

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: NW 46 PUD, Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR); and rezoning from PCD (Planned Commercial Development) to PUD (Planned Unit Development); (Kenneth Wright / Shutts & Bowen, applicant).

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date 05/10/05 **Regular** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. ADOPT an ordinance that includes the proposed map amendment from Commercial to Medium Density Residential (MDR)⁽¹⁾, and ADOPT an ordinance rezoning the property from PCD to PUD, per the attached staff report, on 55 +/- acres located on the east side of North Oregon Street, ½ mile north of SR 46 (Kenneth Wright, applicant); or
2. DENY the request for Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR), and rezone from PCD to PUD, on 55 +/- acres located on the east side of North Oregon Street, ½ mile north of SR 46 (Kenneth Wright, applicant); or
3. CONTINUE the public hearing until a time and date certain.

⁽¹⁾ For the record: A motion to adopt a Comprehensive Plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of the Spring 2005 large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle.

(District 5 – Comm. Carey)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The subject site is currently zoned PCD for office/warehouse uses and consists of approximately 55 acres. As currently proposed, the property would be developed as a Planned Unit Development (PUD) containing 400 residential units at a density of approximately 8.5 units per net buildable acre. The submitted plan depicts possible dwelling types as townhouses or condominiums, consistent with to R-3 and R-4 standards

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

where appropriate.

NOTE: At the time this agenda memorandum was prepared, the Objections, Recommendations, and Comments (ORC) report had not been received from the Florida Dept. of Community Affairs. The ORC report will be provided to the Board upon receipt.

STAFF RECOMMENDATION:

Staff recommends ADOPTION subject to conditions listed in the attached staff report and development order.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On January 5, 2005, the Land Planning Agency (LPA) voted 4-3 to recommend DENIAL of the request due to concerns related to school capacities, reduction of the County's commercial tax base, and the possible need for noise abatement measures resulting from placing residential uses adjacent to Interstate 4.

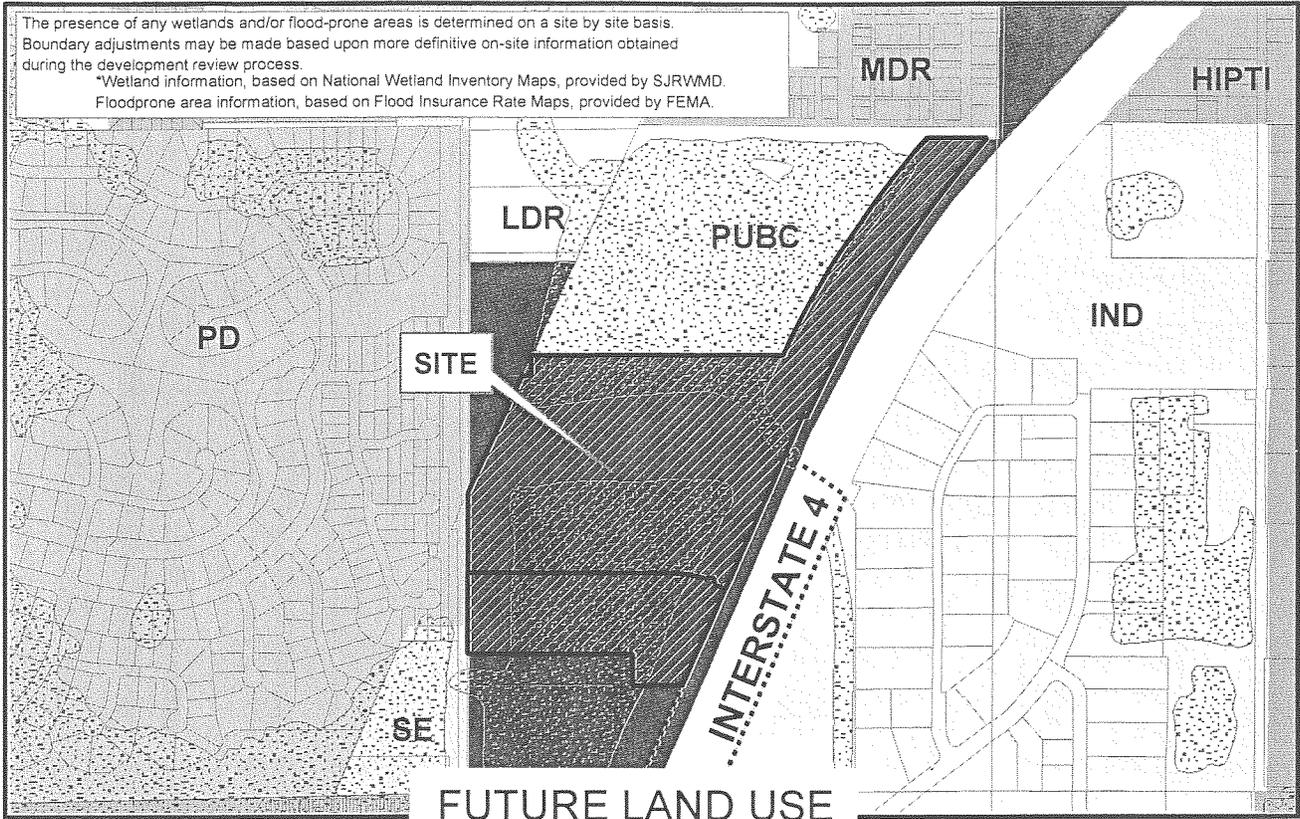
BOARD OF COUNTY COMMISSIONERS ACTION:

On February 8, 2005 the Board of County Commissioners voted 4-1 to TRANSMIT the land use amendment request to the State of Florida, and CONTINUE the rezone request, subject to conditions listed in the staff report with the following changes:

[Note: These changes have been incorporated into the staff recommendations listed above.]

1. Development shall be limited to 400 dwelling units, with no rental units permitted.
2. Each unit shall have a minimum living area of 1,300 square feet.
3. Reclaimed water shall be used on the site.
4. A water use mitigation plan shall be developed and presented to the Board prior to adoption of the Amendment.
5. Site layout shall ensure that no unit is adjacent to Interstate 4.
6. All home buyers shall have deeds noting the development's proximity to Interstate 4.

