

Item # 42

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Orange Boulevard / Steve Valentine PUD, Rezone & Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); (Steve Valentine, JTC Inc., applicant).

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** <sup>M/R</sup> Michael Rumer **EXT.** 7431

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

**MOTION/RECOMMENDATION:**

1. **TRANSMIT** the request for Large Scale Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and transmit the rezone from A-1 (Agriculture) to PUD (Planned Unit Development), subject to the Preliminary Master Plan and Development Order, based on staff findings (Steve Valentine, JTC Inc., applicant); or
2. **DENY** the requested Large Scale Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District), (Steve Valentine, JTC Inc., applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 5 – Commissioner Carey

Michael Rumer, Senior Planner

**BACKGROUND:**

The applicant requests a Large Scale Land Use Amendment and rezoning of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development and from A-1 (Agriculture) to PUD (Planned Unit Development). The proposed use is 109 single-family homes at a maximum density of 2.5 dwelling units per net buildable acre.

<b>Reviewed by:</b> <b>Co Atty:</b> <u>KFT</u> <b>DFS:</b> _____ <b>OTHER:</b> <u>FW</u> <b>DCM:</b> _____ <b>CM:</b> <u>Ca</u>  <b>File No.</b> <u>ph130pdp07</u>
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Lots will be a minimum of 9,000 square feet and 75 feet in width. The lots will be serviced by water and sewer provided by Seminole County.

**STAFF RECOMMENDATION:**

Staff recommends TRANSMITTAL of the requested Large Scale Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) subject to the Preliminary Master Plan and Development Order.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Commission met on July 12, 2006 and voted 6-0 to recommend APPROVAL of a rezone Large Scale Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and from A-1 (Agriculture) to PUD (Planned Unit Development) based on staff findings and the following Planning and Zoning Commission findings of fact:

- A. This is an example of smart growth.
- B. In today's market, lot sizes do not diminish property values.
- C. Holding the 100 year storm event will improve the drainage in the area.

Attachments:

Staff Analysis  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Preliminary Master Plan (11x17)  
Draft Development Order  
Ordinance  
Applicant's Justification Statement  
07/12/2006 Planning and Zoning Board Minutes

**ORANGE BLVD PUD / STEVE VALENTINE Rezone &  
Large Scale Land Use Amendment from SE to PD  
Rezone from A-1 to PUD**

<b>APPLICANT</b>	Steve Valentine, JTC Inc.	
<b>PROPERTY OWNER</b>	Steve Valentine, JTC Inc, Authorized Agent	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) district to PUD (Planned Unit Development) and LSLUA from SE to PD	
<b>PROPERTY SIZE</b>	54 ± acres	
<b>HEARING DATE (S)</b>	P&Z: July 12, 2006	BCC: August 08, 2006
<b>PARCEL ID</b>	36-19-29-300-003B-0000, 36-19-29-300-002A-0000, 36-19-29-300-0020-0000, 36-19-29-300-002B-0000, 36-19-29-300-002C-0000, 36-19-29-300-003C-0000, 36-19-29-300-0030-0000, 36-19-29-300-003A-0000, 36-19-29-300-003B-0000, 36-19-29-300-0010-0000, 36-19-29-501-0000-0040	
<b>LOCATION</b>	Located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard.	
<b>FUTURE LAND USE</b>	SE (Suburban Estates)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2006-23	
<b>COMMISSION DISTRICT</b>	#5 – Carey	

**Proposed Development:**

The applicant is proposing to develop 109 single-family dwelling units at a net density of 2.5 dwelling units per net buildable acre.

**ANALYSIS OVERVIEW:**

**Standards for Plan Amendments within the East Lake Sylvan Transitional Area:**

This property is located within the East Lake Sylvan Transitional Area as depicted in Exhibit FLU: Special Area Boundaries of the Seminole County Comprehensive Plan (Vision 2020). An applicant for a Plan amendment proposing a residential density greater than one (1) unit per net buildable acre must comply with each of the following standards:

- a. The maximum allowable residential density upon parcels shall not exceed 2.5 dwelling units per net buildable acre.
- b. Plan amendments shall be to the Planned Development future land use designation with an associated PUD (Planned Unit Development) zoning classification.
- c. Properties seeking the Planned Development future land use designation must contain a gross acreage of not less than thirty (30) acres in size.

- d. Prior to approval, the applicant shall be required to submit documentation demonstrating that natural resources are protected and that the project shall not exceed a maximum density of two and one-half (2.5) dwelling units per net buildable acre.
- e. All conditions necessary for compliance with these standards shall be placed in the subdivision's covenants and restrictions, which covenants and restrictions shall be recorded in the official land records of Seminole County and which will provide for enforcement of the restrictions by the mandatory homeowners association established to govern the subject property.

The Preliminary Master Plan and Development Order conditions are determined to be consistent with the clustering provision. Under the proposed cluster concept, the applicant is providing the protection of wetlands and karst features with a 50-foot upland buffer adjacent to the wetlands and karst features. A buffer of at least 50-feet is located adjacent to Orange Boulevard and South Lake Sylvan Drive except where additional right-of-way dedication is required that is intended to save all existing trees.

**LAND USE / ZONING REQUEST**

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (PUD)</b>
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	2,200 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	10 feet	7.5 feet
(Street) Side Yard Setback	50 feet	15 feet
Rear Yard Setback	30 feet	15 feet
Maximum Building Height	35 feet	35 feet

**PERMITTED & SPECIAL EXCEPTION USES**

**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)	PUD (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.	Single-family residential, home office, home occupation.
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.	N/A
Minimum Lot Size	1-Acre	9,000 sq. ft.

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

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

(North)

	<b>LDR</b> S. Sylvan Lake Drive / Single-Family <i>R-1AAA</i> (13,500 sq. ft. lots)	<b>SE</b> S. Sylvan Lake Drive / Single-Family <i>A-1</i> (1 acre lots)	<b>LDR</b> Orange Blvd / Single-Family <i>R-1AAA</i> (13,500 sq. ft. lots)	
(West)	<b>SE</b> Single-Family <i>A-1</i> (1 acre lots)	<b>SE</b> Vacant / Single-Family / Wholesale Nursery <i>A-1</i> (1 acre lots)	<b>LDR</b> Orange Blvd / Church <i>A-1</i>	(East)
	<b>PD</b> Single-Family PUD (Buckingham Estates) (9,000 / 11,700 sq. ft. lots)	<b>SE</b> Single-Family <i>A-1</i> (1 acre lots)	<b>LDR</b> Orange Blvd / Water Treatment Plant <i>A-1</i>	

(South)

Example:

<b>Future Land Use</b>
Existing Use
<i>Current Zoning</i>
(Average Lot Size)

- **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 12117C0040E with an effective date of April 17, 1995 there is a floodzone area "AE" with base flood elevation of 54 feet, at the southwest corner of the site. No impacts to the area located within the zone "AE" are proposed.

