustee
Robert T. & Becky Navidomskis
Joseph I. & Sheri T. Denberg

2. **Tax Parcel Number:** 16-21-31-5CA-0000-0800
16-21-31-5CA-0000-0670
16-21-31-5CA-0000-0680
16-21-31-5CA-0000-0830

3. **Development Trends:** The subject property lies in a transitional area between high intensity commercial and residential uses to the east and lower density residential uses to the southwest. The Oviedo Marketplace and associated "big box" retailers have formed a major node of commercial use at the intersection of Red Bug Lake Road and SR 417. From this location, commercial uses are developing westward along Red Bug Lake Road, resulting in infill commercial uses such as the Oviedo Crossings PUD, located at the intersection of Red Bug Lake Road and Slavia Road. Beyond this development lie two PCD parcels at the intersection of Red Bug Lake Road and Mikler Road, an assisted living facility and an abandoned (golf) driving range. Existing and approved development to the west of Mikler is exclusively single family in the R-1A, R-1AA, R-1AAA and PUD districts.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Low Density Residential (LDR), currently assigned to the subject property, permits single family residential use to a maximum of 4 dwelling units per net buildable acre.

(North)

	PD Vacant <i>PUD</i>	PD Commercial <i>PUD/A-1/PCD</i>	PUBLIC Vacant <i>PUD</i>	
(West)	LDR/PD ALF/Golf Range <i>A-1/PUD</i>	LDR Vacant <i>A-1</i>	HDR MF <i>R-4</i>	(East)
	LDR SF <i>R-1A/PUD</i>	LDR Vacant/SF <i>A-1/PUD</i>	LDR Vacant/SF <i>A-1/PUD</i>	

(South)

***Bold** text depicts future land use designation and *italicized* text depicts zoning district. See attached future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

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

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

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

Primary access to the subject property is from Red Bug Lake Road, a 4-lane road classified as a Minor Arterial. Traffic count data from 2003 indicate an operating level of service "C" on this segment of the road. The adopted Level of Service standard is "E".

B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps: *Exhibits POT-1 and SAN-1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service areas. Staff has determined that the “Tradition at Red Bug” proposal would require an estimated 88,330 gallons per day (GPD) of water, which is a 445 percent increase from the 19,850 GPD calculated for Mikler Shoppes.

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

The property is served by the Seminole County EMS/Fire Station #27. Response time to the site is less than 5 minutes, which meets the County’s average response time standard of 5 minutes.

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

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Policy IMP 2.4).*

A preliminary review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities. However, the applicant has elected to defer concurrency at this time, and final development rights shall be dependent upon the future availability of public facilities at the time of development.

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

The site contains a significant amount wetlands or flood prone areas, but can be developed within the requirements of the Vision 2020 Plan and Land Development Code.

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

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

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

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

Based upon an initial evaluation, the proposed PD land use, with the attendant PUD Preliminary Master Plan, would not be compatible with the LDR land use designation on adjoining properties to the southwest. With the placement of retail uses in the northeast portion of the site and multi-family units to the southwest, the proposal does create a transition of intensity between the LDR properties to the west and large areas of commercial and other nonresidential development along Red Bug Lake Road near the SR 417 interchange. However, the probable density of the proposed multi-family area of the development is greater than 10 units per net buildable acre, as compared to net densities of 4 units per acre or less on nearby LDR properties. Under the Vision 2020 Plan, a density change of this magnitude between neighboring properties can be accommodated with special design features such as sufficient buffers, limited building heights and architectural controls. Such design features are not part of the current request, and it is staff's opinion that the compatibility issue has not been sufficiently addressed in the new proposal.

The previous application, "Mikler Shoppes", proposed a number of design considerations based upon extensive review and evaluation by staff, neighborhood homeowners groups, the Land Planning Agency, the Board of County Commissioners, and the developer. Among these was a major water feature creating a buffer several hundred feet wide along the south edge of the subject property. Also proposed were negotiated setbacks, landscape buffering and architectural designs deemed to be compatible with residential development and thereby intended to provide a transition between development intensities.

The current proposal seeks to reduce the previously approved setbacks (and associated buffers) along Mikler Road from 500 feet to 300 feet along the western edge of the property and from 500 feet to 25 feet along the southern edge. The proposal further seeks to eliminate the application of a village theme to the overall development concept, as approved in the previous "Mikler Shoppes" plan. Also, the amount of proposed commercial space has been reduced in the current plan by 11 percent, and the number of proposed residential units has increased by 500 percent. Consequently, the current plan depicts a (gross) residential density of 9.66 dwelling units per acre with apartments described as permitted uses, as opposed to the fee simple ownership of the previous plan. When wetlands and vehicle use areas are deducted, the resulting net residential density appears to exceed 10 dwelling units per acre, which is consistent with the High Density Residential future land use category.

As compared to the "Mikler Shoppes" plan, the new proposal reduces setbacks and associated buffers, eliminates a residentially compatible design (including the village concept and fee simple ownership previously agreed to by the applicant), and increases development intensity over a larger portion of the site. The effect of these changes would be to create a less effective transition from low density residential on the southwest to the commercial character of Red Bug Lake Road than would have been accomplished in the previous plan. The applicant has not achieved compatibility as directed by the Board at previous hearings.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Although the applicant has requested a Planned Development (PD) land use designation, the proposed development corresponds generally to the Commercial and High Density Residential (HDR) future land use designations. "Exhibit FLU: Appropriate Transitional Land Uses" of the Vision 2020 Plan indicates that HDR can be a compatible transitional use with sensitive site design such as transitioning lot sizes, sufficient buffers, limited building heights, architectural controls, and limiting

uses adjacent to residential areas to passive unobtrusive uses (e.g., no loading areas, low lighting, no parking areas, etc.). This transition has not been adequately addressed.

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

FLU 5.5: Water and Sewer Service Expansion

PD Future Land Use Definition

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

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, or any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

STAFF RECOMMENDATION:

Based upon the newly submitted preliminary master plan for "Tradition at Red Bug", staff recommends DENIAL of the request for the reasons stated in the staff report.

