

**SEMINOLE COUNTY GOVERNMENT
BOARD OF COUNTY COMMISSIONERS
AGENDA MEMORANDUM
(Continued from the 8/8/2006 BCC Meeting)**

SUBJECT: Red Bug Lake Road Town Homes Rezone from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Benjamin Dunn EXT 7440

Agenda Date 8/22/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request and enact an ordinance to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling), based on staff findings and subject to the attached Development Plan and Development Order (Curt Cogan, applicant); or
2. **DENY** the request to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling), based on staff findings (Curt Cogan, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 1 – Comm. Dallari

Benjamin Dunn, Sr. Planner

BACKGROUND:

The applicant is requesting to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling) to develop a fee-simple town house neighborhood. The requested zoning allows multi-family development up to a maximum of 10 dwelling units per net buildable acre. The Future Land Use designation of the subject

Reviewed by:
Co Atty: KFT
DFS: _____
OTHER: JWJ
DCM: _____
CM: CC
File No. ph130pdp06

property is MDR (Medium Density Residential), which is consistent with the proposed zoning.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling), subject to the attached Development Plan and Development Order.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on June 7, 2006 and voted 3-2 to recommend DENIAL of the request to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell from A-1 (Agriculture) to R-3A (Multi-Family Dwelling).

Attachments:

Staff Report
Location Map
Zoning & Future Land Use Map
Aerial Map
11X17 Site Plan
Rezone Ordinance
Development Order
P&Z Minutes
Letters of Opposition

Red Bug Lake Road Townhomes Rezone

Rezone from A-1 to R-3A

APPLICANT	Curt Cogan	
PROPERTY OWNER	Red Bug LLC	
REQUEST	Rezone from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling)	
PROPERTY SIZE	19 ± acres	
HEARING DATE (S)	P&Z: June 7, 2006	BCC: August 22, 2006
PARCEL ID	21-21-30-300-013A,014A,0140,0150-0000 22-21-30-300-011A, 0110-0000	
LOCATION	Located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2005-28	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is requesting to develop a 120-unit townhouse neighborhood.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling) to develop a townhouse neighborhood. The requested zoning allows multi-family development up to 10 dwelling units per net buildable acre with Board of County Commission approval. The Future Land Use designation of the subject property is MDR (Medium Density Residential), which supports the applicant's request.

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-3A)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	1,200 sq. ft
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	(One/Two Story) 25 feet/35 feet
Side Yard Setback	10 feet	(One/Two Story) 25 feet/35 feet
(Street) Side Yard Setback	50 feet	(One/Two Story) 25 feet/35 feet
Rear Yard Setback	30 feet	(One/Two Story) 25 feet/35 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES:

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

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

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The proposed development is located within the Medium Density Residential (MDR) Future Land Use designation, which is consistent with the R-3A rezone request. The Deer Run PD to the north consists of single-family homes and multi-family. The property directly to the west and east are located within the A-1 zoning district with a Medium Density Residential Future Land Use (MDR) designation.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map number 12117C0140E and 12117C0145E, the southern portion of the site lies in floodzone AE (with base flood elevation of 56.6' according to the FEMA FIS for this location). If any construction and retention occurs within this area a LOMR/LOMA/CLOMR application to FEMA must be submitted prior to final engineering approval.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there does not appear to be any wetlands on-site.

Endangered and Threatened Wildlife:

A Threatened and Endangered (T&E) Study along with a species of special concern survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, 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 and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency Review prior to subdivision approval.

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

Public Facility	Existing Zoning (A-1)	Proposed Development (R-3A)*	Net Impact
Water (GPD)	1,400	42,000	40,600
Sewer (GPD)	1,200	36,000	34,800
Traffic (ADT)	23	703	680

* Proposed Development is based on the proposed project consisting of 120 townhouse units.

Utilities:

The site is located within the City of Casselberry Utility Service Area. The applicant has provided a letter from the City of Casselberry indicating that at this time there is both water and sewer capacity for this project. However, prior to preliminary subdivision plan approval the applicant will have to submit a letter from the City of Casselberry confirming that water and sewer will be provided for the project.

Transportation / Traffic:

The property access is from Red Bug Lake Road, which is classified as a minor arterial roadway. Per the Transportation Element of the Vision 2020 Comprehensive Plan, roadway level-of-service standards will be analyzed prior to development approval. The section of Red Bug Lake Road from SR 436 to Tuskawilla Road is policy constrained to four-lanes. The segment of Red Bug Lake Road from SR 436 to Eagle Circle is operating at Level-Of-Service "F". However, the segment of Red Bug Lake Road from Eagle Circle to Tuskawilla Road is operating at Level-Of-Service "C". Staff determined that signal modifications will be required at the intersection of the site entrance and Eagle Circle.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 27 school age children. This subject site is currently zoned for and will affect the following schools:

Schools Impacted	Existing Impact*	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Sterling Park Elementary	1	14	501	665	133
South Seminole Middle	1	6	1310	1197	91
Lake Howell High	1	7	2487	2181	88

* Based on existing zoning

** Based on the proposed 120-unit Development Plan

Public Safety:

The nearest response unit to the subject property is Station # 25, which is located on Red Bug Lake Road just east of SR 436. The County Level-of-Service standard for response time is an average of 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The subject parcel is located within the Howell Creek Drainage Basin, which is an open basin. A drainage analysis will be required prior to final engineering approval.

Parks, Recreation and Open Space:

The applicant has provided 9.31 ± acres of recreation/open space, per Section 30.250 of the Land Development Code.

Buffers and Sidewalks:

The applicant is providing a 15-foot landscape buffer along the western property line and a 10-foot landscape buffer along the eastern property line. Additionally, the northern property line will consist of a 5-foot landscape buffer with a 6-foot high brick or masonry wall and the south property line will consist of a 10-foot landscape buffer with a 6-foot high brick or masonry wall that will buffer the existing single-family home.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

SPECIAL DISTRICTS:

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020):

The following policies are applicable with the proposed project:

- Policy CIE 3.2: Application to New Development
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy TRA 1.1: County Level-of-Service Standards/TRA Exhibit-14

INTERGOVERNMENTAL NOTIFICATION:

An Intergovernmental Notice was sent to both the Seminole County School Board and City of Casselberry on April 17, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

