

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Savannah Park at Heathrow, Large Scale Land Use Amendment from Office to Planned Development (PD) and Rezone from A-1 to PUD (Mary Anne Jarrell, applicant)

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

**AUTHORIZED BY:** Don Fisher *[Signature]* **CONTACT:** Jeff Hopper *[Signature]* **EXT** 7431

Agenda Date	<u>06/08/04</u>	Regular	<input type="checkbox"/>	Work Session	<input type="checkbox"/>	Briefing	<input type="checkbox"/>
		Public Hearing – 1:30	<input type="checkbox"/>	Public Hearing – 7:00	<input checked="" type="checkbox"/>		

**MOTION/RECOMMENDATION:**

1. ADOPT an ordinance including the proposed map amendment from Office to PD, and ADOPT an ordinance rezoning the subject property from A-1 to PUD on approximately 23.7 acres, located at the southwest corner of International Parkway and Wayside Drive, per the attached development order (Mary Anne Jarrell, applicant). (1)
2. DENY adoption of the amendment from Office to PD and the requested rezoning from A-1 to PUD on approximately 23.7 acres, located at the southwest corner of International Parkway and Wayside Drive, per the attached development order (Mary Anne Jarrell, applicant).
3. CONTINUE the public hearing until a time and date certain.

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

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicant, Mary Anne Jarrell, proposes a mixed use development on a 23.7-acre site on International Parkway, consisting of 48,000 square feet of retail use, 24,000 square feet of office use, and a maximum of 186 residential dwellings at a density of 8 units per acre. The request consists of a rezone from A-1 to PUD and a Large Scale Land Use Amendment from Office to Planned Development (PD). This application represents the second phase of a larger development, totaling approximately 33 acres, which includes

Reviewed by:	<i>[Signature]</i>
Co Atty:	<i>[Signature]</i>
DFS:	
OTHER:	<i>[Signature]</i>
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	ph700pdp02

an additional 9.9 acres of townhouse residential use. (Phase 1 was approved as a Small Scale Land Use Amendment on February 24, 2004.)

The proposal also includes a tier of 19 brownstone residential units to the west of the commercial buildings. The units would function as a barrier between the retail uses at the project entrance on International Parkway and lower density single family development in Tall Trees Subdivision to the west. (As an alternative option to be exercised on the basis of market conditions, the applicant may substitute a mixed residential/office structure with offices on the ground floor and living units above.) There would also be a 50-foot undisturbed buffer and a 6-foot masonry wall along the west site boundary. The site will include recreational facilities for residents, such as a park, clubhouse and pool. Proposed minimum dwelling unit size is 2,000 square feet. All units will be sold fee simple.

**LPA RECOMMENDATION:**

On Feb. 4, 2004 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL subject to staff recommendations as presented herein.

**BOARD OF COUNTY COMMISSIONERS ACTION:**

On Feb. 24, 2004 the Board of County Commissioners voted 4-0 to TRANSMIT the request to the State of Florida Department of Community Affairs, subject to staff recommendations as presented herein.