Should the Board wish to approve the request, staff recommends that the following requirements be addressed and included in the Preliminary Master Plan and Development Order:

- a. Dwelling units shall be configured for fee simple ownership.
- b. Density within the residential portion of the development shall not exceed 10 dwelling units per net buildable acre.
- c. Parking spaces shall be a minimum of 10' x 20'.
- d. Parking shall be provided at a ratio of 1 space per 250 square feet for the proposed multi-tenant design.
- e. Visitor parking for the residential area shall be provided at a minimum rate of 1 space per 3 units in addition to the normal requirement of 2 off-street spaces per unit.
- f. Active / passive setbacks and buffers shall apply along the western and southern edges of the property.
- g. No structures shall be permitted within 50 feet of any public right-of-way.

- h. Allowable uses shall be those listed as permitted or conditional uses in C-1, except for the following:
- gasoline pumps
 - hospitals and nursing homes
 - auto sales/repair
 - boat sales
 - RV sales
- Drive-thru businesses shall be prohibited, with the exception of banks, pharmacies and dry cleaners. Alcoholic beverage establishments shall be allowed by special exception.
- i. Commercial uses shall not exceed 125,000 s.f. and no individual building shall exceed 40,000 s.f.
- j. Mechanical units within the commercial tract shall be located and/or screened so as not to be visible from Red Bug Lake Road or adjoining single family development.
- k. A minimum of 25 percent of the project area shall 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 PUD final master plan that the open space requirements have been met, with final landscaping and amenities to be approved by the Board of County Commissioners as part of the final site plan.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development, including a connection to Mikler Road on the south side of property.
- m. Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others.
- n. No motorized water craft shall be permitted in the water feature.
- o. All architectural and landscape/hardscape designs shall be submitted to and approved by the Board of County Commissioners as part of the final master plan. These designs shall have a village theme.
- p. Hours of operation within the commercial tract shall be limited to the hours of 7:00 a.m. – 11:00 p.m. Sunday through Thursday, and 7:00 a.m. – 12:00 a.m. Friday and Saturday.
- q. Signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay standards.
- r. The developer shall provide a drainage easement to Seminole County across the water feature and associated retention facilities.
- s. A historic resource survey of the subject property shall be submitted and approved prior to Final Master Plan approval.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On April 6, 2005, the Land Planning Agency voted 5-1 to recommend APPROVAL of the request, subject to conditions recommended by staff.

**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 Owners: JANET L. STONE, TRUSTEE
JOSEPH I. & SHERI T. DENBERG
ROBERT T. & BECKY A. NAVIDOMSKIS

Project Name: TRADITION AT RED BUG PUD (aka "MIKLER SHOPPES")

Requested Development Approval: Large Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD) and rezoning from A-1 (Agriculture) 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

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. Dwelling units shall be configured for fee simple ownership.
- b. Density within the residential portion of the development shall not exceed 10 dwelling units per net buildable acre.
- c. Parking spaces shall be a minimum of 10' x 20'.
- d. Parking shall be provided at a ratio of 1 space per 250 square feet for the proposed multi-tenant design.
- e. Visitor parking for the residential area shall be provided at a minimum rate of 1 space per 3 units in addition to the normal requirement of 2 off-street spaces per unit.
- f. Active / passive setbacks and buffers shall apply along the western and southern edges of the property.
- g. No structures shall be permitted within 50 feet of any public right-of-way.
- h. Allowable uses shall be those listed as permitted or conditional uses in C-1, except for the following:
 - gasoline pumps
 - hospitals and nursing homes
 - auto sales/repair
 - boat sales
 - RV sales

Drive-thru businesses shall be prohibited, with the exception of banks, pharmacies and dry cleaners. Alcoholic beverage establishments shall be allowed by special exception.

- i. Commercial uses shall not exceed 125,000 s.f. and no individual building shall exceed 40,000 s.f.
- j. Mechanical units within the commercial tract shall be located and/or screened so as not to be visible from Red Bug Lake Road or adjoining single family development.
- k. A minimum of 25 percent of the project area shall 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 PUD final master plan that the open space requirements have been met, with final landscaping and amenities to be approved by the Board of County Commissioners as part of the final site plan.

- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development, including a connection to Mikler Road on the south side of property.
- m. Building heights shall be limited to 40 feet for structures within 300 feet of Red Bug Lake and Slavia Roads, 35 feet for all others.
- n. No motorized water craft shall be permitted in the water feature.
- o. All architectural and landscape/hardscape designs shall be submitted to and approved by the Board of County Commissioners as part of the final master plan. These designs shall have a village theme.
- p. Hours of operation within the commercial tract shall be limited to the hours of 7:00 a.m. – 11:00 p.m. Sunday through Thursday, and 7:00 a.m. – 12:00 a.m. Friday and Saturday.
- q. Signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay standards.
- r. The developer shall provide a drainage easement to Seminole County across the water feature and associated retention facilities.
- s. A historic resource survey of the subject property shall be submitted and approved prior to Final Master Plan approval.

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

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

Done and Ordered on the date first written above.

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

OWNER'S CONSENT AND COVENANT

COMES NOW, Joseph I. Denberg, on behalf of himself and his 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

Print Name

Joseph I. Denberg

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 JOSEPH I. DENBERG, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, Sheri T. Denberg, on behalf of herself and her 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

Print Name

Sheri T. Denberg

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 SHERI T. DENBERG, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, Robert T. Navidomskis, on behalf of himself and his 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

Print Name

Robert T. Navidomskis

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 ROBERT T. NAVIDOMSKIS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, Becky A. Navidomskis, on behalf of herself and her 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

Print Name

Becky A. Navidomskis

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 BECKY A. NAVIDOMSKIS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A**Project Legal Description:****Parcel B**

Lots 47, 48, 67, 69, 70 and the East ½ of Lot 68 of Slavia Colony Co.'s Subdivision in Section 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida

LESS THE FOLLOWING DESCRIBED PARCEL: begin at the Southeast corner of said Lot 48 run North 01 degrees 00'31" West along the East line of said Lots 48 and 47 for a distance of 1251.76 feet to the South right-of-way line of Slavia Road (formerly Red Bug Lake Road); thence run South 89 degrees 46'33" West along said right-of-way line for a distance of 234.55 feet; thence run South 00 degrees 41'27" East along said right-of-way line for a distance of 5.66 feet; thence run South 89 degrees 18'33" West along said right-of-way line for a distance of 553.47 feet; thence run South 42 degrees 15'04" West for a distance of 1697.94 feet to the South line of said Lot 69; thence run North 89 degrees 27'24" East along the South line of said Lots 69, 70 and 48 for a distance of 1951.72 feet to the Point of Beginning.