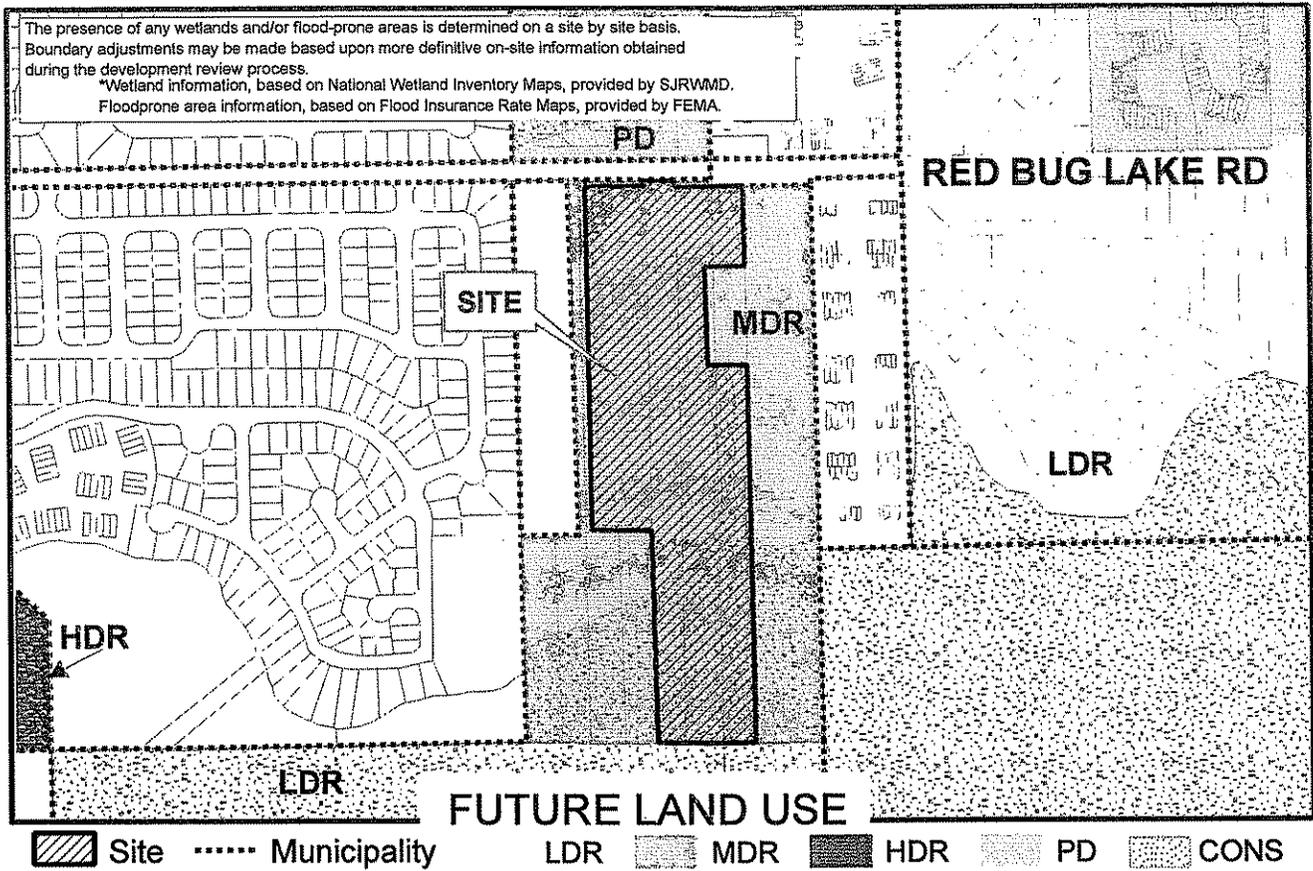
Staff has received letters of opposition, which are attached.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling) to develop a 120 unit town house neighborhood, subject to the attached Development Plan and Development Order.

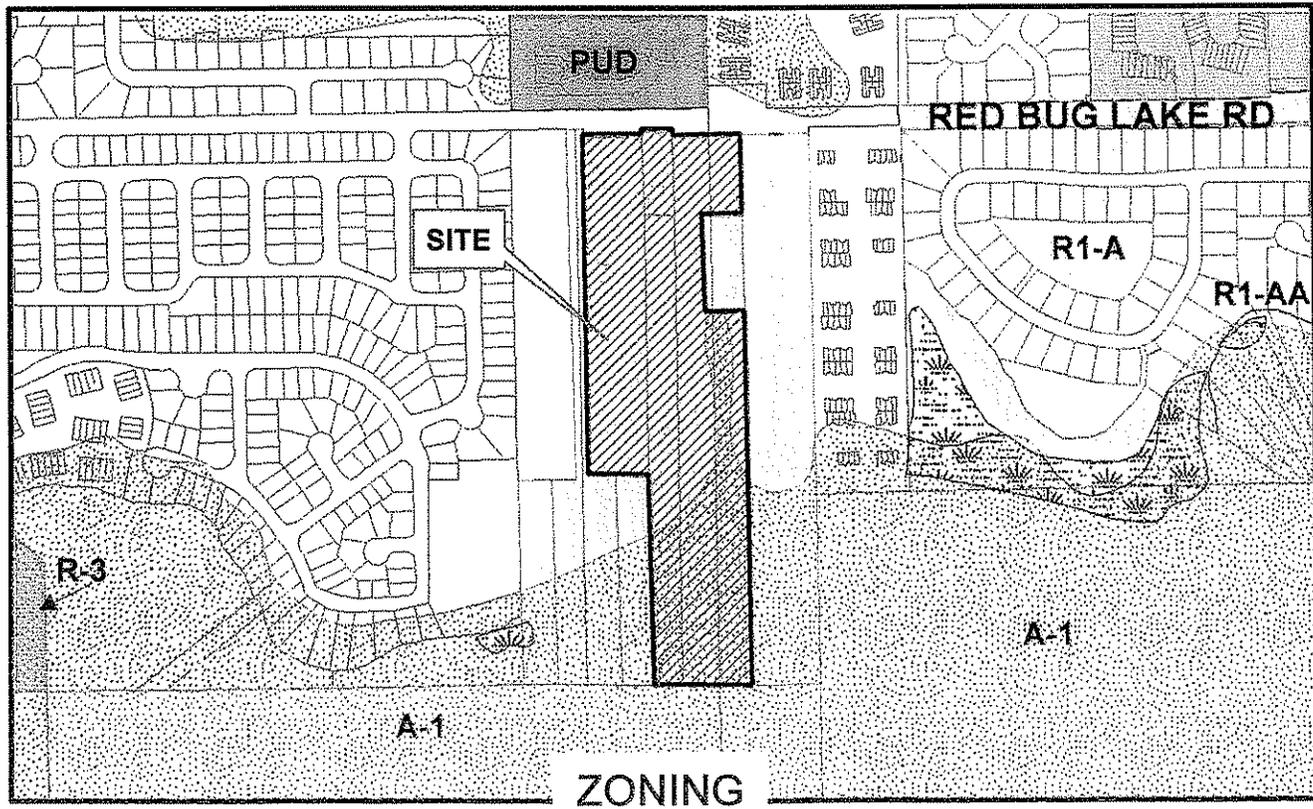
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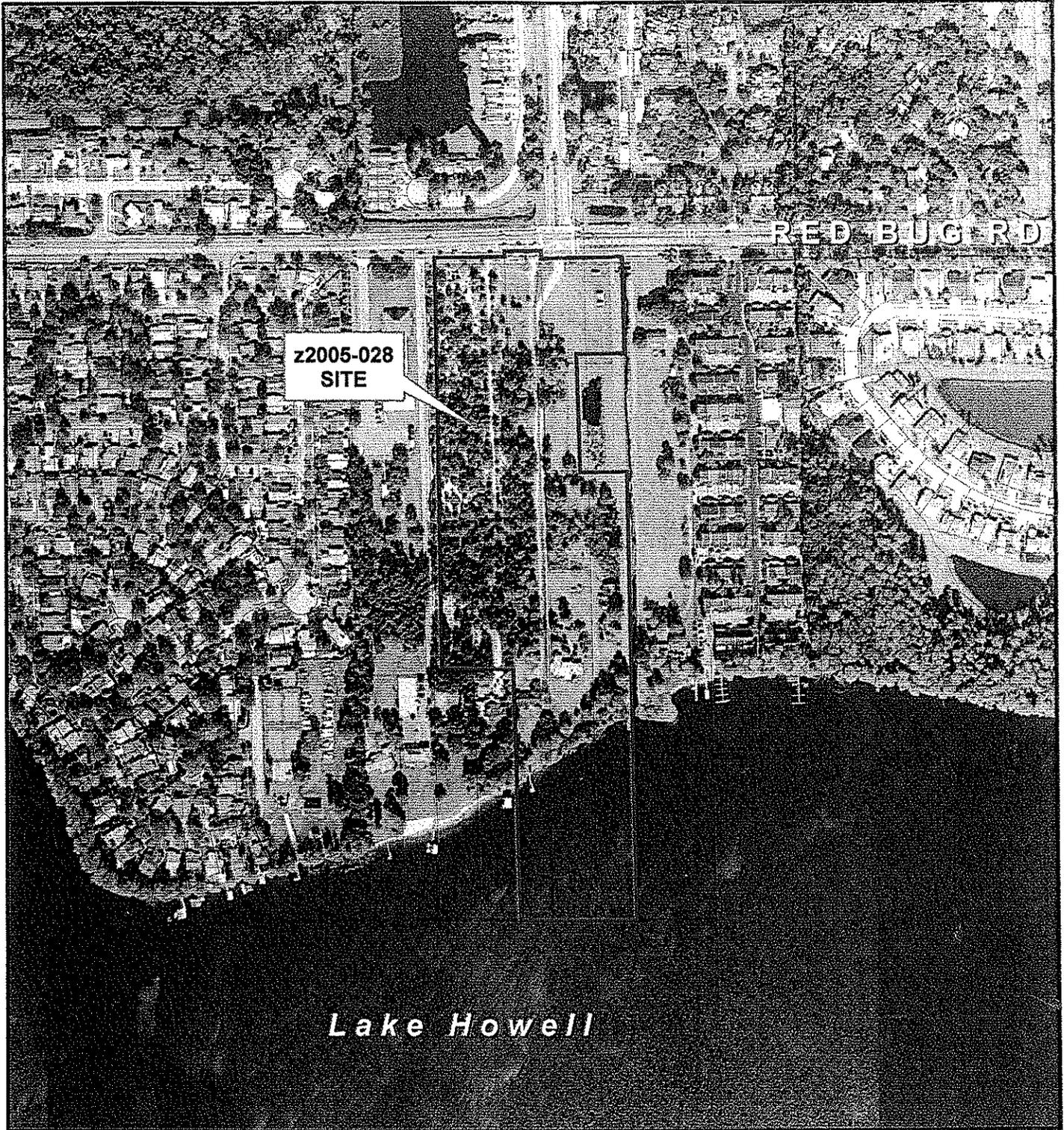


