

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Long Pond PUD Final Master Plan

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Michael Rumer ^{MR} EXT. 7431

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

MOTION/RECOMMENDATION:

- APPROVE** the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for the Long Pond PUD, consisting of 51 ± acres and located on north side of Long Pond Road, 0.6 mile east of Markham Woods Road, adjacent to west side of I-4, based on staff findings (Dennis Casey, Rockwell Development Inc., applicant); or
- DENY** the Final Master Plan for the Long Pond PUD, consisting of 51 ± acres and located on north side of Long Pond Road, 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (Dennis Casey, Rockwell Development Inc., applicant); or
- CONTINUE** the request until a time and date certain.

District 5 – Comm. Carey Michael Rumer, Senior Planner

BACKGROUND:

The applicant is seeking Final Master Plan approval for a 48 lot single-family residential subdivision with a net density of 1.0 unit per net buildable acre. The applicant obtained rezoning approval from A-1 to PUD on October 25, 2005. Staff finds that the proposed Final Master Plan and Developer's Commitment Agreement provided by the applicant comply with all of the conditions contained in the approved development order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Master Plan and execution of the Developer's Commitment Agreement for the Long Pond PUD, consisting of 51 ± acres and located on north side of Long Pond Road, 0.6 mile east of Markham Woods Road, adjacent to west side of I-4, based on staff findings.

Reviewed by:	
Co Atty:	<u>KFT</u>
DFS:	
OTHER:	<u>DR</u>
DCM:	<u>MR</u>
CM:	<u>etc</u>
File No.	<u>rpdp06</u>

ATTACHMENTS:

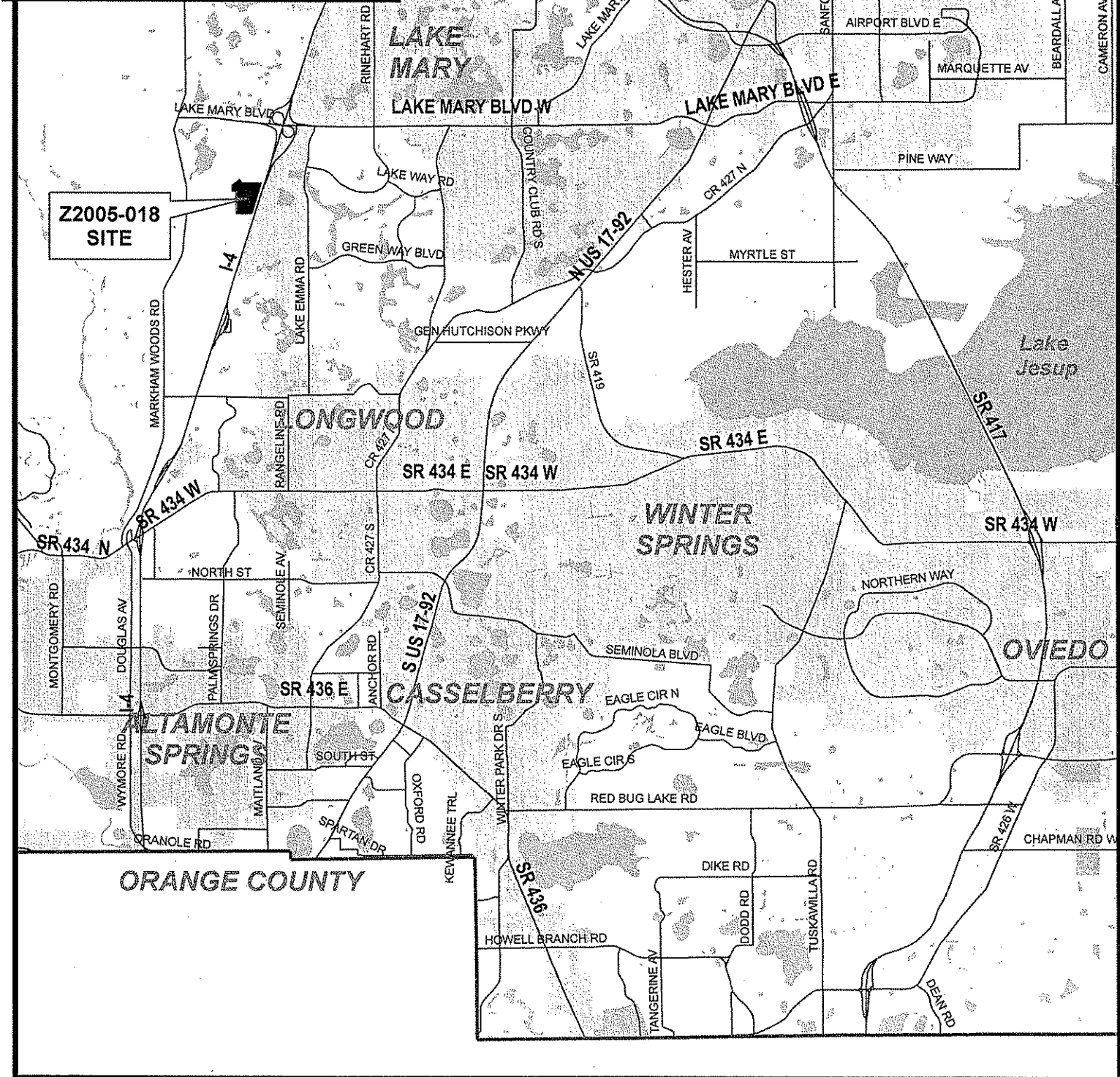
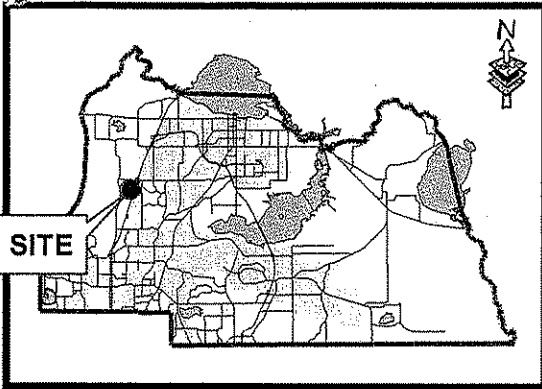
Location Map

Final Master Plan

Developer's Commitment Agreement

Approved Development Order # 05-23000002.