LESS A PORTION OF LOT 68, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northwest corner of said Southwest Quarter, for a point of reference; thence run South 00 degrees 56'47" East along the West line of said Southwest Quarter, 25.00 feet; thence North 89 degrees 46'33" East, a distance of 15.00 feet to the intersection of the Southerly right-of-way line of Old Red Bug Lake Road, with the Westerly line of aforesaid Lot 68, thence continue North 89 degrees 46'33" East, along said Southerly right-of-way line, 329.59 feet to a point lying on the West line of the East half of said Lot 68, said point being the Point of Beginning; thence continue North 89 degrees 46'33" East along the Southerly right-of-way line 127.62 feet; thence run South 83 degrees 17'04" West 85.42 feet; thence run North 81 degrees 47'28" West, 43.17 feet to the aforesaid West lot line; thence run North 00 degrees 56'07" West, along said West line, 3.33 feet to the Point of Beginning.

FURTHER LESS:

That portion of Lot 47 lying within 50 feet of the East-West Quarter Section line of Section 20, Township 21 South, Range 31 East, according to the Plat of Slavia Colony Company's Subdivision, recorded in Plat Book 2, Page 71, Public Records of Seminole County, Florida.

FURTHER LESS: The North 10 feet of Lots 47, 67 and 68.

AND LESS: that part of Lots 47 and 67 of SLAVIA COLONY COMPANY'S SUBDIVISION in Section 20, Township 21 South, Range 31 East, according to the Plat recorded in Plat Book 2, Page 71, Public Records of Seminole County, (except the North 10 feet of said Lots 47 and 67 previously conveyed to Seminole County by deed recorded in Deed Book 198, page 293, Seminole County Records) Lying within 70 feet of the survey line of State Road S-426-A, Section 77501, East of Station 14+00 and West of Station 25+00 of said survey line; said survey line and said Stations being described as follows: Begin at the Southwest corner of the NW ¼ of Section 20, Township 21 South, Range 31 East, and run North 88 degrees 02'50" East 660.45 feet to Station 14+00; Thence continue North 88 degrees 02'50" East 1100 feet to Station 25+00 and the end of this survey line description.

PARCEL TWO

Lot 80 (Less the North 30 feet of the East ½ of Lot 80), the East ½ of Lot 81, the West ½ of Lot 83 and Lot 82 of Slavia Colony Co.'s Subdivision in Section 20, Township 21 South, Range 31 East, according to the plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida.

AND LESS A PORTION OF LOTS 82 AND 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the intersection of the Easterly right-of-way line of Mikler Road, according to the plat thereof, as recorded in Plat Book 6, page 14, of the Public record of Seminole County, Florida, with the Southerly Right-of-Way line of Red Bug Lake Road, for a Point of Beginning; thence run North 88 degrees 28'11" East along said Southerly right-of-way line, 987.25 feet to the East line of the West one-half aforesaid Lot 83; thence run South 01 degrees 02'35" East, along said East line, 96.50 feet to a point lying a non-tangent curve concave Northerly; thence run Westerly, along the arc of said right-of-way curve, having a radius length of 1377.26 feet, a central angle of 07 degrees 33'28", an arc length of 181.67 feet, a chord length of 181.54 feet, and a chord bearing of South 87 degrees 05'31" West to the point of tangency thereof; thence run North 89 degrees 07'45" West, 805.88 feet to the aforesaid Easterly right-of-way line of Mikler Road; thence run North 01 degrees 30'03" West, along the said Easterly right-of-way line, 66.53 feet to the Point of Beginning.

AND

The 30 foot unnamed right-of-way lying West of and adjacent to Lot 69 and East of and adjacent to Lot 80, Slavia Colony Co.'s Subdivision according to Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, LESS AND EXCEPT that portion lying with 25 feet of the South lot lines of aforesaid lot 69 and 80.

AND LESS: The North 10 feet of Lots 82 and 83.

AND FURTHER LESS:

That part of Lots 82 and 83, THE SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida described as follows:

COMMENCE at the Southeast corner of the West 1/2 of Lot 83 of THE SLAVIA COLONY CO. S, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida: thence run N 01°02'35" W along the East line of said West 1/2 of Lot 83 for a distance of 214.65 feet to the POINT OF BEGINNING: thence run N 89°07'45" W for a distance of 985.96 feet to the East right-of-way line of Mikler Road, as recorded in Plat Book 6, Page 14, of said Public Records: thence run N 01°20'04" W along said right-of-way line for a distance of 300.22 feet to the Southerly right-of-way line of Red Bug Lake Road: thence run S 89°07'45" E along said right-of-way line for a distance of 805.88 feet to the point of curvature of a curve concave Northerly having a radius of 1377.26 feet: thence run Easterly along said curve and said right-of-way line through a central angle of 07°33'38" for a distance of 181.74 feet to a point of non-tangency: thence run S 01°02'35" E along said East line of the West 1/2 of Lot 83 for a distance of 312.15 feet to the POINT OF BEGINNING.

Containing 6.812 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

PARCEL C

The East ½ of lot 83 and the North 30 feet of the East ½ of Lot 80, Slavia Colony Company's Subdivision, according to the plat thereof as recorded in Plat Book 2, page 71, of the Public Records of Seminole County, Florida.