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

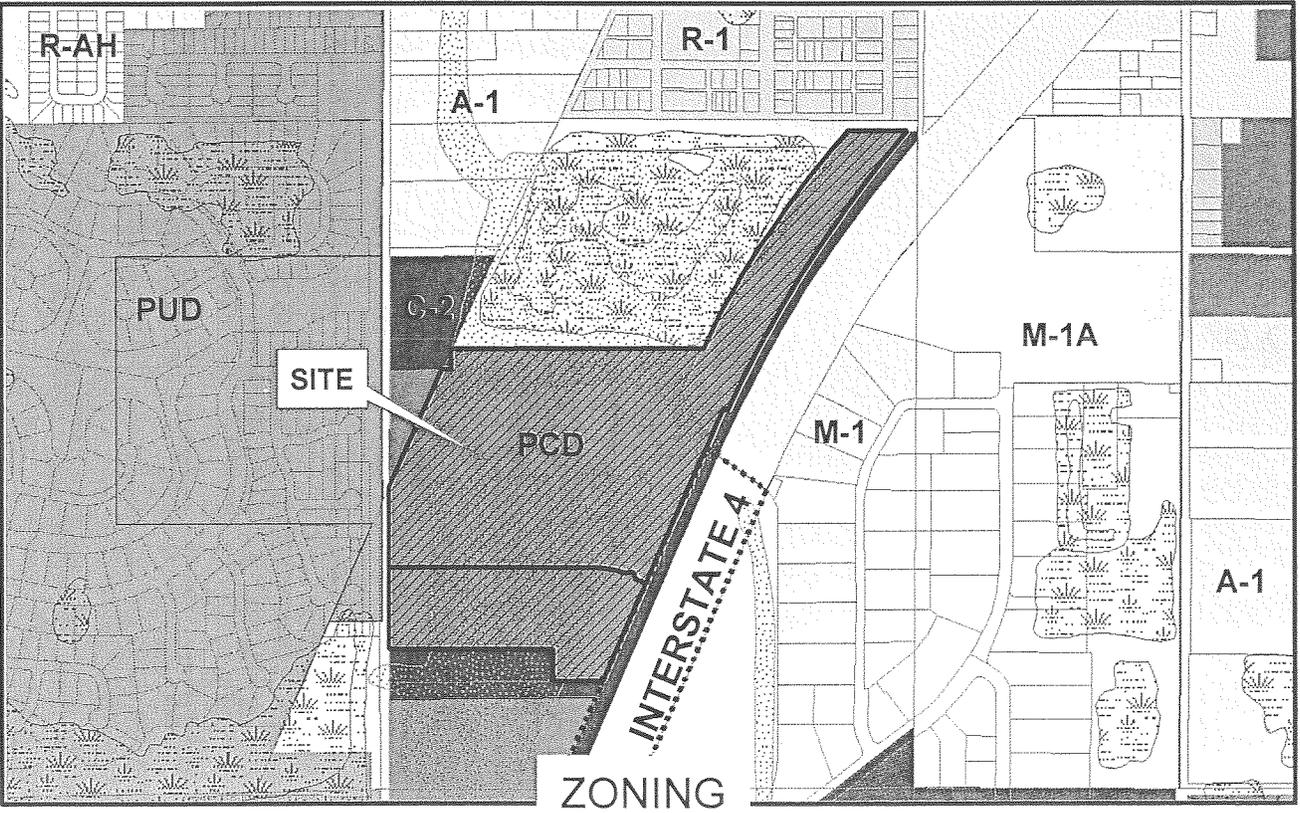


FUTURE LAND USE



Applicant: Kenneth W. Wright
 Physical STR: 20-19-30-300-004F and 0040-0000
 Gross Acres: 55 acres +/- BCC District: 5
 Existing Use: Vacant General Commercial
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	O5S.FLU05	COM	MDR
Zoning	Z2004-053	PCD	PUD



ZONING



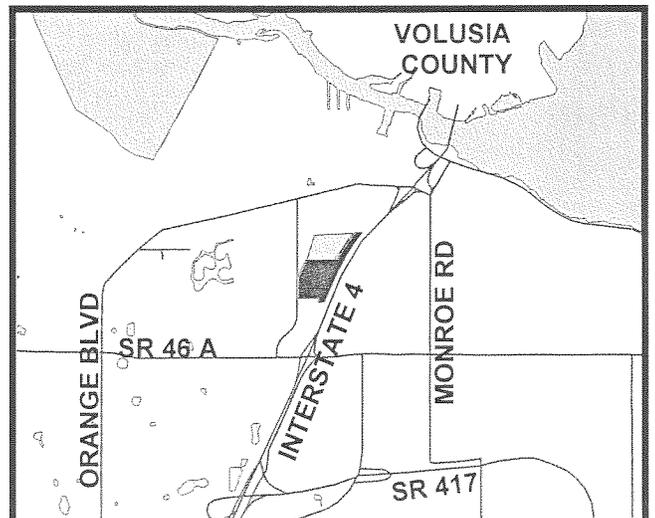


Amendment No: 05S.FLU05
 From: COM To: MDR
 Rezone No: Z2004-053
 From: PCD To: PUD

- Parcel
- Subject Property



January 2004 Color Aerials



OVERALL PD SITE DATA

Acreage: Gross Acreage: 55.05+
 Existing Conservation & Detention Ponds: 8.00 +
 Net Developable Acreage: 47.05+

Existing Zoning: PCD (NW 48 Commercial Development)
 Proposed Zoning: PUD (NW 48 Residential Development)
 Existing Use: Vacant
 Proposed Use: Planned Residential Development (Townhouses & Condominiums)

Tests of Land Uses:
 + Land Use acreages are estimated. A detailed Table of Land Uses shall be provided with the Final Master Plan.
 Gross Residential Density: 0.71 dwelling units / gross acre
 Net Residential Density: 0.54 dwelling units / net developable acre

Residential Development Standards

Residential Use: Townhouses, Condominium, Multi-family housing and other ancillary uses associated with R-4 and R-3 zoning.
 Density: Maximum 450 Residential Units

Minimum Height: 5' 7" - 5' 10" for architectural treatment, chimneys, towers, towers, etc.
 Porches: 8' wide per unit. Porches are prohibited from being converted to living space.
 Minimum Footways: 24' pavement width with curbs.

Building Setbacks:
 25' from PD Frontset
 Front w/ Front-Entry Garage: 20'
 Front w/ Rear-Entry Garage: 15'
 Side: 5' / 10' (Street/End units)
 Side Street: 10'
 Rear: 20'

Minimum Townhouse Lot Width: 15'
 Building Length: Maximum 10 townhouse units in a row without a break.
 Building Separation: 20'
 Minimum Living Area: 850 sq. ft.
 Minimum Parking: 2 spaces per unit

Minimum Open Space: 30% (30x 55.05 = 16.52 Acres) Breakdown of open space shall be provided with the Final Master Plan consistent with Sec. 30.1344. Category's B & C shall not exceed 50% of the total required open space. Common Open Space shall be owned and maintained by the Homeowners Association.

Recreation: A minimum 2.5 acres of recreation will be provided. A Recreation Concept Plan including the location of major facilities by type and acreage by use will be provided with Final Master Plan. Active and Passive recreation amenities will be owned and maintained by the Homeowners Association. The net detention pond will serve as open space and will include recreation amenities (seating, tables, park benches, etc.) and landscaping.

Landscaping & Buffers

Frontset Buffer: minimum 10' - for exterior PD Buffers
 (2) Buffer design. The landscape buffer shall be designed, planted, and maintained as to be seventy-five (75) percent or more opaque between two (2) feet and six (6) feet above average lot grade. Protection from noise encroachment by the use of cutting or sheet stone shall be provided.

(3) Buffer plantings. Plantings shall be of the species and of the size and type which will screen the seventy-five (75) percent opacity requirement no longer than twelve (12) months after final planting.