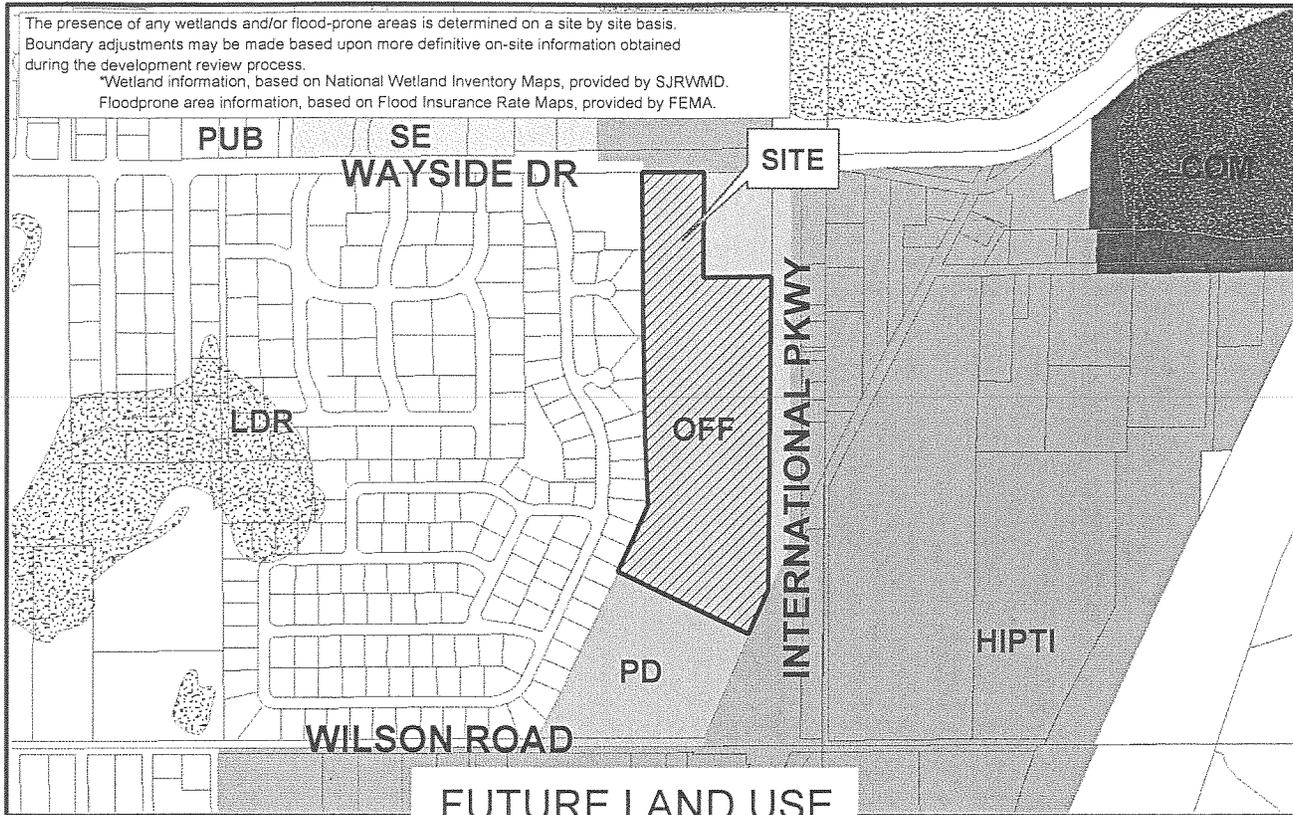
**AGENCY COMMENTS:**

Agency comments regarding this item are anticipated by May 24, 2004.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Large Scale Land Use Amendment and rezone subject to the attached Development Order.