LESS A PORTION OF LOT 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northeast corner of said Southeast Quarter, for a point of reference; thence run South 00 degrees 56'47" East, along the East line of said Southeast Quarter, 32.00 feet; thence run South 88 degrees 26'11" West, a distance of 15.00 feet to a point lying on the Southerly right-of-way line of Red Bug Lake Road and a Point of Beginning; thence run South 00 degrees 56'47" East, along the East line said Lot 83, a distance of 36.19 feet; thence run South 78 degrees 43'52" West, 231.95 feet to a point of curvature of a curve concave Northerly; thence run Westerly, along the arc of said curve, having a radius length of 1377.26 feet, a central angle of 04 degrees 34'56", an arc length of 110.14 feet, a chord length of 110.11 feet, and a chord bearing of South 81 degrees 01'20" West to the Westerly line of the East One-Half of the aforesaid Lot 83; thence run North 01 degrees 02'35" West, along the Westerly lot line 89.50 feet to the aforesaid Southerly right-of-way line of Red Bug Lake Road; thence North 88 degrees 26'11" East, along said Southerly right-of-way line 337.41 feet to the Point of Beginning.

AND FURTHER LESS: The North 10 feet of Lot 83.

AND LESS A PORTION OF LOTS 82 AND 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the intersection of the Easterly right-of-way line of Mikler Road, according to the plat thereof, as recorded in Plat Book 6, page 14, of the Public Records of Seminole County, Florida, with the Southerly Right-of-Way line of Red Bug Lake Road, for a Point of Beginning; thence run North 88 degrees 28'11" East along said Southerly right-of-way line, 987.25 feet to the East line of the West one-half aforesaid Lot 83; thence run South 01 degrees 02'35" East, along said East line, 96.50 feet to a point lying a non-tangent curve, concave Northerly; thence run Westerly, along the arc of said right-of-way curve, having a radius length of 1377.26 feet, a central angle of 07 degrees 33'28", an arc length of 181.67 feet, a chord length of 181.54 feet, and a chord bearing of South 87 degrees 05'31" West to the point of tangency thereof, thence run North 89 degrees 07'45" West, 805.88 feet to the aforesaid Easterly right-of-way line of Mikler Road; thence run North 01 degrees 30'03" West, along the said Easterly right-of-way line, 66.53 feet to the Point of Beginning.

PARCEL D

The West ½ of Lot 68, Slavia Colony Company's Subdivision, according to Plat Book 2, page 71, of the Public Records of Seminole County, Florida, LESS the North 10 feet thereof, FURTHER LESS the following described property:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, " THE SLAVIA COLONY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, FOR A POINT OF REFERENCE: THENCE RUN SOUTH 00 DEGREES 56'47" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 25.00 FEET; THENCE NORTH 89 DEGREES 46'33" EAST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, WITH THE WESTERLY LINE OF AFORESAID LOT 68, FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 46'33" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 60.00 FEET; THENCE RUN SOUTH 63 DEGREES 49'30" WEST TO THE AFORESAID WESTERLY LINE OF LOT 68, A DISTANCE OF 66.32 FEET; THENCE RUN NORTH 00 DEGREES 56'47" WEST, ALONG SAID WEST LINE, 29.02 FEET, TO THE POINT OF BEGINNING.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Tradition At Red Bug PUD Staff Report."

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

Section 2. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development) in accordance with the contents of the document titled "Tradition at Red Bug PUD Staff Report" and Development Order #05-23000001:

Legal Description Attached as Exhibit A

Section 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #05-23000001 in the official land records of Seminole County, or the date of a finding by the Florida Department of Community Affairs that the associated Plan Amendment complies with Section 163.3184, Florida Statutes, whichever occurs later.

ENACTED this 10th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION:

Parcel B

Lots 47, 48, 67, 69, 70 and the East ½ of Lot 68 of Slavia Colony Co.'s Subdivision in Section 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida

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AND

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Containing 6.812 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

PARCEL C

The East ½ of lot 83 and the North 30 feet of the East ½ of Lot 80, Slavia Colony Company's Subdivision, according to the plat thereof as recorded in Plat Book 2, page 71, of the Public Records of Seminole County, Florida.

LESS A PORTION OF LOT 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northeast corner of said Southeast Quarter, for a point of reference; thence run South 00 degrees 56'47" East, along the East line of said Southeast Quarter, 32.00 feet; thence run South 88 degrees 26'11" West, a distance of 15.00 feet to a point lying on the Southerly right-of-way line of Red Bug Lake Road and a Point of Beginning; thence run South 00 degrees 56'47" East, along the East line said Lot 83, a distance of 36.19 feet; thence run South 78 degrees 43'52" West, 231.95 feet to a point of curvature of a curve concave Northerly; thence run Westerly, along the arc of said curve, having a radius length of 1377.26 feet, a central angle of 04 degrees 34'56", an arc length of 110.14 feet, a chord length of 110.11 feet, and a chord bearing of South 81 degrees 01'20" West to the Westerly line of the East One-Half of the aforesaid Lot 83; thence run North 01 degrees 02'35" West, along the Westerly lot line 89.50 feet to the aforesaid Southerly right-of-way line of Red Bug Lake Road; thence North 88 degrees 26'11" East, along said Southerly right-of-way line 337.41 feet to the Point of Beginning.

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PARCEL D

The West ½ of Lot 68, Slavia Colony Company's Subdivision, according to Plat Book 2, page 71, of the Public Records of Seminole County, Florida, LESS the North 10 feet thereof, FURTHER LESS the following described property:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE WEST HALF OF LOT 68, " THE SLAVIA COLONY COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 71 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER, FOR A POINT OF REFERENCE: THENCE RUN SOUTH 00 DEGREES 56'47" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 25.00 FEET; THENCE NORTH 89 DEGREES 46'33" EAST, A DISTANCE OF 15.00 FEET TO THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF RED BUG LAKE ROAD, WITH THE WESTERLY LINE OF AFORESAID LOT 68, FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 46'33" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 60.00 FEET; THENCE RUN SOUTH 63 DEGREES 49'30" WEST TO THE AFORESAID WESTERLY LINE OF LOT 68, A DISTANCE OF 66.32 FEET; THENCE RUN NORTH 00 DEGREES 56'47" WEST, ALONG SAID WEST LINE, 29.02 FEET, TO THE POINT OF BEGINNING.

