

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: STATE ROAD 46/LAKE FOREST PUD REZONE FROM A-1 TO PUD

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tony Walter **EXT.** 7375

Agenda Date 10/25/05 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. APPROVE the request to rezone a 42.55 acre tract, located on the north side of State Road 46, across from International Parkway, from A-1 (Agriculture District) to PUD (Planned Unit Development) per the attached staff report, preliminary master plan and Development Order, (Robert Hattaway, applicant); or
2. DENY the request to rezone a 42.55 acre tract, located on the north side of State Road 46, across from International Parkway, from A-1 (Agriculture District) to PUD (Planned Unit Development), (Robert Hattaway, applicant); or
3. CONTINUE the item to a time and date certain.

District #5 – Carey

Tony Walter, Planning Manager

BACKGROUND:

The applicant, Robert J. Hattaway, requests the rezoning of a 42.55 acre tract, located on the north side of State Road 46, across from International Parkway, from A-1 (Agriculture District) to PUD (Planned Unit Development). The proposed development includes up to 282 townhouses at a maximum density of 10.0 dwelling units per net buildable acre and 6 commercial tracts adjacent to State Road 46 with equivalent C-2 commercial uses and a maximum floor area ratio of 0.35.

The proposed PUD zoning is compatible with the Future Land Use Designation of HIP-TI. The property is adjacent to existing single family residences (Lake Forest PUD) and the proposed townhouse use will serve as a transition between the single family use, the pharmacy, bank and other proposed commercial uses fronting on State Road 46. To date, the applicant has not secured contracts on the other non-residential lots along State Road 46. Therefore, it is unclear at this time whether any of the property is being planned or set aside to provide for Target Industry uses, the primary purpose of

Reviewed by:	<u>KR</u>
Co Atty:	<u></u>
DFS:	<u></u>
Other:	<u></u>
DCM:	<u></u>
CM:	<u></u>
File No.	<u>ph130pdp09</u>

the HIP-TI future land use designation (FLU Exhibit–23). The commercial tracts along State Road 46 may be deemed to meet the definition of infill commercial uses contained in the HIP-TI district (Page FLU 80, “Uses” E).

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone a 42.55 acre tract, located on the north side of State Road 46, across from International Parkway, from A-1 (Agriculture District) to PUD (Planned Unit Development) per the attached staff report, preliminary master plan and subject to the following conditions in the attached Development Order.

1. Permitted and special exception uses shall be limited to the provisions of the C-2 districts except that the following uses shall be prohibited:
 - Automobile sales
 - Marine sales and service
 - Mobile home and recreation vehicles sales
 - Drive-in theaters
 - Mechanical garages
 - Paint and body shops
2. Any residential development on the property shall be subject to R-3A development standards (25 feet for 1-story buildings and 35 feet for 2-3 story buildings front, side and rear respectively) and limited to a maximum of 10 units per net buildable acre.
3. Nonresidential building height shall be limited to 35 feet.
4. Active/Passive buffer requirements including a 6’ masonry wall is required along the north property line adjacent to the single family residential to the north.

ATTACHMENTS:

Staff Report
September 7, 2005 LPA/P&Z meeting minutes
Location Map
Zoning & Future Land Use Map
Aerial Map
Preliminary Plan
Development Order
Rezoning Ordinance
Letters of Support and Opposition

SR 46/ Lake Forest Blvd Rezone

Rezone from A-1 to PUD

APPLICANT	Robert Hattaway	
PROPERTY OWNER	Robert Hattaway	
REQUEST	Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District)	
PROPERTY SIZE	42.55 ± acres	
HEARING DATE (S)	P&Z: September 7, 2005	BCC: October 25, 2005
PARCEL ID	30-19-30-300-0010-0000	
LOCATION	North side of SR 46, across from International Parkway	
FUTURE LAND USE	HIP-TI (High Intensity Planned Development – Target Industry)	
ZONING	A-1 (Agriculture District)	
FILE NUMBER	Z2005-038	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to develop townhouse dwelling units at a net density of 10.0 units per acre and 6 commercial lots with a maximum FAR (Floor Area Ratio) of 0.35.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Robert J. Hattaway, requests the rezoning of a 42.55 acre tract, located on the north side of State Road 46, across from International Parkway, from A-1 (Agriculture District) to PUD (Planned Unit Development). The proposed development includes up to 282 townhouses at a maximum density of 10.0 dwelling units per net buildable acre and 6 commercial tracts adjacent to State Road 46 with equivalent C-2 commercial uses and a maximum floor area ratio of 0.35.

The proposed PUD zoning is compatible with the Future Land Use Designation of HIP-TI. The property is adjacent to existing single family residences (Lake Forest PUD) and the proposed townhouse use will serve as a transition between the single family use, the pharmacy, bank and other proposed commercial uses fronting on State Road 46. To date, the applicant has not secured contracts on the other non-residential lots along State Road 46, therefore it is unclear at this time whether any of the property is being planned or set aside to provide for Target Industry uses, the primary purpose of the HIP-TI future land use designation (FLU Exhibit-23). The commercial tracts along SR 46 may be deemed to meet the definition of infill commercial uses contained in the HIP-TI district (Page FLU 80, "Uses" E).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)	
		Residential	Commercial
Minimum Lot Size	43,560 square feet	1,900 square feet	N/A
Minimum House Size	N/A	1,100 square feet	N/A
Minimum Width at Building Line	150 feet	20 feet	N/A
Front Yard Setback	50 feet	20 feet	50 feet from ROW *
Side Yard Setback	30 feet	10 feet	0 feet
(Street) Side Yard Setback	25 feet	20 feet	0 feet
Rear Yard Setback	10 feet	20 feet	10 feet **
Maximum Building Height	35 feet	35 feet	35 feet

* STATE ROAD 46 Gateway Corridor Overlay Standards.