*Wetland Impacts:*

Based on the preliminary master plan submitted and Seminole County wetland map analysis, a portion of the property (5 ± acres) contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

Based on a threatened and endangered study and a species of special concern survey performed by Ark Environmental Consulting, no species were found on the subject site.

**PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

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

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development (109 Lot PUD)</b>	<b>Net Impact</b>
Water (GPD)	14,000	38,150	24,150
Sewer (GPD)	12,000	32,700	20,700
Traffic (ADT)	383	1,043	660

*Utilities:*

The site is located in the service area of Seminole County and is proposing to connect to public utilities for water and sewer. There is a 12-inch water main on the west side of Orange Boulevard and a 12-inch force main on the west side of Orange Boulevard. This parcel must connect to reclaimed water. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

*Transportation / Traffic:*

The property currently accesses Orange Boulevard. Orange Boulevard has a measured Level-Of-Service "A". This portion of Orange Boulevard is currently programmed to be improved according to the County 5-year Capital Improvement Program as a Minor Project. The proposed entrance is located on South Sylvan Lake Drive, a local road, which is not built to County standards. South Sylvan Lake Drive is required to be improved to County standards from Orange Boulevard to the end of the property frontage.

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 53 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
Northwest Cluster :	27*			
Bentley Elementary		933	1,018	109.1%
Crystal Lake		853	0	0%
Idyllwilde Elementary		825	1,027	124.5%
Wicklow Elementary		694	1,011	145.7%
Wilson Elementary		881	1,030	116.9%
Sanford Middle	12	1,564	1,507	96.4%
Seminole High	14	2,069	2,900	140.2%

\* The Northwest Cluster is composed of five elementary schools. Students are assigned to attend one of the five cluster elementary schools based on procedures established by the School Board.

The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in the school capacity numbers in the previous table. This analysis is included as an attachment to this report.

*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 34, which is located at 4905 W SR 46, approximately 2.85 miles from the project.

*Drainage:*

The proposed project is located within the Yankee Lake Drainage Basin. Based on preliminary analysis, the site outfalls to Pearl Lake, which appears to be landlocked. Therefore, total retention of the 100 year/24 hour storm event will be required. Design of the drainage system will be evaluated in more detail prior to final engineering approval.

*Parks, Recreation and Open Space:*

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources. Section 30.451 (e) requires 25% usable open space and recreation areas dedicated to the homeowner association. The Preliminary Master Plan proposes to maintain 43.6% common useable open space.

*Buffers and Sidewalks:*

At time of development, a 5-foot wide sidewalk is required to be installed along the property frontage on Orange Boulevard and South Sylvan Lake Drive. Active/Passive setbacks are not required because the adjacent Future Land Use designations are Suburban Estates and the adjacent zoning is A-1.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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

**SPECIAL DISTRICTS**

The subject property is located within the East Lake Sylvan Transitional Area and the Wekiva River Study Area.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

- Policy FLU 1.2: Flood Plain Protection
- Policy FLU 1.3: Wetlands Protection
- Policy FLU 1.4: Conservation Easements
- Policy FLU 1.5: Cluster Development
- Policy FLU 2.1: Subdivision Standards
- Policy FLU 2.11: Determination of Compatibility in the Planned Unit
- Policy FLU 14.2: Recognition of the East Lake Sylvan Transitional Area
- Policy FLU 14.8: Compliance Agreements Between Seminole County and the Florida Department of Community Affairs
- Policy FLU 15.2: Wekiva Study Area Natural Resource Protection
- Policy CON 3.7: Open Space Regulation
- Policy CON 3.8: PUD/Cluster Developments
- Policy CON 3.9: Conservation Easement/Dedication
- Policy PUB 2.1: Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notice was sent to the Seminole County School District on June 12, 2006. The School District has provided a School Capacity Report, which is attached.

**LETTERS OF SUPPORT OR OPPOSITION:**

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

**STAFF RECOMMENDATION:**

Staff recommends TRANSMITTAL of the requested Large Scale Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and transmittal of the rezone from A-1 (Agriculture) to PUD (Planned Unit Development) subject to the Preliminary Master Plan and Development Order.



## SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

**To:** Seminole County Board of County Commissioners

**From:** George Kosmac, Deputy Superintendent, Seminole County Public Schools

**Date:** July 6, 2006

**RE:** Z2006-23 / 06f.Flu01 Orange Boulevard FLU/Rezone

Seminole County Public Schools (SCPS), in reviewing the above FLU/rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

Description: -54 +/- acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southwest corner of South Sylvan Lake Drive and Orange Boulevard.

Based on information received from Seminole County Planning and from the staff report for the Orange Boulevard request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

<b>Total Proposed units</b>					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
109		109		0	
<b>Student Generation</b>					
<b>Impacted Schools</b>	<b>Projected Number of Additional Students</b>	<b>Current Capacity</b>	<b>Current Enrollment</b>	<b>Percent Utilization</b>	<b>Students Resulting from Recently Approved Developments</b>
<b>Elementary</b> Northwest Cluster	27	4186	4086	97.6	207
<b>Middle</b> Markham Woods	12	1251	N/A	N/A	26
<b>High</b> Seminole	14	1966	2900	140.2	192

