

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Line Drive Townhome Rezone PUD To PUD

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Michael Rumer EXT. 7431

Agenda Date 10/24/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **APPROVE** a request and authorize the Chairman to enact an ordinance to rezone 0.62± acres, located on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development), and approve the attached Preliminary Master Plan and Development Order, based on staff findings, and authorize the Chairman to execute the aforementioned documents (Huned Botee, applicant); or
2. **DENY** a request to rezone 0.62± acres, located on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development) (Huned Botee, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 3 – Van Der Weide

Michael Rumer, Senior Planner

BACKGROUND:

The applicant, Huned Botee, requests the rezoning of approximately 0.62 acres, on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development). The parcel was previously located within Tract 5 of the Stockbridge PUD which permitted 280 townhomes and single-family dwellings on 33.3 acres with a density of 8.4 units per acre. Tract 5's final approved development pattern is a total of 250 townhome and single-family dwellings, leaving the 0.62 acres vacant. The applicant intends to create a new PUD consisting of seven (7) townhomes at a density of 11.2 dwelling units per net buildable acre. The Stockbridge

Reviewed by: _____
Co Atty: KET
DFS: _____
OTHER: AB
DCM: SY
CM: Ca

File No. ph130pdp06

PUD received an amendment that removed the 0.62 acres from the original PUD in 2006.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 0.62 acres, located on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development), and approval of the attached Preliminary Master Plan and Development Order, per staff findings.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on September 6, 2006 and voted 6-0 to recommend APPROVAL of the request to rezone approximately 0.62 acres, located on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development), and approval of the attached Preliminary Master Plan and Development Order, per staff findings and the following Planning and Zoning Commission statement of concern:

The Planning and Zoning Commission expressed their concern that the approval of the PUD will negatively impact schools within the school district zones serving this area.

Attachments:

- Staff Report
- Preliminary Master Plan
- Location Map
- Land Use & Zoning Map
- Aerial Map
- School District Capacity Analysis
- Approval Development Order
- Ordinance
- Denial Development Order (applicable if request is denied)
- 8-2-06 Planning & Zoning Commission Minutes

LINE DRIVE TOWNHOMES PUD Rezone from PUD to PUD	
APPLICANT	Jack Reynolds, American Civil Engineering, Authorized Agent
PROPERTY OWNER	Huned Botee
REQUEST	Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development).
PROPERTY SIZE	0.62 ± acres
HEARING DATE (S)	P&Z: September 6, 2006 BCC: October 24, 2006
PARCEL ID	07-21-29-300-019C-0000
LOCATION	Located at 125 N. Line Drive, 300 feet south of Sand Lake Rd.
FUTURE LAND USE	PD (Planned Development)
ZONING	PUD (Planned Unit Development)
FILE NUMBER	Z2006-041
COMMISSION DISTRICT	#3 – Van Der Weide

Proposed Development:

The applicant is proposing to develop seven (7) townhome dwelling units at a net density of 11.2 dwelling units per net buildable acre.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone approximately 0.62 acres, located on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development). The parcel was previously located within Tract 5 of the Stockbridge PUD which permitted 280 townhome and single-family dwellings on 33.3 acres with a density of 8.4 units per acre. Tract 5's final approved development pattern is a total of 250 townhome and single-family dwellings, leaving the 0.62 acres vacant. The applicant intends to develop seven (7) townhomes at a density of 11.2 dwelling units per net buildable acre. The following table depicts the minimum regulations for the current zoning district of PUD (Planned Unit Development) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (PUD)	Proposed Zoning (PUD)
Minimum Lot Size	1,540 sq. ft.	716 sq. ft.
Minimum House Size	600 sq. ft.	1,376 sq. ft.
Minimum Width at Building Line	N/A	N/A
Front Yard Setback	25/15* feet	25 feet
Side Yard Setback	15/7/0* feet	10 feet
(Street) Side Yard Setback	15 feet	N/A
Rear Yard Setback	15 feet	30 feet
Maximum Building Height	35 feet	35 feet

*Setbacks for lots not adjacent to the main access road. The lots are adjacent to access courts and lanes.

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	PUD (existing)	PUD (proposed)
Permitted Uses	Single-family, Duplex, Office, Residential Professional Office, customary accessory uses.	Townhomes and their customary accessory uses, home occupations and home offices
Special Exception Uses	N/A	N/A
Minimum unit size	1,540 sq. ft.	1,376 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

Staff has reviewed the request to determine compatibility with surrounding developments, and determined the request is compatible. Within the existing Stockbridge PUD, there are townhomes located adjacent to a 20-foot spike strip of land to east property line and apartments 830 feet to the south. The property adjacent on the north side is a church and the property adjacent on the south side is a residential professional office.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map 12117C0115E, with an effective date of April 17, 1995, there appears to be no 100-year floodplain on the subject property.

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on preliminary analysis, there are no endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final site plan approval.

PUBLIC FACILITY IMPACTS

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

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

Public Facility	Existing Zoning (PUD)*	Proposed Development (7 Lot PUD)¹	Net Impact
Water (GPD)	1,750	2,450	700
Sewer (GPD)	1,500	2,100	600
Traffic (ADT)	29	41	12

* Impacts based on approved density of 8.4 units per net buildable acre or 5 units.

¹ Proposed PUD Development is based on number of units requested by the applicant.

Utilities:

The site is located in the service area of Seminole County and is proposing to connect to public utilities for water and sewer. There is an 8-inch water main on the east side of Line Drive. The project must receive a utility easement from the parcel adjacent on the north side, in order to tie into the 6-inch sewer lines located at the rear of their property. Reclaimed water is not available.