(4) Substitution within buffer area. A decorative opaque structure of least six (6) feet high may be substituted to meet the seventy-five (75) percent opacity requirement, where a structure is utilized, it shall not be less than two and one-half (2.5) feet in height at time of planting and be provided along the length of the wall.

(5) General provisions for all landscaped areas. See section 30.1228.
 (6) The opacity requirements, above, are not required along the North and West perimeter where aesthetic waterways are desired adjacent to the existing Seminole County retention pond. Interior and parking lot landscaping per Seminole County LDC.

Existing on-site detention pond will have landscaping and amenities to allow for passive recreation, details will be provided with Final Master Plan.

Proposed Site Improvements Information

Water: Seminole County - connection to 16" watermain on North Oregon Street.
 Sewer: Seminole County - connection to 10" gravity main on North Oregon Street
 Fire Protection: Seminole County Fire Station

Access: Seminole County - connection to 4" residential water main on North Oregon Street.
 All turn lanes shall be designed per FDOT standards. Speed limit on North Oregon Street is 35 MPH

School-Age Children: Seminole County Public Schools uses the following multipliers to determine the number of students generated by each household: .225 students per household.

Demographics: 450 x .115 = 52 Elementary School Students
 450 x .053 = 24 Middle School Students
 450 x .007 = 26 High School Students
 Total: 102 School-Age Students

Access:

The project will have 2 access points off North Oregon Street. Vehicular, bicycle, and pedestrian circulation system will be defined with the Final Master Plan. The internal circulation system shall connect residential buildings with the recreation amenities and the primary access points on North Oregon Street.

Based on the 7th Edition ITE Trip Generation Manual, the 450-Condominium / Townhouse unit project is anticipated to generate 2305 ADT. A concurrency application will be submitted under separate cover.

Site Lighting:

Lighting will be in accordance with Seminole County LDC. Light poles shall be a maximum 20' overall height. Fixtures will be street or other downward-facing fixtures.

Stormwater Management

The stormwater management system will be designed in accordance with the SFRMAD and Seminole County requirements.

Signage:

Project signage shall be consistent with Part 65, Sign Regulations of the Seminole County LDC. A detailed sign plan shall be provided with Final Master Plan. No new billboards or off-site signs shall be permitted. The existing 36' monopole billboard shall be a permitted use.

Additional Permitted Uses:

A temporary uses trailer may be permitted. Location and details will be provided with final engineering.

Wetlands/Conservation:

Wetland impacts have been permitted by SFRMAD, Permit # 4-117-2221-12, and there are no changes proposed from previous permits.

Variances:

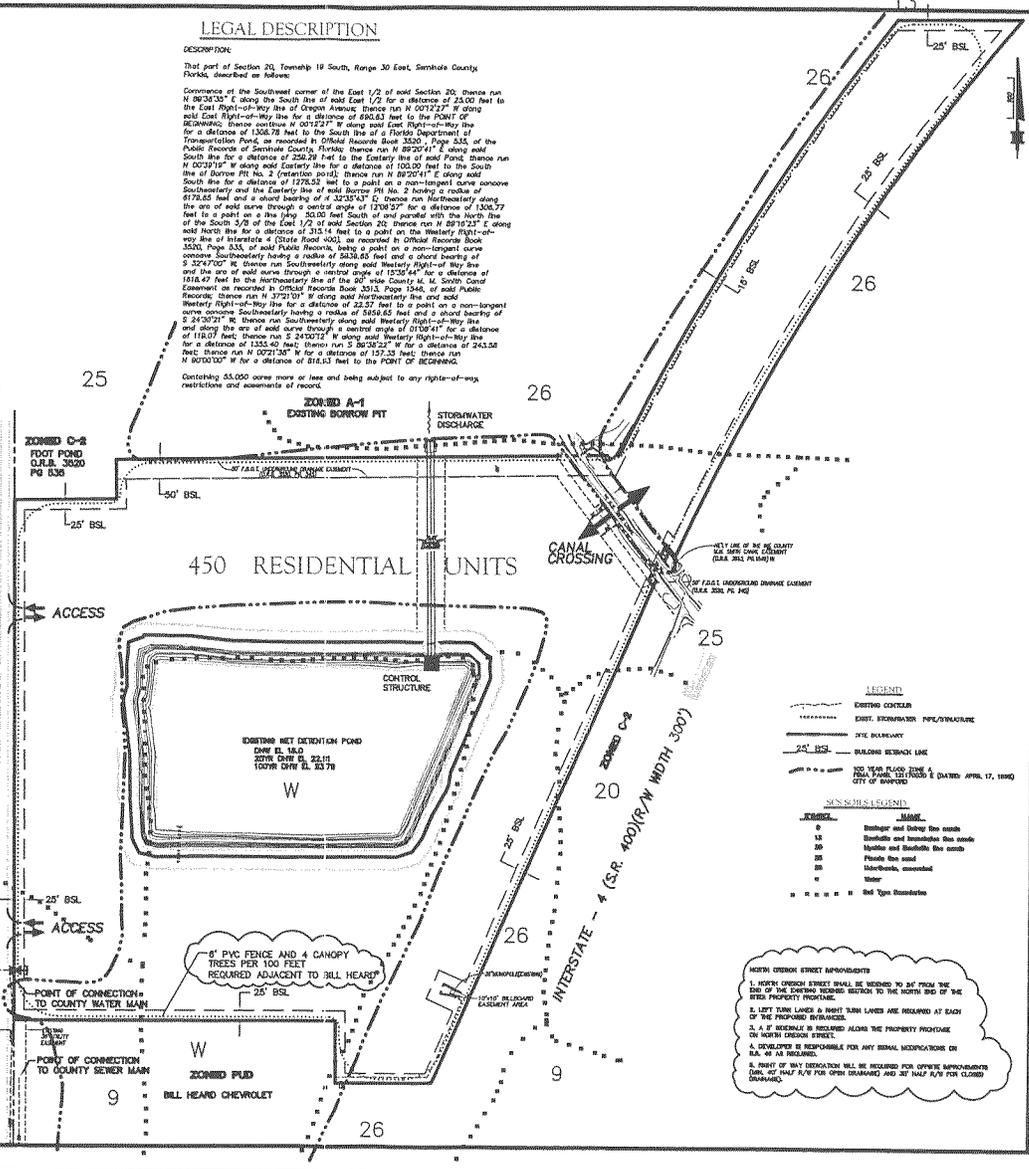
S:1 maximum side slope for dry retention ponds in lieu of 8:1 maximum side slopes
 A Final Master Plan will be submitted to define any details not clearly defined on this Preliminary Master Plan, including detailed landscaping plans, building layout, internal vehicular, bicycle & pedestrian system, architectural elevations, and recreation plan.

