

Item # 53

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Howell Branch Townhomes Rezone from A-1 (Agriculture) and R-3A (Multiple-Family Dwelling) to R-3A (Multiple-Family Dwelling)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tina Williamson ^{TDW} **EXT.** 7353

Agenda Date <u>6/27/06</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. **APPROVE** and enact an ordinance for a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings (Tony Cipparone/Legacy Investments LLC., applicant); or
2. **DENY** a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling) (Tony Cipparone/Legacy Investments LLC., applicant); or
3. **CONTINUE** the item to a time and date certain.

District 1 – Comm. Dallari

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), in order to develop a 60-unit townhouse project on the subject property. The Future Land Use designation on the subject property is Medium Density Residential, which is consistent with the requested zoning district. In 2002, the County processed a rezoning application to R-3A for the southern portion of the subject property. The rezone was approved, however the property owner chose not to sign the Development Order and associated

Reviewed by: Co Atty: <u>[Signature]</u> DFS: _____ OTHER: _____ DCM: <u>[Signature]</u> CM: <u>[Signature]</u> File No. <u>ph130pdp01</u>

Development Plan. Later that year, a rezone application to R-3A for the entire subject property was filed, however it was withdrawn prior to final approval. At this time, there is not an approved Development Order in effect on the subject property.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission/LPA met on May 3, 2006 and voted 7 to 0 to recommend APPROVAL of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order, based on staff findings.

Attachments:

- Location Map
- FLU/Zoning Map
- Aerial Photo
- Development Plan
- Development Order
- Rezone Ordinance
- 5/3/06 P&Z Minutes

**Howell Branch Townhomes
Rezone from A-1 and R-3A to R-3A**

APPLICANT	Tony Cipparone/Legacy Investments LLC	
PROPERTY OWNER	Branch Investments LLC, Robert Horian Registered Agent	
REQUEST	A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling)	
PROPERTY SIZE	7.03 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: June 27, 2006
PARCEL ID	35-21-30-300-040A-0000, 35-21-30-300-0410-0000	
LOCATION	On the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue	
FUTURE LAND USE	Medium Density Residential	
ZONING	A-1 (Agriculture) and R-3A (Multiple-Family Dwelling)	
FILE NUMBER	Z2006-012	
COMMISSION DISTRICT	#1 – Dallari	

PROPOSED DEVELOPMENT:

The applicant is proposing to develop a 60-unit townhouse project with a density of 10 units per net buildable acre.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) district and the requested R-3A (Multiple-Family Dwelling) district:

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-3A)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	N/A
Setback from the Project Boundary	N/A	50' (east and west) 35' (north and south)
Front Yard Setback	50'	20' (from back of sidewalk)
Side Yard Setback	10'	5' on exterior units, 0' for interior units
(Street) Side Yard Setback	50'	5'
Rear Yard Setback	30'	5'
Maximum Building Height	35'	35'

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	R-3A (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	One-, two-, or three-story apartments, townhomes, or condominiums and their customary accessory and personal service uses. Public and private elementary schools.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	Middle schools, high schools, churches, personal service uses, if not approved at time of zoning, adult living facilities and group homes, communication towers and private recreational facilities constructed as an accessory use to civic, fraternal or social organizations.
Minimum Lot Size	1-Acre	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed rezone to R-3A is compatible with the surrounding area because it is located between Howell Branch Road, which is a four-lane divided roadway, to the east, apartments and condominiums to the west and retention ponds and a retail center to the north and south.

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	MDR Apartments <i>R-3A</i>	MDR Howell Branch Road/BCC Owned Retention Pond <i>A-1</i>	MDR Howell Branch Road/Single-Family Residence <i>A-1</i>	
(West)	MDR Condominiums <i>R-3A</i>	MDR Vacant <i>A-1/R-3A</i>	PUD Howell Branch Road/Single-Family Residence (Avg. 5,125 sq. ft. lots) <i>PD</i>	(East)
	COMM Retail Center <i>C-2</i>	MDR BCC Owned Retention Pond <i>PD</i>	PUD Howell Branch Road/Single-Family Residence (Avg. 5,125 sq. ft. lots) <i>PD</i>	
		(South)		

Example:

<p>Future Land Use Existing Use (Existing average house size and/or lot size) <i>Zoning</i></p>
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- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number 12117C0210 E with an effective date of April 17, 1995, the site does not appear to contain any floodplains.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appear to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there appear to be no endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The proposed development has undergone Concurrency Review and sufficient roadway capacity is available. Sufficient water and sewer capacity are available subject to the execution of a Utility Agreement.

The following table depicts the estimated impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)*	Proposed Development*	Net Impact
Water (GPD)	2,450	21,000	18,550
Sewer (GPD)	2,100	18,000	15,900
Traffic (ADT)	67	352	285
Schools			
Elementary	2	7	5
Middle	1	3	2
High	1	3	2

* Existing Development is based on the entire site developing under A-1 standards, since there is not an approved Development Plan on the R-3A portion. Proposed Development is based on the proposed project consisting of 60 townhome units.

Utilities:

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 16-inch water main 900 ± feet to the north at Howell Branch Road and Bear Gully Road and an 8-inch gravity sewer line 700 ± feet to the south on Howell Branch Road. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water will be required until reclaimed water becomes available.