Applicant: Curt Cogan
 Physical STR: part of 20-20-30-300-016A & 017A
 Gross Acres: 19.6 +/- BCC District: 1
 Existing Use: Vacant/ Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	—	—	—
Zoning	Z2005-028	A-1	R-3A



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



z2005-028
SITE

RED BUG RD

Lake Howell

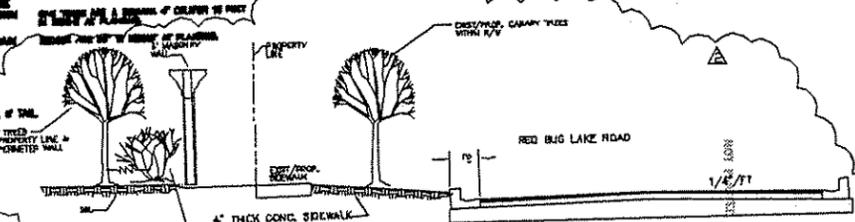
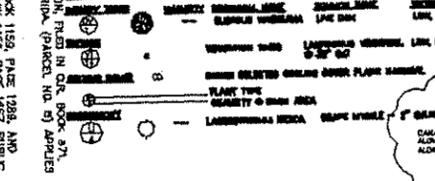
Rezone No: Z2005-028
From: A-1 To: R-3A

-  Parcel
-  Subject Property



January 2004 Color Aerials

AS SHOWN IN THE PLAN, THE PROPOSED DEVELOPMENT IS LOCATED ON THE EAST 1/4 CORNER OF SECTION 21-21-30, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



AVAILABLE AREAS FOR MULTIFAMILY DEVELOPMENT

CROSS AREA	18.07 AC.
INTERNAL P/W DEDICATION	0.0 AC.
NON-RESIDENTIAL OUT PARCEL	0.0 AC.
WETLAND AREAS	0.22 AC.
FLOOD PROOF AREAS	0.0 AC.
PUBLIC ROAD P/W	0.0 AC.
PRIVATE ROAD P/W	0.0 AC.
DRIVE DRIVES (EXCL. ALLEYS)	2.21 AC.
LANDSCAPE AREA	0.70 AC.
TRANSMISSION LINE EASEMENT AREAS	0.25 AC.
TOTAL BUILDABLE AREA	12.49 AC.

OPEN SPACE AREA CALCULATION - (TERRAIN) (L.S.M.)

GROSS AREA	18.07 AC.
EXTERNAL P/W DEDICATION	0.0 AC.
PUBLIC OR PRIVATE P/W	0.0 AC.
DRIVE DRIVES (EXCL. ALLEYS)	2.21 AC.
PARKING AND PARK AREAS	1.52 AC.
RESIDENTIAL LOTS (IF PLANNED)	0.0 AC.
NON-RESIDENTIAL FOOT PRINTS (IF UNPLANNED)	0.0 AC.
UTILITIES	0.0 AC.
RELOCATION OF EXISTING UTILITIES	0.0 AC.
UTILITY TRACINGS/FACILITIES (E.G. LIFT STATIONS)	0.0 AC.
SEWER BUFFER	0.0 AC.
TOTAL OPEN SPACE	9.31 AC.

ALLOWABLE OPEN SPACE (INCLUDED IN TOTAL OPEN SPACE) 0.39 AC.

NET AVAILABLE OPEN SPACE 8.92 AC.

ALLOWABLE DENSITY 10 UNITS/AC OF BUILDABLE

ALLOWABLE AND 124.9 AC. 124.9 UNITS

NO. OF UNITS PROPOSED 125

REQUIREMENT FOR MULTIFAMILY DEVELOPMENT

2 SPACES PER UNIT

125 UNITS = 250 SPACES REQUIRED

CLUBHOUSE 1 SPACE PER 200 SF

8100 SF/2100 SF SPACES = 3.8 SPACES REQUIRED

TOTAL PARKING REQUIRED = 271 SPACES

PARKING SPACES PROVIDED: 270 (120 UNITS x 2 SPACES PER UNIT)

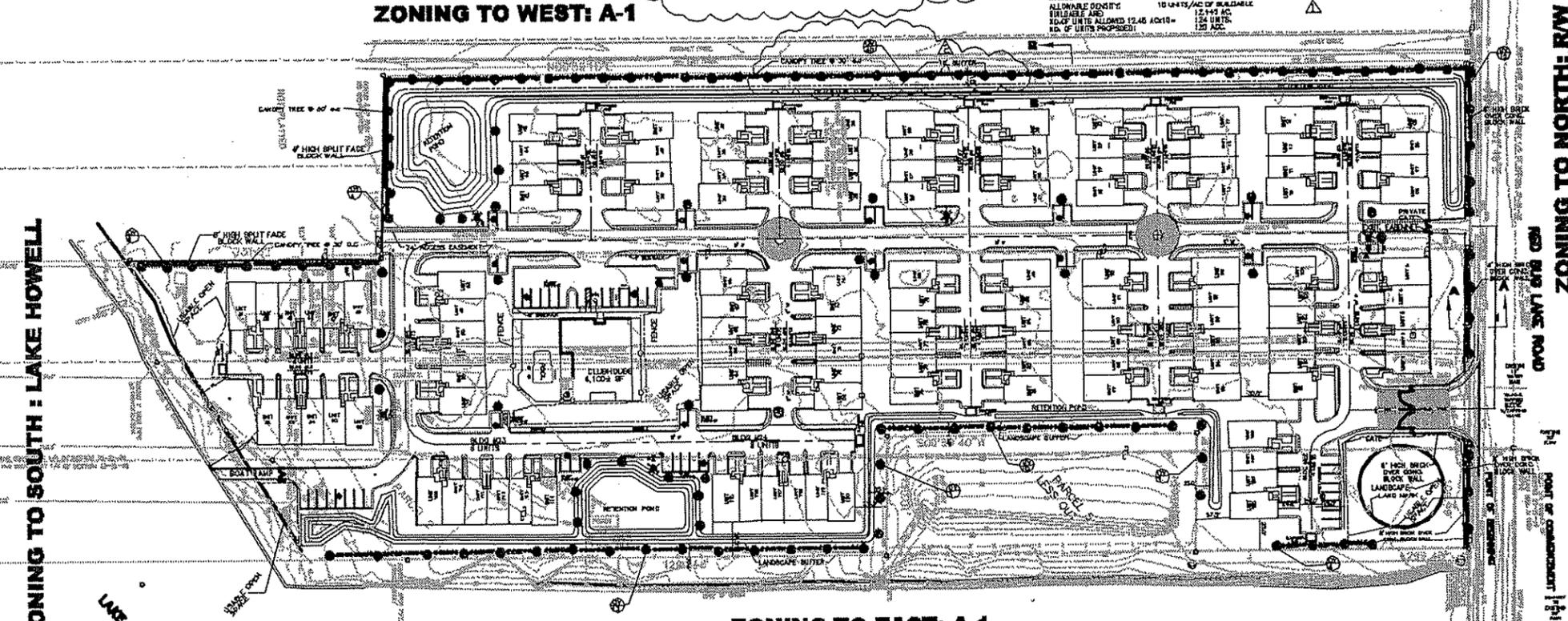
STANDARD SPACES: 270 SPACES (SHEET PARKING - 1000)

