

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Rezone from A-1 (Agriculture) to PUD (Planned Unit Development). (Bill Rigsby/Whitemark Homes, applicant.)

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

AUTHORIZED BY: Donald Fisher **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date <u>6/24/03</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) on 45.95 acres at the northeast corner of Mikler Road and Chapman Road, based on staff findings and the attached development order (Whitemark Homes, applicant); or
2. DENY the request for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) on 45.95 acres at the northeast corner of Mikler Road and Chapman Road, (Whitemark Homes, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Whitemark Homes, requests PUD approval for a single family residential development consisting of 82 lots on approximately 46 acres in an area designated Low Density Residential by the Vision 2020 Plan. As shown on the proposed Preliminary Master Plan, the typical lot size is 50' x 110', with homes having a minimum living area of 1,100 square feet. The site contains several acres of wetlands and a borrow pit (associated with construction of SR 417), which will ultimately become a water amenity for the project. Entrance points into the subdivision would be located on Mikler Road and Chapman Road, with 11 lots taking direct access to Chapman Road.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request with the conditions listed in the attached Development Order.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: <u>MW</u>
DCM: _____
CM: _____
File No. <u>pd130pdp06</u>

P & Z RECOMMENDATION:

On June 4, 2003 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL with the following changes to Staff recommendations:

- Item (a): Lots abutting Chapman Road east of the subdivision entrance shall be no less than 75 feet in width and 8,000 square feet in size, with minimum side setbacks of 10 feet
- Item (d): 15-foot side street setback on all corner lots for residential units, accessory buildings and pool screen enclosures
- Item (e): Minimum house size of 1,600 square feet
- Item (i): Developer shall dedicate sufficient right-of-way on Chapman Road to meet County standards, as determined at Final Master Plan review

**Minutes for the Seminole County LPA/ P&Z Commission
Wednesday, June 4, 2003**

Members present: Alan Peltz, Chris Dorworth, Ben Tucker, Thomas Mahoney, and Dudley Bates

Members absent: Dick Harris, and Beth Hattaway (Commissioner Peltz was not present at the meeting during the hearing on Item H.)

Also present: Denny Gibbs, Planner, Michael Rumer, Planner, Jeff Hopper, Senior Planner, Kathy Fall, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

D. Mikler / Chapman Road PUD; Whitemark Homes / Bill Rigsby, applicant; approximately 46 acres; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for single family residential subdivision; located on the northeast corner of Mikler Road and Chapman Road. (Z2003-010)
Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Jeff Hopper outlined the following major points concerning the application:

1. The applicant proposes to develop 82 lots on the subject property at a density of 2.7 units per net buildable acre.
2. The Preliminary PUD plan shows a typical lot size of 50' x 110'. Minimum house size would be 1100 s.f.
3. Access into the site will be from Mikler Road on the west and Chapman Road on the south. A total of 11 lots would have direct access to Chapman Road.
4. The site contains several acres of wetlands and a borrow pit which will become a water amenity for the project. There would be approximately 25 waterfront lots.
5. Surrounding zoning is Agricultural to the west and south, R-4 to the north. Future land use in the area is Low Density Residential to the west, High Density Residential to the north, and Suburban Estates to the south.

Staff recommends APPROVAL of the request, subject to conditions listed in the Staff Report, including the following:

- Appropriate transitioning of lot sizes adjacent to the Suburban Estates future land use to the south.
- No lots should have direct access to Mikler Road or Chapman Road except for those not fronting on internal streets. Double frontage lots should have a 6-foot brick or masonry wall along the rear lot line.
- Platted lots should not encroach on water features.

Steve Mellich said that he agreed with the staff conditions except for number 9, which said that the developer will dedicate a 20 foot right of way. And on number 4, Mr. Mellich stated that the language proposed came from the Butler Ridge case. He is providing a 50 foot right of way on the entire south side. The masonry wall will be on the southwest side. On condition number 1, Jeff Hopper said the staff recommendations are being modified to exclude Mikler Road lots from the minimum width and size requirements.

Mr. Mellich addressed the presence of trees in the right of way. There will be a 50 foot right of way with Lots 8 to 14 having a 6 foot masonry wall.

Virginia Mikler stated that she is the nearest neighbor and that she is pleased with the plan.

Phil Lukas owned 17 acres in the area and is concerned with the 50 foot setbacks being in alignment with the rural character of the area. He is not opposed, but would like to see the rural character of the area maintained.

Commissioner Mahoney asked about the setbacks on the 75 foot wide lots.

Mr. Hopper stated that there would be 5 feet setbacks on the side.

Mr. Lukas stated that he would not have a buffer for his property.

Commissioner Tucker inquired about the presence of trees in the buffer.

Mr. Lukas said that he was not sure of the location of trees. He would like a buffer in front. With the borrow pit, substation and the large power lines, and the Expressway, the area has changed.

Jim Potter from the Development Review Division stated that there is a water main extension going through to the Butler Ridge subdivision.

Lee Nelson said that he owns 10 acres on the southwest corner. He was concerned about who would put in the sidewalks to go to the Rainbow Elementary School.

Mr. Mellich said that Whitemark Homes representatives met with Phil Lukas. The traffic study indicates that the traffic light is not required.

Commissioner Mahoney stated that 70 percent of the traffic turns up Mikler.