**MINUTES FOR THE
REGULAR MEETING OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION**

**WEDNESDAY, APRIL 6, 2005
7:00 P.M.**

Members present: Beth Hattaway, Chris Dorworth, Ben Tucker, Matt Brown, Walt Eismann, and Dudley Bates.

Member absent: Richard Harris

Also present: Dan Matthys, Director of Planning and Development; Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Kim Romano, Assistant County Attorney; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

E. Tradition at Red Bug PUD; CPH Engineers, Inc./Javier E. Omana, applicant; approximately 44 acres; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and Large Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); located east of Mikler Road and south of Red Bug Lake Road at the Slavia Road intersection. (Z2004-013)

Commissioner Dallari - District 1
Jeffrey Hopper, Senior Planner

Mr. Hopper introduced the request by Javier Omana for a Large Scale Land Use Amendment from LDR to Planned Development (PD) and Rezone from A-1 to PUD on 44 acres of land east of Mikler Road and south of Red Bug Lake Road, at the Slavia Road intersection.

The applicant is proposing a mixed commercial and residential development on the subject property, previously the site of a Planned Commercial Development request known as Mikler Shoppes.

This request would result in approximately 133,000 square feet of commercial area and 250 multi-family residential units on the site.

Mr. Hopper stated that the earlier item went through extensive review by County staff and the State of Florida as a Large Scale Land Use Amendment in the Fall 2004 Amendment Cycle. That proposal consisted of 140,000 square feet of commercial use, 54,000 square feet of office use, and 50 dwelling units. At the

adoption hearing in December, the Board of County Commissioners voted to continue the item to the Spring 2005 cycle so the plan could be revised to show less intensive commercial uses mixed with a larger component of residential use on the site. Tradition at Red Bug is the response to that directive.

As currently proposed, total commercial use would be 133,299 square feet, with the anchor store being 95,617 square feet in size. (By comparison, the largest building in Mikler Shoppes would have been 40,000 square feet.)

There are some technical issues with the site plan before you tonight. The boundary between the subject property and the CA Stone PCD, located at the SE corner of Mikler and Red Bug Lake Roads, is drawn incorrectly. The new project's entrance drive from Mikler Rd. veers slightly north, encroaching on the other site, which is not part of this request even though it is shown on the site plan.

Another problem is that the plan does not provide acreage information on floodplains, wetland and road areas within the residential part of the site. Therefore an accurate calculation of net density cannot be made. However, it appears that density will exceed 10 units per net buildable acre, raising a compatibility issue with adjoining Low Density Residential areas.

Mr. Hopper stated that the new proposal is a departure from the Board's expressed desire to see a mixed use project with a village design concept, as opposed to a conventional suburban shopping center, with residential uses located in a separate area.

Compared with the Mikler Shoppes plan, proposed buffers along the west and south have been significantly reduced. The village concept, which would have mixed residential and commercial uses together, has been eliminated. Both of these features were intended to provide an effective transition between intense commercial uses along Red Bug Lake Road and the single family areas to the south and west.

Staff recommends denial of the request because it does not comply with the "Village" development concept established by the Board.

Javier Omana introduced the contract purchaser of the subject property, Steve Walsh.

Mr. Walsh stated that assembling all of the pieces of this site was difficult. He and his partners are responding to Commissioner Dallari who said he wanted less retail and more residential uses in the site. Mr. Walsh said that he supports the Red Bug Coalition stance.

Mr. Walsh stated that the engineering and soil conditions on the site are severe. Costs associated with the demucking require certain types of uses. This plan fits with those uses. It fits with less retail and more residential. The Coalition was concerned with development of the corner. He has shown the Coalition the plan. He will limit retail on the corner to 38,000 square feet. There will be no drive-through restaurants, gas stations or liquor stores on that parcel. The retail portion is now being designed with a "village feel concept."

Mr. Walsh stated that he met with Commissioner Dallari, Don Fisher, and Tom Boyko from the Coalition. At that meeting Commissioner Dallari stated that the project should continue. Mr. Walsh stated that he has tight deadlines on this project. If the project does not proceed now, the land, in his opinion, will never be developed.

Under the above circumstances, the development order that exists on the corner piece will be enacted by someone, but not him.

Commissioner Tucker said that the site would then be developed in pieces, but not in totality.

Mr. Walsh agreed. The soil conditions really lead to the necessity of developing the site as a single project, rather than in pieces.

Commissioner Tucker asked about the back corner on Mikler Road.

Mr. Walsh stated that he had tried to acquire the outparcel, but was unsuccessful. The access will be from the north side of the property.

In the coming days Mr. Walsh said he would be designing a "non big-box, vanilla box" plan, breaking up the façades to be attractive on the 95,000 square feet of commercial/retail portion. He knows there is a concern on the part of the Red Bug Coalition about the size of the "box" which had been limited to 40,000 square feet. That limitation makes it impossible to make the project commercially viable. The size would be too small to attract a good anchor.

Commissioner Tucker said that the previous presentation had reflected a difference in elevation from the road to the parking lot of 13 feet. The buildings would not be totally visible from the street.

Mr. Walsh stated that they will not be on the same plain as the surrounding developments. He does not know yet how the visibility of the roofs from the road will be dealt with, but this issue will be addressed.

Mr. Tucker said that there is a WalMart in another state that divided its big store into several smaller stores, separating departments.

Mr. Walsh said that WalMart would not be back to the site. If he cannot have the flexibility to go up to the 95,000 square feet, it would be a deal killer.

Greg Pryor, Chairman of the Red Bug Residential Coalition, represents 18 subdivisions in the area, with 3,000 homeowners. His group wants consistent, compatible growth within the area. He would like denial tonight. His group has issues with the High Density Residential uses. The corner has issues. He needs an enforcement mechanism. The intensity of the "big box" is a concern. Mr. Pryor said that he wants denial of this plan.