Transportation / Traffic:

The proposed access is onto Howell Branch Road, which is classified as a Collector. Howell Branch Road is currently operating at a Level-Of-Service "B" in this area and is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed rezone will generate approximately 13 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	Enrollment as of 2/10/06	Percent Capacity
Eastbrook Elementary	7	932	784	84.1%
Tuskawilla Middle	3	1250	1130	81.4%
Lake Howell High	3	2363	2181	87.7%

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #23, which is located at 4810 Howell Branch Road and meets the Level-Of-Service standard.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin. The applicant is proposing to connect to the existing adjacent stormwater pond. Verification of the capacity of the adjacent stormwater pond to handle the proposed connection will be required at final engineering. This will include verification as to whether the existing stormwater pond was originally designed to handle flow from the existing site via the Howell Branch Road collection system.

Parks, Recreation and Open Space:

In accordance with Section 30.250 of the Land Development Code, the applicant will be required to provide 25% open space within the development. The Development Plan indicates that the project contains 39.83% open space.

Buffers and Sidewalks:

The following buffer standards contained in the attached Development Order will apply:

East (along Howell Branch Road): 25' landscape buffer and 6' masonry wall

West: 15' landscape buffer and 6' masonry wall

North: Landscaped dry retention area and 6' masonry wall

South: 15' landscape buffer and 6' masonry wall

There is an existing sidewalk along the property frontage on Howell Branch Road.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within any special districts or overlays.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy CIE 3.2: Application to New Development

Policy POT 4.5: Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

An Intergovernmental Notice was sent to the Seminole County School Board on April 14, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

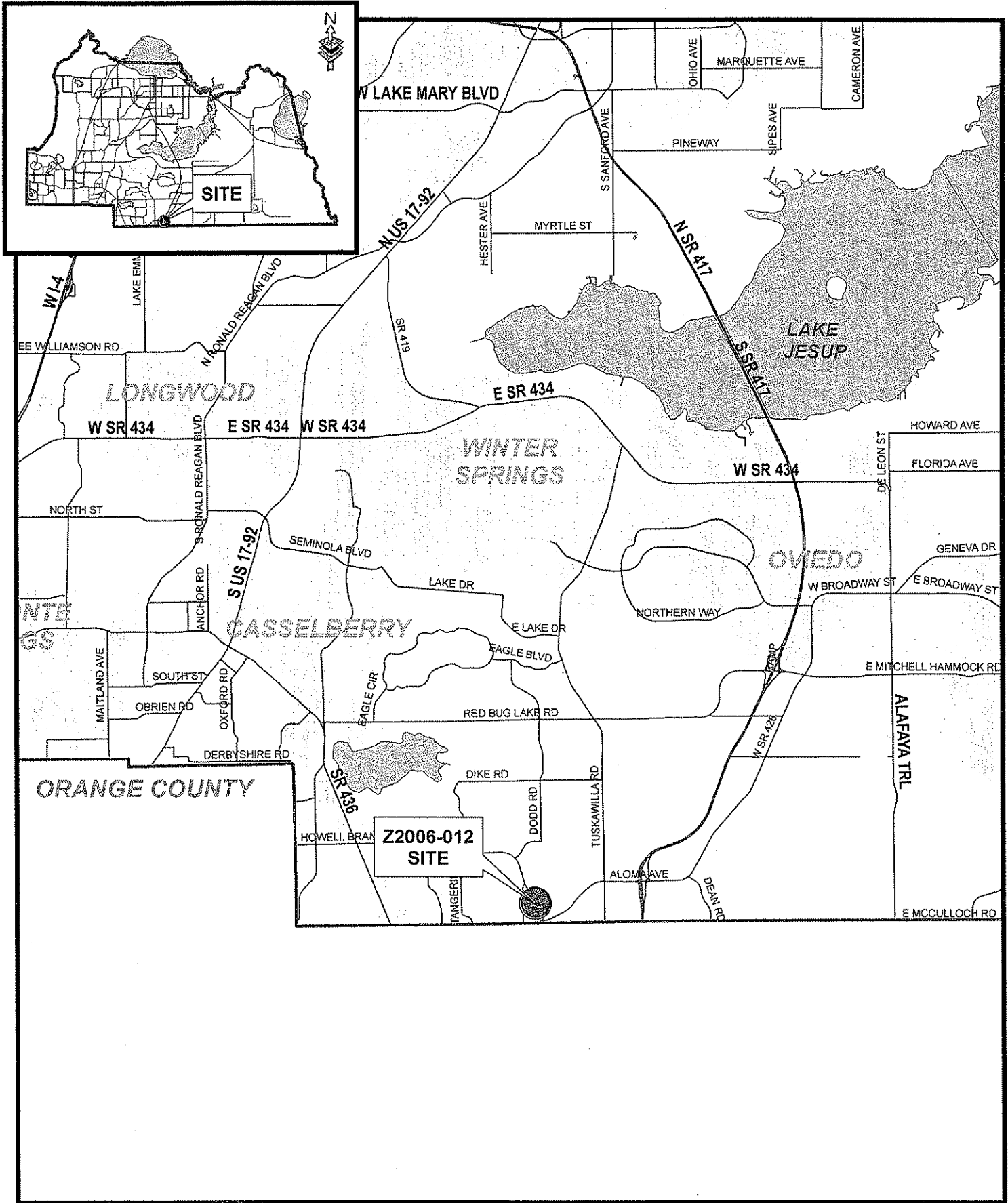
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