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

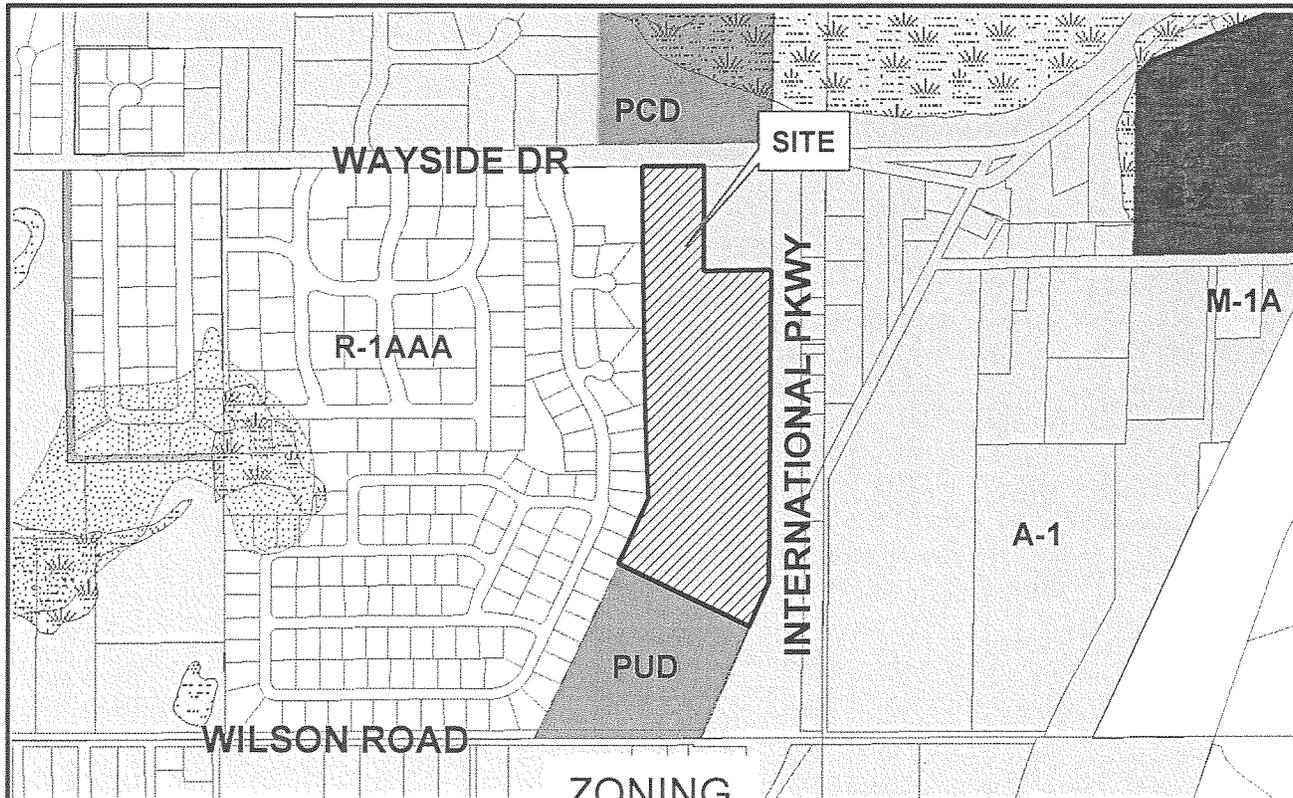


**FUTURE LAND USE**

Site
  SE
  LDR
  PUB
  OFF
  COM
  HIPTI
  PD
  CONS

Applicant: Meridian Property Management, LLC  
 Physical STR: part of 30-19-30-300-0410-0000  
 Gross Acres: +/- 24 BCC District: 5  
 Existing Use: vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	04S.FLU01	OFF	PD
Zoning	Z2003-051	A-1	PUD



**ZONING**

Site
  R-1AAA
  C-2
  M-1A
  A-1
  PCD
  RC-1
  PUD
  FP-1
  W-1



Amendment No: 04S.FLU01  
From: OFF To: PD  
Rezone No: Z2003-051  
From: A-1 To: PUD

-  Parcel
-  Subject Property



February 1999 Color Aerials

33.98 ACRES  
 TOTAL SITE AREA 1,462,745 S.F.  
 TOTAL IMPERVIOUS AREA 658,235 S.F. (45%)

**RU-1 SMALL SCALE** 9.9 ACRES

64 TOWNHOUSE UNITS  
 ALL UNITS HAVE GARAGES w/ 20' MIN. DRIVEWAYS  
 DENSITY = 6.46 UNITS PER ACRE

**LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY @ WILSON ROAD**

- 1) 30' AVERAGE BUFFER WIDTH
- 2) A LANDSCAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN 75% OF THE PARKING AREAS TO THAT HEIGHT.
- 3) 4 CANOPY TREES / 100 L.F. OF FRONTAGE. TREES SHALL BE EVENLY SPACED 1,409 L.F. / 100 = 14.09 X 4 = 56 CANOPY TREES REQ'D

A	1ST LEVEL RETAIL	18,000 SF	2ND LEVEL OFFICE	18,000 SF
B	1ST LEVEL RETAIL	18,000 SF	2ND LEVEL OFFICE	18,000 SF
C	1ST LEVEL RETAIL	6,000 SF		
D	1ST LEVEL RETAIL	6,000 SF		
TOTAL RETAIL		48,000 SF	TOTAL OFFICE	36,000 SF

16 MIRO UNITS (243 STORIES)  
 RESIDENTIAL UNITS = 1800' \* 2000 S.F. INCLUDING GARAGES  
 1ST = 34,200 S.F.  
 2ND = 34,200 S.F.  
 3RD = 34,200 S.F.  
 TOTAL = 102,600 S.F.  
 PARKING FOR RETAIL / OFFICE (10' X 20')  
 4/1000 = 335 SPACES / 400 INDICATED

**RU-2 LARGE SCALE** 4.82 ACRES

17 TOWNHOUSE UNITS  
 3 MIRO UNITS  
 ALL UNITS HAVE GARAGES w/ 20' MIN. DRIVEWAYS  
 DENSITY = 4.14 UNITS PER ACRE

TOTAL TOWNHOUSE/SMALL SCALE:  
 167 TOWNHOUSE UNITS  
 MIN. SETBACK @ TOWNHOUSE UNITS 20'-0"