Mr. Mellich said that in Development Review Committee it was stated that sidewalks will be built up on Mikler and tie up with the adjacent subdivision. All sidewalks will be on the east side.

Commissioner Tucker said that other area sidewalks are on the west side.

Mr. Mellich agreed.

Commissioner Mahoney read the comments of Dianne Kramer of the Seminole County School Board office concerning this request:

- Item VI D will add 82 single family homes and generate approximately 20 elementary students, 9 middle school students, and 10 high school students. The actual impact should be minimal and the project location is in an area that has more capacity than most attendance zones in the county. The schools that currently serve this area are as follows:

Rainbow Elementary	764 enrollment	3 portables
Tuskawilla Middle	1121 enrollment	8 portables
Lake Howell High	1944 enrollment	no portables;

currently under-enrolled

Capacity at the elementary level will added effective school year 2004 / 05. Tuskawilla is also being expanded and will have additional capacity when the project is completed in 2006. Again, the project should provide sidewalks for safe pedestrian access to schools and bus stops.

Jim Potter of the Development Review Division stated that he was not aware of any sidewalks issues at this time.

Commissioner Tucker asked Mr. West what was happening with the site that currently has a driving range.

Mr. West said that the driving range site will be coming up in July as a proposed site for a Wal Mart Supercenter.

Commissioner Tucker asked Mr. West whether it was possible to require sidewalks on Mikler Avenue and if they would be continuous.

Mr. West said that an argument could be made for them, but that there were intervening pieces of property in the area along the road.

Commissioner Mahoney said that all lots along Chapman would be 75 feet wide and all other lots would be 50 feet minimum. He then asked Mr. Hopper what the next step up in size classification required.

Mr. Hopper said that 90 feet would be the next step up.

Mr. West said that the next size was 11,700 square feet lot size with 90 foot width. One would have to eliminate every third lot.

Steve Mellich said that if you made the lots 75 feet, he would lose 3 lots.

Commissioner Tucker asked if the applicant was going to have 1,100 square foot homes.

Commissioner Mahoney stated that the county needs smaller lots. This is a good place to have smaller lots. Lots 72 to 82 could be wider. If you want an appropriate transition, increase the side setback. This is a PUD. The Commissioner said that he would be happy with a 70 foot lot and 10 foot side setbacks. The 50 foot lots would have 5 foot side setbacks, except for lots on the north side of Chapman.

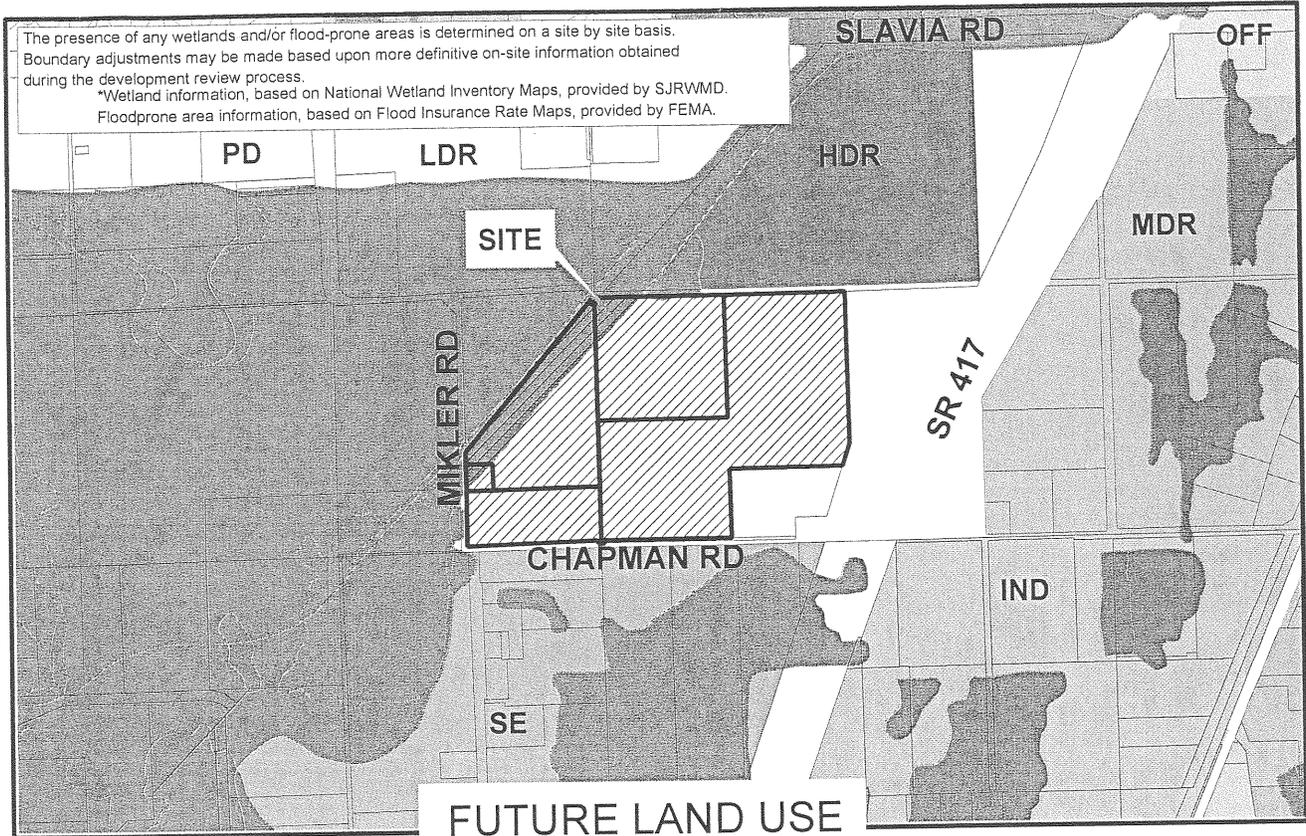
Mr. Mellich said that the average house size is 1,800 square feet. He would commit to 1,600 square feet. He would like a 15 foot street side setback on the 4 lots at the entrances. (Item 4 in staff report)