October 25, 2005 BCC Minutes



FINAL MASTER PLAN FOR LONG POND SUBDIVISION SEMINOLE COUNTY, FLORIDA

PROJECT INFORMATION

SURVEYOR: SEARS SURVEYING COMPANY
2007 N. PARK AVENUE
WINTER PARK, FLORIDA 32789
407-969-8200

NO.: 110

ZONING: R10

FUTURE LAND USE: SUBURBAN ESTATE

SITE AREA: 51.443 ACRES

PROPOSED DEVELOPMENT: 48 SINGLE FAMILY LOTS

MINIMUM LOT SIZE: 120' X 175' (21.48 ACRES)

GROSS DENSITY: 0.83 LOTS/ACRE (48 LOTS/51.443 ACRES)

NET DENSITY: 31.44 ACRES
- 3.23 ACRES (PROPOSED 30' R/W)
47.91 ACRES (NET PROJECT AREA)

BUILDING SETBACKS: 30' - FRONT
10' - SIDE
15' - REAR
25' - SIDE (STREET)

OPEN SPACE: 3.09 ACRES OPEN SPACE / BUFFERS
11.12 ACRES STORMWATER AREAS
14.21 ACRES OPEN SPACE (27.43%)

NOTE: STORMWATER AREAS SHALL BE LANDSCAPED/AUGMENTED PER SECTION 30.1344, LAND DEVELOPMENT CODE.

POTABLE WATER SERVICE: SEMINOLE COUNTY (48 LOTS X 330 GPD = 15,840 GPD)

FIRE PROTECTION: SEMINOLE COUNTY (500 GPM / 20 PSI RESIDUAL)

SEWER SERVICE: SEMINOLE COUNTY (48 LOTS X 300 GPD = 14,400 GPD)

EXIST. LAND USE: VACANT

EXIST. VEGETATION: PASTURE GRASS / SCATTERED TREES

CONSERVATION AREA: N/A

FLOOD ZONE: ZONE "X" (AREAS OF UNUSUAL FLOODING), FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL # 12028B 0130 E, SEMINOLE COUNTY, FLORIDA, EFFECTIVE DATE APRIL 17, 1995

APRIL, 2006

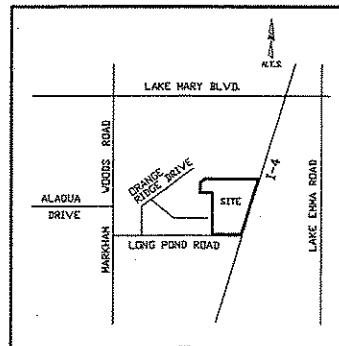
OWNER/DEVELOPER:
ROCKWELL DEVELOPMENT, INC.

1017 EAST SOUTH STREET, SUITE B
ORLANDO, FLORIDA 32801
407-565-5678

ENGINEER:
GEORGE GARRETT P.E.

P.O. BOX 831085
ORLANDO, FLORIDA 32853
407-298-5882

VICINITY MAP



PARCEL ID: 13-20-29-300-005B-0000

LEGAL DESCRIPTION:

A PORTION OF LAND IN THE SOUTH 1/2 OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 20 EAST, SEMINOLE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK "C", GARDENWAY PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 75 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS A POINT OF REFERENCE; SAID POINT BEING ON THE WEST FRONT OF WAY LINE OF STATE ROAD No. 400; THENCE RUN S 17°04' W, ALONG SAID WEST FRONT OF WAY LINE, 80.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N 89°52' 15" W, 100.00 FEET; THENCE RUN N 57°04' 15" W, 216.65 FEET TO THE EASTERLY CORNER OF WAY LINE OF SEMINOLE MEDICAL TRAIL (A 60' FRONT OF WAY); THENCE RUN S 87°04' 15" W, ALONG SAID EASTERLY FRONT OF WAY LINE, 50.00 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 13; THENCE RUN S 01°13' 15" E, ALONG SAID WEST LINE, 100.00 FEET TO THE NORTH LINE OF ORANGE BONE PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 114 OF THE SEMINOLE COUNTY PUBLIC RECORDS; THENCE RUN N 89°52' 15" W, ALONG SAID NORTH LINE, 215.16 FEET TO THE EAST LINE OF SAID TRAIL; THENCE RUN N 89°52' 15" W, ALONG SAID EAST LINE, 100.00 FEET TO THE NORTH FRONT OF WAY LINE OF LONG POND ROAD (A 60' FRONT OF WAY); THENCE RUN N 89°52' 15" W, ALONG SAID NORTH FRONT OF WAY LINE, 80.00 FEET TO THE INTERSECTION WEST FRONT OF WAY OF STATE ROAD No. 400; THENCE RUN N 17°04' 15" W, ALONG SAID WEST FRONT OF WAY, 138.78 FEET; THENCE RUN N 17°04' 15" W, CORNERING ALONG SAID WEST FRONT OF WAY, 127.37 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 51.443 ACRES MORE OR LESS.