**RU-3 LARGE SCALE** (8.8 ACRES)

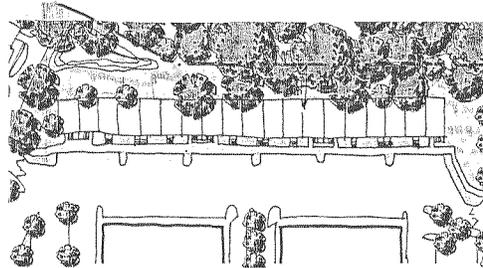
85 TOWNHOUSE UNITS  
 ALL UNITS HAVE GARAGES w/ 20' MIN. DRIVEWAYS  
 DENSITY = 9.6 UNITS PER ACRE

TOTAL TOWNHOUSE/SMALL SCALE:  
 167 TOWNHOUSE UNITS  
 MIN. SETBACK @ TOWNHOUSE UNITS 20'-0"

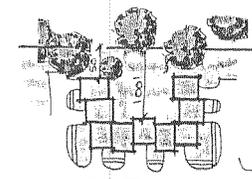
2 STORY TOWNHOUSE UNIT (within 100')  
 ADJACENT TO TALL TREES S/D  
 & A MIX OF 2 & 3 STORY TOWNHOUSE INTERIOR  
 • 1600 S.F. MINIMUM NOT INCLUDING GARAGES

- 35' MAX MEAN ROOF HEIGHT
- MIN. SETBACK - 20'-0" MEASURED FROM SIDEWALK TO GARAGE DOOR

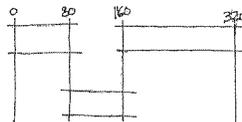
2 & 3 STORY UNITS  
 1800 S.F. MINIMUM NOT INCLUDING GARAGES  
 35' MAX. MEAN ROOF HEIGHT



OFFICE LAYOUT



OPTIONAL COURTYARD LAYOUT



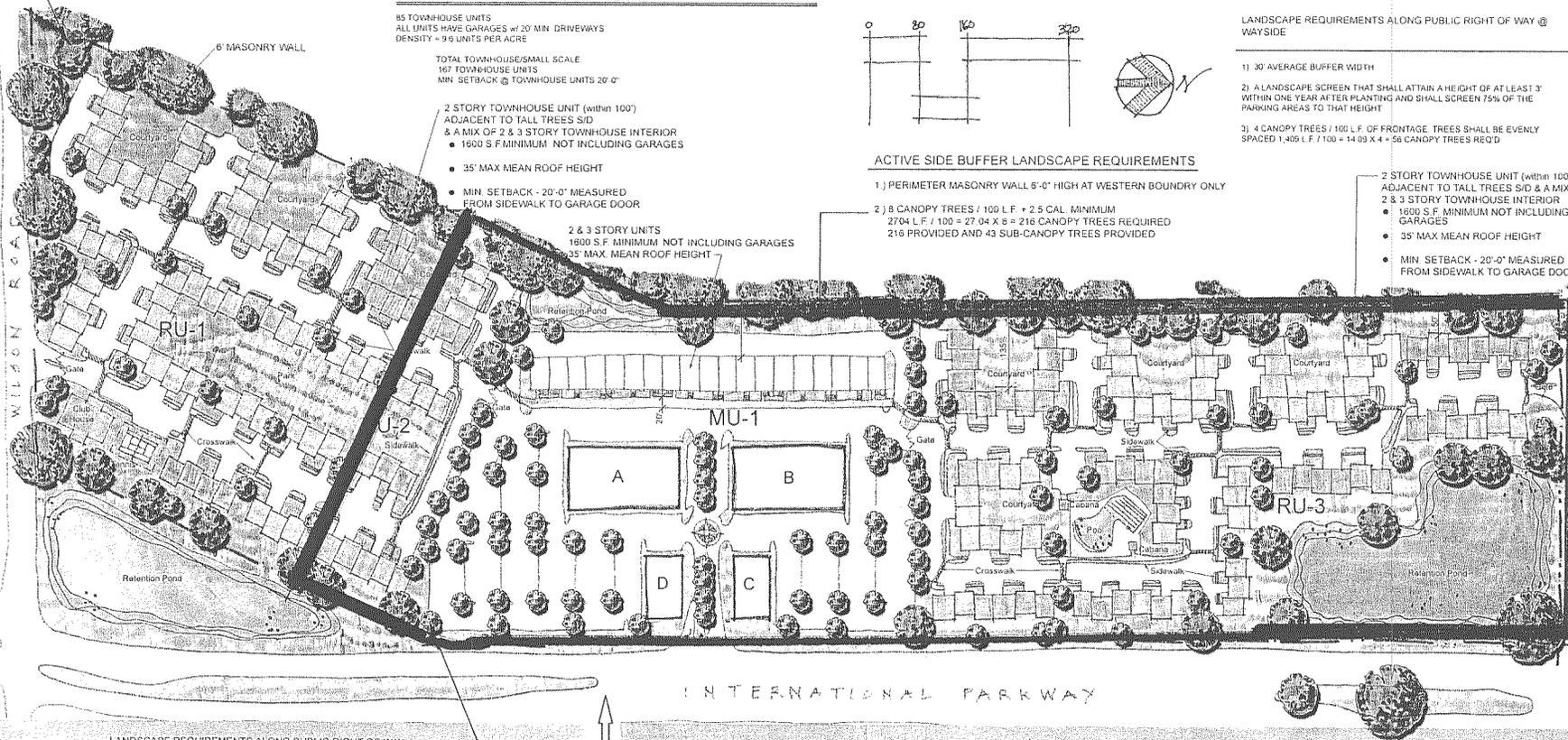
**ACTIVE SIDE BUFFER LANDSCAPE REQUIREMENTS**