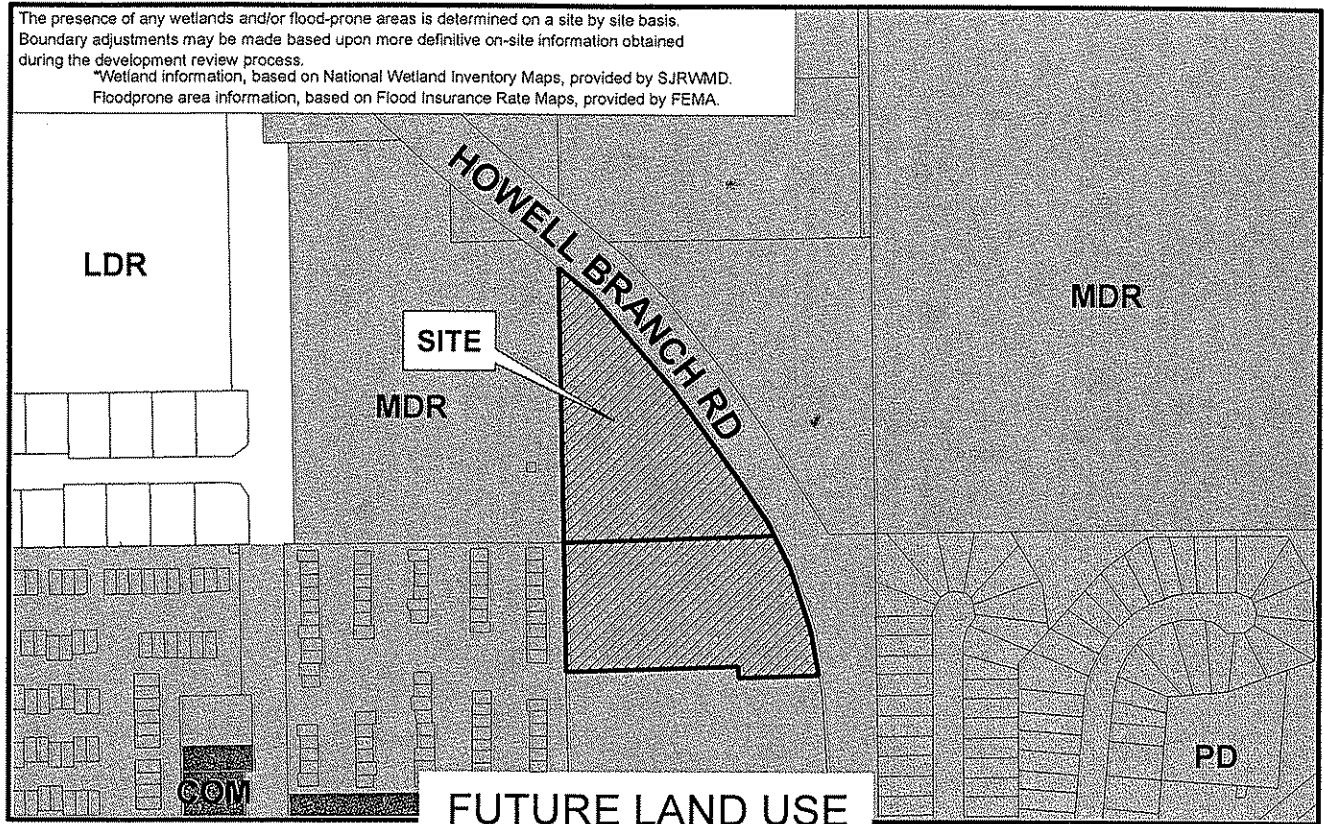
Staff recommends APPROVAL of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission/LPA met on May 3, 2006 and voted 7 to 0 to recommend APPROVAL of a request to rezone 7.03 ± acres, located on the west side of Howell Branch Road, 0.18 ± miles north of Aloma Avenue, from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to R-3A (Multiple Family Dwelling), subject to the attached Development Plan and Development Order, based on staff findings.