HANDICAP SPACES: 1 SPACE PROVIDED (1% OF 270)

TOTAL SPACES PROVIDED: 271 SPACES PROVIDED

LANDSCAPE BUFFER: SIDE PERIMETER: 10' 15' PROVIDED ALONG WEST PROPERTY LINE; REAR PERIMETER: 10' PROVIDED ALONG WEST PROPERTY LINE FROM (ALONG P/W) = 3'

TREE REQUIREMENTS: 1 CANOPY TREE PER 10 SF ALONG PROPERTY LINE (WEST); 4 CANOPY TREE PER 100 SF ALONG PROPERTY LINE (EAST); 4 CANOPY TREE PER 100 SF INTERNAL LANDSCAPE; 100 SF LANDSCAPE REAR WITH HANDICAP LOT



LEGAL DESCRIPTION (WRITTEN BY SURVEYOR)

A PORTION OF SECTION 21 AND 22, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 21-21-30; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21-21-30 SOUTH 00°39'26" WEST, A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE ALONG THE SOUTH RIGHT OF WAY LINE OF RED BUG ROAD SOUTH 88°03'35" EAST, A DISTANCE OF 109.95 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°58'38" WEST, A DISTANCE OF 289.43 FEET; THENCE NORTH 87°52'49" WEST, A DISTANCE OF 130.01 FEET; THENCE SOUTH 00°59'38" WEST, A DISTANCE OF 1,280.48 FEET; THENCE NORTH 88°03'19" WEST, A DISTANCE OF 110.01 FEET; THENCE NORTH 87°53'43" WEST, A DISTANCE OF 219.46 FEET; THENCE NORTH 00°59'10" EAST, A DISTANCE OF 731.82 FEET; THENCE NORTH 87°58'30" WEST, A DISTANCE OF 189.37 FEET; THENCE NORTH 00°59'10" EAST, A DISTANCE OF 1,108.49 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF RED BUG LAKE ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 87°52'46" EAST, A DISTANCE OF 419.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.07 ACRES (830,672 SQUARE FEET), MORE OR LESS.

LEGAL DESCRIPTION (AS PROVIDED)

PARCEL NO. 1: THE WEST 199.00 FEET OF THE EAST 419.0 FEET OF THE NORTH 124.9 FEET OF THE NORTH 3/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE NORTH 60 FEET THEREOF FOR ROAD.

PARCEL NO. 2: THE NORTH 350 FEET OF THE WEST 110 FEET OF THE EAST 220 FEET OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF FOR ROAD.

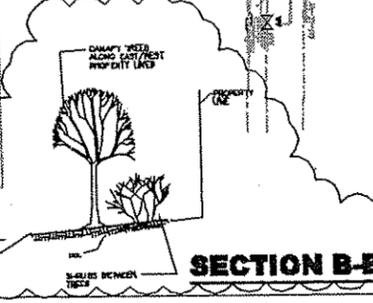
PARCEL NO. 3: THE WEST 1/2 OF THE EAST 220 FEET OF THE NORTH 3/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE NORTH 350 FEET THEREOF.

PARCEL NO. 4: THE EAST 110 FEET OF THE NORTH 3/4 OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF FOR ROAD, AND LESS THE EAST 20 FEET OF THE SOUTH 340 FEET OF THE NORTH 690 FEET THEREOF.

PARCEL NO. 5: THE WEST 110 FEET OF THE NORTH 3/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE NORTH 50 FEET THEREOF FOR ROAD, AND LESS THE SOUTH 340 FEET OF THE NORTH 690 FEET THEREOF.

TREE COUNTY CHART

TREE SPECIES	< 4"	4" - 7"	7" - 10"	10" - 12"	> 12"
CYPRESS	41	5	0	2	
CAMPBELL	26	1	1	0	
LAVINEL	02	0	0	0	
CHINESE YALLO	12	0	0	0	
MAGNOLIA	1	0	0	0	
MAPLE	11	0	1	0	
OAK	302	5	3	3	
PALM	02	0	0	0	
PINE	33	7	0	0	



ZONING TO SOUTH: LAKE HOWELL

ZONING TO WEST: A-1

ZONING TO EAST: A-1

ZONING TO NORTH: R/W

SH.NO. L-1

LANDSCAPING PLAN

RED BUG ROAD TOWNHOUSES
RED BUG PARK RD/EGALE CR.
SEMINOLE COUNTY, FLORIDA

Project No. 2008-0007-243
Certificate of Authority No. 2008-0007-243
300 E. SEMINOLE BLVD., SUITE 2046
CASSELLBERRY, FLORIDA
TEL. (407) 767-2599
FAX (407) 767-0323

Project No. 2008-0007-243
Designed by [Signature]
Drawn by [Signature]
Checked by [Signature]
Prof. Exp. Reg'd. Lic. No. [Signature]
P.E. License No. 56371

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) DISTRICT THE R-3A (MULTIPLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Red Bug Lake Road Townhomes Rezone to R-3A."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) district to R-3A (Multiple-Family Dwelling) district:

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this

Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 05-200000007 in the Official Land Records of Seminole County.

ENACTED this 22nd day of August 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A LEGAL DESCRIPTION

A PORTION OF SECTION 21 AND 22, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 21-21-30; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21-21-30 **SOUTH 00°59'26" WEST**, A DISTANCE OF **50.01 FEET** TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE ALONG THE SOUTH RIGHT OF WAY LINE OF RED BUG ROAD **SOUTH 88°03'35" EAST**, A DISTANCE OF **109.99 FEET**; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE **SOUTH 00°59'38" WEST**, A DISTANCE OF **299.43 FEET**; THENCE **NORTH 87°52'49" WEST**, A DISTANCE OF **130.01 FEET**; THENCE **SOUTH 00°59'40" WEST**, A DISTANCE OF **340.00 FEET**; THENCE **SOUTH 87°52'48" EAST**, A DISTANCE OF **130.01 FEET**; THENCE **SOUTH 00°59'38" WEST**, A DISTANCE OF **1,290.48 FEET**; THENCE **NORTH 88°03'19" WEST**, A DISTANCE OF **110.01 FEET**; THENCE **NORTH 87°53'43" WEST**, A DISTANCE OF **219.46 FEET**; THENCE **NORTH 00°59'10" EAST**, A DISTANCE OF **731.82 FEET**; THENCE **NORTH 87°58'30" WEST**, A DISTANCE OF **199.37 FEET**; THENCE **NORTH 00°59'10" EAST**, A DISTANCE OF **1,198.48 FEET** TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF RED BUG LAKE ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE **SOUTH 87°52'49" EAST**, A DISTANCE OF **419.11 FEET** TO THE POINT OF BEGINNING.

CONTAINING 19.07 ACRES (830,672 SQUARE FEET), MORE OR LESS.

SEMINOLE COUNTY DEVELOPMENT ORDER

On August 22, 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: Red Bug LLC

Project Name: Red Bug Lake Road Townhomes Rezone from A-1 to R-3A

Requested Development Approval:

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Benjamin Dunn
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

1. Standard Conditions:

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. All townhouse units shall be located on individual platted lots.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. In accordance with Section 30.250 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as recreation open space per the requirements of the Land Development Code.
- e. Accessory structures shall be prohibited on the individual townhouse lots.
- f. Permitted uses shall be fee-simple townhouse units, home offices, home occupations, and customary recreational facilities for the use of the residents.
- g. All landscape buffers and common areas shall be maintained by a homeowners association.
- h. The site shall only be permitted with a pedestrian dock on Lake Howell.
- i. 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.
- j. Sidewalks shall be required on both sides of the internal streets.
- k. Converting garages to living space shall be prohibited.
- l. Storage of RVs and boats on the site shall be prohibited.
- m. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.