Mr. Hopper said that there were 20 foot front setbacks, and along internal streets, setbacks at the project entrances would be inconsistent with an otherwise uniform street setback.

- Item 1: Lots abutting Chapman Road east of the subdivision entrance shall be no less than 75 feet in width and 8,000 square feet in size, with minimum side setbacks of 10 feet
- Item 4: 15-foot side street setback on all corner lots for residential units, accessory buildings and pool screen enclosures
- Item 5: Minimum house size of 1,600 square feet
- Item 9: Developer shall dedicate sufficient right-of-way on Chapman Road to meet County standards, as determined at Final Master Plan review

Commissioner Mahoney made a motion to approve the request, incorporating the conditions in the staff report and those amendments just stipulated.

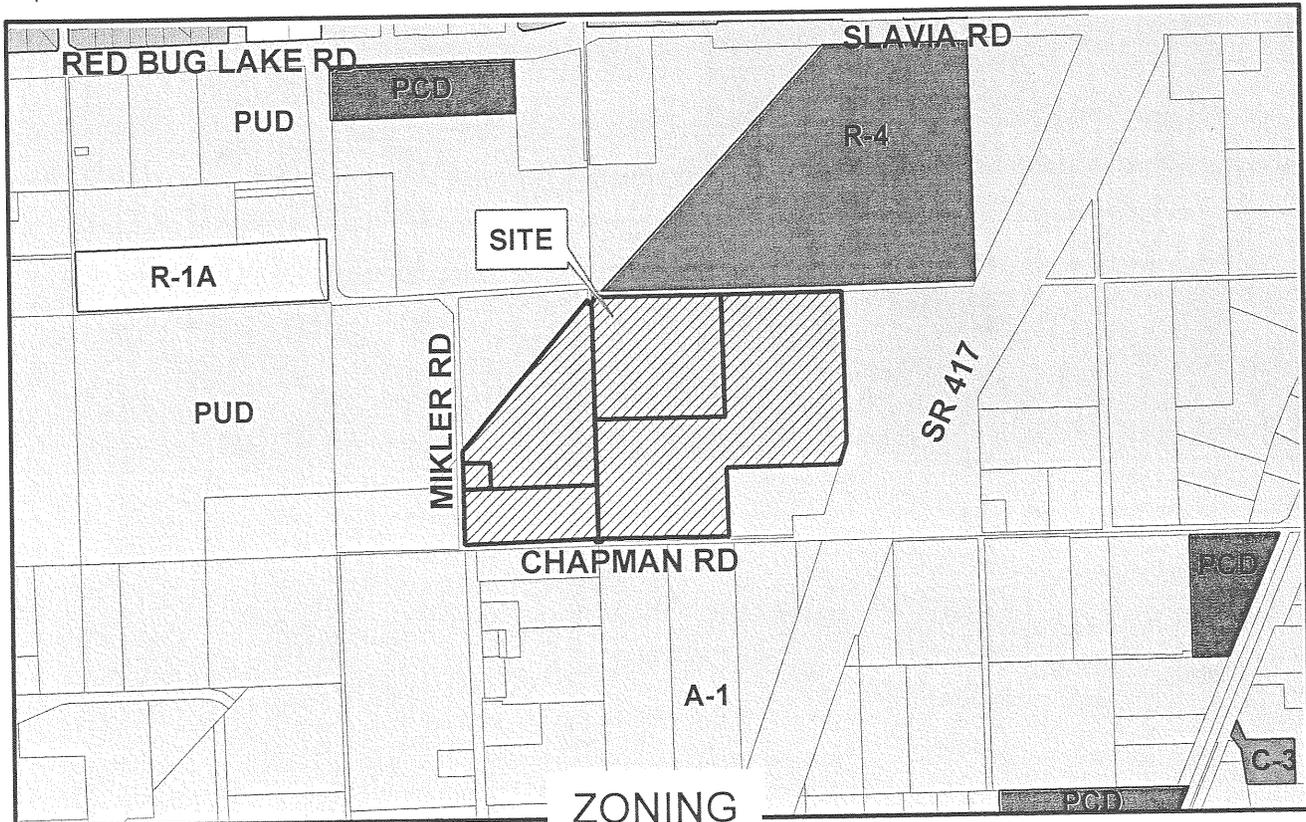
Commissioner Dorworth seconded the motion.
The motion passed with unanimous approval.