Transportation / Traffic:

The property is adjacent to Line Drive which is classified as a local road. Line Drive is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed PUD zoning district will generate approximately 2 school age children. The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are served by the same schools as the subject property, but are not yet included in school capacity numbers. This analysis is included as an attachment to this report.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station 13, which is located at 1240 SR 436,

approximately 1.85 miles from the project. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is under 5 minutes.

Drainage:

The site does not appear to have a positive, legal outfall and so will be required to retain the 100 year/24 hour storm event.

Parks, Recreation and Open Space:

25% useable open space is required per Sec. 30.451 (e) of the Seminole County Land Development Code. The applicant is proposing to provide 0.34 acres (54.12%) of open space, which will include an amenitized retention pond per Seminole County Land Development Code Section 30.1344 to count towards the 25% useable open space requirement. Additional amenities will include a common area equipped with a barbeque grill and picnic table. All of the amenities associated the useable open space will be determined at the time of Final Master Plan approval.

Buffers and Sidewalks:

The applicant is providing a 12-foot landscape buffer along the western property line and a 31-foot buffer consisting of a landscaped pond along the eastern property line. Additionally, the northern property line will consist of a 10-foot landscape buffer with a 6-foot fence that will buffer the existing Synagogue and the south property line will consist of a 5-foot landscape buffer with a 6-foot fence that will buffer the approved office professional development. At the time of development, a 5-foot wide sidewalk is required to be installed along the property frontage abutting Line Drive.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not within a special district.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice was sent to the Seminole County School District on August 9, 2006. The School District has provided a School Capacity Report, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 0.62 acres, located on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development), and approval of the attached Preliminary Master Plan and Development Order, per staff findings.

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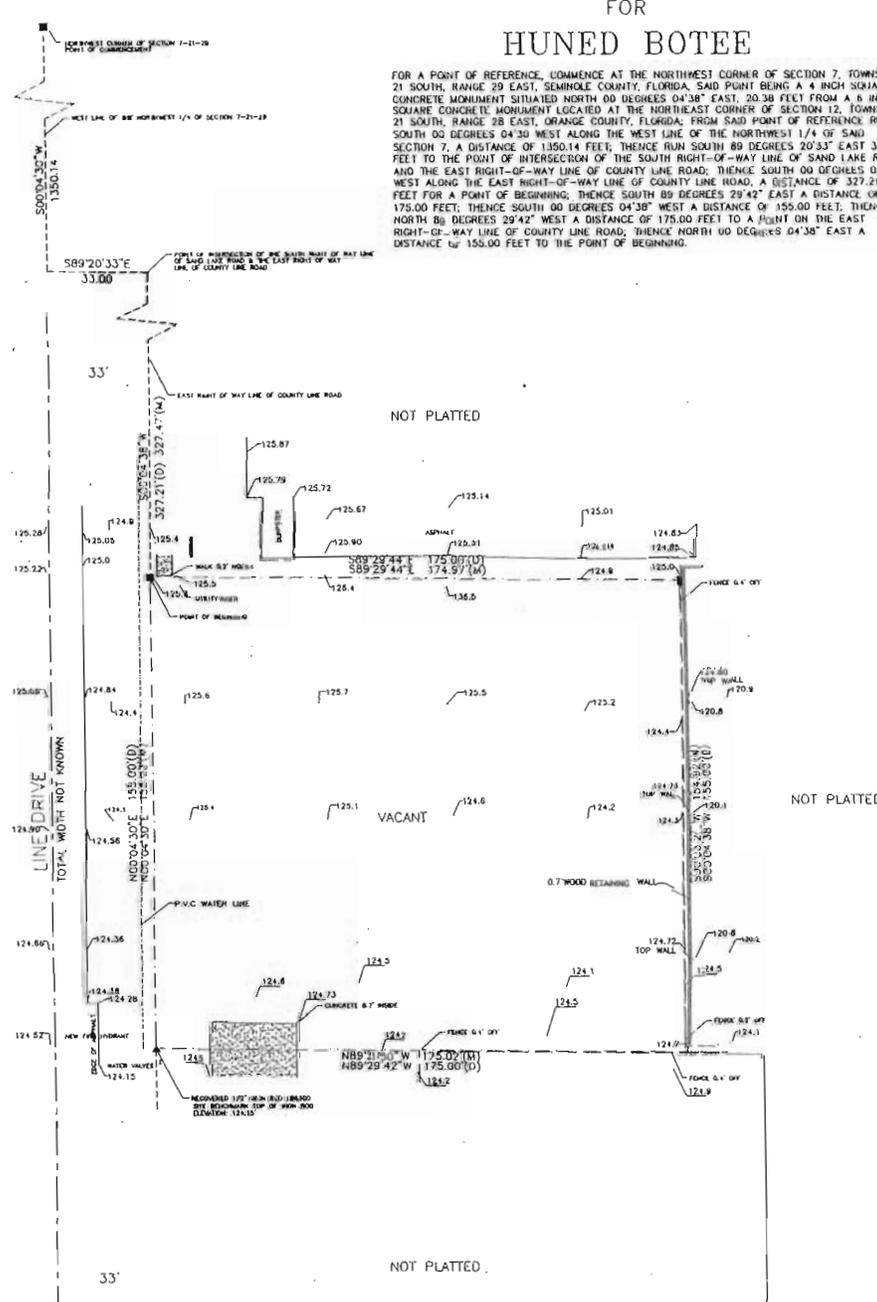
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BOUNDARY AND TOPOGRAPHIC SURVEY FOR HUNED BOTEE

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, SAID POINT BEING A 4 INCH SQUARE CONCRETE MONUMENT SITUATED NORTH 00 DEGREES 04'38" EAST, 20.38 FEET FROM A 8 INCH SQUARE CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 29 EAST, ORANGE COUNTY, FLORIDA; FROM SAID POINT OF REFERENCE, RUN SOUTH 00 DEGREES 04'30" WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1350.14 FEET; THENCE RUN SOUTH 89 DEGREES 20'33" EAST 33.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAND LAKE ROAD AND THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE SOUTH 00 DEGREES 04'38" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 327.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29'42" EAST A DISTANCE OF 175.00 FEET; THENCE SOUTH 00 DEGREES 04'38" WEST A DISTANCE OF 155.00 FEET; THENCE NORTH 89 DEGREES 29'42" WEST A DISTANCE OF 175.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE NORTH 00 DEGREES 04'38" EAST A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.