LEGAL DESCRIPTION

DESCRIPTION:
 That part of Section 20, Township 18 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20, thence run N 89°30'37" E along the South line of said East 1/2 for a distance of 25.00 feet to the East Right-of-Way line of Oregon Avenue, thence run N 0°12'22" W along said East Right-of-Way line for a distance of 688.13 feet to the POINT OF BEGINNING, thence continue N 0°12'22" W along said East Right-of-Way line for a distance of 1358.78 feet to the South line of a North-South line of Transportation Point, as recorded in Official Records Book 3320, Page 233, of the Public Records of Seminole County, Florida; thence run N 89°30'37" E along said South line for a distance of 226.29 feet to the Eastern line of said Parcel, thence run N 0°20'17" W along said Eastern line for a distance of 102.00 feet to the South line of the South 1/2 of the East 1/2 of said Section 20, thence run N 89°30'37" E along said North line for a distance of 1178.85 feet to a point on a non-tangent curve concave Southwesterly having a radius of 6176.85 feet and a chord bearing of N 32°33'47" E, thence run Northwesterly along said curve for a distance of 1330.77 feet to a point on a line perp. 50.00 feet South of and parallel with the North line of the South 1/2 of the East 1/2 of said Section 20, thence run N 89°30'37" E along said North line for a distance of 313.14 feet to a point on the Western Right-of-Way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3300, Page 333, of said Public Records, being a point on a non-tangent curve concave Southwesterly having a radius of 5454.85 feet and a chord bearing of S 32°47'07" W, thence run Southwesterly along said Western Right-of-Way line for a distance of 1618.47 feet to the Northwestern line of the 90' wide County M. L. South Canal Easement as recorded in Official Records Book 3513, Page 1346, of said Public Records; thence run N 37°21'01" W along said Northwesterly line and said Western Right-of-Way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southwesterly having a radius of 5454.85 feet and a chord bearing of S 24°02'17" W, thence run Southwesterly along said Western Right-of-Way line and along the arc of said curve through a central angle of 01°50'41" for a distance of 116.07 feet; thence run S 24°02'17" W along said Western Right-of-Way line for a distance of 1335.40 feet; thence run S 86°30'22" W for a distance of 243.08 feet; thence run N 0°02'18" W for a distance of 152.33 feet; thence run N 80°00'00" W for a distance of 518.53 feet to the POINT OF BEGINNING.

Containing 55,000 acres more or less and being subject to any rights-of-way, restrictions and easements of record.



NO.	DATE	DESCRIPTION
1	11/14/2018	PRELIMINARY MASTER PLAN
2	11/14/2018	PRELIMINARY MASTER PLAN
3	11/14/2018	PRELIMINARY MASTER PLAN
4	11/14/2018	PRELIMINARY MASTER PLAN
5	11/14/2018	PRELIMINARY MASTER PLAN
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48	11/14/2018	PRELIMINARY MASTER PLAN
49	11/14/2018	PRELIMINARY MASTER PLAN
50	11/14/2018	PRELIMINARY MASTER PLAN

LEGEND

- COORDINATE
- EXIST. STRUCTURE / INFRASTRUCTURE
- SITE BOUNDARY
- BUILDING SETBACK LINE
- 100 YEAR FLOOD PLANE (FEMA PANEL 122-10002-2 DATED APRIL 17, 1980)

SEMINOLE COUNTY

SYMBOL	NAME
○	Right-of-Way and Utility Line
□	Structure and Impervious Surfaces
■	Asphalt and Bituminous Surfaces
■	Grass
■	Water
■	Other
■	Other

NORTH OREGON STREET IMPROVEMENTS

1. NORTH OREGON STREET SHALL BE WIDENED TO 84' FROM THE END OF THE EXISTING ROADWAY SECTION TO THE NORTH END OF THE SITE PROPERTY PROJECT.
2. LEFT TURN LANES & RIGHT TURN LANES ARE REQUIRED AT EACH OF THE PROPOSED INTERSECTIONS.
3. A 4' SIDEWALK IS REQUIRED ALONG THE PROPERTY FRONTAGE ON NORTH OREGON STREET.
4. DEVELOPER IS RESPONSIBLE FOR ANY SIGNAL MODIFICATIONS ON I-4 AS REQUIRED.
5. A POINT OF TRAVEL INTERSECTION SHALL BE REQUIRED FOR OFFSITE APPROXIMATIONS ON I-4. 20' HALF PAV FOR OPEN DRAINAGE AND 20' HALF PAV FOR CLOSED DRAINAGE.

NW48 PLANNED UNIT DEVELOPMENT (PUD)
 SEMINOLE COUNTY, FLORIDA
PRELIMINARY MASTER PLAN

PROJECT NO. 18-0000000-0000
 SHEET NO. 2 OF 2

NW 46 PUD
Large Scale Land Use Amendment
Staff Report

Commercial to Medium Density Residential (MDR)	Amendment (Z2004-053, 05S.FLU05)
REQUEST	
APPLICANT	Kenneth Wright / Shutts & Bowen
PLAN AMENDMENT	Commercial to Medium Density Residential (MDR)
REZONING	PCD to PUD
APPROXIMATE GROSS ACRES	55
LOCATION	East side of North Oregon St., ½ mile north of SR 46
BCC DISTRICT	5, Comm. Carey
RECOMMENDATIONS AND ACTIONS	
BCC ACTION February 8, 2005	<p>The Board of County Commissioners voted 4-1 to TRANSMIT the land use amendment request to the State of Florida, and CONTINUE the rezone request, subject to conditions listed in the staff report with the following changes:</p> <ol style="list-style-type: none"> 1. Development shall be limited to 400 dwelling units, with no rental units permitted. 2. Each unit shall have a minimum living area of 1,300 square feet. 3. Reclaimed water shall be used on the site. 4. A water use mitigation plan shall be developed and presented to the Board prior to adoption of the Amendment. 5. Site layout shall ensure that no unit is adjacent to Interstate 4. 6. All home buyers shall have deeds noting the development's proximity to Interstate 4.

LAND PLANNING AGENCY (LPA) RECOMMENDATION January 5, 2005	The Land Planning Agency (LPA) voted 4-3 to recommend DENIAL of the request due to concerns related to school capacities, reduction of the County's commercial tax base, and the possible need for noise abatement measures resulting from placing residential uses adjacent to Interstate 4.
STAFF RECOMMENDATION May 10, 2005	Staff recommends APPROVAL subject to conditions of approval listed in the attached staff report and development order.

STAFF ANALYSIS

Commercial to Medium Density Residential (MDR)	Amendment (Z2004-053, 05S.FLU05)
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1. **Property Owner:** Orix Triad Lake Forest LLC
2. **Tax Parcel Numbers:** 20-19-30-300-004F-0000
20-19-30-300-0040-0000
3. **Development Trends:** The site is located in a rapidly developing area west of I-4 and north of SR 46. Adjacent to the site on the west side of N. Oregon St. is Lake Forest, a single family subdivision zone PUD (Planned Unit Development) at a density consistent with LDR (Low Density Residential). To the south and west are an automobile dealership and a townhouse subdivision, uses which have begun a trend toward higher intensities of development along N. Oregon St. To the north are a conservation area (owned by Seminole County) and a small lot single family subdivision in MDR (Medium Density Residential).

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Commercial, currently assigned to the subject property, permits general retail and office uses.