- 1) PERIMETER MASONRY WALL 6'-0" HIGH AT WESTERN BOUNDARY ONLY
- 2) 8 CANOPY TREES / 100 L.F. + 2.5 CAL. MINIMUM  
 2704 L.F. / 100 = 27.04 X 8 = 216 CANOPY TREES REQUIRED  
 216 PROVIDED AND 43 SUB-CANOPY TREES PROVIDED

**LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY @ WAYSIDE**

- 1) 30' AVERAGE BUFFER WIDTH
- 2) A LANDSCAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN 75% OF THE PARKING AREAS TO THAT HEIGHT
- 3) 4 CANOPY TREES / 100 L.F. OF FRONTAGE. TREES SHALL BE EVENLY SPACED 1,409 L.F. / 100 = 14.09 X 4 = 56 CANOPY TREES REQ'D

2 STORY TOWNHOUSE UNIT (within 100')  
 ADJACENT TO TALL TREES S/D & A MIX OF  
 2 & 3 STORY TOWNHOUSE INTERIOR  
 • 1600 S.F. MINIMUM NOT INCLUDING GARAGES  
 • 35' MAX MEAN ROOF HEIGHT  
 • MIN. SETBACK - 20'-0" MEASURED FROM SIDEWALK TO GARAGE DOOR



**LANDSCAPE REQUIREMENTS ALONG PUBLIC RIGHT OF WAY**

- 1) 30' AVERAGE BUFFER WIDTH
- 2) A LANDSCAPE SCREEN THAT SHALL ATTAIN A HEIGHT OF AT LEAST 3' WITHIN ONE YEAR AFTER PLANTING AND SHALL SCREEN 75% OF THE PARKING AREAS TO THAT HEIGHT.
- 3) 4 CANOPY TREES / 100 L.F. OF FRONTAGE. TREES SHALL BE EVENLY SPACED 1,409 L.F. / 100 = 14.09 X 4 = 56 CANOPY TREES REQ'D

NOTE: EXISTING TREES MAY BE USED TO MEET REQUIREMENTS

LSLUA AREA

*Savannah Park*

Conceptual Plan  
 Actual retention ponds  
 will be sized at final  
 engineering.  
 Soils information and  
 grade elevations are  
 complete.