SITE BENCHMARK
4"X4" CONCRETE MONUMENT
SEMINOLE COUNTY 479-59-01
ELEVATION 122.69' NGVD 1929

BEARINGS ARE BASED ON WEST LINE OF THE NORTHWEST 1/4 OF SECTION 7, 21-29 AS BEING SOUTH, PER DESCRIPTION. LEGAL DESCRIPTION FURNISHED BY CLIENT (UNLESS OTHERWISE NOTED).

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SURVEYING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEYING PARTY OR PARTIES.

SCALE: 1"=30'
REVIEWED BY: AWS
DRAWN BY: GJS
DATE: 12/11/2013
JOB NO.: 122274
REVISED AND SHOWN ELEVATIONS 10/25/03

- LEGEND**
- RECOVERED 4"X4" CONCRETE MONUMENT (CS1969)
 - ▲ RECOVERED NAIL & BUSH (LB1221)
 - RECOVERED 4"X4" CONCRETE MONUMENT NO. 1
 - RECOVERED 1/2" IRON ROD (B1221)
 - RECOVERED 1/2" IRON ROD (B1221)
 - RECOVERED 3/8" IRON ROD NO. 1
 - SET 1/2" IRON ROD (B1221)
 - POWER POLE AS SHOWN
 - 8" WOOD FENCE
 - 8" CHAIN LINK FENCE
 - CONCRETE SIGN AS SHOWN

∠ = CENTRAL ANGLE, L = ARC, R = RADIALS, R/W = RIGHT OF WAY, A/C = AIR CORRIDOR, (R) = RADIAL, (INC) = INTER-RADIAL, (P) = PLAT, (M) = MEASURED, (C) CALCULATED, (D) = DEPTH, POB = POINT OF BEGINNING, CONC. = CONCRETE, FENCE = TYPE OR DIMENSIONS, COLO. = PAINT COLOR, THIS SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE PARTIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY BE IT INDIVIDUAL, BUSINESS, UNDERGROUND FOUNDATIONS, AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY AND/OR EASEMENTS OF PUBLIC RECORD.

MICHAEL W. SQUERO, RLS #4450
1811 THE BIRMA OF ALTA MONTE SURVEYING AND PLATTING, INC., P.O. BOX 9300

ALTAMONTE SURVEYING AND PLATTING, INC.

435 DOUGLAS AVENUE, SUITE 1505-F
ALTAMONTE SPRINGS, FLORIDA 32714
PHONE (407) 862-7555 FAX (407) 862-6229

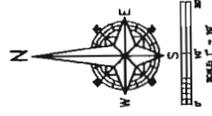
SHEET 2 OF 4

12-11-13 AWS

DATE	1/23/20
BY	JL
CHECKED BY	JL
SCALE	AS SHOWN
CAD FILE	18082-01
PROJECT NO.	18082-01

AMERICAN CIVIL ENGINEERING CO.
 1000 N. W. 10th St., Suite 100
 Fort Lauderdale, FL 33304
 (954) 576-7878

LINE DRIVE TOWNHOMES
 PUD PRELIMINARY LANDSCAPE PLAN
 LINE DRIVE
 APOPKA, FLORIDA



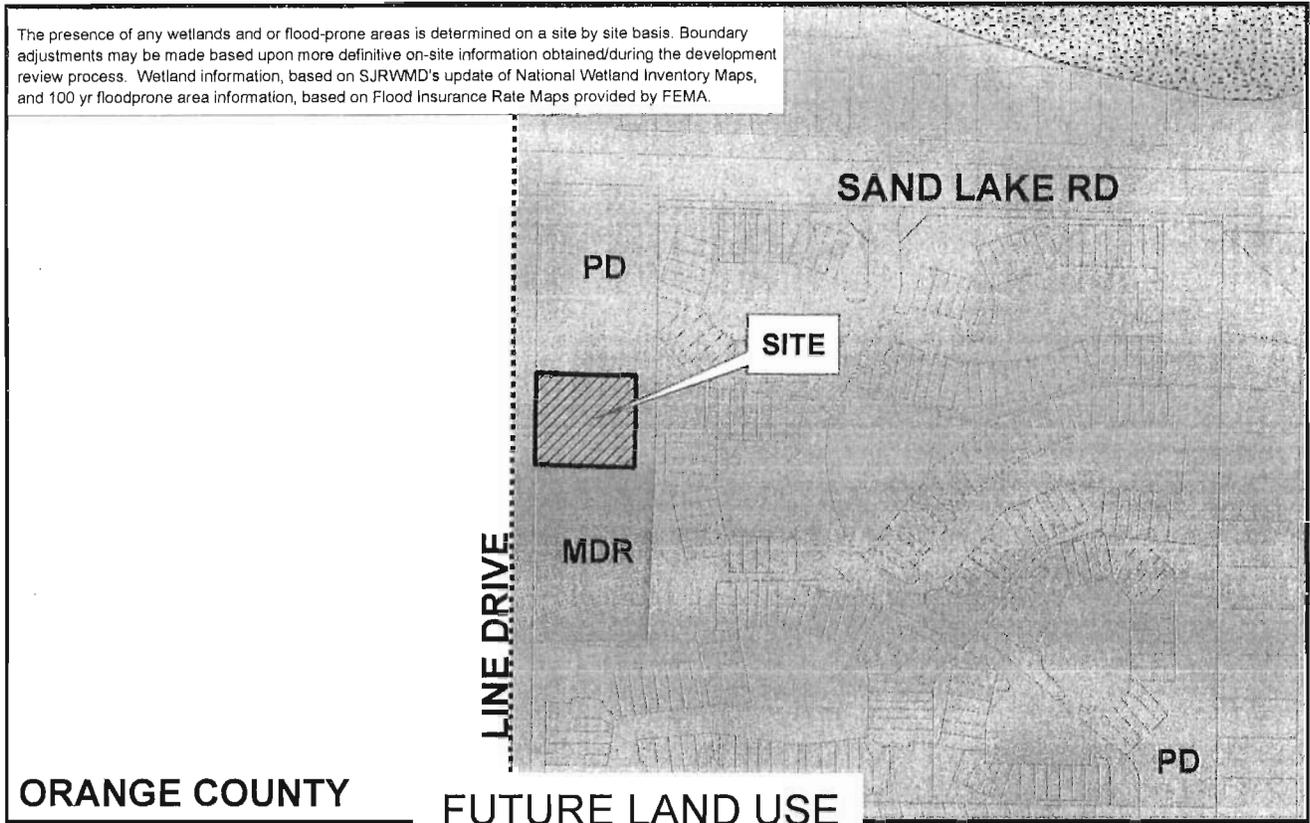
LANDSCAPING GENERAL NOTES:

1. ALL LANDSCAPING AREAS TO BE COVERED BY AN AUTOMATIC SPRINKLER SYSTEM.
2. ALL LANDSCAPING AREAS TO BE SOOLED (BY AUGURING) AND MULCHED (2" MIN).
3. ALL TREES TO BE PLANTED WITH PROTECTIVE TREE BARRIERS SHALL BE INSTALLED AND RESPECTED BY SEAWALK COUNTY. CONTACT JACKIE LANDSCAPE @ 407-662-7468 FOR MORE INFORMATION.
4. ALL PROPOSED TREES SHALL BE FLORIDA #1 GRADE OR BETTER ACCORDING TO THE FOLLOWING LIST:
5. ALL EXISTING AREAS 6" DIA. OR 8" DIA. SHALL BE SOOLED.
6. IF THE EXISTING PLANT MATERIAL DOES NOT MEET MIN. CODE REQUIREMENT SUPPLEMENTING THE PLANT MATERIAL TO MEET CODE WILL BE DONE.
7. IF THE EXISTING LANDSCAPING DOES NOT MEET CODE REQUIREMENT AT THE TIME OF CONSTRUCTION, THE LANDSCAPING SHALL BE REPLACED PRIOR TO C. OF D.
8. THE DESIGN LANE SHALL BE CLEAR OF ANY OBSTRUCTIONS.
9. NO TREES WITH A TRUNK DIAM. GREATER THAN 4" AT MATURITY OR SPREADS WIDER THAN 10' SHALL BE PLANTED WITHIN THE DESIGN LANE.
10. ALL TREES PERMITTED TO REMAIN WITHIN THE DESIGN LANE SHALL BE TRIMMED UP TO A HEIGHT OF 8' AND TRIMMED TO MEET ALL APPLICABLE TREE TRIMMING REGULATIONS.
11. ALL TREES SHALL BE PLANTED WITHIN THE DESIGN LANE.
12. ALL LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH THE FLORIDA LANDSCAPING CODE, CHAPTER 626, PART 2.01, WHICH MAY BE USED AS A REFERENCE.
13. SOIL SHALL NOT EXCEED 40% FINE SAND.

LANDSCAPE LEGEND:

- (S) 3/4" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/2" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/4" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/8" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/16" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/32" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/64" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/128" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/256" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/512" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/1024" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/2048" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/4096" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/8192" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/16384" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/32768" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/65536" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/131072" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/262144" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/524288" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/1048576" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/2097152" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/4194304" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
- (S) 1/8388608" VIBURNUM HEDGE (30" HGT. PLANTED AT 30" O.C.)
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The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