(North)

	COM vacant/ret. pond <i>C-2/PUD</i>	PUBC Commercial <i>A-1</i>	MDR SF residential <i>R-1</i>	
(West)	PD SF residential <i>PUD</i>	COM (Subject Site) Vacant <i>PCD</i>	I-4	(East)
	PD/SE SF/vacant <i>A-1</i>	COM auto dealer <i>C-2/PCD</i>	I-4	
		(South)		

Bold type is Future Land Use, Italics type is zoning and standard type indicates existing uses.

* See enclosed 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).*

Direct access to the subject property is via North Oregon St., designated as a Collector Road. Based on the 2004 traffic count of 1313 average daily trips, the operating level of service (LOS) is "A." The adopted LOS standard is "D." Access to North Oregon St. is from SR 46, a 4-lane arterial road operating at LOS "B" according to 2004 traffic counts. The adopted LOS standard for this segment of SR 46 is "D".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service areas. Sewer service is available to the site. Adequate potable water capacity in this area is a concern and could pose problems for this project at the time of permitting. Estimated water consumption for the currently approved office use is 83,853 gallons/day, while the proposed residential use would consume 113,540 gallons/day, an increase of approximately 35 percent. This increase is not reflected in demand estimates employed in the County's consumptive use permit from the St. Johns River Water Management District. However, the issue of availability of water capacity to serve the project will be addressed through the concurrency process prior to issuance of building permits.

Reclaim water will be available to this project and a connection to reclaimed water will be required.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #34. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes. As growth continues, it is anticipated that call volume will increase, making response time efficiency problematic. There are strategic plans for an expanded station on the County's west side to compensate for anticipated growth.

D. **School Impacts:** According to calculations provided by the applicant, the development would generate 52 elementary school students, 24 middle school students, and 26 high school students, for a total of 102 school-age children.

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 (Implementation Policy 1.2.3).*

Adequate potable water capacity in this area is a concern and could propose problems for this project. This is an ongoing issue related to water allotments under Seminole County's consumptive use permit from the St. Johns River Water Management District (SJRWMD). While the applicant has elected to defer a Concurrency determination at this time, a full Concurrency evaluation is required prior to final engineering approval.

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 no significant areas of wetlands. However, it does contain significant areas of 100-year flood zone as established by FEMA maps. Compliance with Policy FLU 1.2 will be required prior to Final Master Plan approval.

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 describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

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

Based upon an initial evaluation, the proposed MDR land use may be compatible with adjoining land uses to the west and south. It would act as an effective transition between High Intensity Planned Development (HIP-TI) areas adjacent to SR 46 to the south and existing single family use in MDR to the north. It is also appropriate as a buffer between Interstate 4 to the east and single family development in Lake Forest to the west.

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

Transitional Land Uses (Policy FLU 2.5): *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.*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that MDR is an appropriate transitional use adjacent to the single family development to the west, which is consistent with MDR (although the nominal future land use designation is PD). Adjacent to commercial land uses to the south, MDR can be considered compatible with sufficient buffering to minimize any adverse impacts.

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.
FLU 5.5: Water and Sewer Service Expansion
MDR Future Land Use Definition*

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

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

INTERLOCAL NOTIFICATION

Interlocal notice for this item was not required per the Interlocal Planning Coordination Agreement of 1997, since the proposed project does not impact any other jurisdiction.

STAFF RECOMMENDATION:

The proposed development follows a county-wide trend toward new residential development in the medium density range of 5-10 units per acre. Two major issues facing new projects, particularly residential ones, are school capacities and water use. The school issue is being addressed by both the School Board and the Board of County Commissioners through existing fiscal tools (such as impact fees), and extensive discussions of new strategies for coordinating classroom capacity with new development. The water issue relates to Seminole County's share of available water resources, as determined by the SJRWMD, and is primarily a regulatory problem rather than a supply problem.

While the school issue will be resolved independently, the Board required the applicant to present a water use mitigation plan prior to adoption of the land use amendment. The motion to transmit the amendment to the Department of Community Affairs included this requirement. The calculations used to forecast water demand for the consumptive use permit with SJRWMD did not include the estimated increase proposed by this project. The current designation of Commercial entails a certain level of water demand, and a change to residential will increase that demand. Staff utilizes the concurrency management system to regulate impacts to the potable water system. The applicant submitted a concurrency testing deferral affidavit with the land use amendment application.

Aside from capacity issues, the proposed NW 46 PUD is compatible with adjoining developments in the HIP-TI and PD future land use designations, and is no more intensive than possible development under the Commercial designation now assigned to the subject property. Internal design issues, such as building heights, parking, and recreational amenities, will be addressed at appropriate steps in the approval process through the Development Order, Final Master Plan, and Developer's Commitment Agreement for the project.

Staff recommends APPROVAL of the requested large scale land use amendment and rezone, subject to the following conditions:

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

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

- g. Minimum living area shall be 1,300 square feet per unit.
- h. Setbacks and buffering for multi-unit condominium structures shall conform to R-3 standards.
- i. Accessory buildings shall not be permitted on individual townhouse lots.
- j. Where garages are entered from the front, there shall be a minimum distance of 20 feet from the front building line to the sidewalk.
- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- m. Minimum townhouse lot width shall be 15'.
- n. Front walls of townhouse units shall be staggered.
- o. Mechanical units shall be located and/or screened to prevent visibility from North Oregon St. or adjoining single family development.
- p. Garages shall not be converted to living space.
- q. Each unit shall have a minimum of a 1-car garage and driveway providing an additional parking space.
- r. Visitor parking shall be provided at the rate of 1 space per 3 units. The method for providing this parking shall be evaluated at Final Master Plan.

- s. Parking of boats, trailers and recreational vehicles shall be prohibited within the development.
- t. A 6-foot PVC fence and 4 canopy trees (per 100 linear feet) shall be provided along the south property line.
- u. Outdoor lighting shall be limited to 16 feet in height and meet all applicable standards of the Seminole County Land Development Code.
- v. Left- and right-turn lanes shall be provided at each of the project entrances.
- w. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way section along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.
- x. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.
- y. The site shall utilize reclaimed water.
- z. Site layout shall ensure that no unit is adjacent to Interstate 4.
- aa. All home buyers shall have deeds noting the development's proximity to Interstate 4.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On January 5, 2005, the Land Planning Agency (LPA) voted 4-3 to recommend DENIAL of the request due to concerns related to school capacities, reduction of the County's commercial tax base, and the possible need for noise abatement measures resulting from placing residential uses adjacent to Interstate 4.

BOARD OF COUNTY COMMISSIONERS ACTION:

On February 8, 2005 the Board of County Commissioners voted 4-1 to TRANSMIT the land use amendment request to the State of Florida, and CONTINUE the rezone request, subject to conditions listed in the staff report with the following changes:

[Note: These changes have been incorporated into the staff recommendations listed above.]

1. Development shall be limited to 400 dwelling units, with no rental units permitted.
2. Each unit shall have a minimum living area of 1,300 square feet.
3. Reclaimed water shall be used on the site.
4. A water use mitigation plan shall be developed and presented to the Board prior to adoption of the Amendment.
5. Site layout shall ensure that no unit is adjacent to Interstate 4.
6. All home buyers shall have deeds noting the development's proximity to Interstate 4.