** Active Passive Buffer adjacent to residential.

PERMITTED & SPECIAL EXCEPTION USES

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

Zoning District	Permitted Uses	Special Exceptions	Minimum Lot Size
A-1 (existing)	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.	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.	1 acre

PUD (proposed)	Townhouse Residential at a maximum density of 10 units per net buildable acre. C-2 Retail Commercial use (Including any use permitted in the Neighborhood Commercial, Convenience Commercial, C-1), amusement and recreational facilities, building and plumbing supplies, car wash, furniture warehouse with retail sales, hotels and motels, parking garages, printing and book binding shops, veterinary hospitals and kennels, bed and breakfast establishments. (Excluding communication towers, outdoor advertising signs, automobile sales, marine sales and service, mobile home and recreation vehicles sales.)	Alcoholic beverage establishments, contractor's establishments with not outdoor storage, drive-in restaurants, living quarters in conjunction with a commercial use, lumber yards, public utility structures, service stations and gas pumps as an accessory use, hospital and nursing homes. (Excluding drive-in theaters, mechanical garages, paint and body shops.)	N/A
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COMPATIBILITY WITH SURROUNDING PROPERTIES

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

(North)

	PD Single-Family <i>PUD</i> (0.3 acre lots)	PD Single-Family <i>PUD</i> (0.3 acre lots)	PD Conservation/Single-Family <i>PUD</i> (0.3 acre lots)	
(West)	PD Commercial <i>PUD</i>	HIP-TI Vacant <i>A-1</i>	HIP-TI Commercial (Dunwoody Phase II) <i>PUD</i>	(East)
	SE Single-Family <i>A-1</i> (1 Acre lots)	HIP-TI Vacant <i>PCD</i>	OFF Vacant <i>A-1</i>	

(South)

* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number Sanford 539, a large area of the property is located in “Zone A”, which is identified as areas located within the 100-year floodplain. Compliance with the Land Development Code regarding flood prone areas is required prior to Final Master Plan approval.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, a large area of the property contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to Final Engineering approval.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, the subject property is located in an area suitable for black bear. A T&E (Threatened and Endangered Species) and 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 anticipated impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development		Net Impact
		Townhouses*	Commercial**	
Water (GPD)	14,700	77,500	12,000	74,800
Sewer (GPD)	12,600	70,500	12,000	69,900
Traffic (ADT)	402	1,653	3,750	5,001
Schools				
Elementary	10	70	0	60
Middle	5	32	0	27
High	5	35	0	30

* Proposed townhouse development based on maximum 282 units.

** Proposed pharmacy, sit down restaurant, bank, and misc. retail.

Utilities:

The site is located in the northwest service area of Seminole County and will be required to connect to public utilities. There is currently a 12 inch sewer force main and a 12 inch potable water main located along the north side of SR 46 in front of the subject site. Reclaimed water is available to the site. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses SR 46, which is classified as a Principal Arterial road. The SR 46 adopted LOS (Level of Service) is "D" and is currently operating at a level of service "C". Staff determined that the site entrance is required to align with International Parkway. The applicant is required to undergo Concurrency review prior to subdivision approval.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 137 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Northwest Cluster Elementary	70	3,955	4,148	105%
Sanford Middle	32	1,507	1,522	101%
Seminole High	35	3,404	3,052	89.6%

Public Safety:

The nearest response unit to the subject property is Station # 34, which is located at SR 46 and Wayside Drive. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 4 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Lake Monroe drainage basin. A large portion of the site is within the 100-year flood plain and will require a LOMR (Letter of Map Revision) approval from FEMA. The site has a limited outfall due to the down stream conveyance system capacity. Any proposed development will be required to limit the discharge not to exceed the down stream capacity.

Parks, Recreation and Open Space:

The applicant is proposing to provide 30.4% (12.9 acres) of open space, which will consist of a sport court, club house and an amenitized retention pond. PUD zoning requires a minimum of 25% open space.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS (FIAM)

Staff used the County Fiscal Impact Analysis Model to compare difference between the fiscal, economic and school impacts of a development scenario with Class A office uses and the proposed townhouse/commercial uses. The model considers the proposed alternative to be more favorable in terms of fiscal impacts alone. In terms of area-wide economic impacts, the model estimates that the Class-A office development program would be more favorable for the future economic prosperity of the County.

While the FIAM calculates estimated fiscal, economic, and school impacts generated from the development scenario, it does not address the site's location. The location of the site is a major factor determining which land use designation is more appropriate. The information provided by the modeling is intended to be one of several inputs to a larger decision-making process designed to achieve community goals and objectives.

SPECIAL DISTRICTS

The subject property is within the State Road 46 Gate Way Corridor Overlay Standards. The applicant will be required to comply with all policies applicable to the State Road 46 Gate Way Corridor Overlay Standards including, but not limited to, increased setbacks.

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 22, 2005. To date, no comments have been received.