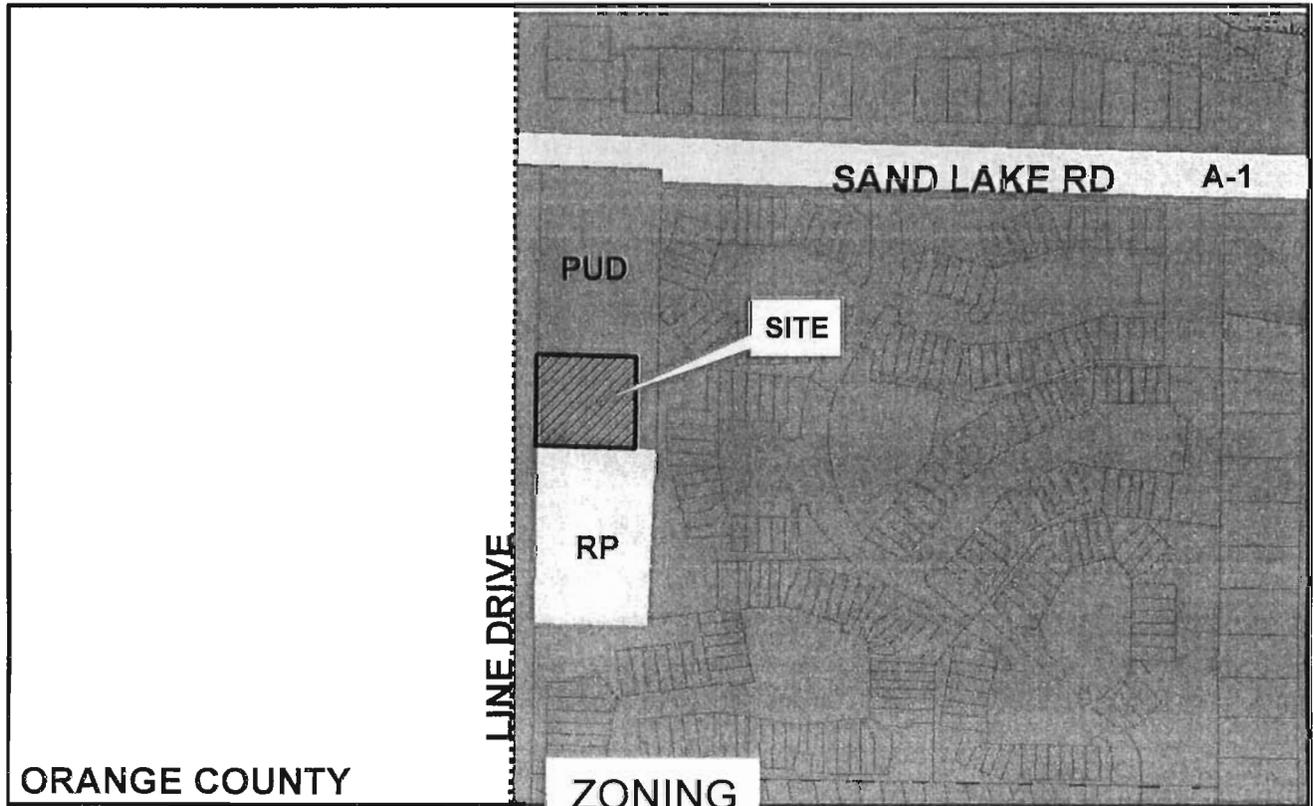
ORANGE COUNTY

FUTURE LAND USE

Site
 Municipality
 MDR
 PD
 CONS

Applicant: H. M. Botee
 Physical STR: 07-21-29-300-019C-0000
 Gross Acres: .62 +/- BCC District: 3
 Existing Use: Vacant
 Special Notes: None

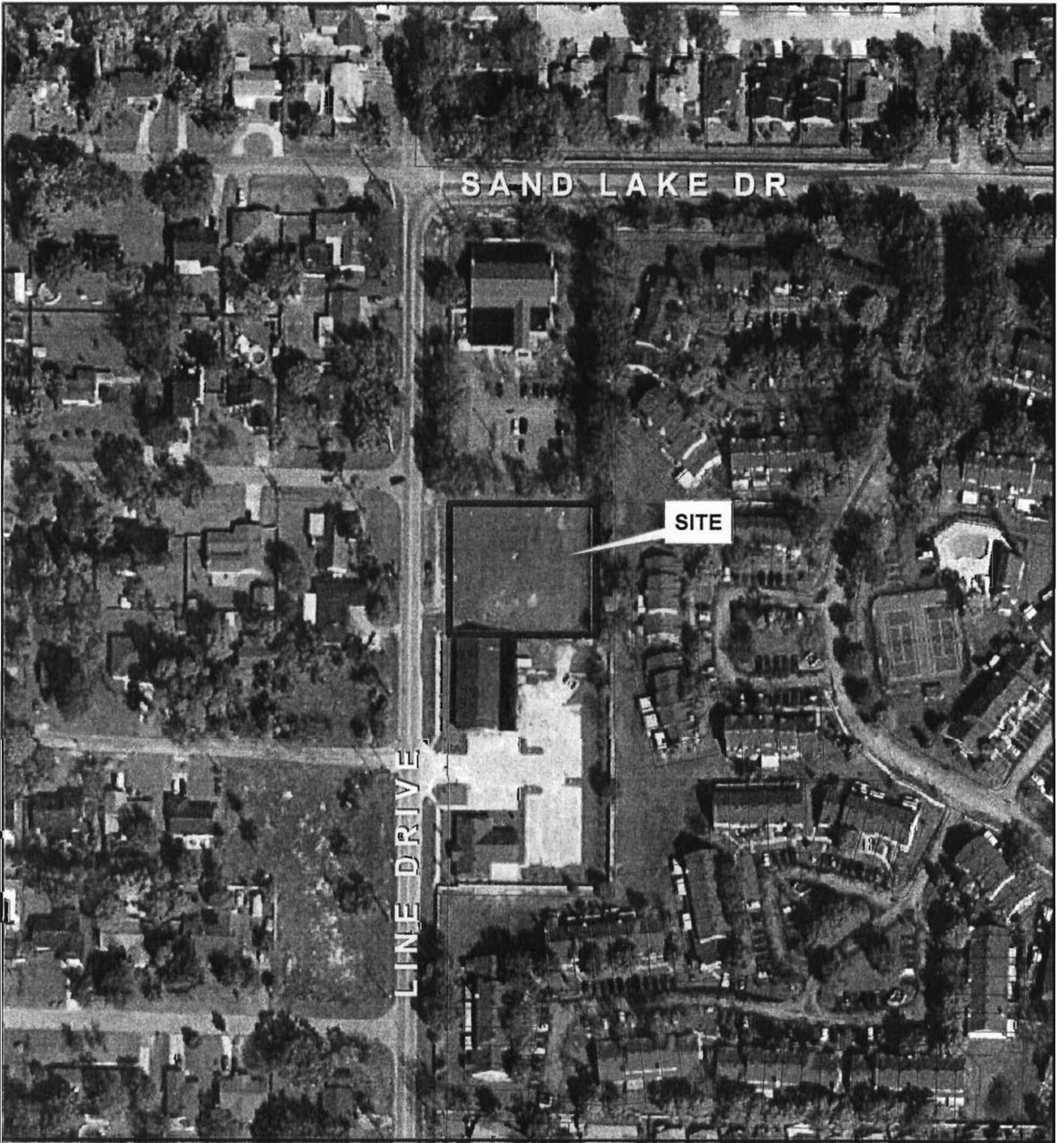
	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-041	PUD	PD



ORANGE COUNTY

ZONING

A-1
 RP
 PUD
 FP-1
 W-1



Rezone No: Z2006-041
From: PUD To: PD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: July 14, 2006

RE. RZ-2006-40 Line Drive Townhomes rezone to PUD

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

Description –. 62 acres located at 125 N. Line Drive, 300 feet south of Sand Lake Road Parcel ID 07-21-29-300-019C-0000. The request is to amend the existing PD to construct 7 townhouse units.