**Projected Number of Additional Students** is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed.

**Current Capacity** is based on the current enrollment FTE date not including relocatable stations.

**Current Enrollment** is based on the most recent official FTE count (February).

**Percent Utilization** is the ratio of enrollment to total permanent building student stations.

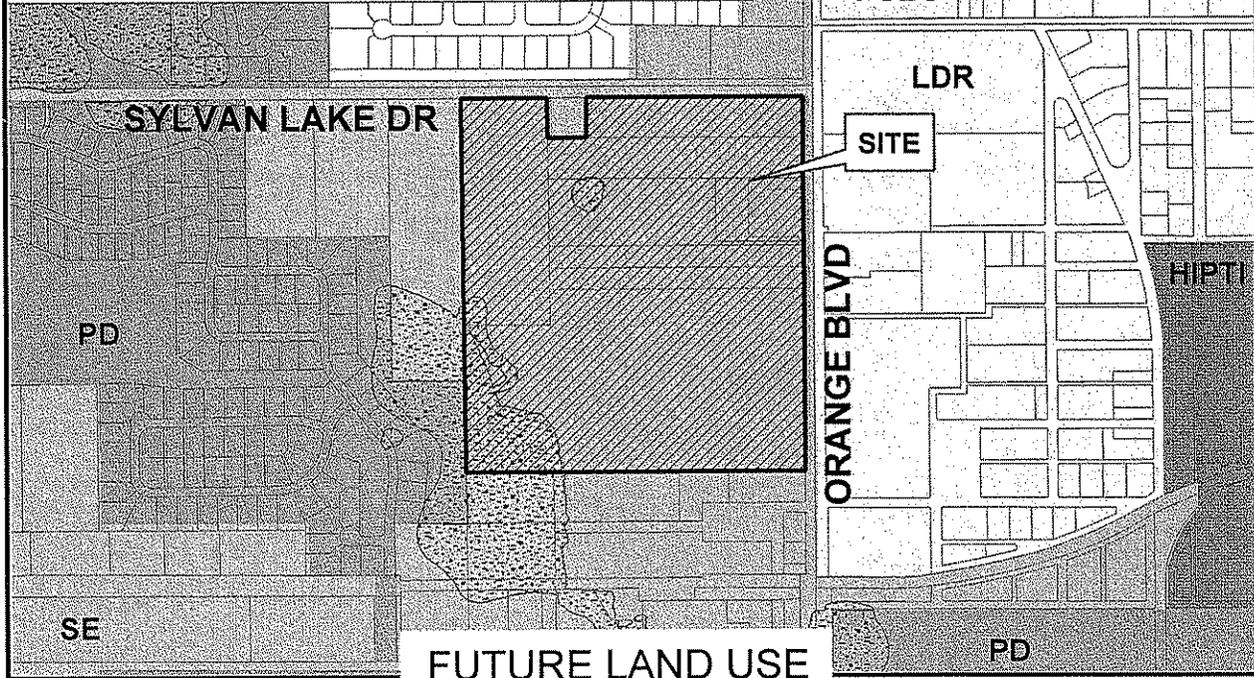
**Students Resulting from Recently Approved Developments** is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

**Comments:**

The students generated at the Middle school level resulting from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. However, the students generated from the new residential dwelling units could not be absorbed into the Elementary or High schools without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected schools.



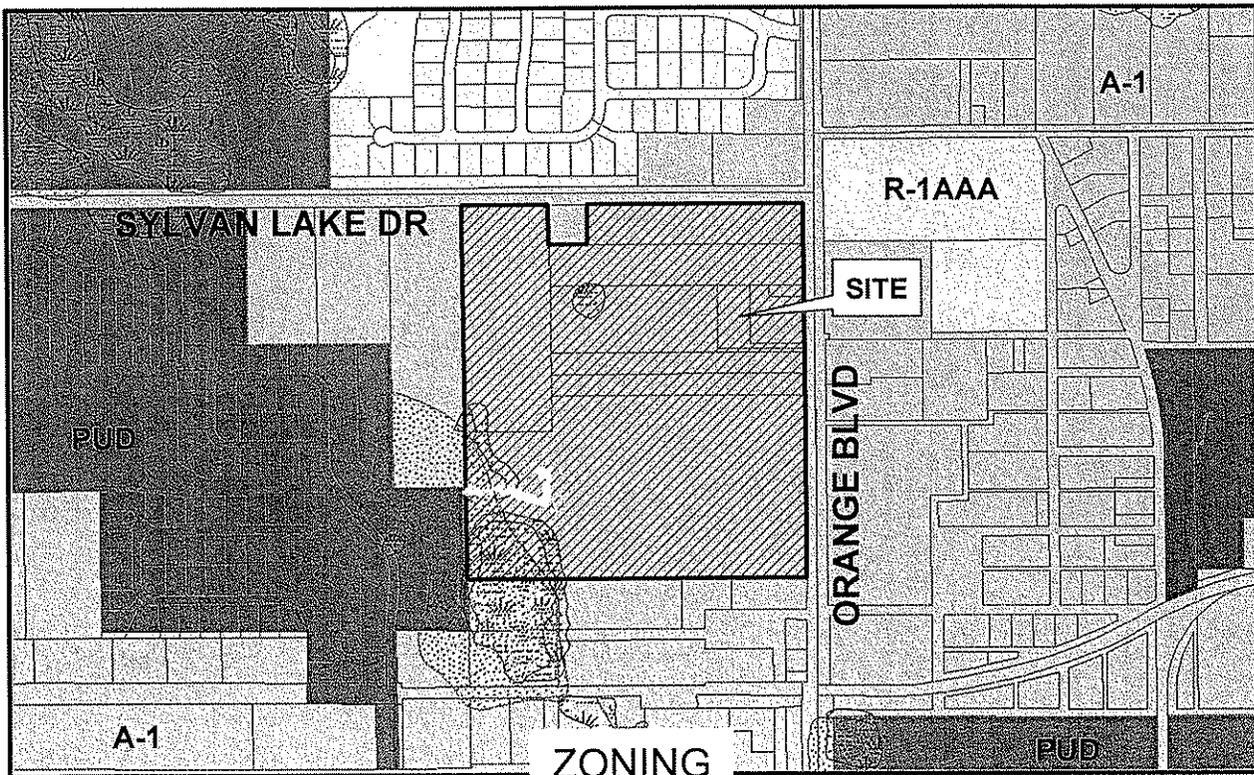
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided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