PLANNING & ZONING COMMISSION RECOMMENDATION:

At their meeting of September 7, 2005, the Planning & Zoning Commission recommended approval (4 to 1) of the request to rezone 42.55± acres, located on the north side of STATE ROAD 46, across from International Parkway, from A-1 (Agriculture District) to PUD (Planned Unit Development District) per the attached staff report, preliminary master plan and development order.

LETTERS OF SUPPORT OR OPPOSITION:

Letters of support and opposition are attached.

STAFF RECOMMENDATION:

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4. Active/Passive buffer requirements including a 6' masonry wall is required along the north property line adjacent to the single family residential to the north.

REZONING APPLICATION FOR

for

S.R. 46 PUD

SEMINOLE COUNTY, FLORIDA

Prepared For
HATTAWAY INVESTMENT CORPORATION

INDEX OF SHEETS

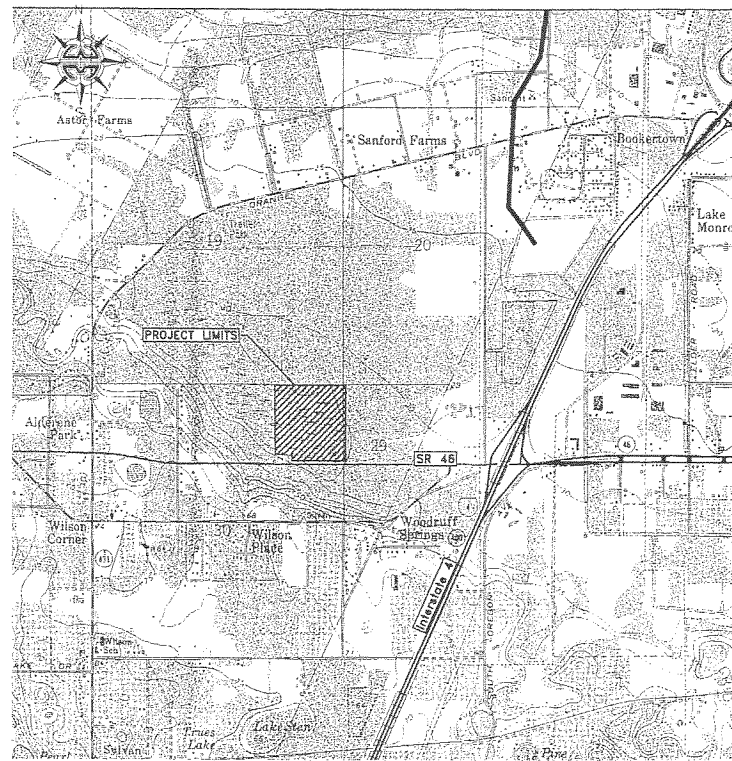
<u>SHEET #</u>	<u>DESCRIPTION</u>
1	COVER SHEET AND LOCATION MAP
2	TOPOGRAPHIC SURVEY
3	PRELIMINARY SUBDIVISION PLANS
4	CONSTRUCTION NOTES AND DETAILS
5	LANDSCAPE DETAILS

OWNER / DEVELOPER

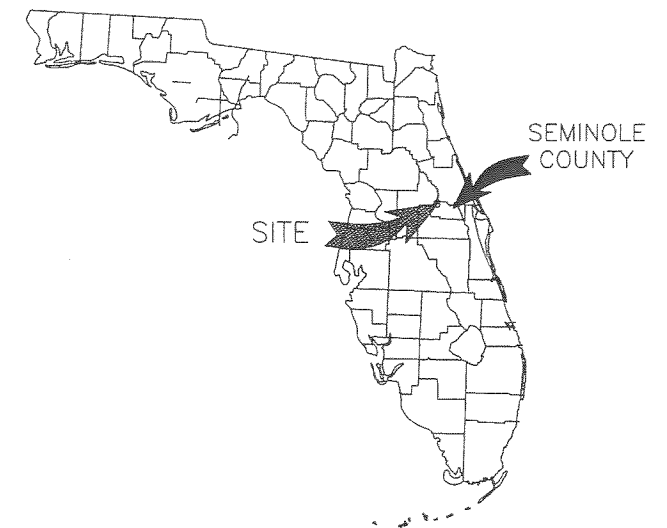
BOB HATTAWAY INVESTMENT CORPORATION
 601 HILLVIEW DRIVE
 ALTAMONTE SPRINGS, FLORIDA 32714

CIVIL ENGINEER

%BDYER, RIDDLE, MILLS, & PRECOURT, INC.
 1505 EAST COLONIAL DRIVE
 ORLANDO, FL. 32803
 PHONE: (407) 896-0594
 FAX: (407) 896-4836



SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST
 VICINITY MAP
 SCALE: 1" = 2000'