2. Project Specific Conditions:

- a. The project shall be developed at a maximum density of 10 dwelling units per net buildable acre, not to exceed 120 townhouse units.
- b. All buildings on the lakefront and/or adjacent to any existing single-family residence shall be limited to one story in height.
- c. The minimum living space for each townhouse shall be 1,200 sq. ft.
- d. Any traffic signal modifications that are required at the project entrance/exit shall be paid for by the developer.
- e. Prior to preliminary subdivision plan approval the applicant will have to submit a letter from the City of Casselberry confirming that water and sewer will be provided for the project.

- f. The applicant shall coordinate with Seminole County to determine if joint use of the storm water pond located directly to the east of the site would be feasible as determined by the Public Works Director or their designee.
- g. A boat ramp will not be built for at least two (2) years from the date of zoning approval and will not be built at all if the County has installed a public boat ramp on the adjacent property to the East within that two year timeframe. However, if the developer chooses to build a boat ramp after the expiration of the two year period and then later the County installs a public boat ramp on the adjacent property to the East, the developer will remove the subject property's boat ramp and restore the lakefront to its original condition as soon as reasonably practical as determined by the Planning Manager.
- h. The boat ramp will be gated and locked. HOA will control access to gate and lock.
- i. The following setback standards shall apply to the individual townhouse units:

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

- j. The following minimum buffer standards shall apply:
 - The applicant will provide a 15-foot landscape buffer along the western, eastern and northern property lines.
 - The applicant will provide a 10-foot landscape buffer along the eastern and southern property lines.
 - A 6-foot high brick or masonry wall will be provided along the southern property line when adjacent to single-family residential.
 - The northern property line will consist of a 6-foot high brick or masonry wall.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owners of the said property have expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

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

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

OWNER'S CONSENT AND COVENANT

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

Witness

Print Name

Curt Cogan, Registered Agent

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Curt Cogan, who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn 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:

EXHIBIT A
Legal Description

PARCEL 1:

A PORTION OF SECTION 21 AND 22, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 21-21-30; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21-21-30 **SOUTH 00°59'26" WEST**, A DISTANCE OF **50.01 FEET** TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE ALONG THE SOUTH RIGHT OF WAY LINE OF RED BUG ROAD **SOUTH 88°03'35" EAST**, A DISTANCE OF **109.99 FEET**; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE **SOUTH 00°59'38" WEST**, A DISTANCE OF **299.43 FEET**; THENCE **NORTH 87°52'49" WEST**, A DISTANCE OF **130.01 FEET**; THENCE **SOUTH 00°59'40" WEST**, A DISTANCE OF **340.00 FEET**; THENCE **SOUTH 87°52'48" EAST**, A DISTANCE OF **130.01 FEET**; THENCE **SOUTH 00°59'38" WEST**, A DISTANCE OF **1,290.48 FEET**; THENCE **NORTH 88°03'19" WEST**, A DISTANCE OF **110.01 FEET**; THENCE **NORTH 87°53'43" WEST**, A DISTANCE OF **219.46 FEET**; THENCE **NORTH 00°59'10" EAST**, A DISTANCE OF **731.82 FEET**; THENCE **NORTH 87°58'30" WEST**, A DISTANCE OF **199.37 FEET**; THENCE **NORTH 00°59'10" EAST**, A DISTANCE OF **1,198.48 FEET** TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF RED BUG LAKE ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE **SOUTH 87°52'49" EAST**, A DISTANCE OF **419.11 FEET** TO THE POINT OF BEGINNING.

CONTAINING 19.07 ACRES (830,672 SQUARE FEET), MORE OR LESS.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
JUNE 7, 2006**

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

Members absent: Walt Eismann, Rob Wolf.

Also present: Tony Walter, Planning Manager; April Boswell, Assistant Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Benjamin Dunn, Senior Planner; Arnold Schneider, Assistant County Attorney; Kelly Brock, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Red Bug Lake Road Townhomes Rezone; Curt Cogan, applicant; approximately 19 ± acres; rezone from A-1 (Agriculture District) to R-3A (Multi-Family Dwelling); located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell.
(Z2005-28)

Commissioner Dallari – District 1
Benjamin Dunn, Senior Planner

Mr. Dunn introduced the application for the rezone of 19 acres from A-1 (Agriculture District) to R-3A (Multi-Family Dwelling District), stating that staff recommendation was for approval.

Chris Cogan stated that this was an infill project in the middle of a densely developed area. It has Medium Density Residential future land use and has 13.5 net developable acres. There will be 46% open green space on this project.

Joseph Lung is the Chairman of the Friends of Lake Howell. He is opposed to the project because of a concern for the water quality and the fragile state of Lake Howell. He was also concerned about increasing boat traffic on the Lake. There are 5,000 people living on the lake now. There are safety issues on the lake. It is already crowded. Mr. Lung noted that the lake is a private lake, with no funding available to help the lake. There has been \$210,000.00 spent in the last 2 years to help the lake due to development.

Elizabeth Taylor said she is a resident of Lake Howell. Property values have been increasing in the area. She is concerned that the condos will be owned by investors and that the integrity of the area will decrease.

Heather Ramos represented John and Linda Schwartzman, adjacent neighbors to the subject property. The Schwartzman's property is surrounded on two sides by the proposed condominium site. They will be forced to look at a 6-foot wall. This is a two-story development. Ms. Ramos said that progress was inevitable, but the Schwartzmans are requesting single family zoning. This zoning will allow up to 10 dwelling units per acre. This proposal does not maintain the integrity of the area. In 1981 a similar proposal here was denied. She asked that the proposal be denied, or recommended at a lower density. Also, any development adjacent to their property should be one-story. She also requested a gate on the access easement.

John Schwartzman said that the traffic in the area is too high; the proposed number of homes will add too much traffic. All of the houses around the site are single-family. This density is too much. He has a perpetual private easement across the property. He could rezone and have multiple homes on his property too.

Lynn Schwartzman showed two pictures of the property. She has lived there for 12 years. She had hoped to retire there. Now their property is being walled and there will be a noisy clubhouse next to them. She said that a single-family development is more appropriate here. Traffic from 240 potential cars will be bad. She requested that the application be denied.

Arnaldo Isa said that this community will have a boat ramp. It will have an adverse effect on the lake.

James Travis of 348 Georgetown Drive said that he concurred with the concern about the traffic on the lake. The lake is private. He does not want another boat ramp on the lake.

Bob Musser of 278 Lake Howell Lane said that zoning should allow for transitions. This is between 2 A-1 zonings. There is no boat ramp on Lake Hurst. The density should be limited to 4 – 6 units per acre.

Carol Mears said that she has lived on Lake Howell for 30 years. This lake is special. The proposed development will devalue her property. Her home is contiguous to the site. She noted that traffic backs up to Deer Run. The DOT will not redo the intersection for a few years. The site is also an active site for a community of gopher tortoises.

Chris Cogan said that he is aware of water quality issues. With 5,000 people on the lake, Lake Howell is one of the largest in Orange or Seminole Counties. He has a degree in environmental science. His project will have 46% open space. He is seeking a lower density than the 13 dwelling units allowed by the requested zoning.

Mr. Cogan said that this is an upscale community, which will be an asset to the neighborhood. It took years to assemble the property. There is another multi-family property to the east.

Mr. Cogan said that he had asked for input from the Swartzmans last year and had no response. Ms. Mears did not respond either. He is available now and will talk to the Friends of the Lake.

He will put a landscape buffer along the driveway. The gopher habitat was surveyed. He found only one tortoise on the property. He is committed to remaining open to the public.

Commissioner Tucker asked Mr. Dunn to address the traffic concerns.

Mr. Dunn said that traffic in the area was at Level "F" and that a flyover was planned for the area within 2 years.

Tony Walter said that a design is being done. It will be in the 5-year plan.

Commissioner Tucker noted that it was not in the current 5-year plan.

Mr. Walter agreed.