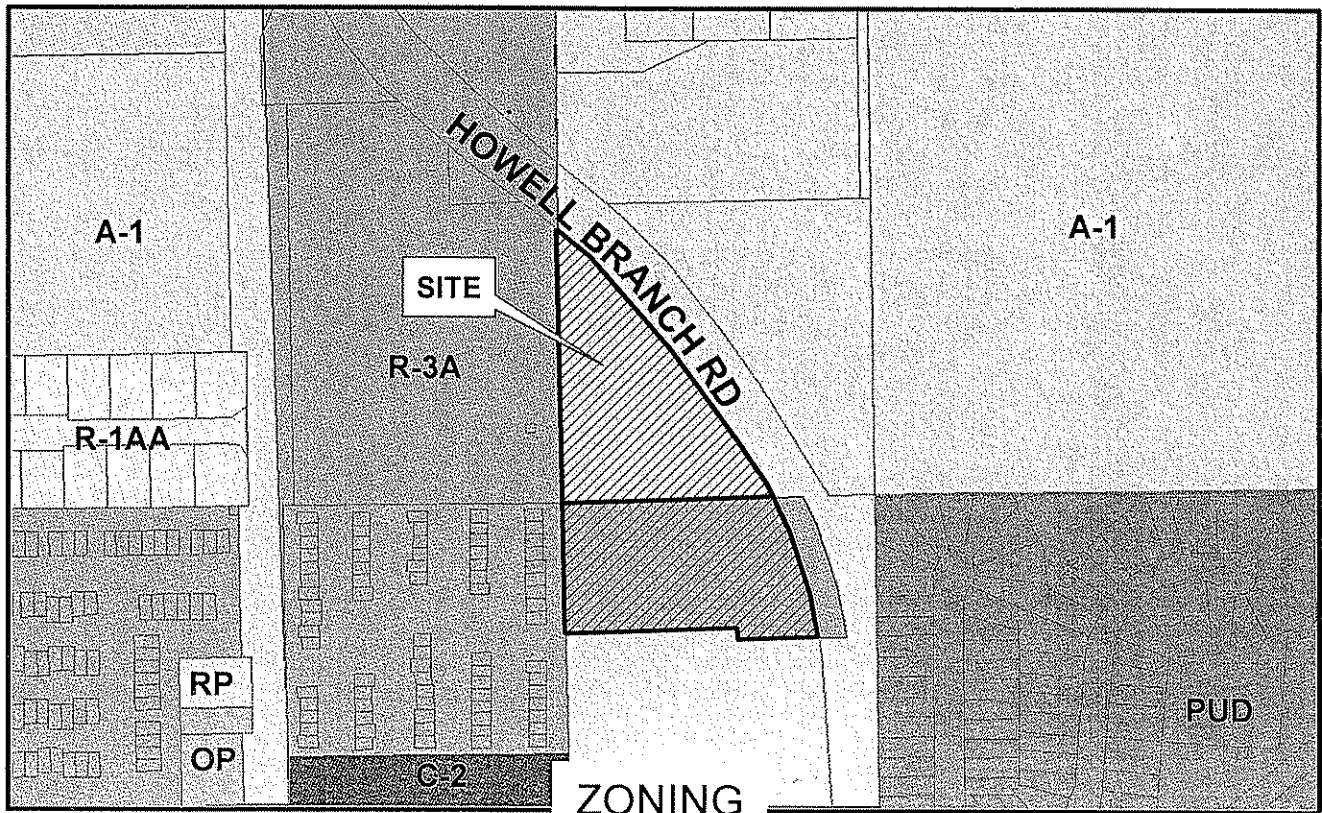
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR MDR PD COM CONS

Applicant: Tony Cipparone
 Physical STR: 35-21-30-300-040A-0000 & 0410-0000
 Gross Acres: 6.73 BCC District: 1
 Existing Use: Vacant
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-012	A-1	R-3A



A-1
 R-1AA
 R-3A
 RP
 OP
 PUD
 FP-1
 W-1



Rezone No: Z2005-012
From: A-1 To: R-3A

-  Parcel
-  Subject Property



January 2004 Color Aerials

SITE DATA

I. STATEMENT OF INTENT:
 APPLICANT PROPOSES TO PURCHASE AND COMBINE TWO (2) UNDEVELOPED PARCELS INTO A SINGLE TRACT AND CONSTRUCT A MULTI-FAMILY RESIDENTIAL TOWNHOME DEVELOPMENT. APPLICANT DESIRES TO AMEND THE DEVELOPMENT ORDER FOR THE SOUTH PARCEL, WHICH ALLOWS MULTIFAMILY RESIDENTIAL, TO INCLUDE THE NORTH PARCEL ADJACENT TO IT AND TO REZONE THE NORTH PARCEL FROM A1, AGRICULTURAL TO A-3A, MULTI-FAMILY RESIDENTIAL ZONING CLASSIFICATION. TOWNHOME DWELLINGS WILL BE CONSTRUCTED IN CLUSTERS WITH EACH BUILDING CONTAINING DWELLING UNITS. TOWNHOUSES WILL HAVE A 1-CAR GARAGE AND ONE (1) ENTRY STRUCTURE. EACH TOWNHOME WILL HAVE A 1-CAR GARAGE AND ONE (1) ENTRY STRUCTURE. THE 14 TOWNHOME BUILDINGS PROPOSED WILL BE TWO (2) STORY STRUCTURES. LANDSCAPED DRIVEWAY PARKING IS PROVIDED FOR VISITOR AND RESIDENT USE ALONG INTERIOR PRIVATE STREET WITHIN THE COMMON AREA. RESIDENT AMENITIES AND LANDSCAPE FEATURES PROPOSED INCLUDE CATED VEGETABLE AND PEDESTRIAN ACCESS AND A HIGH-FRAME GARDEN. GATED VEGETABLE AND PEDESTRIAN ACCESS AND A HIGH-FRAME GARDEN. PLATTED TOWNHOME LOTS, WILL BE COMMON AREA. A HOMEOWNERS ASSOCIATION WILL OWN AND MAINTAIN THE COMMON AREA AND ALL COMMON AREA IMPROVEMENTS.

II. ZONING:

EXISTING ZONING	PROPOSED ZONING
A. SOUTH PARCEL: A-1, AGRICULTURAL	NO CHANGE, A-3A
B. NORTH PARCEL: A-1, AGRICULTURAL	A-3A, MULTI-FAMILY RESIDENTIAL

III. LAND USE:

EXISTING AND PROPOSED LAND USE DESIGNATION	SOUTH PARCEL: RESIDENTIAL	NORTH PARCEL: RESIDENTIAL
A. SOUTH PARCEL: RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
B. NORTH PARCEL: RESIDENTIAL	RESIDENTIAL	RESIDENTIAL