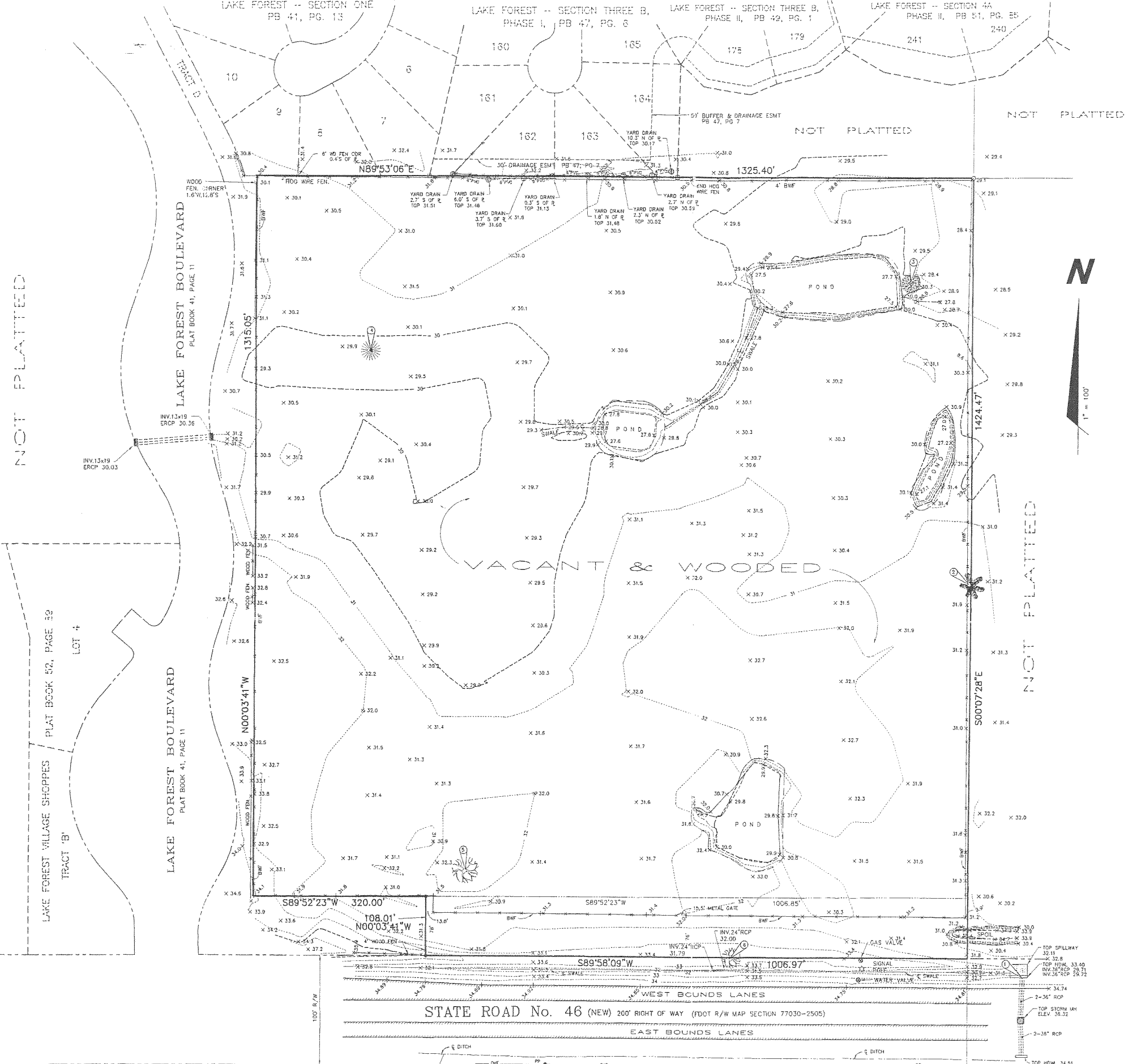
LEGAL DESCRIPTION (provided by others):

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

AND:

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LYING NORTH OF STATE ROAD NO. 46. LESS THE WEST 320.00 FEET THEREOF.

CONTAINING 42.55 ACRES, MORE OR LESS.



DESCRIPTION
 The Northeast 1/4 of the Northeast 1/4 of Section 30, Township 19 South, Range 30 East, Seminole County, Florida.
 AND
 The Southeast 1/4 of the Northeast 1/4 of Section 30, Township 19 South, Range 30 East, Seminole County, Florida, lying North of State Road No. 46. Less the West 320.00 feet thereof.
 The whole containing 42.55 acres, more or less.

NOTES
 1. BEARINGS ARE BASED ON THE EAST-WEST CENTER SECTION LINE FOR SECTION 30, TOWNSHIP 19 SOUTH, RANGE 30 EAST AS BEING SOUTH 89°51'40" WEST, ASSUMED.

- LEGEND**
- LB LICENSE BUSINESS
 - COR CORNER
 - SEC SECTION
 - FD FOUND
 - CM CONCRETE MONUMENT
 - IP IRON PIPE
 - IR IRON ROD
 - PAVT PAVEMENT
 - CTR CENTER
 - ID IDENTIFICATION
 - FDOT FLORIDA DEPARTMENT OF TRANSPORTATION
 - PB PLAT BOOK
 - ORB OFFICIAL RECORD BOOK
 - PG PAGE
 - R/W RIGHT OF WAY
 - PC POINT OF CURVATURE
 - PP POWER POLE
 - OHE OVERHEAD ELECTRIC
 - RCP REINFORCED CONCRETE PIPE
 - N NORTH
 - E EAST
 - S SOUTH
 - W WEST
 - CONC CONCRETE
 - MES MITER END SECTION
 - P PROPERTY LINE
 - C CENTERLINE
 - MH MANHOLE
 - BWF BARB WIRE FENCE
 - HDWL HEADWALL
 - WD WOOD
 - ELEV ELEVATION