Site
 LDR
 HDR
 IND
 MDR
 OFF
 SE
 CONS
 PD

Applicant: Whitemark Homes
 Physical STR: 16-21-31-5CA-0000-0710, 0720, 072A, & 075B
 Gross Acres: 45.95 BCC District: 1
 Existing Use: Agricultural and Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-010	A-1	PUD



Site
 A-1
 R-1A
 R-1AA
 PUD
 PC-D
 R-1AAA
 C-3
 R-4



Rezone No: Z2003-010
From: A-1 To: PUD

-  Parcel
-  Subject Property



NOT TO SCALE

February 1999 Color Aerials

PUD PRELIMINARY MASTER PLAN

FOR

MIKLER ROAD PARCEL

PREPARED FOR:
WHITEMARK HOMES

PROJECT DIRECTORY

OWNER: CURTIS A. STONE
1935 MIKLER ROAD
OMVEDO, FL 32765

DEVELOPER: WHITEMARK HOMES
650 SOUTH CENTRAL AVENUE
SUITE 1000
OMVEDO, FL 32765
TELEPHONE: (407) 366-9668
FAX: (407) 366-9668
CONTACT: BILL RIGSBY

CIVIL ENGINEER: MELLICH-BLENDEN ENGINEERING, INC.
1177 LOUISIANA AVENUE
SUITE 111
WINTER PARK, FLORIDA 32789
TELEPHONE: (407) 647-4040
FAX: (407) 647-4074

SURVEYOR: BENCHMARK SURVEYING & MAPPING
CONSULTANTS, INC.
P.O. BOX 771065
WINTER GARDEN, FLORIDA 34777-1065
TELEPHONE: (407) 654-8183
FAX: (407) 654-8184

PLAN SHEET INDEX

SHEET	DESCRIPTION
1	COVER SHEET
2	PRELIMINARY MASTER PLAN
3	BOUNDARY & TOPOGRAPHIC SURVEY

Property Description

The East half of Lot 75 and all of Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 300 feet of the East half of Lot 75 of Slavia Colony Co.'s Subdivision and LESS that portion of the East half of Lot 75 and Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31, Plat Book 2, Page 71, Public Records of Seminole County, Florida, lying North and West of the right-of-way line of that certain drainage canal known as the Bear Gully's Canal, together with that portion of the East 1/2 of vacated street lying West of and adjacent to said Lot 72 also together with that portion of the West 1/2 of vacated street lying East of and adjacent to that portion of said Lot 75, described above.

AND

Lots 71, 73 and 74 of Slavia Colony Co.'s Subdivision as recorded in Plat Book 2 on Page 71 of the Public Records of Seminole County, Florida, together with that portion of the East 2 of 1/2 vacated sheet lying West of and adjacent to said Lot 73, LESS the portion thereof conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of that Special Warranty Deed, dated April 17, 1991 and recorded May 7, 1991 in Official Records Book 2291, Page 1587, public Records of Seminole County, Florida.

AND Less the following described property

For a Point of Reference, commence at the Southeast Corner of the Southwest V4 of said Section 20; thence South 89°08'34" West along the South line of said Section 20 (Basis of Bearings), a distance of 1331.49 feet; thence North 00°59'08" West a distance of 15.00 feet to the Southeast corner of said Lot 74; thence South 89°08'34" West along the South line of said Lot 74, a distance of 323.62 feet to the Westerly Right-of-Way of the Seminole County Expressway and the Point of Beginning of the herein described parcel; thence continue South 89°08'34" West a distance of 350.00 feet; thence North 00°59'08" West a distance of 350.00 feet; thence North 89°08'34" East a distance of 598.57 feet to the said Westerly Right-of-Way line; thence along said Westerly right-of-way line, the following three courses: Thence South 17°48'37" West, a distance of 274.27 feet; thence South 89°08'22" West a distance of 160.01 feet, thence South 00°51'38" East a distance of 90.15 feet to the said Point of Beginning

AND LESS the following described property

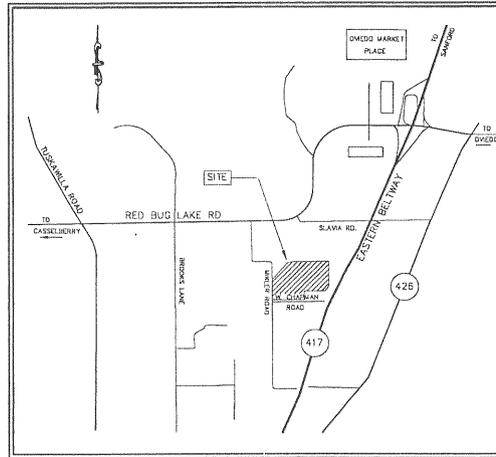
A tract or parcel of land lying in a portion of Section 20, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner for Section 20 and run North 01°02'38" West along the West line for Section 20, a distance of 15.00 feet to a point on the North right-of-way line for Hurban Road, (15 foot platted right-of-way); thence run North 89°08'34" East along said right-of-way line a distance of 15.00 feet to the Point of Beginning; thence North 01°02'38" West parallel with the West line for Section 20, a distance of 15.00 feet; thence North 89°08'34" East parallel with the South line for Hurban Road a distance of 642.90 feet; thence South 00°59'08" East a distance of 15.00 feet to a point on aforesaid North right-of-way line for Hurban Road; thence South 89°08'34" West along said right-of-way line a distance of 642.86 feet to the Point of Beginning.