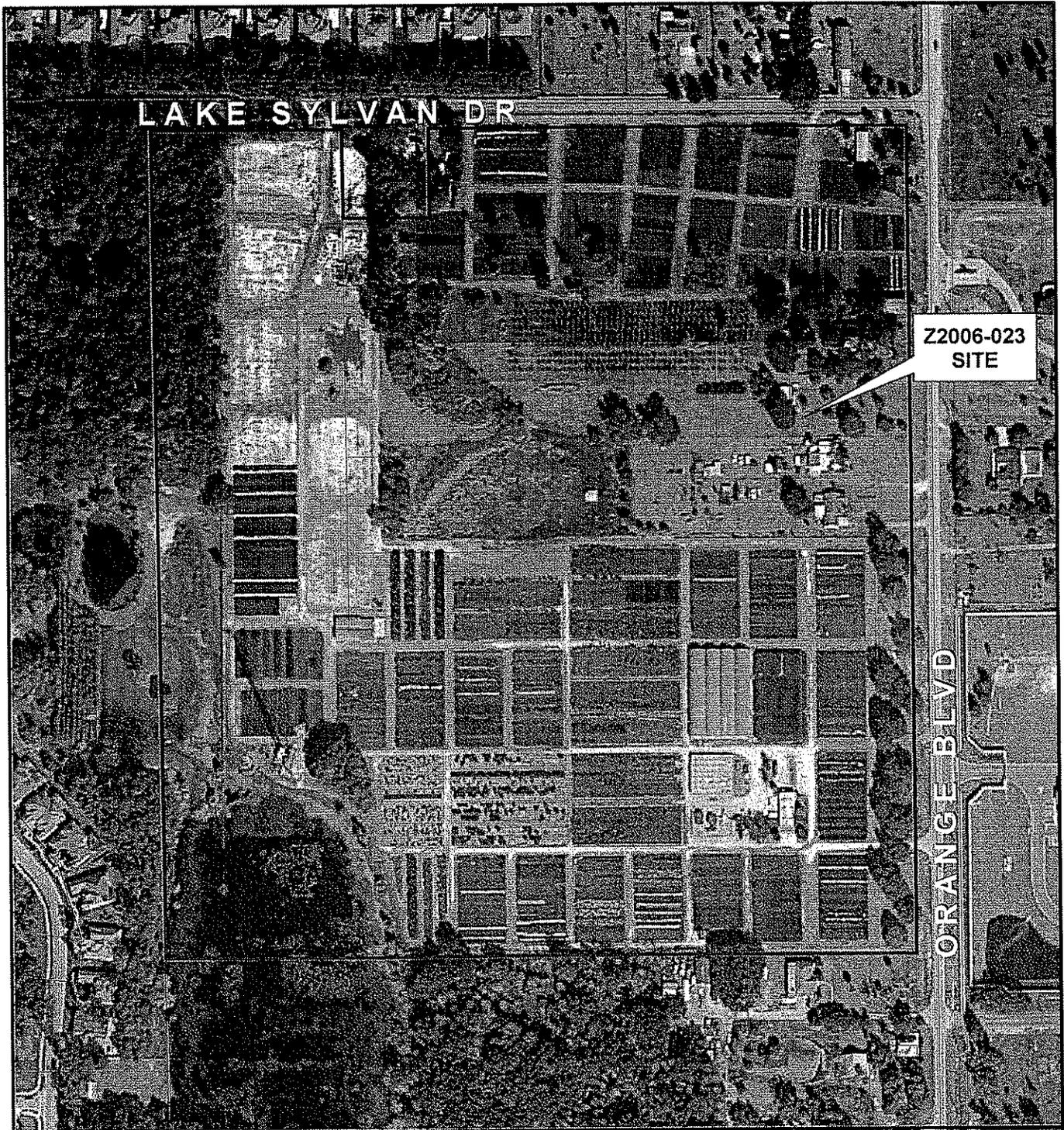
Site  
  Municipality  
 LDR  SE  PD  HIPTI  PUBS  CONS

Applicant: Steve Valentine  
 Physical STR: 19-29-36  
 Gross Acres: 54.76 acres +/- BCC District: 5  
 Existing Use: Mixed Uses  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	06F.FLU01	SE	PD
Zoning	Z2006-023	A-1	PUD



A-1  
  R-1AAA  
  PUD  
  FP-1  
  W-1



FLU No: 06F.FLU01  
From: SE To: PD  
Rezone No: Z2006-023  
From: A-1 To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials



**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On August 08, 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:** Steve Valentine  
718 Garden Plaza  
Orlando, FL 32803

**Project Name:** Orange Boulevard / Steve Valentine PUD, Rezone & Large Scale Land Use Amendment.

**Requested Development Approval:** Rezoning from A-1 (Agriculture) zoning classification to PUD (Planned Unit Development) zoning classification

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: Michael Rumer, Senior Planner  
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:

Standard Conditions:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. Permitted uses shall be single-family dwelling, home offices, home occupations.
- d. All landscape buffers and common areas shall be maintained by a homeowners association.
- e. 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.

Project Specific Conditions:

- a. Existing agriculture uses and the wholesale nursery, shall remain permitted uses until issuance of the site development permit for the final engineering plans.
- b. Existing Cell Tower shall be removed prior to the recording of the final plat.
- c. The minimum size of a residential unit shall be 2,200 square feet, excluding porches, garages, and other appurtenances.
- d. The project shall utilize clustering on site for the purposes of preserving wetlands, rare upland habitats, and karst features.
- e. The encroachment into or the placement or deposit of fill within the one hundred (100) year floodplain is prohibited.
- f. A Conservation Easement dedicated to Seminole County will be required over all wetlands and require a 50-foot average, 25-foot minimum upland buffers from wetland areas and karst features.
- g. Restoration and/or preservation of hydrologic regimes shall be required.
- h. Maintenance of undisturbed natural vegetation in site design as a means to provide preservation of native habitats and greenway systems shall be required.
- i. Preserve a minimum of 50% of the existing trees on site.
- j. A minimum of 40% common open space shall be provided.

- k. Access to the subdivision shall be from South Lake Sylvan Drive.
- l. The buffer adjacent to Orange Boulevard shall be a minimum of 50-feet in width with a 25-foot easement located at the rear of the lots adjacent to the 50-foot buffer and dedicated to the HOA resulting in a 75-foot buffer.
- m. A buffer shall be located adjacent to South Lake Sylvan Drive with a width of 50-feet except areas where the required right-of-way improvements require additional right-of-way dedication.
- n. The maximum number of dwelling units shall not exceed 109 units and net residential density shall be no more than 2.5 dwelling units per net buildable acre.
- o. The Development shall connect to the County's water and central sewer service and install residential reclaim water lines. The lines are to be charged with potable water until reclaimed water is available.
- p. Accessory buildings exceeding two-hundred (200) sq. ft. in size and /or twelve (12) ft. in height shall meet all of the setback requirements applicable to the main residence.
- q. A 6-foot high brick or masonry wall is required to be located on the perimeter of the property, except where wetlands and karst features are present.
- r. The following setback standards shall apply to the individual single-family homes:

Minimum Lot size	9,000 sq. ft.
Minimum Lot width	75 feet
Main Residence Front Yard Setback	20 feet
Main Residence Side Yard Setback	7.5 feet
Main Residence (Street) Side Yard Setback	15 feet
Main Residence Rear Yard Setback	15 feet
Accessory Structures Rear	10 feet
Pool Edge Rear	7.5 feet
Pool Edge Side	10 feet
Pool Enclosure Rear	5 feet
Pool Enclosure Side	7.5 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: \_\_\_\_\_  
Carlton D. Henley  
Chairman, Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Thomas F. Beckel, 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

\_\_\_\_\_  
Thomas F. Beckel

\_\_\_\_\_  
Witness

**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 Thomas Beckel who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

My Commission Expires:







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) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 documents titled Orange Boulevard / Steve Valentine PUD, Rezone & Large Scale Land Use Amendment.

(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) to PUD (Planned Unit Development):

COMMENCE AT THE NORTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; THENCE S00°00'00"W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 33.00 FEET; THENCE N89°50'00"W A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORANGE BOULEVARD AND FOR A POINT OF BEGINNING; THENCE S00°00'00"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1709.41 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK A, TOWN OF PAOLA, AS RECORDED IN PLAT BOOK 1, PAGE 4, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N89°50'00"W ALONG THE NORTH LINE OF SAID BLOCK A, TOWN OF PAOLA, A DISTANCE OF 1413.96 FEET; THENCE N00°18'00"E A DISTANCE OF 1709.40 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 323.00 FEET; TO THE WEST LINE OF LOT 1, TROVE PARK, AS RECORDED IN PLAT BOOK 4, PAGE 76, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE S00°00'00"W ALONG SAID WEST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE S89°50'00"E ALONG SAID SOUTH LINE A DISTANCE OF 150.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N00°00'00"E ALONG SAID EAST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 932.01 FEET TO THE POINTOFBEGINNING.