- TEMPORARY BENCH MARKS**
1. 'X' CUT A TOP OF CONCRETE HEADWALL LOCATED 100'± EAST OF SOUTHEAST CORNER OF SITE AND 65'± NORTH OF CENTERLINE OF SR 46 ELEV. 34.01
 2. 80# NAIL IN THE NORTH FACE OF A 12" PALM TREE LOCATED 600'± NORTH OF THE SOUTHEAST CORNER OF SITE AND 5'± EAST OF EAST PROPERTY LINE ELEV. 33.91
 3. 80# NAIL IN THE WEST FACE OF A 14" CYPRESS TREE LOCATED 250'± SOUTHWEST OF THE NORTHEAST CORNER OF SITE ELEV. 33.27
 4. 60# NAIL IN THE SOUTH FACE OF A 20" PINE TREE LOCATED 300'± SOUTHEAST OF THE NORTHWEST CORNER OF SITE ELEV. 32.37
 5. 80# NAIL IN THE NORTHEAST FACE OF A 18" SWEETGUM TREE LOCATED 300'± NORTH OF CENTERLINE SR 46 AND 300'± EAST OF THE WEST PROPERTY LINE OF SITE ELEV. 34.48
 6. 80# NAIL IN THE SOUTHWEST FACE OF A 10" MAPLE TREE LOCATED ON THE NORTH RIGHT OF WAY OF SR 46 AND 400'± WEST OF EAST PROPERTY LINE OF SITE ELEV. 34.96

TOPOGRAPHIC SURVEY							
CONSULTING ENGINEERS HARLING LOCKLIN & ASSOCIATES, INC. 850 COURTLAND STREET ORLANDO, FLORIDA 32804 TELEPHONE (407) 629-1061 LICENSE BUSINESS No. 2910	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">NO.</th> <th style="width: 15%;">DATE</th> <th style="width: 80%;">DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION			
NO.	DATE	DESCRIPTION					
I HEREBY CERTIFY: That the lands shown hereon were surveyed under my responsible direction and that said survey conforms to the MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS IN THE STATE OF FLORIDA in accordance with Chapter 11017-5, Florida Administrative Code. The surveyor has not abstracted the lands shown hereon for easements and/or rights of way of record	2-21-01 OF 1						

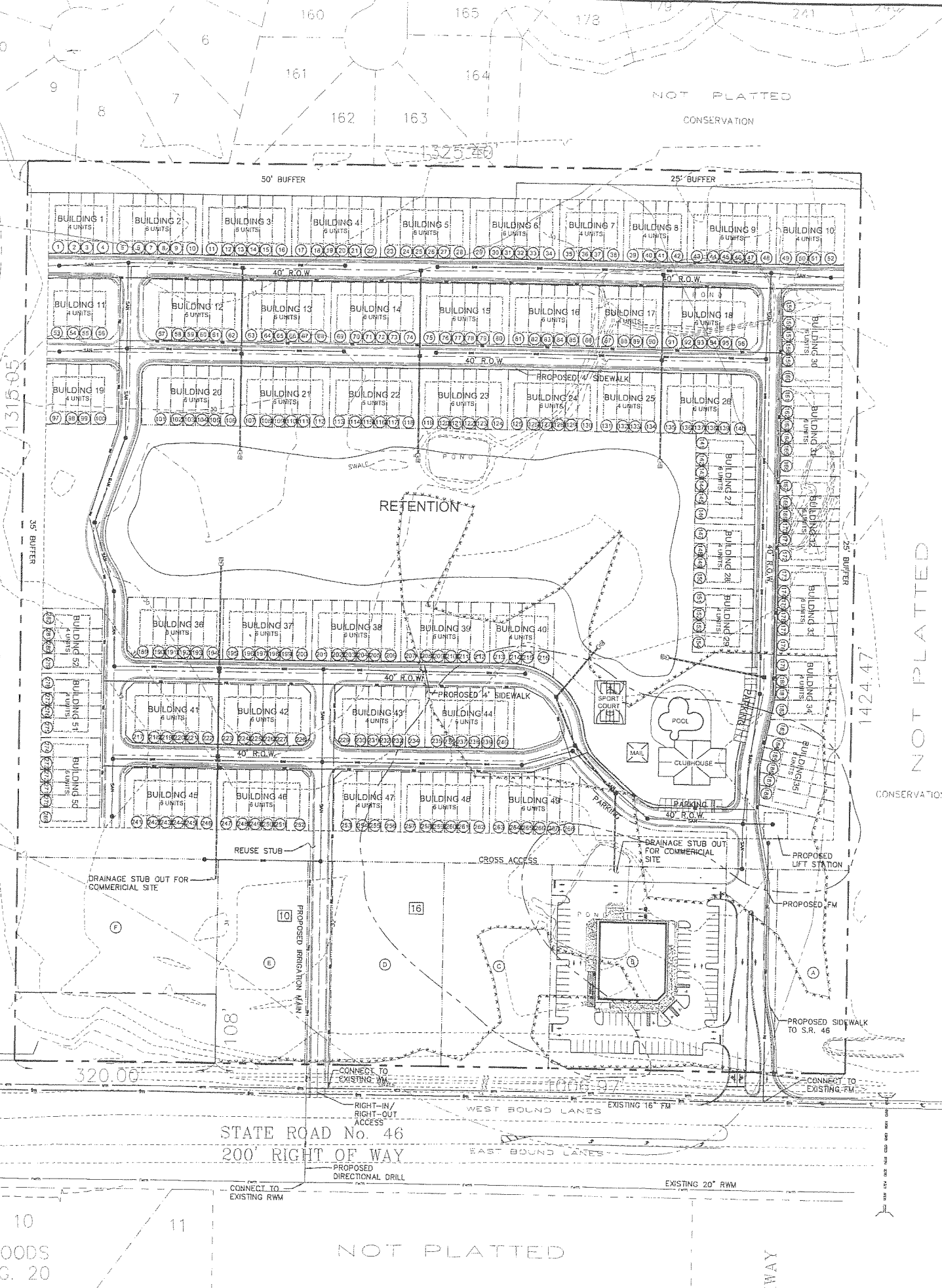
- WETLAND BOUNDARY
- SOIL BOUNDARY
- FLOOD PLANE BOUNDARY
- RETENTION POND
- PROPOSED SANITARY SEWER MAIN
- PROPOSED WATER MAIN
- PROPOSED DRAINAGE PIPE
- PROPOSED RECLAIMED WATER MAIN
- PROPOSED FORCE MAIN
- EXISTING SANITARY SEWER MAIN
- EXISTING WATER MAIN
- EXISTING RECLAIMED WATER MAIN
- EXISTING FORCE MAIN
- SANITARY SEWER MANHOLE TAP
- MITERED END SECTION
- DRAINAGE STRUCTURE
- SOIL TYPE CLASSIFICATION
- SANITARY SEWER LIFT STATION