No one else spoke from the floor.

The public hearing was now closed.

Commissioner Tucker observed that the Commission could vote it up or vote it down. The real decision will rest with the Board of County Commissioners.

Commissioner Dorworth agreed, noting that this is a troubled parcel.

Commissioner Dorworth made a motion to recommend approval, with staff recommendations.

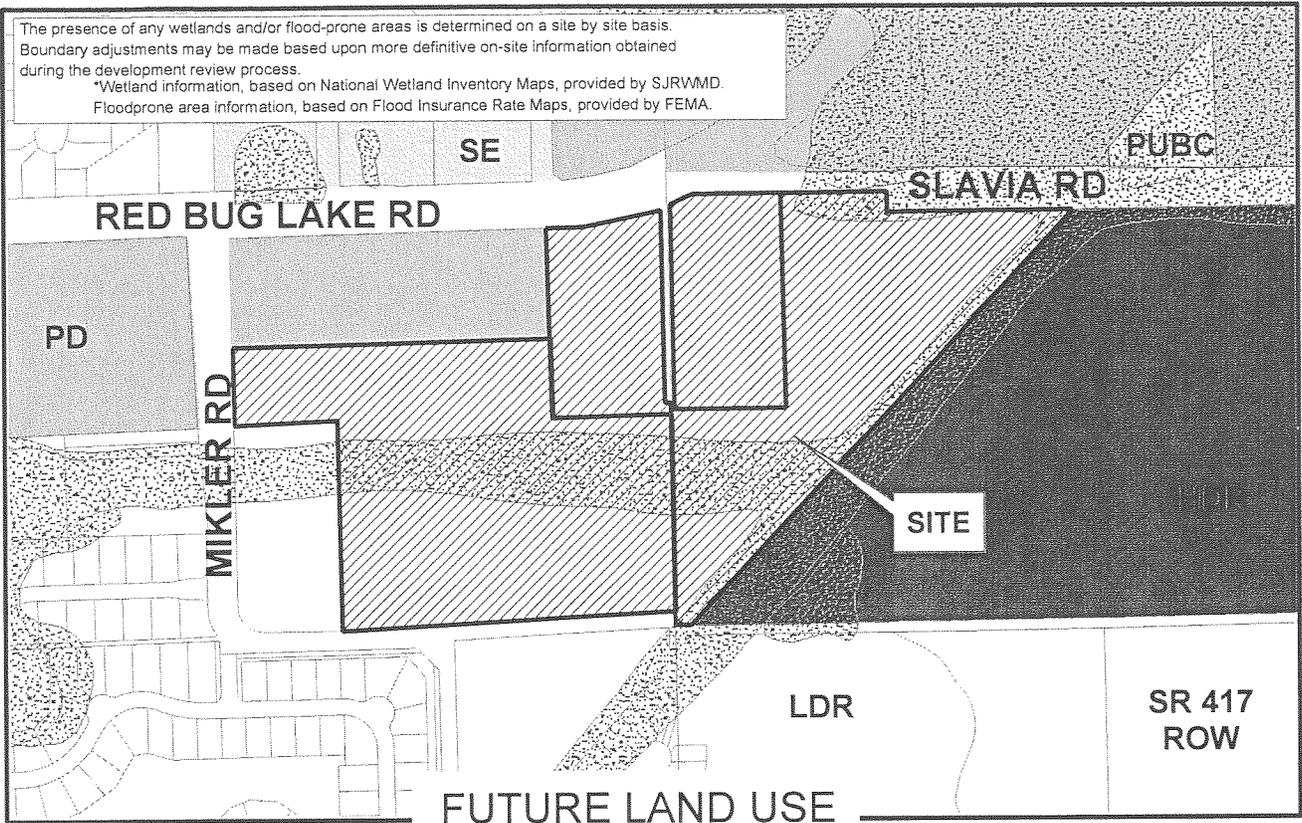
Commissioner Eismann seconded the motion. He commended all parties involved.

Commissioner Tucker said that the property will be developed eventually, no matter what.

Commissioner Brown said that moving this forward will allow the developer to continue his efforts. He is concerned with an economic feasibility of the smaller building.

The motion passed by a vote of 5 - 1. Commissioner Hattaway voted "no."

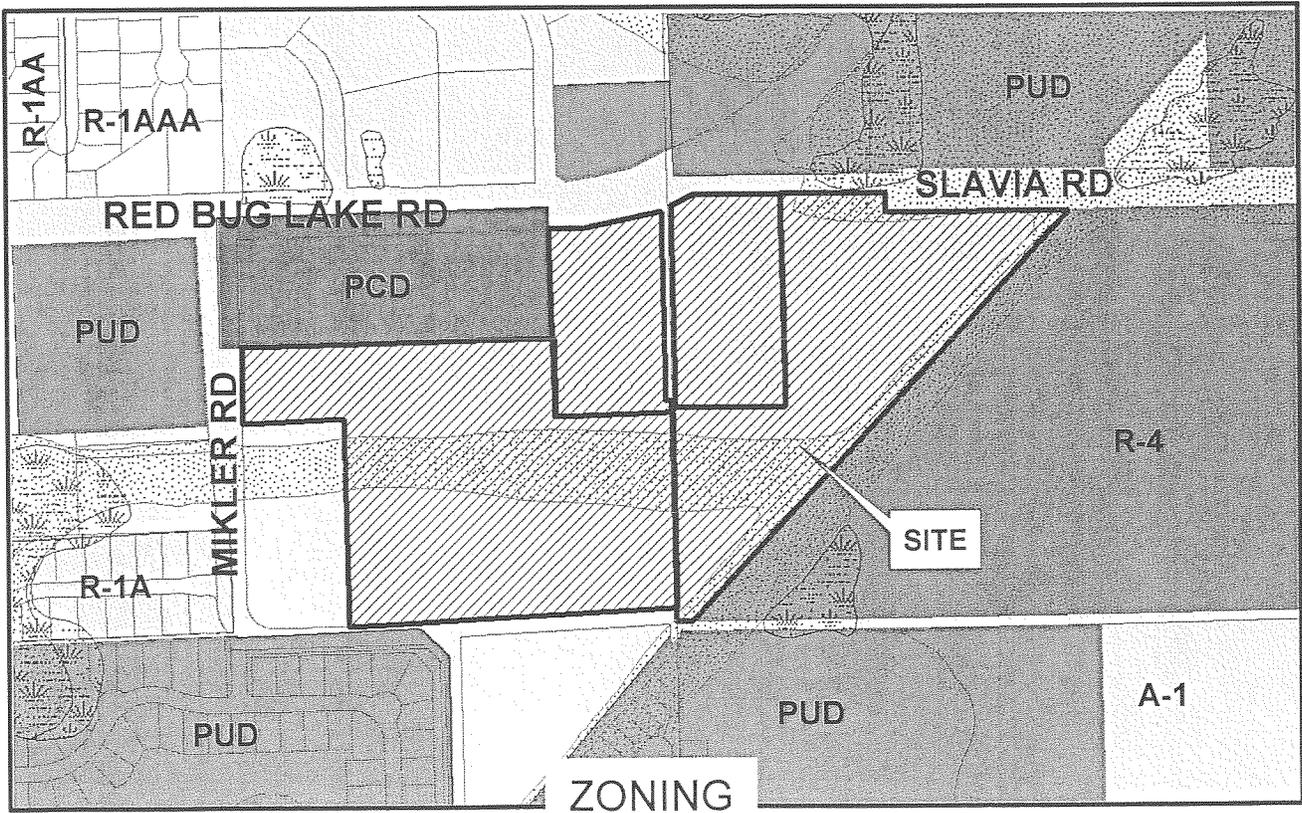
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 SE
 LDR
 HDR
 PD
 PUBC
 CONS