Commissioner Tucker asked if there had been a change in status of the gopher tortoise from endangered to threatened, and if this would change anything.

Michael Rumer stated that nothing had been determined yet.

Tina Williamson said the treatment of the tortoises would not change, whether they were endangered or threatened.

Commissioner Tucker asked about the easement.

Mr. Dunn said that the easement was a matter between two private parties.

Tina Williamson said that gates will have to be provided.

Commissioner Brown said that it was unclear what the Schwartzmans wanted, since they had made differing statements from their attorney's views.

Commissioner Brodeur said that this was a private lake. How was a boat ramp to be handled?

Mr. Dunn said that the boat ramp would be private.

Commissioner Hattaway asked where the boats would be stored.

Curt Cogan said that each unit has a 2-car garage; otherwise, boats must be stored off-site. The homeowner association will handle this. People will have to use storage facilities for their boats.

Commissioner Hattaway said that she did not want boats sticking out over sidewalks if they were in the driveways.

Tina Williamson stated that outside storage of boats and RVs is to be prohibited.

Commissioner Hattaway stated that she would like the applicant to meet with the Swartzmans.

Mr. Cogan said that he met with them today.

Commissioner Brodeur asked if the School Board representative commented on this application.

Mr. Dunn said that no one had commented.

Commissioner Brodeur said that the project was much less dense than it could be.

Commissioner Brodeur made a motion to approve the request.

Commissioner Brown seconded the motion.

Commissioner Brown said that Lago Vista is nearby. He is concerned about the placement of the pool. He is glad to see boat provisions.

Commissioner Hattaway favored the clubhouse and pool, but was concerned with the boat ramp.

Commissioner Brown asked who had jurisdiction over the lake.

Mr. Dunn said that the DEP did.

Commissioner Tucker said that he would be voting against this. This is infill that people are concerned about. This density is not compatible.

Commissioner Bates said that he agreed with Commissioner Tucker. The applicant has tried to make the project fit, but the project will have a significant impact with 120 townhouses.

Commissioner Brown pointed out that with Medium Density Residential future land use, why not do this project? What else could go there?

Commissioner Tucker said that different types of projects could go there.

Mr. Dunn said that the issue before the board was the zoning request. The future land use is already in place.

The vote was 3 – 2 in against the motion. Commissioners Hattaway, Bates and Tucker voted “no.” (Motion failed.)

Steve & Patti Steward
658 San Pablo Avenue
Casselberry, FL 32707
407-252-9500

June 2, 2006

Seminole County Planning Division
Benjamin Dunn, Senior Planner
1101 East First Street
Sanford, FL 32771

Commissioner Bob Dallari
1101 East First Street
Sanford, FL 32771

RE: RED BUG LAKE ROAD TOWNHOMES REZONE

Ladies and Gentlemen:

I am writing in OPPOSITION to the proposed rezoning for the above referenced project.

I am a resident of Sausalito Shores Homeowners Association and a lakefront homeowner. My opposition is based on two main points:

- 1) We do not need more high density development on Red Bug Road. There is already a traffic congestion problem on Red Bug that is apparent by the need for a flyover at Red Bug and 436. Has the impact of this rezoning been addressed by the DOT and Seminole County Roads?
- 2) We do not need more high density development on Lake Howell – we already have five high density condo associations or apartments on the lake creating a much higher than average volume on the lake. The Catholic Church is going to be requesting a rezoning of their property and it is rumored that Camp San Pedro will be the next to convert their property from the current low volume usage to a development of some kind. The addition of 160 townhomes will result in overcrowding on the lake.

I would like to request this request be REJECTED OR TABLED until the following have been addressed:

- 1) Has the impact on Red Bug Road traffic been addressed by the relevant government body?
- 2) Has the impact of all these potential new residents been addressed by the Seminole County Public School system for school crowding?
- 3) Has the development received approval by the St. Johns Water Management District for impact on the lake? What will be done to control water quality and safety?
- 4) Does Seminole County have a master plan to deal with all of these potential developments?

Please do not allow our community to be degraded by high-density development. Please reject or table this development until all of the appropriate impacts have been considered for their long-term impact on our house values, our road, our schools and our lake.

Sincerely,


Steve & Patti Steward

Cc: Friends of Lake Howell, Sausalito Shores Homeowners Association

June 2, 2006

06-06-06A10:41 RC /

Seminole County Planning Division
Benjamin Dunn, Senior Planner
1101 East First Street
Sanford, FL 32771

Commissioner Bob Dallari
1101 East First Street
Sanford, FL 32771

RE: RED BUG LAKE ROAD TOWNHOMES REZONE

Ladies and Gentlemen:

I am writing in OPPOSITION to the proposed rezoning for the above referenced project.

I am a resident of Sausalito Shores Homeowners Association, a lakefront homeowner, and a member of the Sausalito Shores Homeowners association. My opposition is based on the following primary reasons:

- There is a high volume of traffic as a result of the high concentration of multi-family developments in the area near the proposed site and near the Red Bug Lake Road and State Road 436 interchange: The Harbor at Lake Howell, Carmel, Marbeya, Lake Howell Arms, Sausalito Condos, Lago Vista, plus several others along SR 436, Lake Howell Road, Lake Howell Lane, and Howell Branch Road. This interchange has been identified as one of the busiest in the Orlando metropolitan area, which has resulted in the planning of a fly-over interchange. A high density development would add more traffic per square foot of development than other types of developments.
- There is already too much boat traffic on Lake Howell that is largely attributed to the high density developments on Lake Howell. Additionally, Camp Heronwood operates multiple boats continuously through the day, and Millennium Rowing uses the lake for both the Lake Howell and the Winter Park high school crew teams. On an average weekend, there are over 10 boats (not including fisherman) and well over 10 jet ski's on the lake. This lake is considered a private (no public access) lake, yet it is as busy as or busier than public lakes like Lake Maitland or Lake Conway. A high density development would add more boat traffic per square foot of development than other types of developments.
- The quality of the lake is already impaired as a result of the immediate high density and the surrounding high density and single family residence (SFR) developments that have drainage feeding into the lake. Increasing the load on the lake will further the problems. Lake Howell has been identified as one of the leading causes of water quality issues for Lake Jessup. The lake residents through the Friends of Lake Howell have spent a large amount of money and time trying to maintain and correct the poor conditions, including the recent Hydrilla problem. SJWM is forcing the county to put in retention areas to filter the water before it hits the lake. A high density development would add more load from runoff per square foot of development than other types of developments.
- Future developments that are being planned will further load or impact the lake and should be considered. San Pedro is being planned to develop a large number of SFR with lake access as the current plan indicates.

Based on various reports, it appears that many of the local governments feel that high-density developments is the solution to controlling urban sprawl and urban sprawl is the cause of the traffic issues. Out opinion is that we do not have employment opportunities in the correct places. The congestion is more a result of the concentrated business districts with the wrong kind of supporting neighborhoods in the right areas causing commuters to crisscross the Orlando area to get to their employment. There is already a trend to move businesses out of the downtown district and distribute it through out the suburban areas. Put more professional businesses in the

different areas, not just the supporting businesses or retail businesses. There are very few professional business centers in this area.

Solutions

Build a class A office complex on the site, but not a call center (call centers do employ a lot of personnel, but they are typically hourly or part-time personnel and not necessarily full time professionals). The goal should be to attract professionals. There are plenty of service related and non-professional opportunities in the area. There are several high end neighborhoods that executives, management and employees could live in. Traffic would be reduced by shorter commutes. A class A office complex would put little stress on the lake from run off and not increase to the lake traffic.

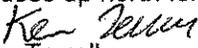
If the site had to be developed with some type of residential development, it should be high-end single family residences much like Lakehurst or even better. Again, the focus should be to attract more professionals to the area, improving the quality of the area. A restriction of 4 dwelling units per acre should maximum density and even a minimum of 1,500 square feet of living space, this supporting a higher valued development. The area is already suffering as a result of the moderate value developments including the multi-family developments.