Based on information received from Seminole County Planning and from the staff report for the Line Drive Town Home rezone request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
7		0		7	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Platted Developments
Elementary Wekiva	1	603	930	154.2	4
Middle Teague	0	1397	1699	109.5	7
High Lake Brantley	1	2944	3221	103.9	8

Projected Number of Additional Students is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is

provided, the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Full Time Equivalent (FTE) - A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

Current Capacity is based on the current enrollment full time equivalent student (FTE) date not including relocatable stations.

Current Enrollment is based on the most recent official FTE count (February 2006).

Percent Utilization is the ratio of enrollment to total permanent building student stations. The utilization ratio is based on the total student stations available in a school.

Students Resulting from Recently Platted Developments is a summary of the number of students estimated to be generated from developments approved and platted within the respective school attendance zones since January 2005.

Comments:

The students generated from the new residential dwelling units could not be absorbed into the elementary, middle, or high schools without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. The current SCPS five-year plan includes an additional 252 student stations to relieve Wekiva Elementary, however that relief will not be sufficient to accommodate the current and projected students. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve Teague Middle or Lake Brantley High schools.

SEMINOLE COUNTY DEVELOPMENT ORDER

On October 24, 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: Huned Botee
2200 Classic Court.
Longwood, Florida 32779

Project Name: Line Drive Townhome PUD

Requested Development Approval:

Rezone from PUD (Planned Unit Development) To PUD (Planned Unit Development).

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

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

Prepared by: Michael Rumer, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. All development shall comply with Exhibit B, Preliminary Master Plan.
 - b. The retention pond shall be amenitized per SCLDC Section 30.1344. The amenities associated with the open space shall be determined at the time of Final Master Plan approval.
 - c. Permitted uses shall be townhouse residential units, home occupations, and home offices.
 - d. Minimum unit size shall be 1,300 square feet.
 - e. Accessory structures shall be prohibited.
 - f. Boat and recreational parking on site shall be prohibited.
 - g. Front walls of townhouse units shall be staggered.
 - h. Maximum building height shall be 2 stories not to exceed 35 feet in height.
 - i. Recreational uses to be provided within designated open space shall include a picnic area consisting of an outdoor grill and picnic table.
 - j. All landscape buffers and common areas shall be maintained by a homeowners association.
 - k. A 6-foot high decorative fence shall be provided along the north & south property boundary.
- (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.

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 PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Line Drive Townhome PUD.

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from PUD (Planned Unit Development) to PUD (Planned Unit Development):

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, SAID POINT BEING A 4 INCH SQUARE CONCRETE MONUMENT SITUATED NORTH 00 DEGREES 04'38" EAST, 20.38 FEET FROM A 6 INCH SQUARE CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; FROM SAID POINT OF REFERENCE RUN SOUTH 00 DEGREES 04'30 WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1350.14 FEET; THENCE RUN SOUTH 89 DEGREES 20'33" EAST 33.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAND LAKE ROAD AND THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE SOUTH 00 DEGREES 04'38" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 327.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29'42" EAST A DISTANCE OF 175.00 FEET; THENCE SOUTH 00 DEGREES 04'38" WEST A DISTANCE OF 155.00 FEET; THENCE NORTH 89 DEGREES 29'42" WEST A DISTANCE OF 175.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE NORTH 00 DEGREES 04'38" EAST A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

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

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 06-22000004 in the Official Land Records of Seminole County.