IV. SITE AREAS:

AREA	SIZE (ACRES)
SOUTH PARCEL	1.37 ACRES
NORTH PARCEL	1.26 ACRES
TOTAL SITE AREA	2.63 ACRES

V. BUILDING AREAS & DATA:

BUILDING DESIGNATION	DWELLING UNITS	BUILDING AREA (SQ FT)
A. 14 FLEX BUILDINGS @ 1,500 SF EA. (1 FLOOR)	60	21,000 SF
B. MONITOR TOWNHOME LIVING AREA		2,394 SF
C. DENSITY:		83.00/A
CROSS DENSITY (40 DU = 740 AC)		83.00/A
NET DENSITY - EXCLUDING ROADS, EASEMENTS, WETLANDS AND/OR 100 YEAR FLOOD (40 DU = 740 AC)		18.8 DUA
FLOOR AREA RATIO (FAR) - 1ST FLOOR ONLY (1.31 = 740 X 100)		172.2%
E. MAXIMUM BUILDING HEIGHT		35'

VI. PARKING:

NUMBER OF SPACES REQUIRED BY SEMINOLE COUNTY (1 SPACE PER DWELLING UNIT @ 60 X 70)	104 SPACES
E. NUMBER OF PARKING SPACES PROVIDED:	104 SPACES
1 CAR GARAGE OVERHEAD PARKING	40 SPACES
1 CAR DRIVEWAY EXTERIOR PARKING	35 SPACES
1 CAR STREET CURB PARKING	29 SPACES
TOTAL PARKING PROVIDED	104 SPACES

VII. LAND USE:

USE	AREA (ACRES)	PERCENTAGE
A. BUILDING AREA (1ST FLOOR ONLY)	1.31 ACRES	49.8%
B. PAVEMENT, SIDEWALK, & CONC. DRIVEWAYS	1.26 ACRES	47.9%
C. TOTAL DRIVEWAYS AREA	1.26 ACRES	47.9%
D. OPEN SPACE INCLUDING RECREATION BUFFERS, OPTIONAL LANDSCAPE, LAWN, AND DRY RETENTION AREAS	1.32 ACRES	50.2%
E. TOTALS	2.63 ACRES	100.0%

8. OPEN SPACE RATIO:

TYPE	AREA	% SITE
RECREATION BUFFERS	1.29 ACRES	49.1%
RECREATION AREAS	0.49 ACRES	18.6%
LANDSCAPED DRY RETENTION	1.84 ACRES	69.9%
TOTAL OPEN SPACE	3.62 ACRES	137.6%
CATEGORIES B & C		88%

9. SETBACKS:

FRONT - HOWELL BRANCH ROAD	30'
REAR - SOUTH BOUNDARY (1 STORY TOWNHOUSES)	30'
REAR - WEST BOUNDARY	30'

10. LANDSCAPE BUFFERS:

A. HOWELL BRANCH ROAD	15'
B. WEST AND SOUTH BOUNDARIES	15'

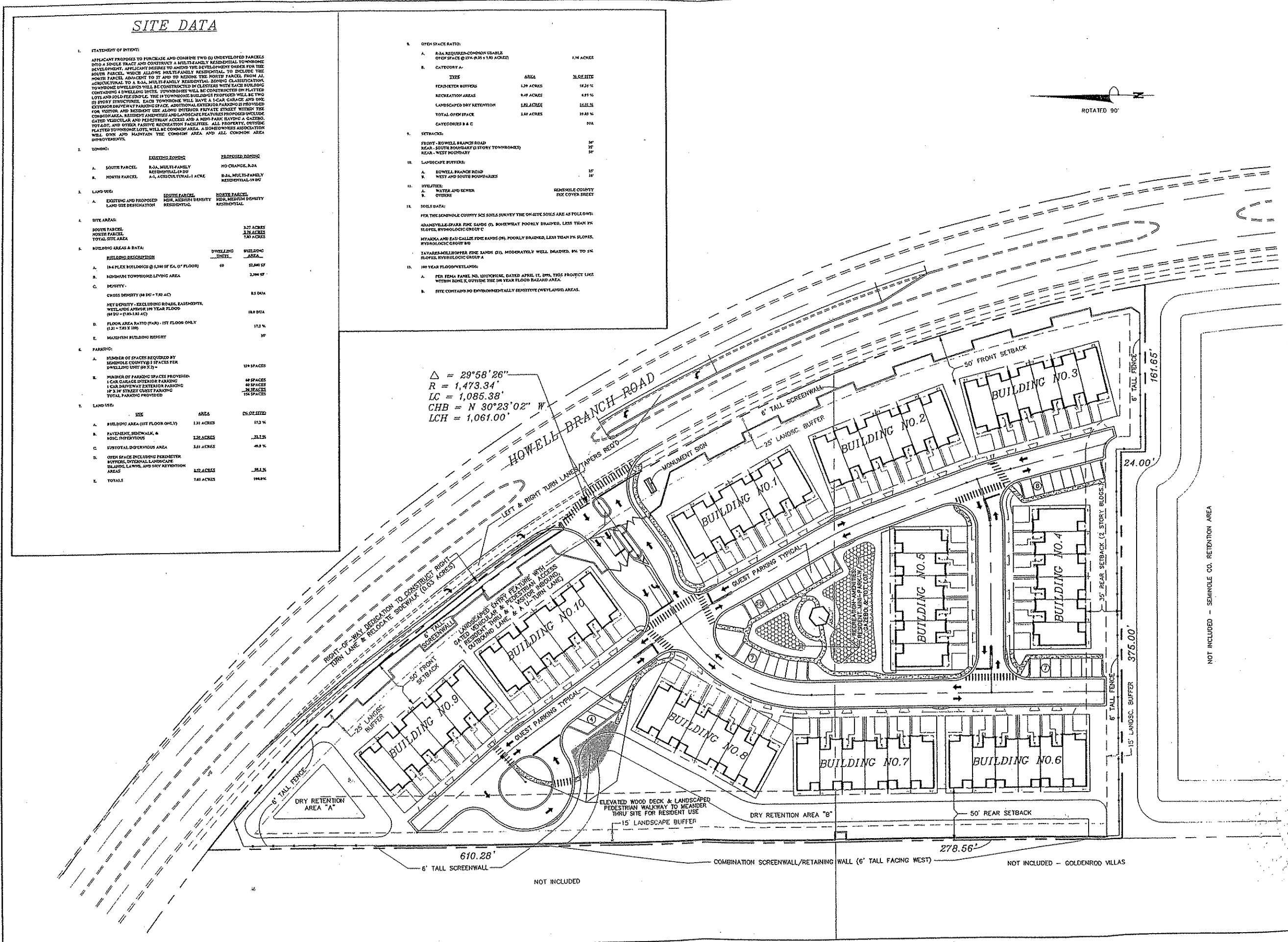
11. UTILITIES:

A. WATER AND SEWER	SEMINOLE COUNTY SIZE COVER SHEET
B. OTHERS	

12. SOILS DATA:
 PER THE SEMINOLE COUNTY SCS SOILS SURVEY THE ON-SITE SOILS ARE AS FOLLOWS:
 ADAMSVILLE-SPARK FINE SANDS (S), SOMEWHAT POORLY DRAINED, LESS THAN 2% SLOPES, HYDROLOGIC GROUP C
 MYAKKA AND LAU GALLE FINE SANDS (S), POORLY DRAINED, LESS THAN 2% SLOPES, HYDROLOGIC GROUP B0
 TAVARES MILLHOPE FINE SANDS (S), MODERATELY WELL DRAINED, 2% TO 8% SLOPES, HYDROLOGIC GROUP A

13. 100 YEAR FLOOD/WETLANDS:
 A. PER FEMA PANEL NO. 3107001E, DATED APRIL 17, 1975, THIS PROJECT LIES WITHIN ZONE X, OUTSIDE THE 100 YEAR FLOOD HAZARD AREA.
 B. SITE CONTAINS NO ENVIRONMENTALLY SENSITIVE (WETLAND) AREAS.

$\Delta = 29^{\circ}58'26''$
 $R = 1,473.34'$
 $LC = 1,085.38'$
 $CHB = N 30^{\circ}23'02'' W$
 $LCH = 1,061.00'$



REVISION:
 09/28/05 INSERT REAR GARAGE TOWNHOME UNITS & REVISE LAYOUT
 10/03/05 PER CLIENT REQUEST & SCREEN WALLS PER SEMINOLE CO.
 10/25/05 REVISE SETBACKS & SCREEN WALLS PER SEMINOLE CO.
 11/07/05 REVISE SETBACKS & SCREEN WALLS PER SEMINOLE CO.
 03/07/06 REVISE PER SEMINOLE CO. PER TITLE DOCS. & REV. PLAN COMMENTS (S. 35' SETBACK)

PREPARED FOR:
SUNCOR PROPERTIES
 541 N. PALMETTO AVE.
 SUITE 105
 SANFORD, FL 32771
 PHONE: (407) 688-7644
 FAX: (407) 688-7920

PRELIMINARY SUBDIVISION PLAN
HOWELL BRANCH RD.
TOWNHOMES
 SEMINOLE COUNTY, FLORIDA

Design Service Group, Inc.
 362A SOUTH GRANT STREET
 LONGWOOD, FLORIDA 32750
 Phone: (407) 331-3373 Fax: (407) 260-0478 E-Mail: design@dsgr.com

ENGINEER: [Signature]

DESIGN	DRAFT	CHECK
RMH	DSG	

PROJECT NO. 05-0476
 DATE: SEPT. 2005
 SCALE: 1" = 40'
 SHEET 1 OF 2

MAR - 8 2006

SEMINOLE COUNTY DEVELOPMENT ORDER

On June 27, 2006 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: Branch Investments LLC, Robert Horian Registered Agent

Project Name: Howell Branch Townhomes Rezone A-1 and R-3A to R-3A

Requested Development Approval:

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

Standard Conditions:

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. All townhouse units shall be located on individual platted lots.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. Accessory structures shall be prohibited on the individual townhouse lots.
- e. Permitted uses shall be fee-simple townhouse units, home offices, home occupations, and customary recreational facilities for the use of the residents.
- f. All landscape buffers and common areas shall be maintained by a homeowners association.
- g. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- h. Sidewalks shall be required on both sides of the internal streets.
- i. Converting garages to living space shall be prohibited.
- j. Storage of RVs and boats on the site shall be prohibited.
- k. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.

Project Specific Conditions:

- a. The project shall be developed at a maximum density of 10 dwelling units per net buildable acre, not to exceed 60 townhouse units.
- b. In accordance with Section 30.1344 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as useable open space per the requirements of the Land Development Code.
- c. A 50' building setback shall apply along Howell Branch Road (east project boundary) and along the west project boundary. A 35' building setback shall apply to the north and south project boundaries.

d. The following setback standards shall apply to the individual townhouse units:

Front Yard Setback	20' (from back of sidewalk)
Side Yard Setback	5' on exterior units, 0' for interior units
(Street) Side Yard Setback	5' (from back of sidewalk)
Rear Yard Setback	5'

e. The following minimum buffer standards shall apply:

- East (along Howell Branch Road): 25' landscape buffer and 6' masonry wall
- West: 15' landscape buffer and 6' masonry wall
- North: Landscaped dry retention area and 6' masonry wall
- South: 15' landscape buffer and 6' masonry wall

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

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

Done and Ordered on the date first written above.