TABLE OF CONTENTS

SHEET	TITLE
1	COVER SHEET
2	MASTER LAND USE PLAN
3-6	SITE DEVELOPMENT PLAN
7	PROJECT DETAILS
8	OFF-SITE SANITARY SEWER
9	AERIAL PHOTO
10	BOUNDARY SURVEY LANDSCAPE PLANS

REVISIONS:

8-11-06 REVISED PER OMC MEETING 8-17-06

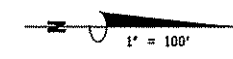
DEVELOPMENT ORDER #5-23000002

- A. PERMITTED USES SHALL BE SINGLE FAMILY RESIDENCES, HOME OFFICES, AND HOME OCCUPATIONS.
- B. MINIMUM LOT SIZE SHALL BE 31,200 S.F. ADJACENT TO THE WEST PROPERTY LINE AND 21,000 S.F. IN OTHER LOCATIONS.
- C. REQUIRED BUILDING SETBACKS SHALL BE:
- | | |
|---|-------------------|
| RESIDENTIAL UNITS: | 30' - FRONT |
| | 10' - SIDE |
| | 30' - REAR |
| | 25' - SIDE STREET |
| ACCESSORY BUILDINGS AND POOL SCREEN ENCLOSURES: | 10' - SIDE |
| | 25' - SIDE STREET |
| | 10' - REAR |
- D. MAXIMUM BUILDING HEIGHT SHALL BE 35 FEET.
- E. RETENTION AREAS TO BE CONTAINED TOWARD THE MINIMUM 25% OPEN SPACE REQUIREMENT SHALL BE LANDSCAPED, SODDED AND AUGMENTED IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE (SECTION 30.1344). THIS SHALL BE EVALUATED AT THE FINAL MASTER PLAN.
- F. OPEN SPACE PARCELS PROVIDED WITHIN THE FRONT-OF-WAY SHALL BE 500000, LANDSCAPED AND IDENTIFIED AS OPEN SPACE TRACTS ON THE FINAL MASTER PLAN.
- G. AN IMPROVED 25 FOOT LANDSCAPE BUFFER SHALL BE PROVIDED ALONG THE WEST PROPERTY LINE ADJACENT TO ORANGE POND SUBDIVISION. THIS BUFFER SHALL BE DEDICATED TO AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION, AND SHALL CONTAIN 4 CANOPY TREES PER 100 FEET. FENCES WITHIN THE BUFFER SHALL BE PROHIBITED.

LONG POND SUBDIVISION
FINAL MASTER PLAN

TRACT A (SINGLE FAMILY LOT AREAS)

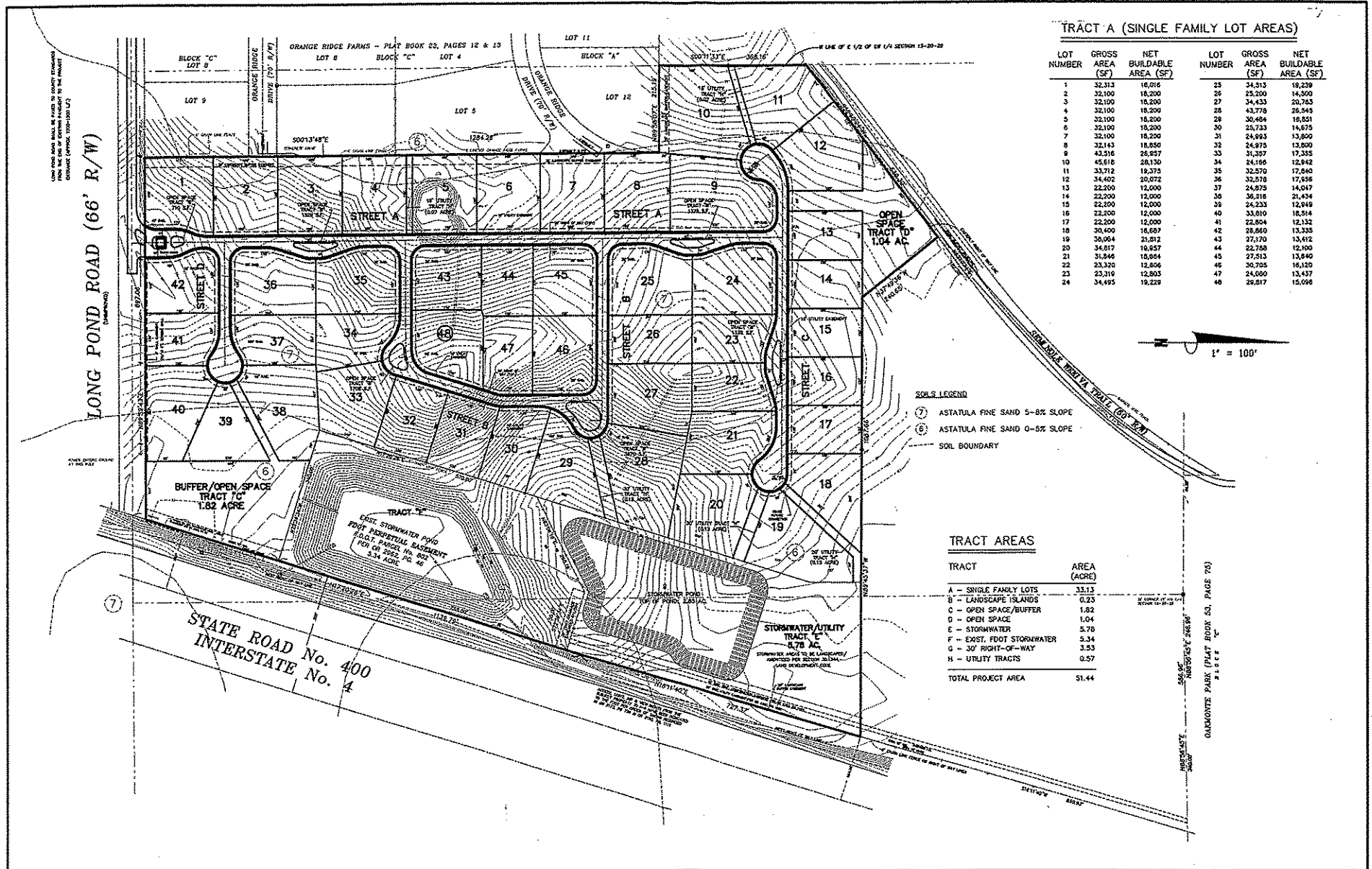
LOT NUMBER	GROSS AREA (SF)	NET BUILDABLE AREA (SF)	LOT NUMBER	GROSS AREA (SF)	NET BUILDABLE AREA (SF)
1	32,113	18,200	25	34,513	18,200
2	32,100	18,200	26	25,200	14,500
3	32,100	18,200	27	34,433	20,783
4	32,100	18,200	28	43,778	26,548
5	32,100	18,200	29	30,484	16,561
6	32,100	18,200	30	25,733	14,675
7	32,100	18,200	31	24,993	13,800
8	32,143	18,850	32	24,975	13,800
9	43,516	23,937	33	31,357	17,335
10	45,618	26,130	34	24,166	12,942
11	33,712	19,373	35	32,570	17,640
12	34,402	20,072	36	32,578	17,656
13	22,200	12,000	37	24,575	14,017
14	22,200	12,000	38	36,316	21,434
15	22,200	12,000	39	24,233	12,949
16	22,200	12,000	40	30,810	16,514
17	22,200	12,000	41	22,804	12,132
18	30,400	16,687	42	28,660	15,335
19	36,064	21,812	43	27,170	13,412
20	34,817	19,657	44	22,708	12,900
21	31,544	18,084	45	27,513	13,640
22	23,320	12,806	46	30,705	16,120
23	23,319	12,803	47	24,000	13,437
24	34,495	19,229	48	29,517	15,096