ENACTED this 24h day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

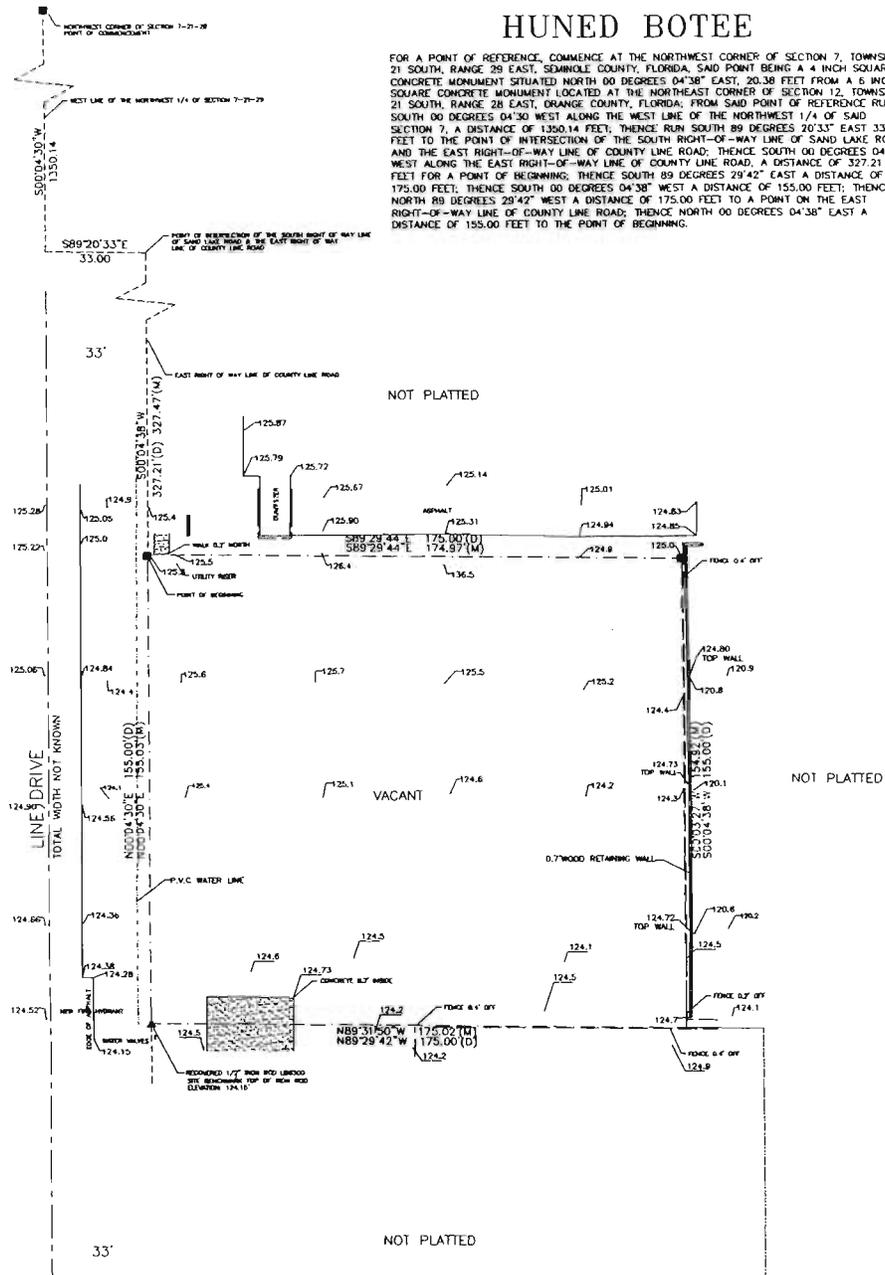
By: _____
Carlton D. Henley
Chairman

EXHIBIT A

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, SAID POINT BEING A 4 INCH SQUARE CONCRETE MONUMENT SITUATED NORTH 00 DEGREES 04'38" EAST, 20.38 FEET FROM A 6 INCH SQUARE CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; FROM SAID POINT OF REFERENCE RUN SOUTH 00 DEGREES 04'30" WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1350.14 FEET; THENCE RUN SOUTH 89 DEGREES 20'33" EAST 33.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAND LAKE ROAD AND THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE SOUTH 00 DEGREES 04'38" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 327.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29'42" EAST A DISTANCE OF 175.00 FEET; THENCE SOUTH 00 DEGREES 04'38" WEST A DISTANCE OF 155.00 FEET; THENCE NORTH 89 DEGREES 29'42" WEST A DISTANCE OF 175.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE NORTH 00 DEGREES 04'38" EAST A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

BOUNDARY AND TOPOGRAPHIC SURVEY FOR HUNED BOTEÉ

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 28 EAST, SEMINOLE COUNTY, FLORIDA, SAID POINT BEING A 4 INCH SQUARE CONCRETE MONUMENT SITUATED NORTH 00 DEGREES 04'38" EAST, 20.38 FEET FROM A 6 INCH SQUARE CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; FROM SAID POINT OF REFERENCE RUN SOUTH 00 DEGREES 04'30" WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1350.14 FEET; THENCE RUN SOUTH 89 DEGREES 20'33" EAST 33.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAND LAKE ROAD AND THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE SOUTH 00 DEGREES 04'38" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 327.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29'42" EAST A DISTANCE OF 175.00 FEET; THENCE SOUTH 00 DEGREES 04'38" WEST A DISTANCE OF 155.00 FEET; THENCE NORTH 88 DEGREES 29'42" WEST A DISTANCE OF 175.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE NORTH 00 DEGREES 04'38" EAST A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.



SITE BENCHMARK
4"x4" CONCRETE MONUMENT
SEMINOLE COUNTY 479-59-01
ELEVATION 122.69' NGVD 1929

BEARINGS ARE BASED ON WEST LINE OF THE NORTHWEST 1/4 OF SECTION 7-21-29 AS BEING SOUTH, PER DESCRIPTION. LEGAL DESCRIPTION FURNISHED BY CLIENT (UNLESS OTHERWISE NOTED).

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RANDED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

MICHAEL W. SOLTURO, PSM #4458
FOR THE FIRM OF ALTAMONTE SURVEYING AND PLATTING, INC. #LB 6300

SCALE: 1"=30'
REVIEWED BY: MWS
DRAWN BY: LJC
DATE: 5/11/00
JOB No.: 12273
REVISION: ADD SPOT ELEVATIONS 10/26/05

- LEGEND**
- = RECOVERED 4"x4" CONCRETE MONUMENT #LS1969
 - ▲ = RECOVERED NAIL & DISK #LB1221
 - △ = RECOVERED 4"x4" CONCRETE MONUMENT NO#
 - = RECOVERED 1/2" IRON ROD #
 - ⊙ = RECOVERED 1/2" IRON ROD #LB1221
 - ⊙ = RECOVERED 5/8" IRON ROD NO #
 - = SET 1/2" IRON ROD #LB 6300
 - = POWER POLE AS SHOWN
 - = 6" WOOD FENCE
 - x-x- = 6" CHAIN LINK FENCE
 - ▭ = CONCRETE SLAB AS SHOWN
 - △ = CENTRAL ANGLE, L = ARC, R = RADIUS
 - R/W = RIGHT OF WAY, A/C = AIR CONDITIONER
 - (R) = RADIAL (NR) = NON-RADIAL, (P) = PLAT.
 - (M) = MEASURED, (C) = CALCULATED, (D) = DEED.
 - POB = POINT OF BEGINNING, CONC. = CONCRETE
 - POC = POINT OF COMMENCEMENT, POL = POINT ON LINE

THIS SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL, WHOSOEVER, UNLESS FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

SHEET 2 OF 4

ALTAMONTE SURVEYING AND PLATTING, INC.