TYPE LEGEND:
 BASINER, SAMULA, AND HONTON
 IMMOKALEE (COVERS THE ENTIRE AREA EXCEPT FOR THE SMALL PORTION OF #16)

NOT PLATTED

LAK FOREST VILLAGE SHOPPES PLAY BOOK 52, PAGE 89
 LOT 4
 TRACT 'B'

LAK FOREST BOULEVARD
 TRACT 'A'



SITE DATA:
 SECTION: 30
 TOWNSHIP: 19S
 RANGE: 30E

PARCEL DATA:
 TOTAL AREA INCLUDING WETLANDS: 42.55 AC
 TOTAL DEVELOPABLE AREA: 42.55 AC
 ZONING: R3A - MULTI-FAMILY DWELLING DISTRICT
 C2 - COMMERCIAL TWO (2) STORY RESIDENTIAL BUILDINGS COMMERCIAL

LAND USE DESIGNATION:

RESIDENTIAL SITE INFORMATION:
 MAXIMUM BUILDING HEIGHT: 35 FEET (TWO STORY)
 MAXIMUM IMPERVIOUS: 75%
 MINIMUM GREEN SPACE: 25%
 MAXIMUM FAR: 0.35
 MAXIMUM D.U.: 10 UNITS/ACRE
 TOTAL # OF UNITS: 282
 6-UNIT BUILDINGS: 37
 4-UNIT BUILDINGS: 15
 MINIMUM HOUSE SIZE: 1,490 S.F.
 PARKING PROVIDED AT CLUBHOUSE: 22 SPACES

RESIDENTIAL SETBACKS:
 FRONT: 20'
 REAR: 20'
 SIDE: 10'
 MINIMUM LOT SIZE: 20'x95'
 MINIMUM LOT AREA: 0.044 AC (1900 SF)
 TYPICAL INTERIOR UNIT SIZE: 20'x55'
 TYPICAL END UNIT SIZE: 21'x55'

COMMERCIAL SITE INFORMATION:
 MAXIMUM BUILDING HEIGHT: 35 FEET (TWO STORY)
 MAXIMUM IMPERVIOUS: 70%
 MINIMUM GREEN SPACE: 25%
 MAXIMUM FAR: 0.35

COMMERCIAL SETBACKS:
 FRONT: 25'
 REAR: 10' MIN.
 SIDE: 0'
 PASSIVE: 25'
 ACTIVE: 50'

UTILITIES TO THE SITE WILL BE PROVIDED BY:
 WATER: SEMINOLE COUNTY UTILITIES
 SEWER: SEMINOLE COUNTY UTILITIES
 ELECTRIC: PROGRESS ENERGY
 SOLID WASTE: TO BE DETERMINED
 TELEPHONE: UNITED TELEPHONE