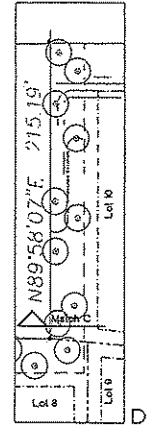
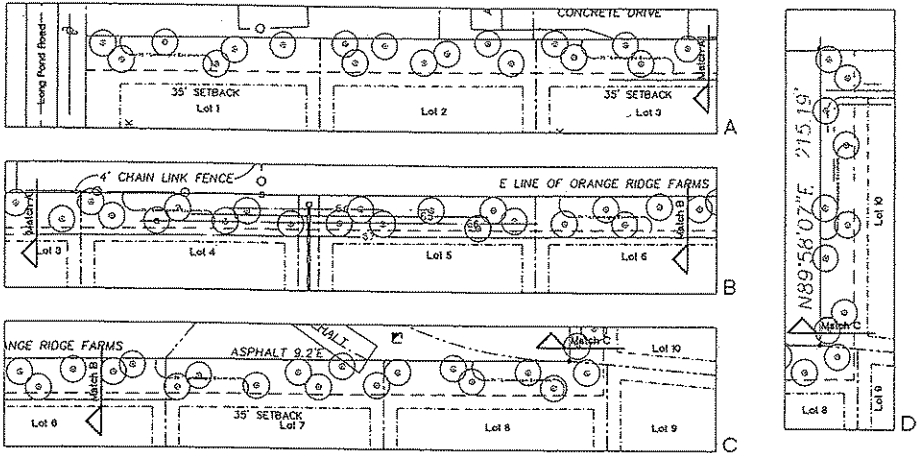
- SOILS LEGEND**
- ⑦ ASTATULA FINE SAND 5-8% SLOPE
 - ⑥ ASTATULA FINE SAND 0-5% SLOPE
 - SOIL BOUNDARY

TRACT AREAS

TRACT	AREA (ACRE)
A - SINGLE FAMILY LOTS	33.13
B - LANDSCAPE ISLANDS	0.23
C - OPEN SPACE/BUFFER	1.82
D - OPEN SPACE	1.04
E - STORMWATER	5.78
F - EXIST. PDOT STORMWATER	3.34
G - 30' RIGHT-OF-WAY	3.93
H - UTILITY TRACTS	0.57
TOTAL PROJECT AREA	51.44



<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">DATE</th> <th style="width: 40%;">REVISION</th> <th style="width: 10%;">APP'D.</th> <th style="width: 10%;">BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	REVISION	APP'D.	BY						<p>GEORGE GARRETT, P.E. P.O. BOX 531085 ORLANDO, FLORIDA 32853 407-256-5852 FAX: 321-636-1035</p>	<p>LONG POND SUBDIVISION SEMINOLE COUNTY, FLORIDA</p>	<p>MASTER LAND USE PLAN</p>	<p>SCALE 1" = 100' JOB NO. 25-501 FILE #12345 DRAWN BY: CG DATE: 4-08 SHEET: C-2</p>
NO.	DATE	REVISION	APP'D.	BY										

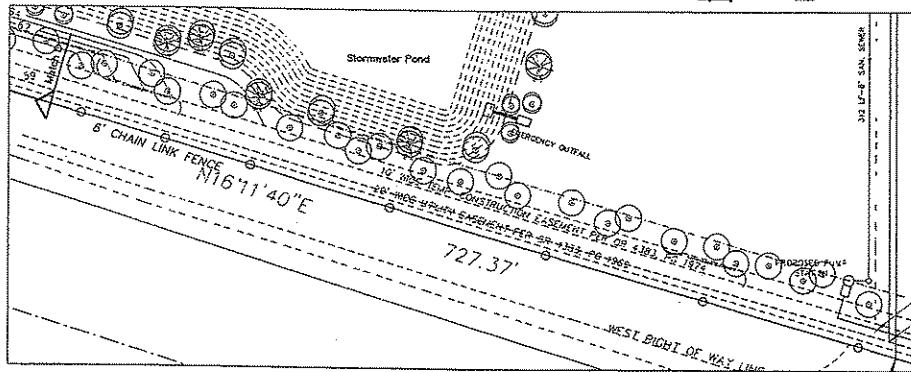


Legend - Buffer Planting Plan - North Buffer Only

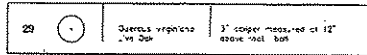


Long Pond Subdivision
Seminole County, Florida
Buffer Planting Plan - North Buffer