Alternatively, developing a medical facility or a senior care facility would be acceptable. A multi-family designation intended for a retirement development should have a restriction indicating that it is for retirement development only, and not any type of multi-family development. Developments of this type would add minimal amounts of traffic, little to no traffic on Lake Howell, and

If a townhome (multi-family) development were approved, it should be approved with restrictions, minimum size should be at least 1,400 square feet. There is enough affordable housing in this area, higher valued housing is needed.

Additional concerns for any development effort is the affect of construction on the lake. Residents that have lived on the lake indicated that it used to be a clear lake. After Carmel built units close to the creek in started declining. After The Harbor was built, they saw a major decline. After 436 was widened, they saw another decline and the formation of several major sand bars in the lake. Nothing was ever done to correct this issues. Better steps should be taken to ensure this does not continue to happen and it would even be great to see that the developer was required to pay an additional impact fee that would be directly contributed to the conservation and restoration of the lake. I have seen this done in other environmentally friendly areas.

If you really want to slow down urban sprawl, make it a little harder for people to move here from out of state. One idea is to charge people an additional tax, say 1% to 2% or even higher of the home sale price, when purchasing a home if they were not born in florida. They are selling their houses up north for more money, moving here and getting more house for less money.


Ken Terrell
682 San Pablo Avenue
Casselberry, FL 32707

(B) 6/7/06 Pt 2

1244 Lake Howell Trail
Winter Park, FL 32792
6 June 06

Seminole County Planning Division
Benjamin Dunn, Senior Planner
1101 East First Street
Sanford, FL 32771

Commissioner Bob Dallari
1101 East First Street
Sanford, FL 32771

Re: RED BUG LAKE ROAD TOWNHOMES REZONE

I am writing in OPPOSITION to the proposed rezoning for the above referenced project for the following reasons:

Water Quality

I requested that Taylor Environmental Services offer an opinion regarding the impact of the proposed development on the lake; their letter is attached. The last paragraph is included here:

"Given the fragile state of Lake Howell, it is my opinion that the dense residential development being proposed on the north shore of Lake Howell will result in serious water quality deterioration in the lake."

Boat Traffic

Currently there are approximately 5000 people living at the lake. That's a huge number of people to have on one lake and they generate a lot of boat traffic. We also have Millennium Rowing (Winter Park H. S. crew) practicing six days a week in their \$60,000 racing shells. The lake just isn't that big! Have you thought about the safety issues?

Are any of you familiar with Lake Fairview? It is the one lake in the area that most closely matches Lake Howell in size. I have sailed there several times so I am familiar with it. I haven't done a rigorous survey, but I am confident that the population of Lake Fairview is less than 20% than that of Lake Howell.

Private Lake

Lake Howell is a private lake. Why is that important? It means that public funds are not available to us to help solve or mitigate problems that occur with the lake. We have to pay to solve problems out of our own pocket. Friends of Lake Howell (FOLH), which is a homeowners' association for the entire lake, was created to address the problems thrust upon us by development of areas that drain into the lake.

In the last few years FOLH has spent more than \$210,000 to solve water quality issues created by development. It is important that you understand that we can't send a bill to the residents and demand payment. The county can do that, but we can't. We can only ask.

Impact to Adjacent Properties

The proposed development will have a negative impact on the property values of the nearby lakefront properties. We suggest a 400 ft. buffer along the lake front with home sites similar to the adjacent properties.

Summary

We all know that in general, higher density equates to increased problems for the lake. The proposed Townhouse development with its extreme concentration of homes is simply NOT the right thing to do. We ask that you consider the impact of your decisions with regard to Lake Howell and, more specifically, who has to pay for the consequences of your decisions. We ask that you reject the proposed Townhouse development.


Joseph Lung, Chairman
Friends of Lake Howell

WINDERWEEDLE, HAINES,
WARD & WOODMAN, P.A.

ATTORNEYS AT LAW

MAIN TELEPHONE (407) 423-4246
WWW.WHWW.COM

Robert L. Simon, Jr.
Direct Dial: (407) 246-8671
E-mail: rsimon@whww.com

Please Reply To:

Winter Park Office

July 27, 2006

Via Facsimile (407)665-7958

Bob Dallari, Commissioner
Seminole County Government
District 1
1101 East First Street
Sanford, FL 32771-1468

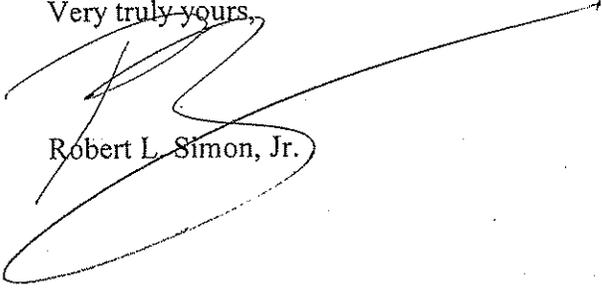
Re: John and Lynn Schwartzman's Access Easement
Red Bug, LLC Development
Development Order #06-200000007

Dear Commissioner Dallari:

Thank you for meeting with my clients, Mr. and Mrs. Schwartzman, and me on Tuesday, July 18, 2006, regarding the Schwartzmans' access easement and its potential disruption because of Red Bug, LLC's neighboring development. As was discussed at the meeting, I have attached additional "Project Specific Conditions" that the Schwartzmans and I feel are necessary to protect not only their interest in the property that is being developed but also the character of their residence. I have drafted the Project Specific Conditions so that they could be incorporated into Seminole County's Development Order as part of the approval process for Red Bug, LLC's development. I have also included a copy of the original Seminole County Development Order for your convenience.

As you can imagine, the Schwartzmans' right to get to and from their home as they have for years is of great importance to them. Your interest and concern for this issue gives them confidence that the County will not allow this developer to disrupt their access. Should you have any questions or comments regarding the proposed Project Specific Conditions or anything else related to this matter, please do not hesitate to contact me. Again, thank you for your attention to this issue and we look forward to hearing from you regarding its progress.

Very truly yours,


Robert L. Simon, Jr.

RLS/jd

Enclosures: as stated above.

cc: Mr. and Mrs. Schwartzman w/ encl.
Benjamin Dunn w/ encl.

SEMINOLE COUNTY DEVELOPMENT ORDER
(additional Project Specific Conditions)

(3) PROJECT SPECIFIC CONDITIONS (con't.):

- i. The following minimum buffer standards shall apply:
- The applicant will provide a 10-foot landscape buffer along the western, eastern and northern property lines.
 - The northern property line will also consist of a 6-foot high brick or masonry wall.
- j. Prior to preliminary subdivision plan approval, the applicant will have to submit an acceptable Easement Agreement between the applicant and Mr. John Schwartzman and Mrs. Lynn Schwartzman, making appropriate accommodations for the 11-foot perpetual easement for surfaced road right-of-way for ingress and egress to Red Bug Lake Road, identified in the Warranty Deed dated March 8, 1978, and recorded at O.R. Book 1159, Page 1289, public records of Seminole County, Florida, and again in the Affidavit recorded at O.R. Book 1456, Page 1667, public records of Seminole County, Florida (the "Schwartzman Easement").
- The applicant shall not be entitled to submit a preliminary subdivision plan that closes or disrupts the Schwartzman Easement, unless an acceptable Easement Agreement allows otherwise.
 - The applicant shall not construct any buildings within two hundred (200) feet of the lake shoreline.
 - Any club house and/or pool and recreational facilities shall be located two hundred and fifty (250) feet from the Schwartzman home.
 - Any overhead outdoor lighting used in the applicant's development shall be located so it does not illuminate the Schwartzman home.
 - The applicant shall locate landscaped retention ponds to the east and north sides of the Schwartzman property to create a buffer and minimize the incompatibility of multi-family homes with single family homes.

- The applicant shall provide a six (6) foot brick or masonry wall to the east and north of Schwartzman property, running along the property line from Lake Howell north to the northeast corner of the Schwartzman property and then west to the edge of the property line linking up with the ten (10) foot landscape buffer. The applicant shall landscape the wall on the applicant's side with trees that will screen the visibility of any two story buildings.
- The applicant shall run lines to the Schwartzman property boundary for service connection to water and sewer.