RESIDENTIAL LOT TABLE

LOT #	AREA (AC)	LOT #	AREA (AC)	LOT #	AREA (AC)
1	0.068	101	0.098	194-195	0.068
2-3	0.044	102-105	0.044	196-199	0.044
4-5	0.068	106-107	0.068	200-201	0.068
6-9	0.044	108-111	0.044	202-205	0.044
10-11	0.068	112-113	0.068	206-207	0.068
12-15	0.044	114-117	0.044	208-211	0.044
16-17	0.068	118-119	0.068	212-213	0.068
18-21	0.044	120-123	0.044	214	0.044
22-23	0.068	124-125	0.068	215	0.045
24-27	0.044	126-129	0.044	216	0.077
28-29	0.068	130-131	0.068	217	0.074
30-33	0.044	132-133	0.044	218-221	0.044
34-35	0.068	134-135	0.068	222-223	0.068
36-37	0.044	136-139	0.044	224-227	0.044
38-39	0.068	140	0.087	228	0.074
40-41	0.044	141	0.068	229	0.069
42-43	0.068	142-145	0.044	230-233	0.044
44-47	0.044	146-147	0.068	234-235	0.068
48-49	0.068	148-149	0.044	236-239	0.044
50-51	0.044	150-151	0.068	240	0.067
52	0.079	152-153	0.044	241	0.076
53	0.068	154	0.068	242-245	0.044
54-55	0.044	155	0.088	246-247	0.068
56	0.086	156-159	0.044	248-251	0.044
57	0.096	160-161	0.068	252	0.076
58-61	0.044	162-165	0.044	253	0.077
62-63	0.068	166-167	0.068	254-255	0.044
64-67	0.044	168-171	0.044	256-257	0.068
68-69	0.068	172-173	0.068	258-261	0.044
70-73	0.044	174-177	0.044	262-263	0.068
74-75	0.068	178-179	0.068	264-265	0.044
76-79	0.044	180-181	0.044	266	0.049
80-81	0.068	182	0.071	267	0.050
82-85	0.044	183	0.087	268	0.076
86-87	0.068	184	0.052	269	0.044
88-89	0.044	185	0.054	270-273	0.044
90-91	0.068	186	0.055	274-275	0.068
92-95	0.044	187	0.056	276-277	0.044
96	0.086	188	0.086	278-279	0.068
97	0.068	189	0.088	280-281	0.044
98-99	0.044	190-193	0.044	282	0.068
100	0.088				

WETLANDS SUMMARY:
 PRE-DEVELOPMENT:
 STOCK POND = 1.76 AC
 HYDRIC OAK FOREST = 1.08 AC
 BAY SWAMP = 0.37 AC
 MIXED WETLAND HARDWOOD = 12.27 AC
 HYDRIC CABBAGE PALM = 4.0 AC
 HYDRIC PASTURE = 12.6 AC
 FRESHWATER MARSH = 3.83 AC
 TOTAL ACREAGE = 35.91 AC

POST-DEVELOPMENT:
 TOTAL ACREAGE = 0.0 AC

EXISTING LAND USE:
 UPLANDS = 6.64 AC
 WETLANDS = 35.91 AC
 STOCK POND = 1.76 AC
 HYDRIC OAK FOREST = 1.08 AC
 BAY SWAMP = 0.37 AC
 MIXED WETLAND HARDWOOD = 12.27 AC
 HYDRIC CABBAGE PALM = 4.0 AC
 HYDRIC PASTURE = 12.6 AC
 FRESHWATER MARSH = 3.83 AC
 TOTAL ACREAGE = 42.55 AC

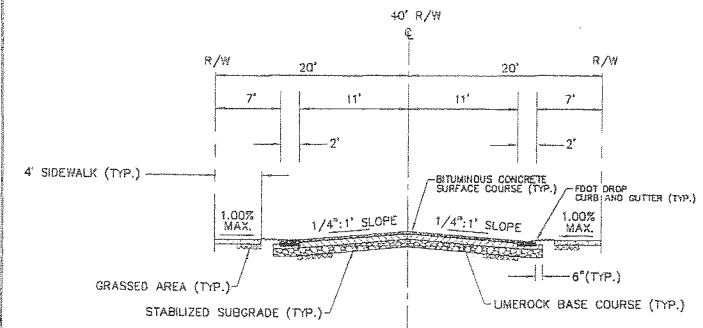
PROPOSED LAND USE:
 TOTAL RESIDENTIAL AREA = 15.13 AC
 (LOTS 1-282)
 RESIDENTIAL RIGHT-OF-WAY = 5.90 AC
 OPEN SPACE = 12.49 AC (30.4%)
 WATER SURFACE = 5.20 AC
 CLUB HOUSE / POOL = 1.17 AC
 BUFFER = 3.94 AC
 LANDSCAPE AREAS = 2.18 AC
 TOTAL COMMERCIAL AREA = 8.12 AC
 (LOTS A-F)
 COMMERCIAL RIGHT-OF-WAY = 0.91 AC

COMMERCIAL LOT TABLE

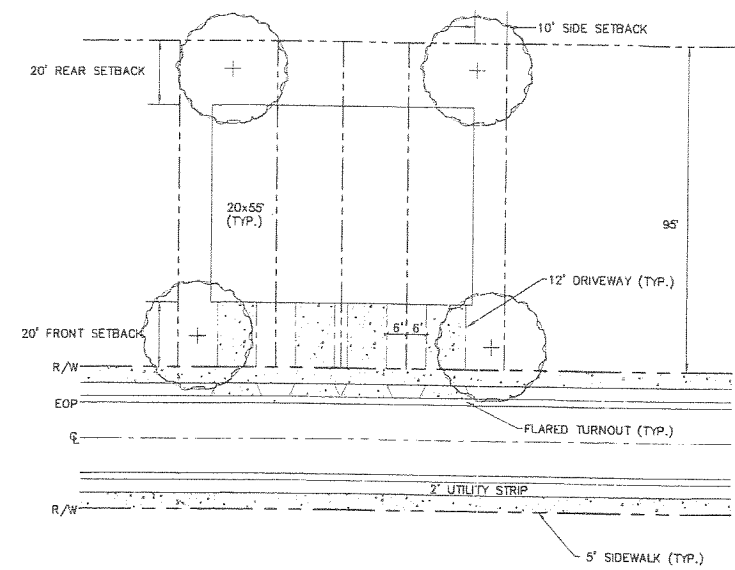
LOT #	AREA (AC)
A	0.84
B	2.06
C	1.27
D	1.32
E	1.06
F	1.57