**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 # 06-20500004 in the Official Land Records of Seminole County.

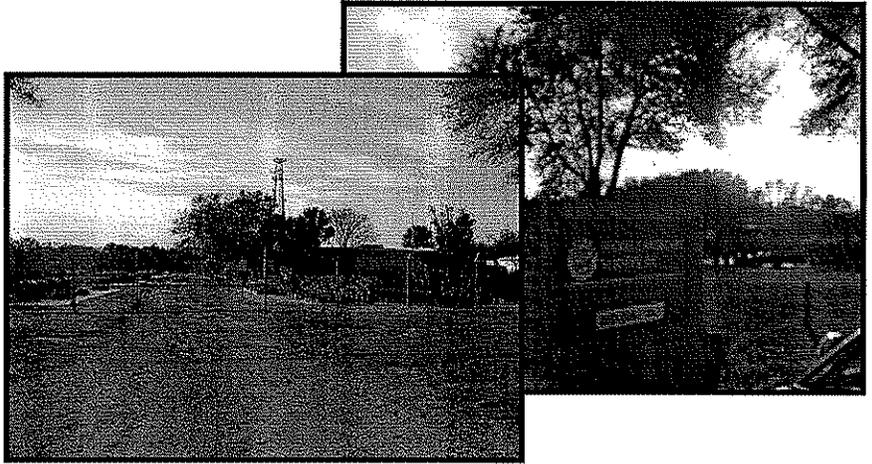
ENACTED this 8th day of August, 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

## **Justification Statement**

**Project Description:** The subject property is approximately 54.76 acres (43.6 of which is developable) and is located at the SW intersection of Orange Boulevard and South Sylvan Lake Drive south of S.R. 46. The applicant is requesting a large scale future land use amendment



to Planned Development (PD) and a rezone to Planned Unit Development (PUD) in order to develop a 109 lot single family residential subdivision with a maximum net density of 2.5 du/acre. The applicant is seeking a net density increase from 1 du/acre to 2.5 du/acre in accordance with FLU Policy 14.2. The typical lot size will be 9,000 sq. ft. with a lot width of 75 feet. Lots 24-32 will be 75' x 145' with a 25' easement along the east side of the lots. The minimum house size (heated space) shall be 2,200 square feet. Home prices (including the lot) will range from \$800,000-\$1,000,000. The internal subdivision streets shall be private.

**Traffic:** According to Seminole County Development Review Division, Orange Blvd. is operating at a LOS A with 9,022 trips per day. The adopted level of service for Orange Blvd. is E, which allows up to 19,360 trips per day.

**Environmental:** According to Rod Shultz, Environmental Scientist. E.D., the upland habitat can be developed without impacting threatened, endangered or species of special concern. Mr. Shultz's site visit did not reveal the presence of any threatened, endangered or species of special concern inhabiting the subject site. He believes this is primarily because of the agricultural (i.e. ornamental nursery) activities, lack of any significant native habitat and because it is not connected or contiguous to any other native landscape habitat. Please see the attached environmental report from Ark Environmental Consulting.

**Current Entitlements:** Under the property's current future land use and zoning categories it could be developed with one (1) acre lots that would permit agricultural uses such as churches, elementary schools and the raising of live stock such as pigs, cows, and chickens. The property's current zoning designation of A-1 would allow the

property to be platted into 1 acre lots with the use of septic tanks resulting in possibly no common open space/greenway corridors or tree preservation. Under A-1 zoning lots could be platted into wetland areas and the site could be subdivided into approximately 43 lots with 20% of the acreage used for infrastructure. Please see the table below for a comparison of impacts.

<b>Development Impact Comparison</b>					
	Population*	Students	Traffic/ADT	Water/GPD	Sewer/GPD
Current A-1 Zoning/ 43 Lots	108	21	412	15,050	12,900
Proposed PUD Zoning/109 lots	274	53	1043	38,150	32,700
<b>Net Increase in Impact</b>	<b>166</b>	<b>32</b>	<b>631</b>	<b>23,100</b>	<b>19,800</b>

Source: Per Seminole County Planning Division Generation Spreadsheet

\* # of lots multiplied by 2.51 per Seminole County

Although, the proposed development will increase impacts to services and infrastructure it will have less impact on natural resources and is environmentally preferable for the following qualitative reasons:

- Sewage generated will be managed with central sewer rather than septic tanks where it is disposed of directly into the ground.
- Trees will be preserved with buffers.
- Wetlands will be preserved to the maximum extent possible and protected with buffers.
- Open space is increased to over 40%.
- Roadways are buffered and setbacks from roadways are increased.

Qualitative Impact Comparison						
	Buffers	Accessory Structures	Opens Space	Reclaim Water Use	Tree Preservation	Platting into wetlands
Current Zoning (A-1)	None required	Permitted in front yards and pools/enclosures could be as close as 7.5 ft. from the property line	0%	No	1 acre platted lots are exempt from the Arbor Ordinance	Could plat into wetlands
Proposed Zoning (PUD)	50' & 75' buffers	Accessory structures will be buffered from ROW's by the 50' buffers	40%	Yes	Trees to be preserved in buffers and open space tracts	Wetlands are protected & have upland buffers

**Comprehensive Plan:** The subject property is located within the East Lake Sylvan Transitional Area of the Wekiva River Protection Area (WRPA); therefore, it is not subject to the Wekiva River Protection Area Environmental Design Standards. However, the proposed plan exceeds minimum code requirements and is designed to comply with the **Wekiva River Protection Area Environmental Design Standards Sec. 30.1114** by:

- Providing a 50 ft. upland buffer around wetland areas;
- Minimal to no impacts to wetlands;
- Proposing no filling of the flood plain and;
- Preserving a minimum of 50% of the existing trees on site.

The request is consistent with the Future Land Use Element Plan Amendment Standards of Review for amendments within the **East Lake Sylvan Transitional Area** because:

- It proposes a maximum density of 2.5 du/acre
- The request is for PD future land use and PUD zoning
- The gross acreage of the site exceeds 30 acres

The request is consistent with the following Goals, Objectives, and Policies of the Seminole County Comprehensive Plan:

- **Policy FLU 14.2 Recognition of the East Lake Sylvan Transitional Area:**

The proposed amendment is in compliance with Policy FLU 14.2 because the anticipated development will have less impact on natural resources than low density residential development at one (1) dwelling unit per net buildable acre for the following reasons:

1. The subject property is currently a wholesale plant nursery that utilizes commercial grade fertilizers and pesticides. With the development of a single family subdivision the use of these chemicals will be drastically decreased.