PHONE (407) 862-7555

435 DOUGLAS AVENUE, SUITE 1505-F
ALTAMONTE SPRINGS, FLORIDA 32714

FAX (407) 862-6229

57-7179.DWG

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 24, 2006, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Huned Botee
2200 Classic Court.
Longwood, Florida 32779

Project Name: Line Drive Townhome PUD

Requested Development Approval: The applicant is requesting to rezone 0.62 ± acres located on the east side of Line Drive, approximately 300 feet south of Sand Lake Road, from PUD (Planned Unit Development) to PUD (Planned Unit Development), in order to develop a seven (7) townhome dwelling units at a net density of 11.2 dwelling units per net buildable acre.

The Board of County Commissioners has determined that the rezone request from PUD (Planned Unit Development) to PUD (Planned Unit Development) is not compatible with the surrounding area to the west and south and could not be supported.

After fully considering staff analysis titled "Line Drive Townhome PUD" and all evidence submitted at the public hearing on October 24, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) should be denied.

ORDER**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

EXHIBIT "A"

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, SAID POINT BEING A 4 INCH SQUARE CONCRETE MONUMENT SITUATED NORTH 00 DEGREES 04'38" EAST, 20.38 FEET FROM A 6 INCH SQUARE CONCRETE MONUMENT LOCATED AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; FROM SAID POINT OF REFERENCE RUN SOUTH 00 DEGREES 04'30 WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1350.14 FEET; THENCE RUN SOUTH 89 DEGREES 20'33" EAST 33.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF SAND LAKE ROAD AND THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE SOUTH 00 DEGREES 04'38" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD, A DISTANCE OF 327.21 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29'42" EAST A DISTANCE OF 175.00 FEET; THENCE SOUTH 00 DEGREES 04'38" WEST A DISTANCE OF 155.00 FEET; THENCE NORTH 89 DEGREES 29'42" WEST A DISTANCE OF 175.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE NORTH 00 DEGREES 04'38" EAST A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING.

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

SEPTEMBER 6, 2006

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

Member absent: Jason Brodeur

Also present: Tony Walter, Planning Manager; April Boswell, Assistant Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Cynthia Sweet, Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

F. Line Drive Townhomes; M.M. Botee, applicant; 0.62± acre; Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for the placement of townhomes; located at 125 N. Line Drive, 300 feet south of Sand Lake Road. (Z2006-40 /06-06SS.01)

Commissioner Van Der Weide – District 3
Michael Rumer, Senior Planner

Michael Rumer stated that the applicant would like to create 7 townhomes with a minimum size of 1,300 square feet. The parcel had previously been located within the Stockbridge PUD which permitted 280 townhomes and single family dwellings on 33.3 acres with a density of 8.4 units per acre. This .62 acre parcel is was removed from the Stockbridge PUD and is vacant. Staff recommendation is for approval of the Preliminary Master Plan and Development Order.

Jack Reynolds of American Civil Engineering said that the 2 story townhomes proposed would be a good mix with the neighboring uses. He agreed with the 10 conditions in the staff recommendations.

No on spoke from the floor.

Commissioner Wolf noted the 154% capacity for the Wekiva Elementary School. Why do we have these figures if they are not used to curtail development? These figures are among the highest he has seen for school overcrowding figures.

Commissioner Tucker said that the county does not have mandatory school concurrency. If we want to recommend against it, we have these figures. The schools can be rezoned. There are other schools with capacity issues in the area. This project has 4 students projected.

Commissioner Wolf said that there are other cases tonight with students being added to over-capacity schools, also.

Commissioner Brown noted that there were over 252 student positions being added in the school's 5 year plan, which will bring things under capacity again.

Commissioner Tucker said that the schools this year are running under projected enrollment. They are looking for a site for a new school. There is not enough land vacant right now. School concurrency is not within our purview of our authority, but we can take into consideration right now. We have a school board representative that is supposed to attend our meetings. So far, the representative has attended one meeting in four years. We do get reports from the School Board.

Commissioner Bates said that he did not understand the math used in the school calculations. 108% over capacity is not considered crowded, but 110% is. For Teague Middle School the overcapacity is 302 students against a base of 1397 students. That is listed as being 9.5% over capacity. It is more like 20+ percent.

Commissioner Brown said that the officials may be counting portable classroom stations.

Commissioner Bates said that this must be "new math."

Commissioner Tucker said that the state controls capital outlay on new school construction. They do not consider a school crowded until it has reached 110% of capacity.

Commissioner Bates said that the value of the information is frustrating.

Commissioner Tucker said even with the information there is question that we could deny development based on school overcrowding.

Tony Walter said that the County is working on an interlocal agreement with the schools right now. By 2008 school concurrency will be in effect.

Commissioner Wolf said that we will have concurrency about 6 months after we have build-out.

Commissioner Hattaway said that the board can use the information to add to a formula for consideration. It cannot be a determining factor.

Kathleen Furey-Tran said that development cannot be denied on school concurrency alone. You can consider it.

Commissioner Wolf asked how the board could do something to send a message about this concern.

Tony Walter said that the board could mention their concern about the cumulative total impacted on the schools by these projects. The BCC is involved in reviewing the interlocal agreement that will be brought before them later this year.

Commissioner Wolf said that if 155% capacity is not the line, then where is it?

Commissioner Wolf made a motion to recommend approval of the request with the addition of the statement of concern pertaining to the overcrowding of the area schools.

Commissioner Brown seconded the motion.

The motion passed 6 – 0.