Attest: _____
Maryanne Morse
Clerk to the Board of County Commissioners

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

EXHIBIT A
Legal Description

PARCEL 1:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN SOUTH TO A POINT 385.27 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST 1/4, OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, THENCE EAST 375 FEET, THENCE SOUTH 01°08'15" EAST 24 FEET, THENCE EAST 161.65 FEET TO THE WESTERLY RIGHT OF WAY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD), THENCE NORTHERLY ALONG THE WESTERLY RIGHT OF WAY TO A POINT EAST OF THE BEGINNING, THENCE WEST TO BEGINNING, BEING IN SEMINOLE COUNTY, FLORIDA.

PARCEL 2:

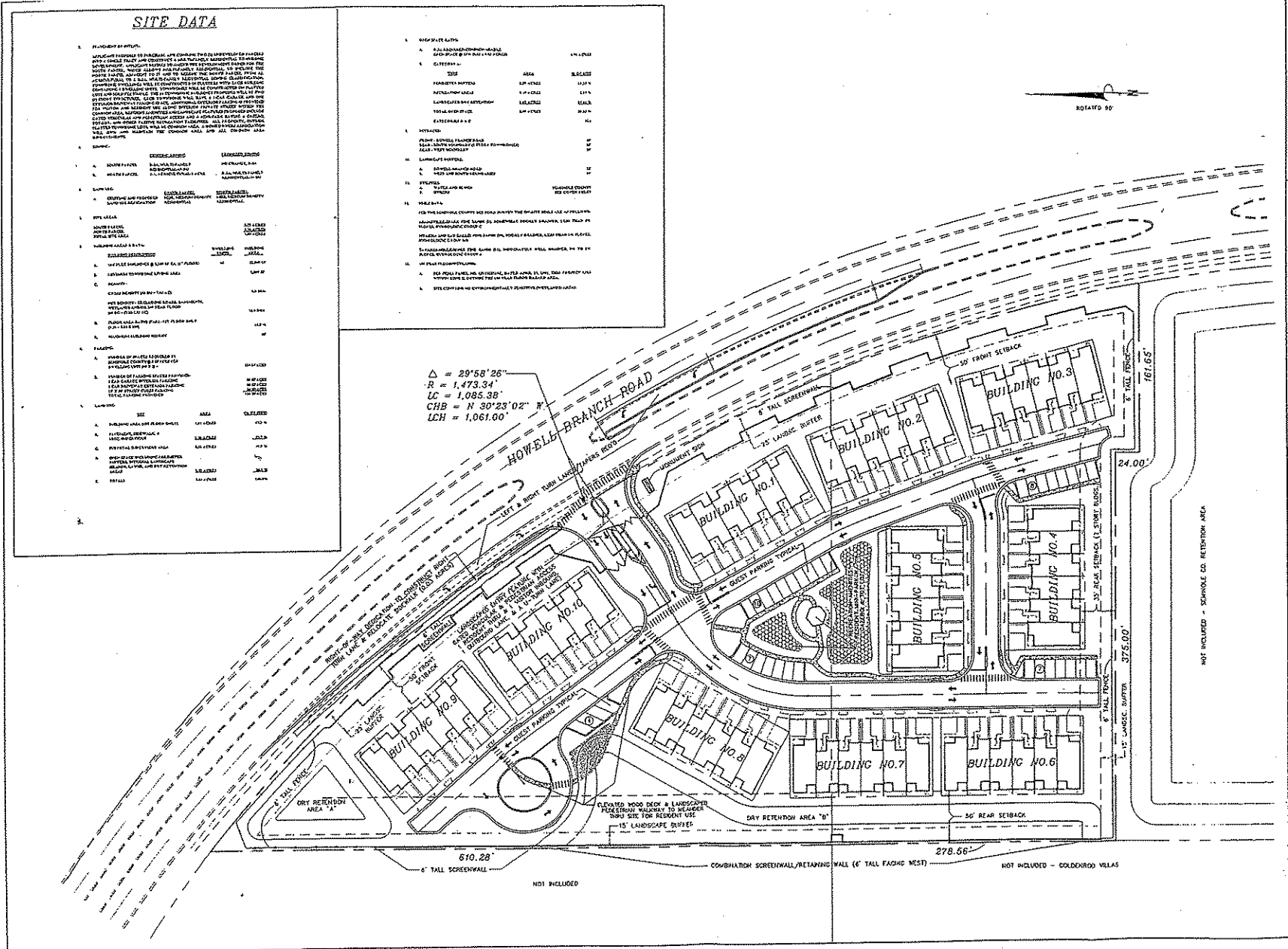
THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WESTERLY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD) IN SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

CONTAINS 306,084 SQUARE FEET OR 7.0267 ACRES MORE OR LESS.