L-2

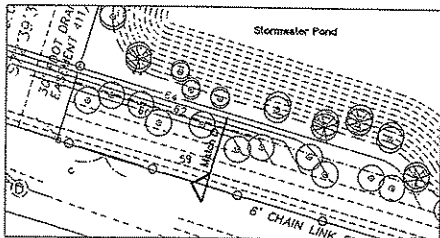


Legend - Buffer Planting Plan - South Buffer Only

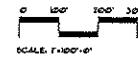
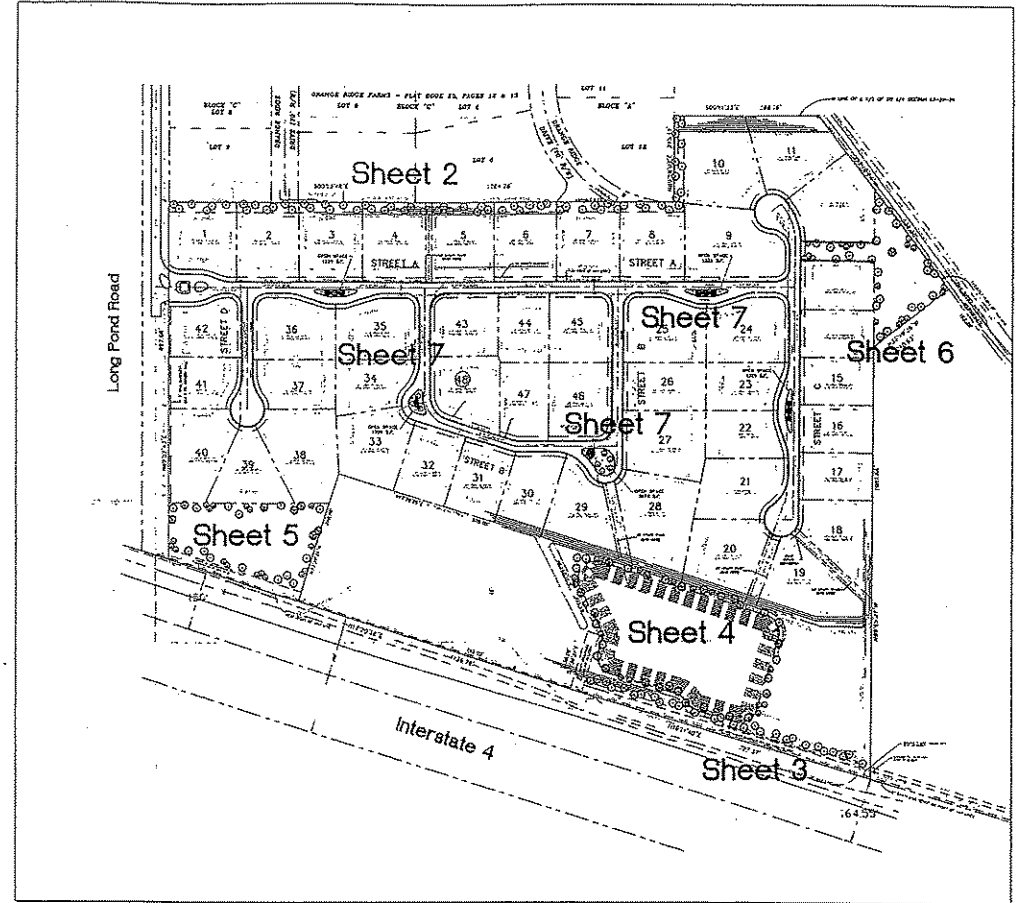


Long Pond Subdivision
Seminole County, Florida
Buffer Planting Plan - South Buffer

L-3



F

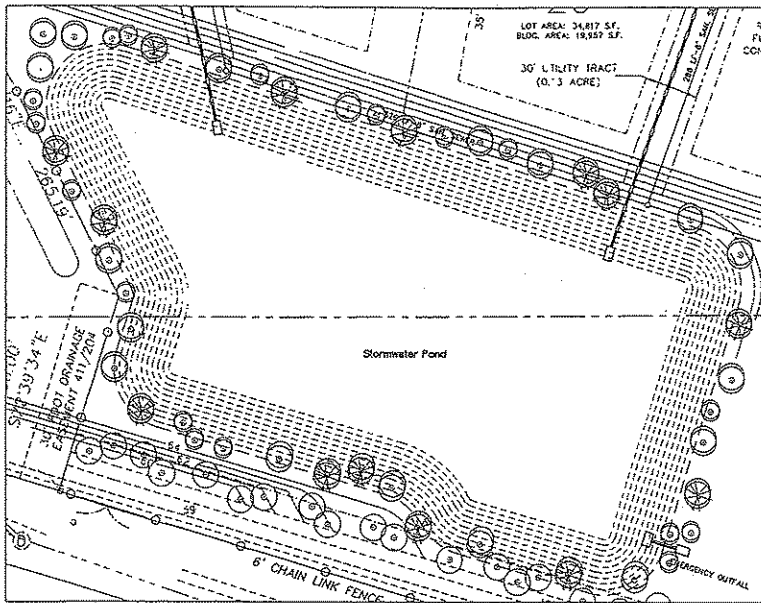


Long Pond Subdivision
Seminole County, Florida

Index - Landscape Plans

AUGUST GERARD SCHWARTZ
LANDSCAPE ARCHITECT
POST OFFICE BOX 35
WINTER PARK, FLORIDA 32780
LONG POND
04/19/09

L-1

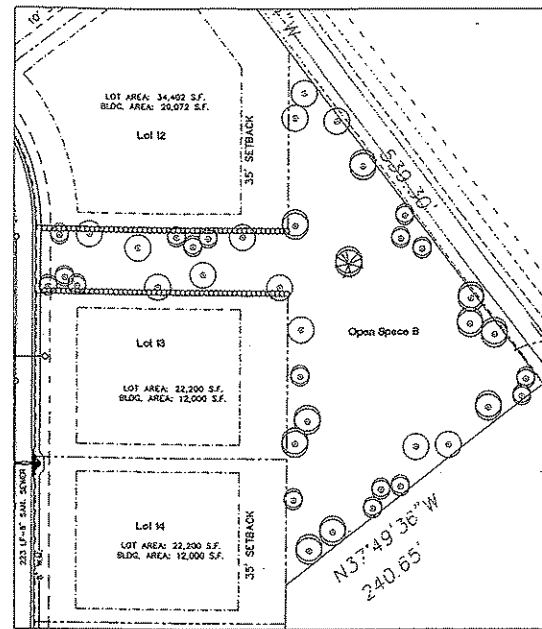


See Plant Legend Sheet 5



Long Pond
Seminole County, Florida
Pond Tree Planting
AUGUST GERARD SCHWARTZ
Landscape Architect
10000 US Highway 19, Suite 200
Orlando, Florida 32817
Tel: 407.241.1111
Fax: 407.241.1112
www.augschwartz.com