Fire  
 Buildings will comply  
 with Summerville County  
 Fire Department  
 standards

PARTNERSHIP  
 SCOTT  
 ARCHITECTURE

# *Savannah Park at Heathrow Large Scale Land Use Amendment Staff Report*

<b>Office to Planned Development (PD)</b>		Amendment (Z2003-043, 04S.FLU01)
<b>REQUEST</b>		
<b>APPLICANT</b>	Mary Anne Jarrell	
<b>PLAN AMENDMENT</b>	Office to Planned Development	
<b>REZONING</b>	A-1 to Planned Unit Development (PUD)	
<b>APPROXIMATE GROSS ACRES</b>	23.7	
<b>LOCATION</b>	West of International Parkway, south of Wayside Drive	
<b>BCC DISTRICT</b>	5, McLain	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION</b>	Staff recommends APPROVAL of the requested Large Scale Land Use Amendment and rezone subject to the attached Development Order.	
<b>LPA RECOMMENDATION</b>	On Feb. 4, 2004 the Planning & Zoning Commission voted 5-0 to recommend TRANSMITTAL of the request to the State of Florida Department of Community Affairs, subject to staff recommendations as presented herein.	
<b>BCC ACTION</b>	On Feb. 24, 2004 the Board of County Commissioners voted 4-0 to TRANSMIT the request to the State of Florida Department of Community Affairs.	
<b>AGENCY COMMENTS</b>	Agency comments regarding this item are anticipated by May 24, 2004.	

# STAFF ANALYSIS

## Office to Planned Development (PD)

Amendment  
(Z2003-043,  
04S.FLU01)

1. **Property Owner:** Margaret D. Fox  
Trust Under the Will of Byron A. Fox  
The Glenn A Lingle Revocable Trust
2. **Tax Parcel Number:** 30-19-30-300-0410-0000
3. **Development Trends:** The subject property lies at the eastern edge of a large area of Low Density Residential development in the R-1AAA zoning classification, consisting of lots of 13,500 square feet and greater. Adjacent properties to the north, east and south are still vacant, but these areas are in the HIP-TI land use designation, which permits relatively intense development, both residential and non-residential. The site immediately north of Wayside Drive is an approved PCD proposing 147,000 square feet of retail/office space. Existing multi-family and recent commercial construction in the Colonial Town Park area a mile to the south indicate that intensive development is under way along International Parkway, consistent with the Vision 2020 Plan.

# SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Office, currently assigned to the subject property, permits general office and supporting uses such as schools and day care centers.

Location	Future Land Use*	Zoning*	Existing Use
North	HIP-TI	PCD	Vacant
South	HIP-TI	A-1	Vacant
East	HIP-TI	A-1	Vacant
West	LDR	R-1AAA	Single family residential

- 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).*

Access to the subject property is via International Parkway, a new 4-lane road classified as a Collector. No traffic counts were taken in 2003 on this road. However, it is projected to operate at a Level of Service "B" in 2005. The adopted Level of Service standard is "E".

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. Water and sewer service are both available to the site.

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.

**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 2.4).*

A 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.

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 less than 5% wetlands or flood prone areas, and can be developed within 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 shall be 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 PD land use, with the attendant PUD Preliminary Master Plan, is compatible with the HIP-TI land use designation on adjoining properties to the north, east and south. With a mixture of retail and office uses, and medium density residential at 8 units per acre, it represents a transition of land use intensity between the LDR properties to the west and large areas of commercial and other nonresidential development along International Parkway. This mixture of uses, at intensities higher than single family residential and neighborhood commercial, is in keeping with the purposes of the HIP-TI land use classification. These development types are permitted adjacent to existing subdivisions in order to act as a buffer from future target industry development. The single family development to the west should not be greatly affected by the current proposal if adequate design features, such as walls, landscaping, setbacks and lighting controls are in place.

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, proposed density and housing types for the subject property are equivalent to Medium Density Residential (MDR). "Exhibit FLU: Appropriate Transitional Land Uses" indicates that MDR is an appropriate transitional use adjacent to Low Density Residential (LDR). Proposed retail and office uses on the site will be extensively buffered from the adjacent single family development to the west, and are compatible with permitted uses on adjacent HIP-TI lands to the north, east and south.

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, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

### **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Large Scale Land Use Amendment and rezone subject to the following conditions:

- a. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
- b. Permitted uses shall be townhouse units, single family homes, home occupations and home offices, CN (Restricted Neighborhood Commercial District) uses with the addition of sit-down restaurants, specialty groceries, bakeries, and banks with no outside automatic teller machines. Drive-throughs shall be prohibited.
- c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
- d. Density shall be limited to 8.0 units per net buildable acre over the residential portion of the development.
- e. Along the west site boundary, the following standards shall apply:
  1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is created;
  2. 6-foot masonry wall;
  3. 50-foot setback for 1- and 2-story structures; and
  4. 90-foot setback for 3-story brownstone buildings and 3-story mixed residential/office (MRO) buildings.
- f. No stormwater retention ponds or facilities shall be permitted within the 50-foot undisturbed buffer along the west property line.
- g. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of the street or sidewalk.
- h. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
- i. A minimum of 25 percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.