Said tract or parcel also being a portion of Lot 73 of Slavia Colony Company Subdivision as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida.

TOGETHER WITH the following described property

The South 300 feet of the East one-half of Lot 75 and West one-half of vacated street adjacent on the East side all of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 15 feet thereof.



VICINITY MAP

NOT TO SCALE

SITE DATA

GENERAL:	
CURRENT USE:	RESIDENTIAL A-1
CURRENT ZONING:	SINGLE FAMILY RESIDENTIAL
PROPOSED USE:	PUD
PROPOSED ZONING:	45.93 AC ±
GREEN LAND AREA:	7.25 AC ±
WETLAND AREA:	0.43 AC ±
DIAPHRAN ROAD DEDICATION:	0.18 AC ±
MIKLER ROAD DEDICATION:	36.09 AC ±
NET LAND AREA:	
RESIDENTIAL DATA:	
PROPOSED RESIDENTIAL UNITS:	82
PROPOSED DENSITY (DENS):	2.15 DU/AC
PROPOSED DENSITY (NET R/F & FACTORS):	2.88 DU/AC
OPEN SPACE REQUIRED:	11.48 AC
OPEN SPACE PROVIDED:	28.28 AC
TYPICAL LOT SIZE:	30' x 110'
RESIDENTIAL BUILDING SETBACKS:	
FRONT:	PROPOSED
REAR:	30'
SIDE:	5'
STREET BOX:	15'
SEWER:	20'
ACCESSORY STRUCTURE SETBACKS:	
FRONT:	PROPOSED
REAR:	5'
SIDE:	10'
STREET BOX:	10'
POOL ENCLOSURE SETBACKS:	
FRONT:	PROPOSED
REAR:	5'
SIDE:	5'
MINIMUM LIVING AREA:	1,100 SQ. FT.
MAXIMUM BUILDING HEIGHT:	35' (2 STORY)
PROJECTED SCHOOL AGE POPULATION:	246 CHILDREN (12 PER LOT)
PROJECTED TRAFFIC IMPACT:	826 A.S.T. (10 TRIPS PER DAY PER LOT)
PROJECTED WATER DEMAND:	28,700 G.P.D.
PROJECTED SAN. SEWER FLOW:	21,800 G.P.D.

SERVICE PROVIDERS RECEIVED

WATER: SEMINOLE COUNTY
SEWER: SEMINOLE COUNTY
SOLID WASTE: LOCAL FRANCHISE
STREET LIGHTING: M.S.T.L.
FIRE: SEMINOLE COUNTY FIRE DEPT.
POLICE: SEMINOLE COUNTY SHERIFF DEPT.