L-4



Plant Legend Open Space B Only

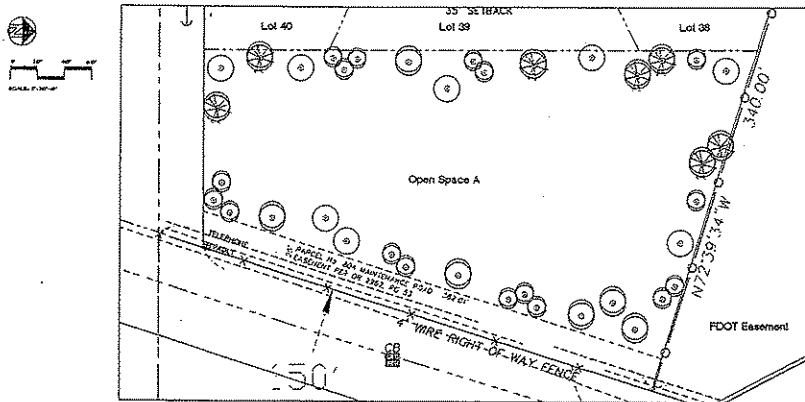
1		<i>Magnolia virginiana</i> Southern Magnolia	3' caliper measured at 12' above root ball
10		<i>Quercus laevis</i> Live Oak	3' caliper measured at 12' above root ball
12		<i>Quercus virginiana</i> Live Oak	3' caliper measured at 12' above root ball
17		<i>Lagerstroemia indica</i> Crape Myrtle	30 gal. or 8" ht. max. overtop
104		<i>Sesquipedalis</i> Sesquipedalis	3 gal. or 24" x 24" x 6" c.c.
0		<i>Plumbago auriculata</i> Plumbago	3 gal. or 18" x 18" x 3" c.c. minimum at 24" maximum height



Long Pond Subdivision
Seminole County, Florida
Open Space A - Tree Planting

AUGUST GERARD SCHWARTZ
Landscape Architect
10000 US Highway 19, Suite 200
Orlando, Florida 32817
Tel: 407.241.1111
Fax: 407.241.1112
www.augschwartz.com

L-6



Plant Legend - Pond Planting Only (Sheet 4)

14		<i>Magnolia virginiana</i> Southern Magnolia	3' caliper measured at 12' above root ball
10		<i>Quercus laevis</i> Live Oak	3' caliper measured at 12' above root ball
0		<i>Quercus virginiana</i> Live Oak	3' caliper measured at 12' above root ball
17		<i>Lagerstroemia indica</i> Crape Myrtle	30 gal. or 8" ht. max. overtop

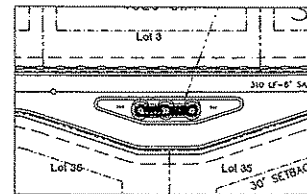
Plant Legend - Open Space A Only

7		<i>Magnolia virginiana</i> Southern Magnolia	3' caliper measured at 12' above root ball
6		<i>Quercus laevis</i> Live Oak	3' caliper measured at 12' above root ball
8		<i>Quercus virginiana</i> Live Oak	3' caliper measured at 12' above root ball
17		<i>Lagerstroemia indica</i> Crape Myrtle	30 gal. or 8" ht. max. overtop

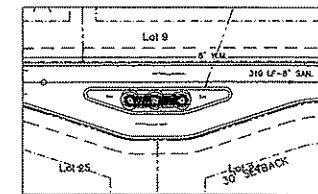
Long Pond
Seminole County, Florida
Open Space A - Planting

AUGUST GERARD SCHWARTZ
Landscape Architect
10000 US Highway 19, Suite 200
Orlando, Florida 32817
Tel: 407.241.1111
Fax: 407.241.1112
www.augschwartz.com

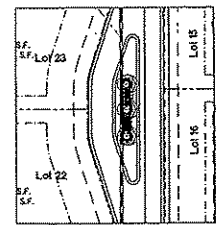
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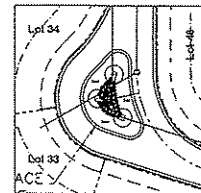
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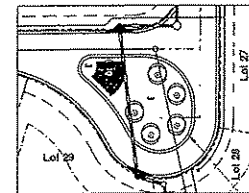
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I



J



K

Planting Legend - Median Plantings Only

4		<i>Quercus virginiana</i> Live Oak	3' caliper measured at 12' above root ball
14		<i>Lagerstroemia indica</i> Crape Myrtle	30 gal. or 8" ht. max. overtop
0		<i>Sesquipedalis</i> Sesquipedalis	3 gal. or 24" x 24" x 6" c.c.
203		<i>Plumbago auriculata</i> Plumbago	3 gal. or 18" x 18" x 3" c.c. minimum at 24" maximum height

Long Pond Subdivision
Seminole County, Florida
Median Planting Plans



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L-7

LONG POND P.U.D.

FINAL MASTER PLAN DEVELOPER'S COMMITMENT AGREEMENT COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On August 08, 2006, the Board of County Commissioners of Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEGAL DESCRIPTION

SEC 13 TWP 20S RGE 30E THAT PT OF GOVT LOT 2 & E 1/2 OF SW 1/4 S OD RY & W OF I-4 (LESS W 215.7 FT OF 1321.92 FT & BEG SE COR OF BLK C OAKMONTE PARK PB 53 PG 75 RUN S 16 DEG 11 MIN 40 SEC W 850.93 FT W 1087.66 FT N 37 DEG 49 MIN 36 SEC W 240.65 FT N 52 DEG 10 MIN 24 SEC E 182.38 FT NELY ALG CURVE 679.05 FT E 875.51 FT TO BEG & S 33 FT FOR RD)