2. The existing wetlands on site are not protected from untreated run off and there is no stormwater treatment system in place. Therefore, run off from the site goes directly into the lake and wetland areas. With development of the site a stormwater system will be put in place that will treat stormwater run-off before it discharges into any wetlands.
3. With the development of the site as single family residential subdivision with 2.5 du/acre instead of 1 du/acre, the development will be clustered to protect environmentally sensitive areas and create upland buffers adjacent to wetland areas.
4. With the development of the site as single family residential subdivision with 2.5 du/acre instead of 1 du/acre central water and sewer and reclaimed water will be utilized as opposed to well and septic which is permitted on 1 acre lots. The use of reclaim water will decrease the impact to potable water usage.
5. Efforts will be made to preserve existing trees along Orange Blvd. and S. Sylvan Lake Drive in buffers. A minimum of 50% of the existing trees on site are to be preserved. Trees will be preserved in a buffer dedicated to the

Home Owner's Association (HOA) or in an easement dedicated to the HOA.

6. Please see attached Wekiva Consistency Form.

- **Issue FLU 3**

According to the Future Land Use Element of Seminole County's Comprehensive Plan **Issue FLU 3**, per the adopted Future Land Use map it is projected that between 2015 and 2020 the County will experience a shortage of vacant developable land for single family and multi-family development and among options available to address this shortage includes amending the plan to allow



increased densities within existing residential designations. The proposed amendment will increase the density from 1 du/acre to 2.5 du/acre thus helping to alleviate projected shortages of single family residential.

- **Policy FLU 15.2 Wekiva Study Area Natural Resource Protection and Policy CON 3.7 Open Space Regulation**

The subject request is consistent with FLU Policy 15.2 and CON Policy 3.7 because it protects open space by providing over 40% open space which is well above the required 25% for a planned development.

- **Policy FLU 15.2 Wekiva Study Area Natural Resource Protection**

The proposed amendment is also consistent with FLU Policy 15.2 because the anticipated development preserves the Karst Features on site and provides a 50 ft. buffer around the Karst areas.

- **Policy FLU 2.11 Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications**

The proposed land use amendment is consistent with FLU Policy 2.11 because the development standards of the PUD are compatible with adjacent development in the area. The proposed lot size and buffer of 50' along S. Sylvan Lake Drive makes the proposed subdivision consistent with Buckingham Estates to the West and Berington Club to the north. Lots along S. Sylvan Lake Drive within Buckingham Estates are 75' x 120', which is consistent with the proposed lot size of this request. In addition, since there are existing single family homes in the area the proposed subdivision is more compatible with surrounding uses than agricultural uses permitted under the property's current zoning classification.



- **Policy CON 3.8 PUD/Cluster Developments**

The County shall encourage planned unit developments and cluster type developments in order to preserve large contiguous areas of wetland and other environmentally sensitive communities. The proposed amendment is consistent with Policy CON 3.8 because it is proposing a PUD zoning that protects the wetland areas. The lots are proposed on the upland areas of the site and the wetland areas are protected with buffers.

- **Policy FLU 15.3 Wekiva Study Area Cluster Development Standards**

The proposed development implements FLU Policy 15.3 by proposing a cluster development to protect the wetlands, flood prone areas and karst features on site.

- **Policy SAN 14.1.1 River Protection Areas**

The County shall continue to require the use of central sewer for all new subdivisions consistent with Section 381.0065, Florida Statutes and Chapter 64E-6, F.A.C. within the statutory Wekiva River Protection Area or if a similar provisions is enacted by Federal, State or local law, rule or regulation. The proposed subdivision implements policy SAN 1.1 since it will connect to central sewer minimizing potential adverse water quality impacts that would otherwise be caused with the use of individual septic systems permitted with one (1) acre lots.

**Consistency with the Urban Sprawl Rule:** The following statements address the application of each sprawl indicator listed below to the proposed comprehensive plan amendment.

**Rule 9J-5.006.5.1:**

The proposed amendment does promote a higher density development than what would be permitted under its current zoning classification.

**Rule 9J-5.006.5.2:**

The proposed land use amendment does not promote significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas. Nor does the proposed land use amendment promote leaping over undeveloped land. The property is located adjacent to a north/south collector (Orange Blvd.) connecting to two major arterials SR 46 and SR 46A. The subject property is located in the urban area and has urban development surrounding it. The proposed development could be classified as infill.

**Rule 9J-5.006.5.3:**

The proposed amendment does not promote radial, strip, or isolated development patterns.

**Rule 9J-5.006.5.4:**

The proposed land use amendment will not result in any negative impacts to the natural resources of the property. Development of the property is subject to the St. John's River Water Management District's and Seminole County's rules and regulations which govern wetlands, floodplains, and impacts associated with stormwater management. The proposed subdivision exceeds the requirements of the environmental regulations.

**Rule 9J-5.006.5.5:**

The proposed amendment does not negatively impact adjacent agricultural areas and activities. Development of the property will be subject to the County's land development regulations for stormwater management, resulting in no negative off-site impacts.

**Rule 9J-5.006.5.6:**

Development of the property will utilize existing public facilities and services. The water plant is directly across the street from the subject property.

**Rule 9J-5.006.5.7:**

Development of the property will utilize future public facilities and services including reclaim water. The County has also programmed to 3-lane Orange Blvd.

**Rule 9J-5.006.5.8:**

The proposed amendment will not result in any negative impacts to the County's infrastructure. Development of the property does not allow for land use patterns or timing that disproportionately increases the cost in time, money and energy, of providing and maintaining facilities and services.

**Rule 9J-5.006.5.9:**

The proposed amendment does not impact the separation between urban and rural uses. The property is located in an urban area of the County. The property is bordered by other single family residential subdivisions with similar densities.

**Rule 9J-5.006.5.10:**

The proposed amendment does not discourage infill development or the redevelopment of existing neighborhoods.

**Rule 9J-5.006.5.12:**

The proposed amendment does not result in poor accessibility. Access shall be provided on S. Sylvan Lake Drive, which connects to Orange Blvd.

**Rule 9J-5.006.5.13:**

The proposed amendment does not result in the loss of significant amounts of open space. Development of the property will be subject to the City's land development regulations for required open space, stormwater management, and buffers. In addition, open space requirements shall be exceeded.