MAY 08 2003

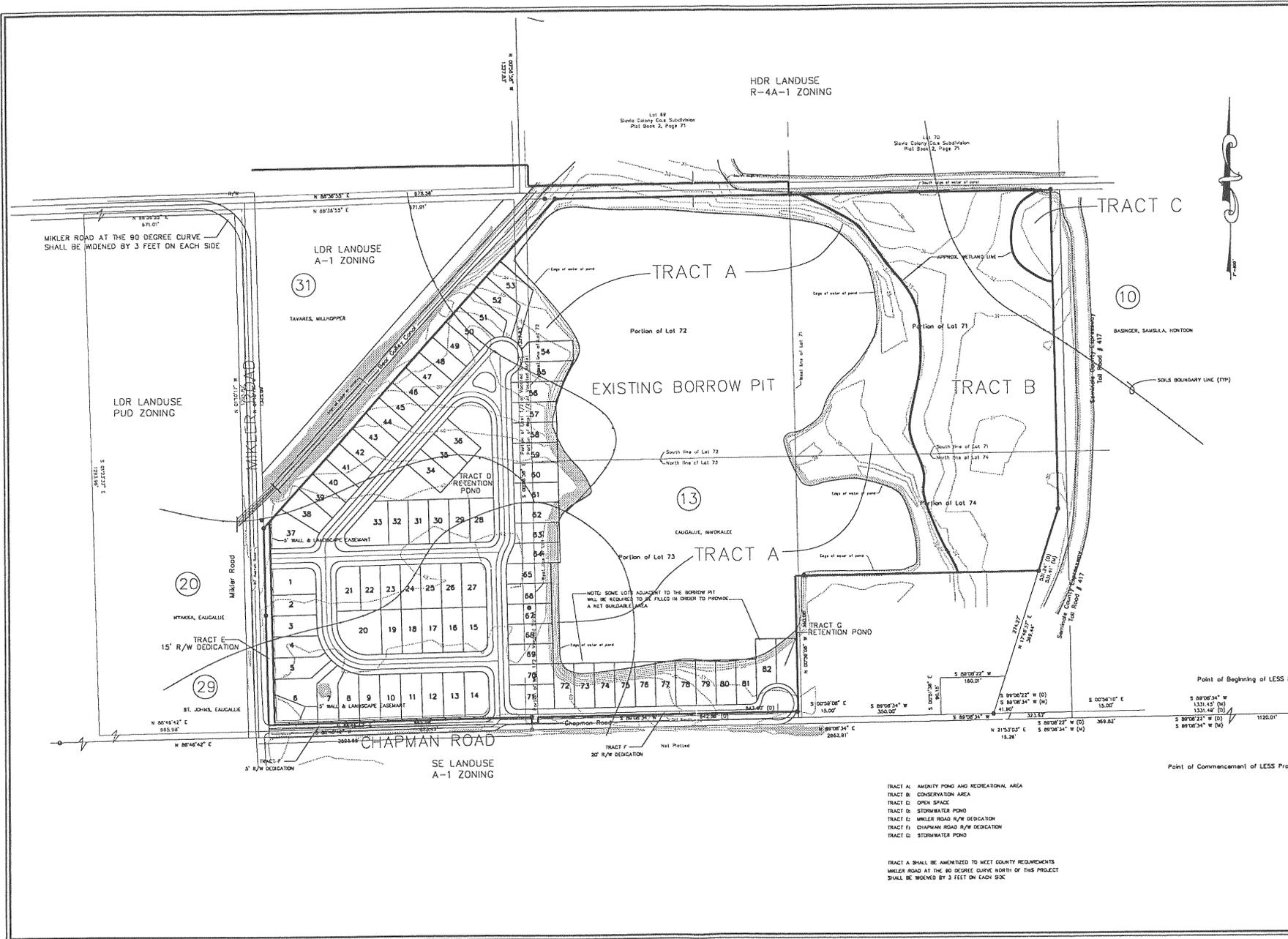


MELLICH-BLENDEN ENGINEERING
1177 LOUISIANA AVENUE, SUITE 111
WINTER PARK, FLORIDA 32789
(407) 647-4040

STEVE MELLICH P.E. NO. 38723

BOB BLENDEN P.E. NO. 24724

JOB No. 03-501



DRAWN BY		DESIGNED BY		CHECKED BY		DATE		DISCUSSION	
MELICCH-BLENDE ENGINEERING, INC.		MELICCH-BLENDE ENGINEERING, INC.		MELICCH-BLENDE ENGINEERING, INC.		MELICCH-BLENDE ENGINEERING, INC.		MELICCH-BLENDE ENGINEERING, INC.	
1177 LEBLANCH AVENUE - SUITE 111		1177 LEBLANCH AVENUE - SUITE 111		1177 LEBLANCH AVENUE - SUITE 111		1177 LEBLANCH AVENUE - SUITE 111		1177 LEBLANCH AVENUE - SUITE 111	
NEW ORLEANS, LA 70112		NEW ORLEANS, LA 70112		NEW ORLEANS, LA 70112		NEW ORLEANS, LA 70112		NEW ORLEANS, LA 70112	
PROJECT NO. 03-501		PROJECT NO. 03-501		PROJECT NO. 03-501		PROJECT NO. 03-501		PROJECT NO. 03-501	
SHEET 2 OF 2		SHEET 2 OF 2		SHEET 2 OF 2		SHEET 2 OF 2		SHEET 2 OF 2	

- TRACT A: AMENITY POND AND RECREATIONAL AREA
- TRACT B: CONSERVATION AREA
- TRACT C: OPEN SPACE
- TRACT D: STORMWATER POND
- TRACT E: MILLER ROAD R/W DEDICATION
- TRACT F: CHAPMAN ROAD R/W DEDICATION
- TRACT G: STORMWATER POND

TRACT A SHALL BE AUTHORIZED TO MEET COUNTY REQUIREMENTS MILLER ROAD AT THE 90 DEGREE CURVE NORTH OF THIS PROJECT SHALL BE WIDENED BY 3 FEET ON EACH SIDE.

SCALE
1" = 100'
PROJECT NO.
03-501
SHEET
2 OF 2

MIKLER/CHAPMAN PUD

REQUEST INFORMATION	
APPLICANT	Bill Rigsby/Whitemark Homes
PROPERTY OWNER	Curtis A. Stone and Robert Conaway
REQUEST	Agriculture (A-1) to Planned Unit Development (PUD)
HEARING DATE(S)	P&Z: June 4, 2003 BCC: June 24, 2003
PARCELS	16-21-31-5CA-0000-0710; 16-21-31-5CA-0000-0720; 16-21-31-5CA-0000-072A; and 16-21-31-5CA-0000-075B
LOCATION	Northeast corner of Mikler Road and Chapman Road
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2003-010
COMMISSION DISTRICT	District 1 (Maloy)

OVERVIEW

Zoning Request: The applicant, Whitemark Homes, requests PUD approval for a single family residential development consisting of 82 lots on approximately 46 acres, in an area designated Low Density Residential (LDR) by the Vision 2020 Plan. As shown on the proposed Preliminary Master Plan, the typical lot size is 50' x 110', with homes having a minimum living area of 1,100 square feet. The site contains several acres of wetlands and a borrow pit (associated with construction of SR 417), which will ultimately become a water amenity for the project. Entrance points into the subdivision would be located on Mikler Road and Chapman Road, with 11 lots taking direct access to Chapman Road.

At 45.95 acres in size, the proposed development would have a gross density of 1.78 units per acre. Net density, estimated as prescribed by the Land Development Code, would be 2.69 units per acre. Although the borrow pit area eventually will be configured as a lake for the enjoyment of the residents, it is now being counted as buildable area for the purpose of calculating density due to its status as a non-natural water feature. Wetlands, as represented by Tract B, are excluded from the density calculation.