PROPERTY OWNERS

Rockwell Development Inc.
1017 E South Street
Orlando, FL. 32801

STATEMENT OF BASIC FACTS

- A. Total Area: 51.443 Acres
- B. Zoning: Planned Unit Development
- C. Density: 0.93 dwelling units per net buildable acre
- D. 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.
- E. The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.
- F. 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 owners are as follows:

TRACTING PLAN – LAND USE BREAKDOWN

Tract	Name	Gross Area	% of Site
A	Single-Family Lots	33.13 ac.	64%
B	Landscape Islands / Open Space	.23 ac.	.004%
C	Buffer / Open Space	1.82 ac.	4%
D	Open Space	1.04 ac.	.02%
E	Stormwater	5.78 ac.	11%
F	Exist DOT Stormwater	5.34 ac.	10%
G	30' Right –of-Way	3.53 ac.	7%
H	Utility Tracts	.57 ac.	.01%

OPEN SPACE CALCULATIONS

Owners shall provide Open Space at an overall rate of 25%, or a minimum of 2.36 acres throughout the entire PUD. A retention pond will serve as the major Open Space element for the PUD, designed to serve this project, and shall be amenitized per Section 30.1344 (e)(3)(A) of the Seminole County Land Development Code. Remaining Open Space (as listed below) is achieved through Active Recreation, Passive Recreation and other Green Space in the PUD, subject to approval by the Current Planning Manager during final site approval.

Total Land Area: 51.44
 Required Open Space: 25% = 51.44 acres x 0.25 = 12.86 acres Open Space

Open Space Provided:

Tract 'B' – Active / Passive Recreation..... 1.04 acres
 Tract 'C' – Retention..... 1.71 acres
 Tract 'M' – Open Space..... 5.76 acres
 Tract 'N' – Open Space 5.31 acres

 TOTAL OPEN SPACE PROVIDED.....13.82 ACRES

BUILDING SETBACKS

Single-Family:

Front..... 30'
 Side..... 10'

Side (Street)	25'
Rear	35'
Maximum Building Height.....	35'

Accessory Buildings and Pool Screen Enclosures:

Side.....	10'
Side street.....	25'
Rear.....	10'

PERMITTED USES

Permitted uses shall be single family residences, home offices, and home occupations.

DEVELOPMENT COMMITMENTS

Standard Conditions:

- a. The maximum building height shall be two stories, not to exceed 35'.
- b. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- c. Open space parcels provided within right-of-way shall be sodded, landscaped, and identified as open space tracts on the Final Master Plan.
- d. All landscape buffers and common areas shall be maintained by a homeowners association.
- e. Sidewalks shall be required on both sides of the internal streets.

Project Specific Conditions:

- a. All development shall comply with the Final Master Plan attached as Exhibit A.
- b. Minimum lot size shall be 31,200 square feet adjacent to the west property line, and 21,000 square feet in other locations.
- c. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344).
- d. The project shall be developed at a maximum density of .93 dwelling units per net buildable acre, not to exceed 48 single-family units.
- e. In accordance with Section 30.451(e) 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.
- f. Long Pond Road shall be paved to County standards from Markham Woods Road to the project entrance.

PUBLIC FACILITIES

The Owners have submitted the property for a concurrency review. Among conditions relating to concurrency public facilities are the following:

WATER:

Water service will be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer will be provided by Seminole County. Design of collection system shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

STORM DRAINAGE:

Stormwater drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District's stormwater regulations.

FIRE PROTECTION:

The Owners shall install a fire hydrant at the site. Fire protection will be provided by Seminole County. Fire flow will be a minimum of 1,250 G.P.M. with 20 P.S.I. Fire hydrant shall be located according to Seminole County regulation.

STANDARD PROVISIONS

1. 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.
2. This development order touches and concerns the aforescribed property and the conditions, commitments and provisions of the development order shall perpetually burden, run with and follow the said property and be servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.
3. The terms and provisions of the development order are not severable and in the event any portion of this development order shall be found to be invalid or illegal then the entire development order shall be null and void.

INTERPRETATION: RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County

Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 05-23000002, the terms of the Developer's Commitment Agreement shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

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

OWNERS' CONSENT AND COVENANT

COMES NOW, the Rockwell Development Inc., on behalf of itself and its heirs, successors, assigns and 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.

WITNESSES:

OWNERS:

Witness (Sign and print name)

Dennis J. Casey,
President

Witness (Sign and print name)

Acknowledgement

STATE OF FLORIDA }
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____ who is personally known to me or who has produced their Driver's License as identification.

Notary Public
Print Name:
My Commission expires:

SEMINOLE COUNTY DEVELOPMENT ORDER

On October 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A

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

FINDINGS OF FACT

Property Owner: ROCKWELL DEVELOPERS INC.
DENNIS J. CASEY, PRESIDENT

Project Name: LONG POND PUD

Requested Development Approval: Rezone from A-1 to PUD

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.

RETURN TO SANDY MCCANN

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

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06009 PGS 1758-1762
FILE NUM 2005203871
RECORDED 11/23/2005 04:09:04 PM
RECORDING FEES 44.00
RECORDED BY J Eckenroth

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY: Eva Roach
DEPUTY CLERK

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Permitted uses shall be single family residences, home offices, and home occupations.
- b. Minimum lot size shall be 31,200 square feet adjacent to the west property line, and 21,000 square feet in other locations.
- c. Required building setbacks shall be:

<i>Residential Units</i>	
front	30'
side	10'
side street	25'
rear	35'

<i>Accessory Buildings and Pool Screen Enclosures</i>	
side	10'
side street	25'
rear	10'

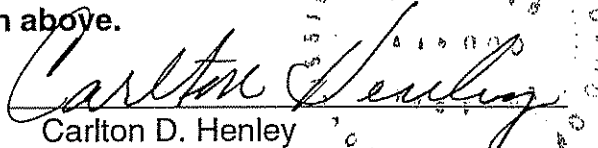
- d. Maximum building height shall be 35 feet.
- e. Retention areas to be counted toward the minimum 25% open space requirement shall be landscaped, sodded and amenitized in accordance with the Land Development Code (Section 30.1344). This shall be evaluated at Final Master Plan.
- f. Open space parcels provided within right-of-way shall be sodded, landscaped, and identified as open space tracts on the Final Master Plan.
- g. An irrigated 25-foot landscape buffer shall be provided along the west property line adjacent to Orange Ridge Subdivision. This buffer shall be dedicated to and maintained by a homeowners association, and shall contain 4 canopy trees per 100 feet. Fences within the buffer shall be prohibited.