- j. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.
- 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 existing sidewalks outside the development.
- m. Outdoor lighting shall be cutoff/shoebox style fixtures a maximum of 16 feet in height.
- n. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
- o. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- p. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
- q. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.
- r. No advertising signs shall be permitted on the west side of the brownstone row of buildings.
- s. Dock-high loading facilities shall be prohibited.
- t. No single non-residential building footprint shall exceed 10,000 square feet.

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On June 8, 2004, 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:** MARGARET D. FOX  
TRUST UNDER THE WILL OF BYRON A. FOX  
THE GLENN A. LINGLE REVOCABLE TRUST

**Project Name:** SAVANNAH PARK AT HEATHROW

**Requested Development Approval:** Large Scale Land Use Amendment from Office 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. Westward-facing balconies shall be prohibited within 100 feet of the west property line.
- b. Permitted uses shall be townhouse units, single family homes, home occupations and home offices, CN (Restricted Neighborhood Commercial District) uses with the addition of sit-down restaurants, specialty groceries, bakeries, and banks with no outside automatic teller machines. Drive-throughs shall be prohibited.
- c. Use of common areas shall be limited to open space, recreational amenities, stormwater management, and utility facilities serving all residents of the development.
- d. Density shall be limited to 8.0 units per net buildable acre over the residential portion of the development.
- e. Along the west site boundary, the following standards shall apply:
  1. 50-foot undisturbed buffer to be supplemented with vegetation in areas where needed, so that an active buffer is created;
  2. 6-foot masonry wall;
  3. 50-foot setback for 1- and 2-story structures; and
  4. 90-foot setback for 3-story brownstone buildings and 3-story mixed residential/office (MRO) buildings.
- f. No stormwater retention ponds or facilities shall be permitted within the 50-foot undisturbed buffer along the west property line.
- g. There shall be a 25-foot building setback from International Parkway.
- h. A 20-foot setback shall be required from the front wall of any unit to the nearest edge of internal streets or sidewalks.
- i. Mechanical units shall be located and/or screened so as not to be visible from International Parkway or adjoining single family development.
- j. A minimum of 25 percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- k. Prior to Final Master Plan approval, the applicant shall obtain a joint use agreement with the Seminole County Public Works Department allowing the existing County retention ponds adjacent to the site to be incorporated into the project's stormwater management system.

- l. All landscape buffers and common areas shall be maintained by a homeowners association.
- m. 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.
- n. Outdoor lighting shall be cutoff/shoebox style fixtures a maximum of 16 feet in height.
- o. Street lighting adjacent to the west property boundary will be limited to decorative lighting affixed to the fronts of the units. Security lighting with motion sensors shall be permitted on any side of the buildings.
- p. Building height shall be limited to 35 feet for structures within 100 feet of the west property line, 45 feet for all others. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- q. Existing trees that are preserved during construction may satisfy the landscaping requirements of this development order or the Land Development Code.
- r. Review of the Final Master Plan by the Board of County Commissioners shall be a public hearing and architectural renderings of the proposed development shall be required.
- s. No advertising signs shall be permitted on the west side of the brownstone row of buildings.
- t. Dock-high loading facilities shall be prohibited.
- u. No single non-residential building footprint shall exceed 10,000 square feet.

(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: \_\_\_\_\_  
Daryl G. McLain, Chairman  
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, Margaret D. Fox, 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

\_\_\_\_\_  
Margaret D. Fox

\_\_\_\_\_  
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 MARGARET D. FOX, 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 \_\_\_\_\_, 2004.

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

My Commission Expires:

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the Trust Under the Will of Byron A. Fox, on behalf of itself and its 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

Trust Under the Will of Byron A. Fox

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

\_\_\_\_\_  
By: Sandra Anne Bryant as successor  
Trustee of Trust Under the Will of  
Byron A. Fox

\_\_\_\_\_  
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 SANDRA ANNE BRYANT, 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 \_\_\_\_\_, 2004.

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

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, The Glenn A. Lingle Revocable Trust, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

The Glenn A. Lingle Revocable Trust

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

\_\_\_\_\_  
By: Glenn A. Lingle as Trustee of  
The Glenn A. Lingle Revocable Trust

\_\_\_\_\_  
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 GLENN A. LINGLE, 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 \_\_\_\_\_, 2004.