The development site is located adjacent to the Suburban Estates land use designation to the south. Due to the difference in density potential between SE and LDR, lots adjoining the south edge of the site should be sized to make an effective transition between the two levels of density (4 units/acre in LDR compared with 1 unit/acre in SE).

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	R-4	HDR	multi-family residential
South	A-1	SE	vacant and single family
East	A-1	Public R/W	SR 417
West	A-1	LDR	single family and vacant*

*single family development approved west of Mikler Road

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property, and 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.
3. Seminole County will provide water and sewer service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Master Plan approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: The proposed single family development is compatible with the LDR land use designation. With appropriate sizing of lots along Chapman Road, the development would be compatible with adjoining residential properties to the south. To achieve the proper transitioning, lots abutting this road should be comparable in size to those approved in the Kenmure PUD to the west, with not less than 75 feet in width and 8,000 square feet in size.

P & Z RECOMMENDATION:

On June 4, 2003 the Planning & Zoning Commission voted 5-0 to recommend APPROVAL with the following changes to Staff recommendations:

- Item (a): Lots abutting Chapman Road east of the subdivision entrance shall be no less than 75 feet in width and 8,000 square feet in size, with minimum side setbacks of 10 feet
- Item (d): 15-foot side street setback on all corner lots for residential units, accessory buildings and pool screen enclosures
- Item (e): Minimum house size of 1,600 square feet
- Item (i): Developer shall dedicate sufficient right-of-way on Chapman Road to meet County standards, as determined at Final Master Plan review

STAFF RECOMMENDATION

Staff recommends approval of the requested PUD zoning classification subject to the following conditions:

- (a) Lots abutting Chapman Road shall be no less than 75 feet in width and 8,000 square feet in size.
- (b) Interior lots shall be no less than 50 feet in width and 5,500 square feet in size.
- (c) Maximum building height shall be 35 feet.
- (d) Required building setbacks shall be as follows:

<i>Residential Units</i>	
front	20' *
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads
	15' all other corner lots
rear	20'
* Where sidewalks are located in easements, there shall be at least a 20-foot distance as measured from the garage door to the nearest edge of the sidewalk.	

<i>Accessory Buildings and Pool Screen Enclosures</i>	
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads
	15' all other corner lots
rear	10'

- (e) Minimum house size shall be 1,100 square feet.
- (f) The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
- (g) Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
- (h) No lots shall have direct access to Mikler Road or Chapman Road except for those not having frontage on internal streets. Double frontage lots shall have a 6-foot brick or masonry wall adjacent to the rear lot line.
- (i) The developer shall dedicate 20' of right of way along the entire Chapman Road frontage.
- (j) Platted lots shall be completely above the design high water line of the water feature.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On June 24, 2003, 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: CURTIS A. STONE
ROBERT CONAWAY

Project Name: MIKLER/CHAPMAN PUD

Requested Development Approval: Rezoning from A-1 to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Vision 2020 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. Lots abutting Chapman Road shall be no less than 75 feet in width and 8,000 square feet in size.
- b. Interior lots shall be no less than 50 feet in width and 5,500 square feet in size.
- c. Maximum building height shall be 35 feet.
- d. Required building setbacks shall be as follows:

<i>Residential Units</i>	
front	20' *
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads
	15' all other corner lots
rear	20'
* Where sidewalks are located in easements, there shall be at least a 20-foot distance as measured from the garage door to the nearest edge of the sidewalk.	

<i>Accessory Buildings and Pool Screen Enclosures</i>	
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads
	15' all other corner lots
rear	10'

- e. Minimum house size shall be 1,100 square feet.
- f. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
- g. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
- h. No lots shall have direct access to Mikler Road or Chapman Road except for those not having frontage on internal streets. Double frontage lots shall have a 6-foot brick or masonry wall adjacent to the rear lot line.
- i. The developer shall dedicate 20' of right of way along the entire Chapman Road frontage.
- j. Platted lots shall be completely above the design high water line of the water feature.

(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

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CURTIS A. STONE, on behalf of himself and his 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

_____ By: _____

Print Name CURTIS A. STONE
Property Owner

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 CURTIS A. STONE, 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 _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, ROBERT CONAWAY, on behalf of himself and his 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

_____ By: _____

Print Name

ROBERT CONAWAY

Property Owner

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ROBERT CONAWAY, 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 _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

The East half of Lot 75 and all of Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 300 feet of the East half of Lot 75 of Slavia Colony Co.'s Subdivision and LESS that portion of the East half of Lot 75 and Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31, Plat Book 2, Page 71, Public Records of Seminole County, Florida, lying North and West of the right-of-way line at that certain drainage canal known as the Bear Gully's Canal, together with that portion of the East 1/2 of vacated street lying West of and adjacent to said Lot 72 also together with that portion of the West 1/2 of vacated street lying East of and adjacent to that portion of said Lot 75, described above.

AND

Lots 71, 73 and 74 of Slavia Colony Co.'s Subdivision as recorded in Plat Book 2 on Page 71 of the Public Records of Seminole County, Florida, together with that portion of the East 1/2 of the vacated street lying West of and adjacent to said Lot 73, LESS the portion thereof conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of that Special Warranty Deed, dated April 17, 1991 and recorded May 7, 1991 in Official Records Book 2291, Page 1587, Public Records of Seminole County, Florida.