(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:



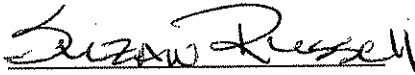
Carlton D. Henley
Chairman
Board of County Commissioners

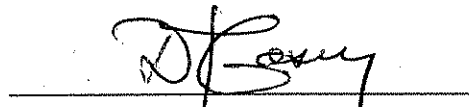


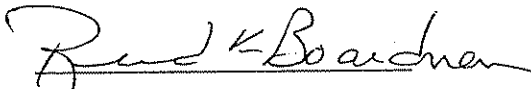
OWNER'S CONSENT AND COVENANT

COMES NOW, ROCKWELL DEVELOPERS INC., on behalf of itself and its successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.


Witness


Print Name


Dennis J. Casey,
President


Witness

REED K. BOARDMAN
Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared DENNIS J. CASEY, and is personally known to me or who has produced N/A as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 3 day of Nov., 2005.



Suzan D. Russell
Commission # DD092090
Expires March 6, 2006
Bonded Thru
Atlantic Bonding Co., Inc.



Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Project Legal Description:

SEC 13 TWP 20S RGE 29E THAT PT OF GOVT LOT 2 & E 1/2 OF SW 1/4 S OD RY & W OF I-4 (LESS W 215.7 FT OF 1321.92 FT & BEG SE COR OF BLK C OAKMONTE PARK PB 53 PG 75 RUN S 16 DEG 11 MIN 40 SEC W 850.93 FT W 1087.66 FT N 37 DEG 49 MIN 36 SEC W 240.65 FT N 52 DEG 10 MIN 24 SEC E 182.38 FT NELY ALG CURVE 679.05 FT E 875.51 FT TO BEG & S 33 FT FOR RD)

OCTOBER 25, 2005

REZONE/Dennis Casey

Proof of publication, as shown on page 1629, calling for a public hearing to consider request to Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on 51.4 acres located on the north side of Long Pond Road, 0.6 miles east of Markham Woods Road, adjacent to I-4, Dennis Casey, received and filed.

Mr. Hopper presented request as outlined in the agenda memorandum relative to access to the property, the lot sizes, and buffers. He stated staff recommends approval including the minimum lot sizes to be 31,200 sq. ft. along the west property line, 21,000 sq. ft. for all other lots, 25 ft. landscape buffer adjacent to Orange Ridge Farms, and containing four canopy trees per 100 ft.

George Garrett, Project Engineer, addressed the Board to state he will answer any questions and he concurs with staff recommendations.

Robert Cushman, 27 Stone Gate North, addressed the Board to state the parcel he owns comprises of 1.8 acres and he has had that since 1968. He stated the reason he is opposed to the rezone is no provision has been made for a pre-existing condition, which is an easement that runs, for over 39 years, across this property through three different ownerships. That easement was maintained for the purpose of protecting himself from liability. This 1.8 acres is a heavily wooded parcel that has large oak trees. After Orange Ridge Farm was developed, youngsters built tree houses and swinging ropes. As the owner of the property he had a liability factor at stake. He stated he has maintained access to that property from Markham Woods Road through Orange Ridge Farms and to the

OCTOBER 25, 2005

corner of said property. He stated he is asking that consideration be given in the final development approval for access to the 1.8 acres.

Upon inquiry by Chairman Henley, Mr. Cushman advised that he will be landlocked.

Mr. Hopper advised he was not aware of this.

Mr. Cushman stated it is adjacent to the trail, which was the old railroad right-of-way, and it is adjacent to the back of the last three lots of Orange Ridge Farms.

Upon inquiry by Commissioner Carey, Mr. Cushman advised he has had access to that property by permission since 1968. He stated the grove owner, Everett Huskey, and the other two property owners had knowledge and they consented that he could access that property.

Upon further inquiry by Commissioner Carey, Mr. Cushman advised he can access it by foot off the trail, but it renders useless for other purposes.

Mr. McMillan stated if there is an easement, then the owner of the parent tract will have to deal with that. If there isn't an easement, there is nothing the County can do to create one and that is an issue between the parties to work out. He stated he doesn't know if the Board is the proper form to determine whether or not this easement exists.

Upon inquiry by Commissioner Morris, Mr. McMillan advised if there is no recorded easement, there is nothing the Board can do to protect the property to undo the easement that is there. If it interferes with the gentleman's easement, then that is an action against the property owner.

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Mr. Cushman stated his opposition is not the development plan or the rezoning, it is only that consideration has not been given to maintain an easement to that 1.8 acres.

Chairman Henley stated the only thing he sees is whether there is a road that goes to that trail, the Board may consider giving access across the trail. He stated the Board cannot give Mr. Cushman relief on that easement.

Mr. Cushman stated one point is Ravensbrook does not directly back up to this property and there is a 50 ft. strip of land zoned by L & L Acres and this was isolated from that property.

Quentin Beitel, President of Markham Woods Association, addressed the Board to state he would like to thank staff, Commissioner Carey and Mr. Casey for working up a plan for a piece of property that has been scrutinized for many applications. The association passed a motion to allow clustering of homes as long as there are no more than 51 detachable single homes and the remainder of the 51 acres would be used solely for buffer and infrastructure.

No one else spoke in support or in opposition.

Speaker Request Forms were received and filed.

Motion by Commissioner Carey, seconded by Commissioner Dallari to adopt Ordinance #2005-43, as shown on page 1630, approving rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development District) on 51.4 acres located on the north side of Long Pond Road, 0.6 miles east of Markham Woods Road, adjacent to I-4, as described in the proof of publication, Dennis Casey, with staff findings and approval of the Development Order, as shown on page 1641.1.

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