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/  
PLANNING & ZONING COMMISSION  
JULY 12, 2006**

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

**Absent:** Dudley Bates

**Also present:** Tony Walter, Planning Manager; Tina Williamson, Principal Coordinator; Candace Lindlaw-Hudson, Senior Staff Assistant; Ben Dunn, Senior Planner; Michael Rumer, Senior Planner; Ian Sikonia, Planner; Sheryl Stolzenberg, Principal Coordinator; Jeffrey Hopper, Senior Planner; and Dick Boyer, Senior Planner and K. Furey-Tran, Assistant County Attorney.

**Orange Boulevard / Steve Valentine PUD; Steve Valentine, JTC Development, applicant;** 54 +/- acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southwest corner of South Sylvan Lake Drive and Orange Boulevard. (Z2006-23 /06f.Flu01)

Commissioner Carey – District 5  
Michael Rumer, Senior Planner

Michael Rumer presented the request for a Large Scale Land Use Amendment from Suburban Estates to Planned Development and rezone of 54 acres from A-1 (Agriculture District) to PUD (Planned Unit Development). The proposed use is 109 single-family homes at a maximum density of 2.5 dwelling units per net buildable acre. Lots will be a minimum of 9,000 square feet and 75 feet in width. The lots will be serviced by water and sewer provided by Seminole County. The property is located within the East Lake Sylvan Transitional Area which permits a residential density greater than one unit per net buildable acre if said proposal complies with each of the following standards:

- The maximum allowable residential density upon parcels shall not exceed 2.5 dwelling units per net buildable acre.
- Plan amendments shall be to the Planned Development future land use designation with a associated PUD (Planned Unit Development) zoning classification.
- Properties must contain a gross acreage of not less than thirty acres in size.
- The applicant shall be required to submit documentation demonstrating the natural resources are protected and that the project shall not exceed a maximum density of two and one-half (2.5) dwelling units per net buildable acre.

- All conditions necessary for compliance with these standards shall be placed in the subdivision's covenants and restrictions, which shall be recorded in the official land records of Seminole County and which will provide for enforcement of the restrictions by the mandatory homeowners association established to govern the subject property.

Staff has determined that the Preliminary Master Plan and Development Order conditions are consistent with the clustering provision within the East Lake Sylvan Transitional Area and has no opposition to the land use and rezoning request.

Mr. Rumer summarized where this project would go after this public hearing: on August 8 there is a public hearing with the Board of County Commissioners (BCC). This will be to ask for approval to transmit the proposed Large Scale Land Use Amendment to the Department of Community Affairs for comment. Next, staff will receive comments back from the State by November and another public hearing will be held with the BCC in December to adopt the Land Use Amendment and change of zoning.

Mr. Rumer noted two changes on the Development Order: under the project specific conditions: Item E will have a period after "the one hundred year flood plain" and the following words deleted. Also, Letter M: the buffer next to S. Lake Sylvan Drive may be less than 50 feet, depending on what is determined.

Matthew West represented the applicant. He stated that the trees along Orange Boulevard will be preserved. The majority of the subject property is currently a nursery that has been there for many years. Most of the property has been cleared. The property is in the East Lake Sylvan Transitional Area. The lots are sized similarly to the Buckingham PUD to the south, with minimum lot dimensions of 75' by 120'. The applicant has made every effort to comply with the standards for the Wekiva River Protection Area, even though this is not required. The applicant will be saving more than 50% of the trees on the property. The existing communication tower will be removed from the site. There will be no impact to the flood plain and minor impact to wetland area. More than 40% of the open space is preserved. There will be private internal roads. The Karst features will be protected. Stormwater treatment will be provided.

Mr. West stated that the applicant has met with the Barrington Club homeowners. On one side of the site is a water plant. The entrance will be on S. Lake Sylvan Drive. The applicant is working with the staff concerning access to Orange Blvd. The nearby trail will have access for the neighborhood. There will be sidewalks along S. Lake Sylvan Drive and Orange Boulevard. Mr. West said that the applicant is working with the schools on mitigation.

George Kosmac from Seminole County School Board said that staff now has a protocol with the School Board to assess impacts of development on the schools. He stated that the middle school students generated by this development would be able to be absorbed into the existing schools. The students for elementary and high schools cannot be absorbed without use of portables or reduction in the level of service on the effected campus. There are no expected expansions in the 5-year plan to provide extra student capacity. If the Board recommends approval, the developer has volunteered to provide mitigation to the School Board. This will be presented to the BCC at their next meeting.

Jack Owen owns 10 acres on the west side of the subject property. He has lived there for 40 years. He needs a wall along the 1320 feet of land that abuts this project to keep out children from his farm equipment. He is also concerned about drainage. The property drains to the west. He is in the lowlands. There is a fish pond on his land.

Commissioner Tucker said that the drainage question is being addressed.

Barry Smith, President of the Barrington Club HOA, said that he had met with the consultant and has talked to the neighbors. They want responsible growth. He said that the Buckingham neighborhood has 11,000 square foot lots and that other surrounding neighborhoods were R-1AAA. 9,000 square foot lots are too small and not compatible with the area. He would like to see 11,000 square foot lots.

John Dwyer also lives in Barrington Club. He said that he has no problem with growth. He is concerned with the lot size and setbacks. He is concerned with the compatibility with other neighborhoods. 75-foot, 9,000 square foot lots, are not compatible. 7.5-foot side setbacks for a two-story home are not enough.

Richard Gauss of Terra Boa Court said that he owns the property to the south, including "Pearl Lake." He has a problem with flooding. He wants the storm water self contained. He does not want the retention pond overflowing into Pearl Lake. Mr. Gauss said that he raises horses and has tractors and farm equipment that could be attractive to children. He wants a wall between properties. He would like to know where the water is going. He has not been addressed by the developer. He wanted to know if there was to be a 50 foot buffer between properties.

Jessica Ricksiedler said that this will set a precedent for smaller lots. Buckingham development has 11,000 square foot lots. She was concerned about the value of the homes.

Bernard Hart lives on Orange Boulevard. He said that he and his wife Jo are concerned about traffic increases in the area and the drainage issues. There does not seem to be anywhere for the run-off water to go.

Mark Schreider owns 7 acres on the corner of Lake Markham Road. He chose to live there because the lots were large. He thought it was one home per acre. He stated that the roads in the area could not be widened. The developer knew what they were buying when they bought the land.

Wade Jefferson lives on South Sylvan Lake Drive. The road is flooding now. Run off here will go to Sylvan Lake.

Commissioner Tucker asked Matthew West to address the following concerns: the fence, the retention pond, compatibility, 50-foot buffer, setbacks from A-1 district, and the issue of 2-story homes.

Matt West said that lot sizes in Buckingham are 75' by 120' and 90 by 130 feet.

Tony Walter said that the final master plan has some larger lots in the center.

Mr. West said that a screen enclosure can be 5 feet from the property lines. Houses will be further back from the road. Trees in the buffers are to be left. There will be a HOA to protect the trees. The project allows for buffers and landscaping, providing more than required for compatibility.