SEMINOLE COUNTY SCHOOL BOARD COMMENTS

I have reviewed the agenda for January 5, 2005, and have the following comments on behalf of Seminole County Public Schools. I would appreciate their being read into the record at the appropriate time:

On August 10, 2004, the School Board unanimously approved a motion to "oppose land use changes that convert non-residential properties to residential until the School Board, County, and the Cities have an opportunity to discuss addressing future growth and the impact of those changes on the county and the school system." The Board of County Commissioners and the School Board have met in a joint work session, and staff is starting to work on alternative responses to this issue. To date, however, there has been no proposal or resolution. With that in mind, we have concerns regarding the following agenda items:

Item F. NW 46 Planned Unit Development -- land use change from Commercial to Medium

Density Residential 450 multi-family units

The applicant is correct in projecting 102 students from this development...52 elementary (2.5 classrooms); 24 middle school students (1 classroom); and 26 high school students (1 classroom). The project would be served by the following schools:

	NW cluster elementaries	Capacity deficit now and after additions are completed		
school year 2005/06	Wilson	934 enrollment	16 portables	14 classroom addition for
school year 2005/06	Bentley	922 enrollment	1 portable	14 classroom addition for
	Idyllwilde	890 enrollment	9 portables	
	Wicklow	934 enrollment	11 portables	
	Middle School	Capacity deficit now; some relief expected with Markham		
	Woods Middle	scheduled to open Aug. 2006		
	Sanford	1408 enrollment	7 portables	
	High School	Capacity deficit now and through 2013		
	Seminole	2861 enrollment	18 portables	Additions and renovations

in progress

Item G. Cameron Heights PUD -- land use change from Suburban Estates, Industrial, and

Commercial to Planned Development; 910 single family homes and 151 townhouses...potential for 244 elementary students (11+ classrooms); 112 middle school students (5 classrooms); 122 high school students (5 classrooms). The project would be served by the following schools:

	NE cluster elementaries	Capacity deficit now and in the future		
currently being designed (additional 350 stations)	Midway	393 enrollment	8 portables	New replacement school
	Hamilton	733 enrollment	11 portables	
	Pine Crest	732 enrollment	8 portables	
	Middle School	Capacity deficit now; some relief expected with Markham		
	Woods Middle	scheduled to open Aug. 2006		
	Sanford	1408 enrollment	7 portables	
	High School	Capacity deficit now and through 2013		
	Seminole	2861 enrollment	18 portables	Additions and renovations

in progress

This project will have significant impact. If approved, the project should help improve the pedestrian circulation to the new Midway Elementary site by providing off-site sidewalks.

Item H. Hilltop Drive --- land use change from low density to medium density; minimal impact; no comments

Item I. San Pedro Center -- low density residential to Planned Development; potentially 1,999 residential units. This impact cannot be determined without a breakdown in the type and number of units. It could generate the need for an additional elementary school, so a site should be reserved.

Item J. Osprey Lakes -- 47 single family homes; minimal impact; no comment

Dianne L. Kramer, Deputy Supt./Operations
 Seminole County Public Schools
 407.320.0060 direct line
 407.320.0292 FAX

[<mailto:dianne_kramer@scps.k12.fl.us>](mailto:dianne_kramer@scps.k12.fl.us)

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On May 10, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: ORIX TRIAD LAKE FOREST LLC
NW 46 LTD.

Project Name: NW 46 PUD

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

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

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

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

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

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

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

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

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

- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- m. Minimum townhouse lot width shall be 15'.
- n. Front walls of townhouse units shall be staggered.
- o. Mechanical units shall be located and/or screened to prevent visibility from North Oregon St. or adjoining single family development.
- p. Garages shall not be converted to living space.
- q. Each unit shall have a minimum of a 1-car garage and driveway providing an additional parking space.
- r. Visitor parking shall be provided at the rate of 1 space per 3 units. The method for providing this parking shall be evaluated at Final Master Plan.
- s. Parking of boats, trailers and recreational vehicles shall be prohibited within the development.
- t. A 6-foot PVC fence and 4 canopy trees (per 100 linear feet) shall be provided along the south property line.
- u. Outdoor lighting shall be limited to 16 feet in height and meet all applicable standards of the Seminole County Land Development Code.
- v. Left- and right-turn lanes shall be provided at each of the project entrances.
- w. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way section along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.
- x. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.
- y. The site shall utilize reclaimed water.
- z. Site layout shall ensure that no unit is adjacent to Interstate 4.
- aa. All home buyers shall have deeds noting the development's proximity to Interstate 4.

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

(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

EXHIBIT A

LEGAL DESCRIPTION NW 46 PROPERTY:

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

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

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

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 PCD (PLANNED COMMERCIAL DEVELOPMENT 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 "NW 46 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 PCD (Planned Commercial Development) to PUD (Planned Unit Development) in accordance with the contents of the document titled "NW 46 PUD Staff Report" and Development Order #04-23000004:

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 4. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #04-23000004 in the official land records of Seminole County.

ENACTED this 10th day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION:

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

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

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

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

JANUARY 5, 2005

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

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Earnest McDonald, Principal Coordinator; Rebecca Hammock, Principal Coordinator; Tina Deater, Senior Planner; Jeffrey Hopper, Senior Planner; April Boswell, Senior Planner; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

F. NW 46 Planned Unit Development Large Scale Land Use Amendment and Rezone; Kenneth Wright / Shutts & Bowen LLP, applicant; approximately 55 acres; Large Scale Land Use Amendment from Commercial to MDR (Medium Density Residential); and rezone from PCD (Planned Commercial Development District) to PUD (Planned Unit Development District) for a 450 unit multifamily development; located on the east side of North Oregon Street, approximately ½ mile north of SR 46; (Z2004-053 / 05S.FLU05).

Commissioner Carey - District 5

Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting a Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR) and Rezone from Planned Commercial Development (PCD) to Planned Unit Development (PUD) on approximately 55 acres on the east side of N. Oregon St. approximately ½ mile north of SR 46. The subject property currently has approval as a Planned Commercial Development for an office-warehouse facility.

The new proposal is a multi-family development consisting of a maximum of 450 dwelling units. These would be configured as apartments, condominiums, and/or townhouses.

Compatibility with surrounding land uses is not really at issue, since the site is located adjacent to an auto dealer on the south, I-4 on the east, and a county retention facility and Medium Density Residential land use on the north.

Lake Forest subdivision lies to the west across N. Oregon St., but is extensively buffered and does not take access from that road.

The major issue to be considered is the development's impacts on the County's water use allocation as determined by the St. Johns River Water Management District.

For purposes of the county's Consumptive Use Permit, water demand for this property was figured as commercial, while the proposed residential use will have a higher rate.

Therefore, this development is not reflected in current projections approved by the District. In responding to this issue, the applicant should consult with the Environmental Services Dept. and provide a mitigation plan to minimize the additional demand on water supplies generated by this request.