SEMINOLE COUNTY DEVELOPMENT ORDER

On August 8, 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: Red Bug LLC

Project Name: Red Bug Lake Road Townhomes Rezone A-1 and R-3A

Requested Development Approval:

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Benjamin Dunn
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

Standard Conditions:

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. All townhouse units shall be located on individual platted lots.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. In accordance with Section 30.1344 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as useable open space per the requirements of the Land Development Code.
- e. A 35' building setback shall apply along all property boundaries.
- f. Accessory structures shall be prohibited on the individual townhouse lots.
- g. Permitted uses shall be fee-simple townhouse units, home offices, home occupations, and customary recreational facilities for the use of the residents.
- h. All landscape buffers and common areas shall be maintained by a homeowners association.
- i. 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.
- j. Sidewalks shall be required on both sides of the internal streets.
- k. Converting garages to living space shall be prohibited.
- l. Storage of RVs and boats on the site shall be prohibited.
- m. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.

Project Specific Conditions:

- a. The project shall be developed at a maximum density of 10 dwelling units per net buildable acre, not to exceed 120 townhouse units.
- b. In accordance with Section 30.1344 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as useable open space per the requirements of the Land Development Code.
- c. A 35' building setback shall apply along all property boundaries.
- d. A 25' building setback shall apply for the one story clubhouse.
- e. The minimum living space for each townhouse shall be 1,200 sq. ft.
- f. Any traffic signal modifications that are required at the project entrance/exit shall be paid for by the developer.

- g. Prior to preliminary subdivision plan approval the applicant will have to submit a letter from the City of Casselberry confirming that water and sewer will be provided for the project.
- h. The following setback standards shall apply to the individual townhouse units:

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

- i. The following minimum buffer standards shall apply:

- The applicant will provide a 10-foot landscape buffer along the western, eastern and northern property lines.
- The northern property line will also consist of a 6-foot high brick or masonry wall.
- The proposed clubhouse on the south portion of the property shall meet a minimum 25-foot setback from all property lines and provide a brick or masonry wall from the adjacent property to the west. The brick or masonry wall shall run along the property line from Lake Howell north to the project's internal roadway and then west to the edge of the property line linking up with the 10-foot landscape buffer.

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

Done and Ordered on the date first written above.

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

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

OWNER'S CONSENT AND COVENANT

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

Witness

Print Name

Curt Cogan, Registered Agent

Witness

Print Name

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Curt Cogan, who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn 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:

EXHIBIT A
Legal Description

PARCEL 1:

A PORTION OF SECTION 21 AND 22, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 21-21-30; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21-21-30 SOUTH 00°59'26" WEST, A DISTANCE OF 50.01 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE ALONG THE SOUTH RIGHT OF WAY LINE OF RED BUG ROAD SOUTH 88°03'35" EAST, A DISTANCE OF 109.99 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°59'38" WEST, A DISTANCE OF 299.43 FEET; THENCE NORTH 87°52'49" WEST, A DISTANCE OF 130.01 FEET; THENCE SOUTH 00°59'40" WEST, A DISTANCE OF 340.00 FEET; THENCE SOUTH 87°52'48" EAST, A DISTANCE OF 130.01 FEET; THENCE SOUTH 00°59'38" WEST, A DISTANCE OF 1,290.48 FEET; THENCE NORTH 88°03'19" WEST, A DISTANCE OF 110.01 FEET; THENCE NORTH 87°53'43" WEST, A DISTANCE OF 219.46 FEET; THENCE NORTH 00°59'10" EAST, A DISTANCE OF 731.82 FEET; THENCE NORTH 87°58'30" WEST, A DISTANCE OF 199.37 FEET; THENCE NORTH 00°59'10" EAST, A DISTANCE OF 1,198.48 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF RED BUG LAKE ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 87°52'49" EAST, A DISTANCE OF 419.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.07 ACRES (830,672 SQUARE FEET), MORE OR LESS.

August 11, 2006

Commissioner Bob Dallari
Seminole County Government
1101 East First Street
Sanford, FL 32771-1468

Re: Red Bug Lake Townhomes Rezoning Request Number Z2005-28

Dear Commissioner Dallari:

The purpose of this letter is to bring to your attention concerns that we have regarding the involvement of the Friends of Lake Howell ("FOLH") in the above referenced rezoning request. We are being pressured by FOLH to support their group as the designated caretakers of Lake Howell. FOLH has informed us that they are solely responsible for maintaining and policing Lake Howell and for governing all surrounding developments related thereto.

Based on discussions that you and I have had, it is my understanding that Lake Howell is a public lake, and that as a navigable body of water, is actually owned by the State of Florida. Despite the above, FOLH is not relenting from their position that we enter into a binding legal contract with them. They have tendered a Contract that they want signed before the next BOC hearing that would require us to;

- a.) pay an annual fee or tax to them on a per unit basis,
- b.) recognize them and support them into perpetuity as the sole entity responsible for maintenance of the lake,
- c.) convey to them the authority to establish and enforce rules and regulations governing our development and its future residents including imposing; restrictions on the ownership and registration of boats by residents, the requirement for 24-hour security including video surveillance, building codes and restrictions including building heights and set-backs, landscape requirements, parking restrictions and much more.

I will gladly provide you with a copy of their proposed Contract upon your request.

I am confident that the community in general fully supports our proposed development. As you are aware, we are compliant with the Future Land Use Plan and are well under the 10 Units per developable acre as allowed by Seminole County. We are also in compliance with all concurrency issues and have nearly twice the amount of open and green space required. Additionally, we are removing several septic systems currently on the lakefront and are installing a sewer system and environmental swale to ensure that sanitary and/or storm run-off can no longer find its way into the lake.

The fact that the project is being developed for a local retirement community will substantially, if not completely, mitigate any impacts to the lake, roads, schools, etc. As an added bonus, that retirement community has earned an impeccable reputation in Central Florida over the past 30 years. Together, with their approval, we have already agreed to modify and further enhance numerous aspects of the proposed plan including, decreased density, increased buffers and landscaping, relocating the clubhouse and lift-station away from the lakefront and limiting certain building heights to one story. Despite these agreements and the related benefits to Lake Howell and the community, we are concerned that FOLH will continue to vocalize unreasonable opposition to the project and further continue to try and extract dollars from us to support their cause. This puts us in a strange situation.

Commissioner Bob Dallari

August 11, 2006

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If we knew for certain that FOLH was designated by either the County or the State as a private agency to maintain Lake Howell and that they have been empowered to create and enforce rules and regulations related thereto for the benefit of the public, we would not hesitate to support them. If, however, they are targeting us for selective enforcement and/or if the County intends to undertake the maintenance of Lake Howell then we do not want to be under contractual obligation to them. Concurrent with the writing of this letter, we are engaged in ongoing discussions with FOLH in an attempt to include any reasonable requests they may have in our plan however, along with some very reasonable requests they are still demanding contingencies that we believe are far outside the realm of reasonable.

FOLH is attempting to require us to enter into a written development agreement with them as a condition to the rezoning. It is my understanding that only the County is authorized to enter into Development Agreements of this nature. I am concerned that FOLH is overstepping its bounds and attempting to act as a quasi governmental agency. I know first-hand and have documented evidence to support that some of their members and affiliates are willing to use intimidation, disinformation campaigns and even extortion to achieve their goals.

I recognize that this presents a difficult political situation for the Commissioners, and therefore wanted to bring this to your attention to be discussed prior to the next commission meeting so that perhaps an amicable resolution between all parties concerned may be reached. Any guidance you can provide regarding how the demands of FOLH should be addressed would be greatly appreciated.

Sincerely,

Christopher G. Cogan
President, Cogan Development, LLC
Managing Member, Red Bug, LLC

cc: Carlton Henley, Commissioner District 4
Randall Morris, Commissioner District 2
Dick Van Der Weide, Commissioner District 3
Brenda Carey, Commissioner District 5
Robert A. McMillan, Esq.
~~Tony Walter~~ (Planning)
Jesse E. Graham, Jr., Esq.
Doug Gartenlaub, Esq.