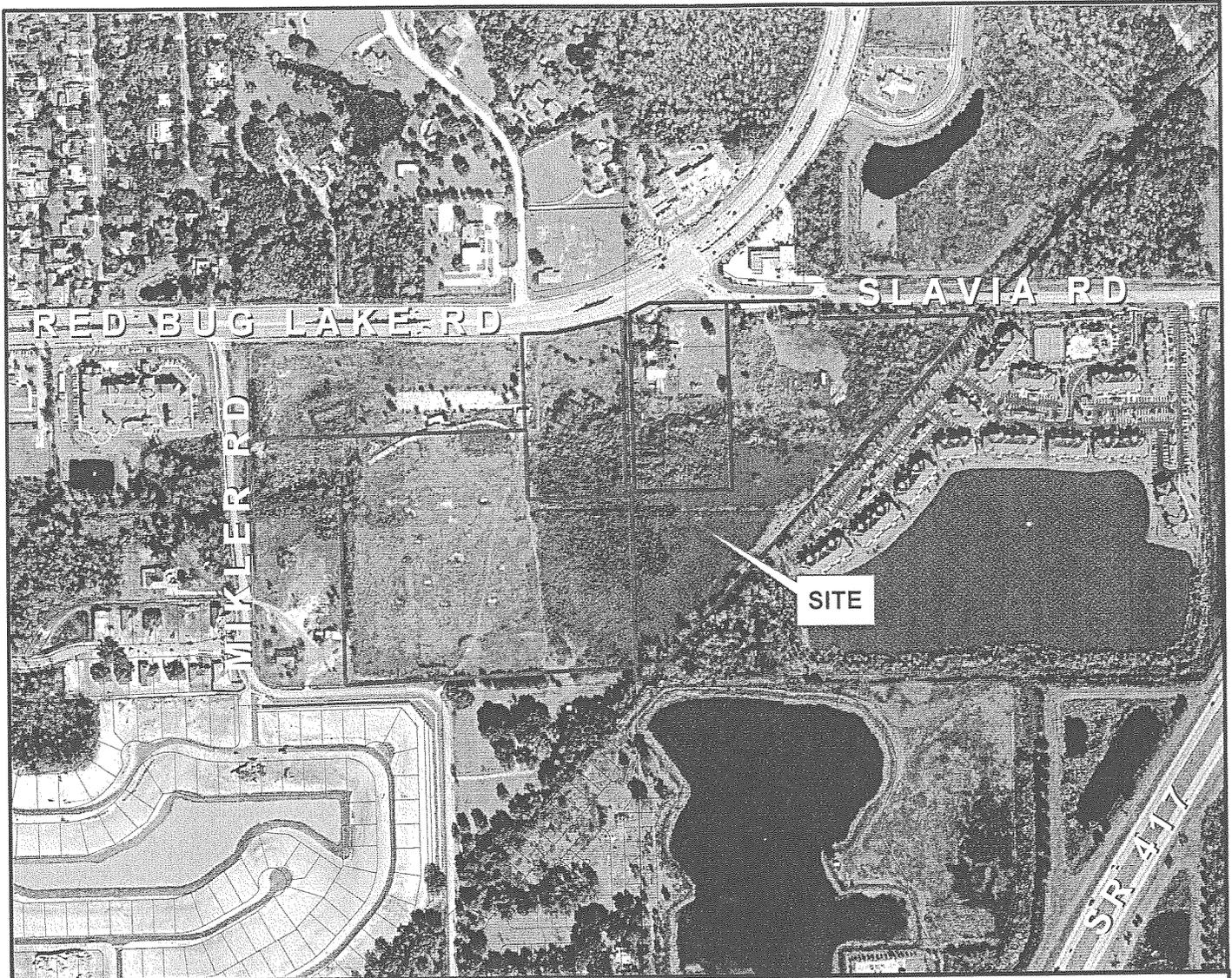
Applicant: CPH Engineers, Inc.
 Physical STR: 16-21-31-5CA-0000-0670, 0680, 0800 & 0830
 Gross Acres: 34.08 BCC District: 1
 Existing Use: Single Family Residential and Vacant
 Special Notes: None