As noted in the comments from the School Board, school capacity is an issue in this area. The applicant could address this by maximizing the number of units to be sold fee simple, such as townhouses.

Staff recommends approval subject to conditions listed in the staff report, including:

- prior to final adoption of the land use amendment, the applicant should provide a water use mitigation plan
- density not to exceed 10 units per net buildable acre
- maximum building height of 2 stories and 35 feet
- off-street visitor parking to be provided at a rate of 1 space per 3 units

Mr. Hopper read Dianne Kramer's comments from the School Board which opposed the application due to school capacities. There would be 102 students from this development. The School Board opposes all conversion of commercial uses to residential.

Commissioner Hattaway asked if the figures quoted were accurate.

Matt West stated that there had been a meeting with the School Board and the Board of County Commissioners on December 13 of 2004. They tried to come up with new estimates based on a close evaluation of available statistical information depending on the type of dwelling. If these are townhouses, then it is .13 student per dwelling.

Commissioner Hattaway indicated that she thought the figure might be closer to .25 per unit.

Commissioner Tucker asked if there had been consideration of a home ownership being more stable, versus transient use putting more stress on the schools.

Meredith Pickens spoke for the applicant, stating that she agreed with all of the conditions except for condition "R" which talks about visitor parking. It is not part

of the Code, but a policy to have one visitor space per three units. This is a conceptual plan being presented. She would like to finalize this part of the design at the time of final master plan. She would like to provide on-street parking by increasing the width of interior roads.

She suggested the following language for item "R": "Visitor parking shall be provided at the rate of one space per three units" or as an alternative, "the developer shall demonstrate how the visitor parking shall be accommodated to the County's satisfaction at the time of final master plan."

She stated that this project is a good transition to adjacent uses. She will provide a water use mitigation plan at the time of final site plan approval.

Commissioner Bates asked how she would accommodate a 100 percent increase in water use over the existing designated uses.

Ms. Pickens stated that her firm disagreed with County estimates. They calculate a 60.8 percent increase based on her engineer's estimates. The PUD will use things like low-flow shower heads and toilets and conservation. It will connect to the reclaimed water line for irrigation. That should save about 20 percent of water. She will have to get the approval of the Environmental Services Department on this. She will present the plan after further study prior to the final adoption of the land use plan.

There were no verbal comments from the public. Commissioner Harris noted for the record the submission of negative comments on the application from Mr. Robert Bugnacki of 5352 Orange Blvd. He requested a recommendation of denial.

Commissioner Tucker stated that he opposes this application. The issues brought up by the School Board Chairman at the joint meeting of the BCC and the School Board are germane here, as are issues of noise. Noise abatement costs for residential areas adjacent to the interstate are tremendous. Changes from commercial, industrial, and office to residential are only a short-term gain. It is the wrong thing to do.

Commissioner Tucker made a motion for denial.

Commissioner Hattaway seconded the motion.

Commissioner Dorworth asked Ms. Pickens what had happened to the plans for the proposed Planned Commercial Development.

Ms. Pickens stated that the developer had lost interest. This developer wants to go in now with high-end residential. The property has a strange configuration. It was not completely suitable for office-warehouse.

Commissioner Dorworth said that as Mr. Hopper had stated, there are no adjacent property issues, and schools and water concerns will be negotiated. This is a property rights issue.

Commissioner Brown agreed with Commissioner Dorworth. He stated that people tend to look at apartments as negative. This is a good place for apartments. He will vote against the motion.

Commissioner Bates stated that he supported the motion. Water, schools, traffic, and noise are all issues here. The bottom line is: "Is it good for the County and our citizens?"

Commissioner Hattaway stated that these conversions erode the tax base.

The vote was 4 – 3 in favor of the motion to deny. Commissioners Brown, Dorworth and Eismann voted "no."

Kathy Moore, Fiscal Services, addressed the Board to present the request as outlined in the Agenda Memorandum. She stated the total cost of the wall is estimated at \$155,000 and will be allocated in 10 installments. The estimated assessment is \$4,000 per abutting parcels and \$3,200 per non-abutting parcels.

No one spoke in support or in opposition.

Motion by Commissioner Dallari, seconded by Commissioner Morris to adopt Ordinance #2005-3, as shown on page _____, creating the Charter Oaks/Tamarak Wall Reconstruction MSBU for the purpose of reconstructing Charter Oaks Subdivision wall and entranceway located on Dike Road and Bomi Circle; and authorize the Chairman to execute Lease Agreement/Temporary Easements, as shown on page _____.

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

LARGE SCALE LAND USE AMENDMENT

NW 46 PUD/Shutts & Bowen

Proof of publication, as shown on page _____, calling for a public hearing to consider request for a Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR) and Rezone from PCD to PUD on 55 acres located on the east side of North Oregon Street, 1/2 mile north of SR. 46, Kenneth Wright/Shutts & Bowen, received and filed.

Jeff Hopper, Planner, addressed the Board to present the request as outlined in the Agenda Memorandum. He stated the applicant has revised the proposal from 450 residential units to 400 residential units. He said the compatibility with surrounding land uses is not an issue since the site is located adjacent to an auto dealer to the south, I-4 on the east, and a County retention facility and Medium Density Residential land use to the north. Lake Forest Subdivision

lies to the west across North Oregon and is extensively buffered and does not take access from that road. The major issue to be considered is the development's impact on the County's water use allocation as determined by the St. Johns River Water Management District (SJRWMD). The water demand for this project was figured as commercial, but the proposed residential use will have a higher rate. Therefore, this development is not reflected in current projections approved by the SJRWMD. The applicant has been meeting with the Environmental Services representatives about providing a mitigation plan for water use. The purpose of that plan is to minimize the additional water demand within the County's water northwest service area. Staff recommends approval of the request subject to the conditions outlined in the development order with the following changes: (a) The Water Use Mitigation Plan will be incorporated into the applicant's utility agreement with the Environmental Services Department; (b) Density shall not exceed 400 units; and (c) Permitted uses shall be townhouses, condominiums, home occupation and home offices. Apartments will be removed from the permitted uses.

District Commissioner Carey stated she has met with the applicant and they have indicated that reclaim water would be used on this site and they would try to lay out the units so that they are not adjacent to I-4. She stated she asked the applicant to discuss the sound walls with Florida Department of Transportation (FDOT). She submitted an e-mail (received and filed) from the applicant indicating that FDOT feels a wall should not be placed along I-4. She said she would like to see the water mitigation plan prior to Board action in May. She stated Ms. Pickens submitted a condition

that the sales contracts would indicate that this is adjacent to I-4.

Attorney Meredith Pickens, representing Shutts and Bowen, addressed the Board to state she agrees with staff's conditions as well as the issues that Commissioner Carey discussed. She displayed photographs (not received and filed) showing elevations of similar projects that have been done in other areas. She added these are two-story buildings. She stated she would like to clarify that the average square foot of the units is 1,524, starting at a minimum of 1,326 sq. ft. and a maximum of 1,750 sq. ft.