SITE DATA

- 1. PROJECT NAME: SUNCOR PROPERTIES - HOWELL BRANCH RD. TOWNHOMES
- 2. PROJECT LOCATION: 541 N. PALMETTO AVE., SUITE 105, SANFORD, FL 32771
- 3. PROJECT AREA: 1.2 ACRES
- 4. ZONING: R-10
- 5. SUBDIVISION: 10 LOTS
- 6. LOT AREA: 1,200 SQ. FT.
- 7. LOT DIMENSIONS: 30' x 100'
- 8. FRONT SETBACK: 30'
- 9. REAR SETBACK: 30'
- 10. SIDE SETBACK: 5'
- 11. MAXIMUM BUILDING HEIGHT: 35'
- 12. MAXIMUM GROUND COVER: 40%
- 13. MAXIMUM LOT COVERAGE: 40%
- 14. MAXIMUM LOT AREA: 1,200 SQ. FT.
- 15. MAXIMUM LOT WIDTH: 30'
- 16. MAXIMUM LOT DEPTH: 100'
- 17. MAXIMUM LOT AREA: 1,200 SQ. FT.
- 18. MAXIMUM LOT WIDTH: 30'
- 19. MAXIMUM LOT DEPTH: 100'
- 20. MAXIMUM LOT AREA: 1,200 SQ. FT.
- 21. MAXIMUM LOT WIDTH: 30'
- 22. MAXIMUM LOT DEPTH: 100'
- 23. MAXIMUM LOT AREA: 1,200 SQ. FT.
- 24. MAXIMUM LOT WIDTH: 30'
- 25. MAXIMUM LOT DEPTH: 100'

- 1. SITE DATA
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$\Delta = 29^{\circ}58'26''$
 $R = 1,473.34'$
 $LC = 1,085.38'$
 $CHB = 1,302.23'02''$
 $LCH = 1,061.00'$

PRELIMINARY SUBDIVISION PLAN
HOWELL BRANCH RD.
TOWNHOMES
 SEMINOLE COUNTY, FLORIDA

PREPARED FOR:
SUNCOR PROPERTIES
 541 N. PALMETTO AVE.
 SUITE 105
 SANFORD, FL 32771
 PHONE: (407) 688-7644
 FAX: (407) 688-7920

Design Service Group, Inc.
 362A SOUTH GRANT STREET
 LONGWOOD, FLORIDA 32750
 (407) 331-3773

SHEET NO. 05-047C
 DATE: SEPT. 2005
 SCALE: 1" = 40'
 SHEET 1 OF 2

EXHIBIT B

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) DISTRICT AND THE R-3A (MULTIPLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION THE R-3A (MULTIPLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 documents titled "Howell Branch Road Townhomes Rezone to R-3A."

(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. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) district and R-3A (Multiple-Family Dwelling) district to R-3A (Multiple-Family Dwelling) district:

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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, and this Ordinance shall be effective on the recording date of the Development Order # 05-20000005 in the Official Land Records of Seminole County.

ENACTED this 27th day of June 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN SOUTH TO A POINT 385.27 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST 1/4, OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, THENCE EAST 375 FEET, THENCE SOUTH 01°08'15" EAST 24 FEET, THENCE EAST 161.65 FEET TO THE WESTERLY RIGHT OF WAY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD), THENCE NORTHERLY ALONG THE WESTERLY RIGHT OF WAY TO A POINT EAST OF THE BEGINNING, THENCE WEST TO BEGINNING, BEING IN SEMINOLE COUNTY, FLORIDA.

PARCEL 2:

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LYING WESTERLY OF HOWELL BRANCH ROAD (FORMERLY HALL ROAD) IN SECTION 35, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

CONTAINS 306,084 SQUARE FEET OR 7.0267 ACRES MORE OR LESS.

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION
MAY 3, 2006**

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Matt Brown, Jason Brodeur, Walt Eismann, and Rob Wolf.

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Jeffrey Hopper, Senior Planner; Benjamin Dunn, Senior Planner; Tony Walter, Planning Manager; Katherine Furey-Tran, Assistant County Attorney; Brian Walker, Planner; Cynthia Sweet, Planner; Denny Gibbs, Senior Planner; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Howell Branch Townhomes; Tony Cipparone /Legacy Investments, LLC., applicant; 7.03± acres; Rezone from A-1 (Agriculture) and R-3A (Multiple-Family Dwelling) to R-3A (Multiple-Family Dwelling); located on the west side of Howell Branch Road, 1000 ± feet north of Aloma Avenue (SR 426). (Z2006-12)

Commissioner Dallari – District 1
Tina Williamson, Principal Coordinator

Tina Williamson stated that the applicant is requesting a rezone which would allow a 60 unit town home project on the 7.03 acre site. Staff recommendation is for approval of the application.

Ron Hinson of Design Services Group stated that the design has a park-like setting in the middle. There are no wetlands on the site.

Robert Gile of Goldenrod Villas asked how close the units would come to the property line in the rear.

Ms. Williamson stated that they would be 50 feet from the property line.

Mr. Gile said that there were eagles, foxes and egrets there.

Mr. Hinson said the setback is 50 feet with a 6 foot wall along there. The county requires a study for presence of threatened and endangered species.

Commissioner Hattaway asked about water retention.

Mr. Hinson confirmed that such issues were addressed at final engineering.

Commissioner Brodeur asked about the wall on Howell Branch Road.

Mr. Hinson said that the wall would be textured and fragmented, with landscaped areas.

Commissioner Wolf asked about the western property line buffer.

Mr. Hinson said that there will be a 6-foot wall and landscape buffer. Units will be pulled back 50 feet from the property line.

Commissioner Wolf asked if they would be able to see into the next yard.

Mr. Hinson said that there will be a 6-foot wall and trees along the line.

Commissioner Brodeur said the south property line is already zoned R-3A.

Commissioner Brodeur made a motion to recommend approval.

Commissioner Eismann seconded the motion.

The motion passed 7 – 0.