AND Less the following described property:

For a Point of Reference, commence at the Southeast Corner of the Southwest 1/4 of said Section 20; thence South 89°08'34" West along the South line of said Section 20 (Basis of Bearings), a distance of 1331.49 feet; thence North 00°59'08" West a distance of 15.00 feet to the Southeast corner of said Lot 74; Thence South 89°08'34" West along the South line of said Lot 74, a distance of 323.62 feet to the Westerly Right-of-Way of the Seminole County Expressway and the Point of Beginning of the herein described parcel; thence continue South 89°08'34" West a distance of 350.00 feet; thence North 00°59'08" West a distance of 350.00 feet; thence North 89°08'34" East a distance of 598.57 feet to the said Westerly Right-of- Way line; thence along said Westerly right-of -way line, the following three courses: Thence South 17°48'37" West, a distance of 274.27 feet; thence South 89°08'22" West a distance of 160.01 feet, thence South 00°51'38" East a distance of 90.15 feet to the said Point of Beginning.

AND LESS the following described property: A tract or parcel of land lying in a portion of Section 20, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner for Section 20 and run North 01°02'38" West along the West line for Section 20, a distance of 15.00 feet to a point on the North right-of-way line for Hurban Road, (15 foot platted right-of-way); thence run North 89°08'34" East along said right-of-way line a distance of 15.00 feet to the Point of Beginning; thence North 01°02'38" West parallel with the West line for Section 20, a distance of 15.00 feet; thence North 89°08'34" East parallel with the South line for Hurban Road a distance of 642.90 feet; thence South 00°59'08" East a distance of 15.00 feet to a point on aforesaid North right-of-way line for Hurban Road; thence South 89°08'34" West along said right-of-way line a distance of 642.86 feet to the Point of Beginning. Said tract or parcel also being a portion of Lot 73 of Slavia Colony Company Subdivision as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida.

TOGETHER WITH the following described property:

The South 300 feet of the East one-half of Lot 75 and West one-half of vacated street adjacent on the East side all of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 15 feet there

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 "Mikler/Chapman PUD."

(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 both its filing with the Department of State and the recording of Development Order #3-20500004 in the official land records of Seminole County.

ENACTED this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

The East half of Lot 75 and all of Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 300 feet of the East half of Lot 75 of Slavia Colony Co.'s Subdivision and LESS that portion of the East half of Lot 75 and Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31, Plat Book 2, Page 71, Public Records of Seminole County, Florida, lying North and West of the right-of-way line at that certain drainage canal known as the Bear Gully's Canal, together with that portion of the East 1/2 of vacated street lying West of and adjacent to said Lot 72 also together with that portion of the West 1/2 of vacated street lying East of and adjacent to that portion of said Lot 75, described above.

AND

Lots 71, 73 and 74 of Slavia Colony Co.'s Subdivision as recorded in Plat Book 2 on Page 71 of the Public Records of Seminole County, Florida, together with that portion of the East 1/2 of the vacated street lying West of and adjacent to said Lot 73, LESS the portion thereof conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of that Special Warranty Deed, dated April 17, 1991 and recorded May 7, 1991 in Official Records Book 2291, Page 1587, Public Records of Seminole County, Florida.

AND Less the following described property:

For a Point of Reference, commence at the Southeast Corner of the Southwest 1/4 of said Section 20; thence South 89°08'34" West along the South line of said Section 20 (Basis of Bearings), a distance of 1331.49 feet; thence North 00°59'08" West a distance of 15.00 feet to the Southeast corner of said Lot 74; Thence South 89°08'34" West along the South line of said Lot 74, a distance of 323.62 feet to the Westerly Right-of-Way of the Seminole County Expressway and the Point of Beginning of the herein described parcel; thence continue South 89°08'34" West a distance of 350.00 feet; thence North 00°59'08" West a distance of 350.00 feet; thence North 89°08'34" East a distance of 598.57 feet to the said Westerly Right-of- Way line; thence along said Westerly right-of -way line, the following three courses: Thence South 17°48'37" West, a distance of 274.27 feet; thence South 89°08'22" West a distance of 160.01 feet, thence South 00°51'38" East a distance of 90.15 feet to the said Point of Beginning.

AND LESS the following described property: A tract or parcel of land lying in a portion of Section 20, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner for Section 20 and run North 01°02'38" West along the West line for Section 20, a distance of 15.00 feet to a point on the North right-of-way line for Hurban Road, (15 foot platted right-of-way); thence run North 89°08'34" East along said right-of-way line a distance of 15.00 feet to the Point of Beginning; thence North 01°02'38" West parallel with the West line for Section 20, a distance of 15.00 feet; thence North 89°08'34" East parallel with the South line for Hurban Road a distance of 642.90 feet; thence South 00°59'08" East a distance of 15.00 feet to a point on aforesaid North right-of-way line for Hurban Road; thence South 89°08'34" West along said right-of-way line a distance of 642.86 feet to the Point of Beginning. Said tract or parcel also being a portion of Lot 73 of Slavia Colony Company Subdivision as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida.

TOGETHER WITH the following described property:

The South 300 feet of the East one-half of Lot 75 and West one-half of vacated street adjacent on the East side all of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 15 feet there