Mr. West said that "seed money" can help projects move up on the list for participation in the 5 year schedule. There is not an increased impact fee, but the applicant will give "seed money".

Mr. West said that the roads are on level of service A. The County will be 3-lane-ing Orange Boulevard. This project does access Orange Boulevard at Sylvan Lake Road and Orange Boulevard. They do not want to put another curb cut into the Orange Boulevard traffic pattern.

In the year 2000 the Comprehensive Plan was revised to say that this area is a transitional area, with up to 2.5 units per acre to be allowed, with appropriate setbacks. There will be a greater setback than A-1 zoning would require. The home values in this project are to be around \$700,000.

Commissioner Tucker asked about setbacks along Mr. Gauss's property.

Matt West said that there would be a wall or landscaping by the Gauss property. There will be one and two-story homes with a minimum size of 2,200 square feet under heat and air. There are no home lots adjacent to the south property line. There is common property with various uses there.

Jean Abi-Aoun, of Florida Engineering Group, stated that home prices would range from \$600,000. to \$ 1 million. Mr. Valentine wants the highest level of development here. He said that the drainage moves to the southwest. The site will drain to into two drainage ponds, which will hold the 100 year flood.

Commissioner Hattaway asked about open space. Is the 2.4 acre pond included in the calculation? Will it overflow into Pearl Lake?

Mr. Abi-Aoun said that the pond will be a dry one and is included in the calculations. It will percolate into Pearl Lake. Commissioner Carey is very concerned about the drainage on this project.

Commissioner Brown asked about the stormwater pop-off.

Mr. Abi-Aoun said that the site will hold all of the storm water.

Commissioner Wolf asked how the retention ponds were to be handled.

Mr. Abi-Aoun said that the ponds would be amenitized with a trail around each.

Commissioner Brown asked how the northeast corner's recreation area would be accessed.

Mr. Abi-Aoun said that the area would be accessed by a 20 foot path opening at the end of the northern cul de sac.

Mr. West said that in the Lot Compatibility Ordinance, a buffer required here would be a 25-foot buffer. This project provides more than a 25 foot buffer along Lake Sylvan Road and preserves the trees. There will be one canopy tree per 100 feet. The same is true along Orange Boulevard.

Commissioner Tucker asked about the height of the wall around the water plant.

Mr. West stated that he believed the wall is 10 feet high with the wire in excess of the 10 feet tall wall. Heights of walls are negotiated.

The public hearing was closed.

Commissioner Brown said that the clustering will preserve open space and Karst features in the land, but the appearance of the lots is smaller, thus creating confusion.

Commissioner Wolf asked if the 40% open space included roads.

Mr. Rumer stated that it includes buffers and storm water.

Commissioner Brodeur said that the issues become a “buyer beware” as the project develops.

Commissioner Brown said that the public should be educated on this lot size issue as being part of a unique development to retain features.

Commissioner Brodeur said that the applicant is also going along with the Wekiva Protection Act, even though they don't have to. The issue is, though, when all is done, will the public realize this. They will have the perception of the smaller lots.

Commissioner Tucker said that lot sizes today are not what they used to be. A larger lot does not automatically raise value. It is what goes on the lot and how it is landscaped and so forth is what adds to value. Lesser density preserves area and helps with drainage.

Commissioner Brown said that that is true. 54 to 40 homes, at one unit per acre, would be an environmental disaster.

Commissioner Wolf asked if the engineering department would enforce the drainage or who would?

Commissioner Tucker said that the engineering specifications are to make the containment as required. There may be retention ponds, detention ponds or wells.

Commissioner Wolf asked about the height of the wall around the water plant.

Commissioner Tucker said that the water treatment plant is totally out of place there.

Commissioner Wolf said that clustering was good for the community.

Commissioner Hattaway said that clustering is not new. Baldwin Park is one example of this. A million dollar home will not devalue anyone's property. This is trying to preserve land.

**Commissioner Brown made a motion to recommend transmittal.**

**Commissioner Wolf seconded the motion.**

Commissioner Tucker asked to have the language restated for the Development Order changes.

Mr. Rumer said that Item E is to read: “Encroachment into or the placement or deposit of fill within the 100 year flood plain is prohibited.” And Item M will read:

"The buffer adjacent to South Lake Sylvan Drive shall be a maximum of 50 feet in width, depending on right-of-way improvements. "

**Commissioner Brown made an amendment to the motion with the inclusion of a wall along the westerly boundary adjoining the Gauss property, and to the south, not into the Karst features.**

**Commissioner Tucker asked Mr. Rumer if the wall should be addressed now, or will it be in the PUD agreement.**

**Mr. Rumer said that the wall had been addressed at the hearing and that the applicant is agreeing to the placement of the wall on the south and west sides, at a height of 6 feet.**

**Commissioner Brown said that he would amend his motion to include the wall as stipulated above.**

**Commissioner Wolf seconded the motion as amended.**

Commissioner Eismann asked about the School Board issue. Had that been covered adequately?

Commissioner Tucker said that the applicant has agreed to do mitigation above impact fees.

Mike Rigby, Planner for the School Board, said that the mitigation could be included as a condition for approval.

**Commissioner Brown made an amendment his motion to include the applicant addressing the mitigation as discussed at this meeting.**

**Commissioner Wolf seconded the amendment.**

Commissioner Brodeur said that he had questions to be answered by the School Board outside of this meeting. He would like to know how 130 – 140 % capacity can be the norm for schools in the future, with the addition of another 20,000 people to the area in the next five years. When does the School Board determine that it is time for a new school? How much lead time does it take to put up a new school? The school has to reach over 100 % capacity before planning can begin for a new school. If this county is growing at the top of growth in the state.

Commissioner Tucker asked about enrollment figures for the schools.

George Kosmac said that it is too early to tell, but the projections are for 67,000 students. Kindergarten students generally enroll at the opening of school. 2/3 of

the schools are currently overcrowded. This could expand. Surveys of the schools are done in October and February to determine funding. The northwest portion of the county is growing the fastest. Some schools are overcrowded. The high school, Seminole High School, is almost at capacity. We are moving 4 portable classrooms out there next week. Permission to build comes from the state. They give money to the county and tell how to use it. The state also tells the state how to use the local tax money. That is the bulk of the revenue for building. Right now they are telling us that we do not need a high school. This is a dilemma.

Commissioner Wolf pointed out that Seminole High School is at 140% of capacity right now.

George Kosmac said that the figures drop to 115% when portable classrooms are included. Even counting portables, there will be in excess of 120%. With the rejuvenation of Seminole High School, we are seeing a huge increase in the number of students coming into Seminole High School.

**The vote was 6 – 0 in favor of the motion as stated and amended.**