Upon inquiry by Chairman Henley, Ms. Pickens advised she can agree to a minimum size of 1,000 sq. ft. as long as they have flexibility if a contract failed to go through.

Commissioner Dallari stated he would like to see a minimum of 1,300 square feet from the applicant.

Ms. Pickens advised she believes they can agree to that.

Upon inquiry by Commissioner Morris, Ms. Pickens advised the units will have a one car garage with the second parking spaces behind the garage. She stated she will make sure that the sidewalk does not interfere with the driveway space.

Commissioner Morris stated the P&Z Commission referred to issues relative to putting commercial to the south, not having a response from FDOT to the potential of putting residential against I-4, the water issue, and reduction of the commercial tax base.

Ms. Pickens informed Commissioner Morris that this project is outside the HIP area. She stated in future residential uses against an already existing roadway, this would not qualify in the FDOT process of installing a wall. They asked FDOT about having a high wall along I-4 and they indicated that wasn't a good idea for a

number of reasons. Those walls would benefit the most for a very small zone, but for units that are 200 to 300 feet away from the roadway, the walls would not be effective. She said they have met with the Environmental Services Department relative to the water issues and they will continue to work with them to come up with a mitigation plan. They are proposing 36 gallons per day in addition to what was already approved for a PUD use. She added they, as well as staff, have come up with some creative ideas. She said she believes they can come up with a mitigation plan that everyone will agree with.

Upon inquiry by Commissioner Morris, Ms. Pickens advised the School Board's numbers were based on 450 units and that now has come down to 400 units. Staff has done an analysis of all the schools in the County to see where those students are coming from. Staff's new analysis show 0.13 students per unit and that doesn't place a major burden as do rental apartments. The impact from the proposed project would probably be 45 new students.

Upon further inquiry by Commissioner Morris, Ms. Pickens advised she has not spoken to the School Board since the new plan came out. She explained to Commissioner Morris what they meant when they referred to this as a high-end development based upon this being next to a highway and a retention pond. She stated the starting price of the units may range from \$170,000 to \$230,000.

Fabiana Woodrick, 1190 Newberg Ct., addressed the Board to state she is opposed to the project because of the amount of traffic that it will add to this street. She stated traffic is now getting heavy and with an additional 400 homes, approximately 900 cars will be added to that street. There are no traffic lights, stop signs or

turning lanes and their development will be affected by this.

Tracy Fettinger, 4590 Redmond Place, addressed the Board to state she is a teacher and all of the schools are overcrowded now. It concerns her that the County is building so quickly and there is no room in the schools for more students. She stated she walks her dogs down that road and the traffic is very heavy. Robert Bugnacki, 5352 Orange Blvd., addressed the Board to state about four or six years ago, the same development was requested and that was turned down by the P&Z and the BCC. About two years ago, an office development was approved in the HIP target area and now they are coming back requesting apartments. The P&Z indicated that there will be problems with noise and this is going to be horrendous with I-4 being there. The retention pond is a retention from Bill Heard Chevrolet and he would like to know if they are going to be permitted to use Bill Heard Chevrolet's retention area for an apartment complex. He stated with all of this development going on, he would like to know where all the land is for mitigation. There should be thousands of land mitigated for wetlands and gopher tortoises. Now they want to mitigate water and he would like to know how they can get water when it is taken from one place and placed in another. Therefore, he doesn't think this should be considered. He said he feels that office would be better for this area. He stated who is going to move into a \$200,000 townhome and then have to go through Bill Heard Chevrolet to get to their home.

Ms. Pickens stated based on a 2004 traffic count, Oregon Street is operating at LOS A and there is a condition in the development order requiring the developer to install left and right turn lanes as well as widening the road. She stated she believes the turn lanes

will take care of the traffic concerns.

Upon inquiry by Chairman Henley, Ms. Pickens advised NW 46 Ltd. is the owner of the retention pond and it accommodates a portion of Bill Heard's project. She stated she believes the borrow pit to the north may accommodate the segment of I-4. Discussion ensued.

No one else spoke in support or in opposition.

Speaker Request Forms were received and filed.

District Commissioner Carey stated the developer agreed that this would not be rental apartments, it would be fee ownership. She stated the applicant has committed to reducing the number of units to 400, there will be reclaimed water on the site, 1,300 sq. ft. minimum, and they will be working with the water mitigation plan prior to adoption in May.

Motion by Commissioner Carey, seconded by Commissioner Dallari to transmit to the Department of Community Affairs (DCA) request for a Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR), and continue the Rezone from PCD to PUD on 55 acres located on the east side of North Oregon Street, 1/2 mile north of SR 46, as described in the proof of publication, Kenneth Wright/Shutts & Bowen, per staff's report and additional comments both written and verbal.

Under discussion, Commissioner Morris stated there were concerns from Bill Heard, and the School Board is still opposed to this as well. He stated he will not be supporting the motion due to the concerns of the P&Z.

Upon inquiry by Mr. Hopper, Chairman Henley advised the District Commissioner indicated that she wants apartments to be struck from the development order and not be a permitted use. He stated the

comments about the wall would be part of the record.

Commissioner Dallari discussed with staff the issue of providing incorrect aerial maps in the agendas. He stated if staff doesn't have an up to date aerial map, then they do not need to include one that is not correct. Discussion ensued between the Board, staff and Ms. Pickens relative to the land south of the pond being inclusive of the parcel for development.

Commissioner Dallari stated he will support the motion to transmit, but when it comes back, he would like to have a lot of this defined otherwise, he will be voting against it.

Chairman Henley stated he has serious reservations about this, but since this is a request for transmittal and not approval, he will be supporting the motion.

Districts 1, 3, 4 and 5 voted AYE.

Commissioner Morris voted NAY.

REZONE/Isola Retail Center

Proof of publication, as shown on page _____, calling for a public hearing to consider request to Rezone from M-1 (Industrial) to PCD (Planned Commercial District) for the Isola Retail Center on 3.25 acres located on the west side of Longwood-Lake Mary Road, 300 ft. north of CR 427, Robert Isola, received and filed.

Mr. Hopper presented the request as outlined in the Agenda Memorandum advising the applicant is proposing a PCD for 14,000 sq. ft. of commercial floor space on property designated Industrial. The existing M-1 zoning permits a wide variety of commercial uses but excludes certain neighborhood-type commercial uses. The purpose of the PCD request is to provide more flexibility and allowable uses. He stated staff recommends approval subject to the conditions that

NOTICE OF AMENDMENT ORDINANCE

Adoption of the 2005 Spring Cycle Large Scale Amendment Ordinance

Should the Board of County Commissioners (the " Board") move to adopt an amendment ordinance for this hearing item, a single ordinance will be presented to the Board for enactment following the last large scale amendment hearing of this cycle. The ordinance presented to the Board for enactment will include all the previously approved hearing items, if any, for this large scale amendment cycle. The proposed ordinance title is:

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF CERTAIN PROPERTIES BY VIRTUE OF LARGE SCALE DEVELOPMENT AMENDMENTS; AMENDING THE TEXT OF THE FUTURE LAND USE AND TRANSPORTATION ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.