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

My Commission Expires:

EXHIBIT A**Project Legal Description:**

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 322.95 feet; thence S64°26'12"E a distance of 635.71 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 71.32 feet; thence S25°33'48"W, along the northwesterly right-of-way line of said International Parkway, a distance of 258.48 feet; thence N64°26'12"W a distance of 664.66 feet to the point of beginning.

CONTAINS 213,920 SQUARE FEET OR 4.911 ACRES MORE OR LESS.

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 1133.65 feet for a point of beginning; thence N00°14'21"E, along the easterly line of said Tall Trees, a distance of 641.68 feet; thence S89°45'58"E a distance of 574.54 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 913.65 feet; thence N64°26'12"W a distance of 635.71 feet to the point of beginning.

CONTAINS 446,824 SQUARE FEET OR 10.258 ACRES MORE OR LESS.

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 1133.65 feet; thence N00°14'21"E, along the east line of said tall trees, a distance of 641.68 feet for a point of beginning; thence continue N00°14'21"E, along said east line, a distance of 926.82 feet to the south right-of-way line of Wayside Drive; thence S89°52'00"E, along said south right-of-way line, a distance of 276.12 feet; thence S00°05'34"W a distance of 501.56 feet; thence S89°28'52"E a distance of 297.10 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 424.27 feet; thence N89°45'58"W a distance of 574.54 feet to the point of beginning.

CONTAINS 383,126 SQUARE FEET OR 8.795 ACRES MORE OR LESS.

## NOTICE OF AMENDMENT ORDINANCE

---

### ***Adoption of the 2004 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 CAPITAL IMPROVEMENTS, CONSERVATION, DESIGN, ECONOMIC, FUTURE LAND USE, IMPLEMENTATION, INTERGOVERNMENTAL COORDINATION, POTABLE WATER, AND TRANSPORTATION ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Savannah Park at Heathrow Large Scale Land Use Amendment 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):

Legal Description Attached as Exhibit A

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. 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 filing by the Department and recording of Development Order #3-10000002 in the official land records of Seminole County.

ENACTED this 8th day of June, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**EXHIBIT "A"**

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 810.69 feet for a point of beginning; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 322.95 feet; thence S64°26'12"E a distance of 635.71 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 71.32 feet; thence S25°33'48"W, along the northwesterly right-of-way line of said International Parkway, a distance of 258.48 feet; thence N64°26'12"W a distance of 664.66 feet to the point of beginning.

CONTAINS 213,920 SQUARE FEET OR 4.911 ACRES MORE OR LESS.

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 1133.65 feet for a point of beginning; thence N00°14'21"E, along the easterly line of said Tall Trees, a distance of 641.68 feet; thence S89°45'58"E a distance of 574.54 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 913.65 feet; thence N64°26'12"W a distance of 635.71 feet to the point of beginning.

CONTAINS 446,824 SQUARE FEET OR 10.258 ACRES MORE OR LESS.

A portion of the southeast 1/4 of section 30, township 19 South, range 30 East, Seminole County, Florida, being more particularly described as:

Commence at the southeast corner of said southeast 1/4 of section 30; thence run S89°40'25"W, along the south line of said southeast 1/4 of section 30, a distance of 1299.39 feet; thence N25°17'07"E a distance of 33.27 feet to the southeast corner of lot 48, Tall Trees, as recorded in plat book 39, pages 36, 37, and 38, public records of Seminole County, Florida; thence continue N25°17'07"E, along the southeasterly line of said Tall Trees, a distance of 1133.65 feet; thence N00°14'21"E, along the east line of said tall trees, a distance of 641.68 feet for a point of beginning; thence continue N00°14'21"E, along said east line, a distance of 926.82 feet to the south right-of-way line of Wayside Drive; thence S89°52'00"E, along said south right-of-way line, a distance of 276.12 feet; thence S00°05'34"W a distance of 501.56 feet; thence S89°28'52"E a distance of 297.10 feet to the west right-of-way line of International Parkway; thence S00°14'02"W, along said west right-of-way line, a distance of 424.27 feet; thence N89°45'58"W a distance of 574.54 feet to the point of beginning.

CONTAINS 383,126 SQUARE FEET OR 8.795 ACRES MORE OR LESS.