	Amend/Rezone#	From	To
FLU	04F.FLU02	LDR	PD
Zoning	Z2004-013	A-1	PUD



Site
 A-1
 R-1AAA
 R-1AA
 R-1A
 R-4
 PUD
 PCD

FP-1
 W-1

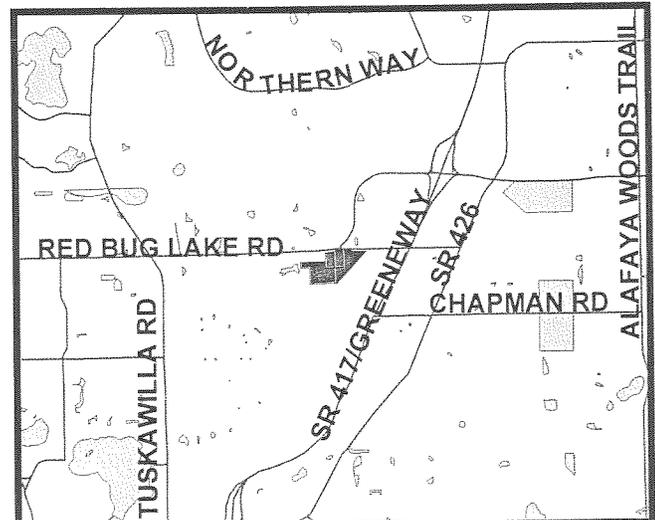


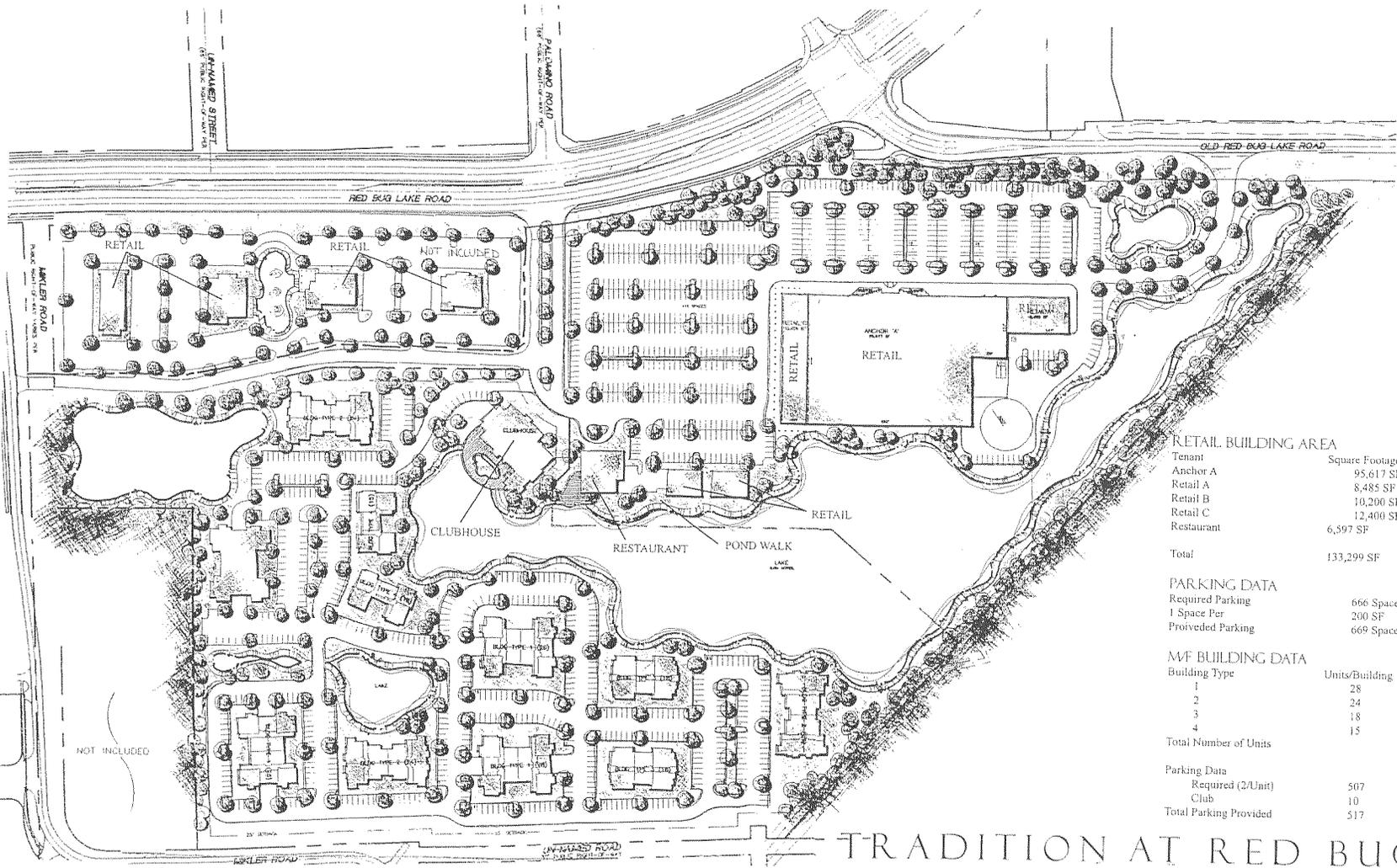
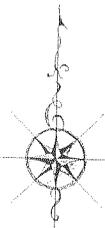
Amendment No: 04F.FLU02
 From: LDR To: PD
 Rezone No: Z2004-013
 From: A-1 To: PUD

- Parcel
- Subject Property



January 2004 Color Aerials





RETAIL BUILDING AREA

Tenant	Square Footage
Anchor A	95,617 SF
Retail A	8,485 SF
Retail B	10,200 SF
Retail C	12,400 SF
Restaurant	6,597 SF
Total	133,299 SF

PARKING DATA

Required Parking	666 Spaces
1 Space Per	200 SF
Provided Parking	669 Spaces

MF BUILDING DATA

Building Type	Units/Building	# Units
1	28	112
2	24	72
3	18	36
4	15	30
Total Number of Units		250

Parking Data

Required (2/Unit)	507
Club	10
Total Parking Provided	517

TRADITION AT RED BUG