- NOTES:**
- FIRE PROTECTION IS TO BE PROVIDED BY SEMINOLE COUNTY. ALL UTILITY REGULATIONS TO THE LOCATION AND REQUIRED FLOWS OF FIRE HYDRANTS WILL BE MET.
 - EXISTING PIPE IN R.O.W. OF S.R. 46 TRANSMITS RUNOFF FROM SOUTH SIDE OF NORTH SIDE. DISCHARGE OF CONCENTRATED FLOW FLOWS TO STUDY POINT VIA EXISTING OVERLAND DRAINAGE CHANNEL WEST OF THE SITE.
 - AREA EAST OF SITE CONTRIBUTES MINIMAL PRE-DEVELOPED RUNOFF; LAKE FOREST BOULEVARD CONTAINS A POST-DEVELOPED DRAINAGE SYSTEM THAT COLLECTS AND ROUTES RUNOFF AROUND SITE.
 - THE SITE IS PRIMARILY IN FLOOD ZONE "A," WITH SOME AREAS IN FLOOD ZONE "X," PER FLOOD INSURANCE RATE MAP OF SEMINOLE COUNTY, FLORIDA, COMMUNITY #120294 PANEL #0030. DATE OF FIRM 4/17/95.

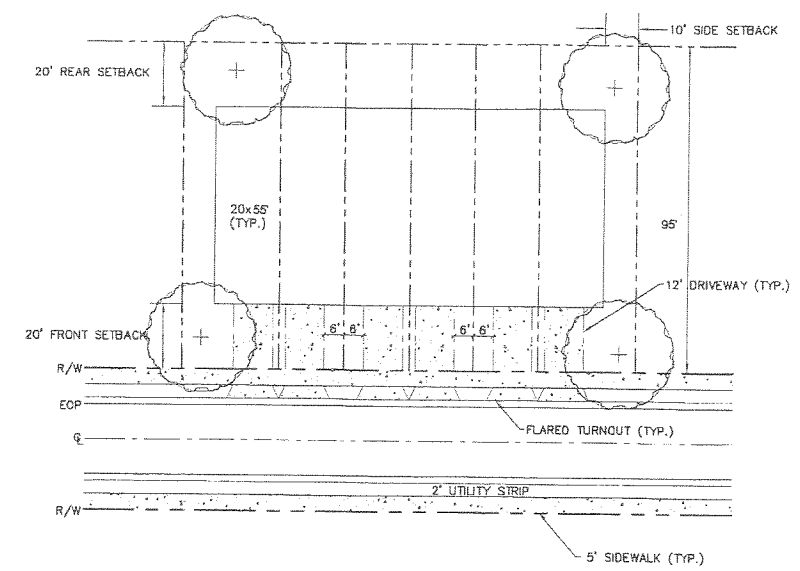




TYPICAL 40' PRIVATE R/W SECTION
NTS



TYPICAL 4-UNIT LOT PLAN
NTS



TYPICAL 6-UNIT LOT PLAN
NTS

ZONING NOTES:

1. PROPOSED LAND USES ARE ASSIGNED AS FOLLOWS: R-3A USES ARE ONLY APPLICABLE TO THE TOWNHOUSE ACREAGE AND C-2 USES ARE ONLY APPLICABLE TO THE COMMERCIAL PROPERTIES. SPECIFIC PROHIBITIONS OR EXCLUSIONS OF LAND USES SHALL BE OUTLINED WITHIN THE HOMEOWNERS ASSOCIATION DOCUMENTS. HOME OCCUPATIONS AND HOME OFFICES WILL BE PERMITTED.
2. PRICES OF PROPOSED TOWNHOMES FROM \$300,000 AND ABOVE. THE TOWNHOMES PORTION WILL BE BUILT AS ONE PHASE.
3. NO AGRICULTURAL USES WILL CONTINUE ON-SITE.
4. ENTIRE SITE IS TO BE CLEARED AS PART OF THIS PROJECT. ANY TREES WHICH ARE DESIGNATED FOR PRESERVATION WILL BE PROTECTED WITH ACCEPTABLE METHODS AND PRACTICES.
5. NO ACCESSORY STRUCTURES OR SCREENED PORCHES WILL BE ALLOWED.

BUILDING DIVISION NOTES:

1. ALL STRUCTURES THAT ARE REQUIRED TO BE ACCESSIBLE PER 2001 FLORIDA STATE BUILDING CODE - CHAPTER II, SHALL SHOW THE ACCESSIBLE ROUTE FROM THE REQUIRED ACCESSIBLE PARKING SPACES TO THE ACCESSIBLE ENTRANCE TO THE STRUCTURE.
2. IN ACCORDANCE WITH CHAPTER II FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION, AT LEAST ONE ACCESSIBLE ROUTE SHALL CONNECT ACCESSIBLE BUILDINGS FACILITIES, ELEMENTS, AND SPACES THAT ARE ON THE SAME SITE.
3. THE LOCATION OF ACCESSIBLE PARKING SPACES, LOADING ZONES, SIDEWALKS AND EXIT RAMPS SHALL MEET REQUIREMENTS OF CHAPTER II, FLORIDA BUILDING CODE.
4. FOOD SERVICE ESTABLISHMENTS SHALL PROVIDE A MINIMUM 750 GALLON GREASE TRAP PER FLORIDA ACCESSIBILITY CODE 64.E6.

PUBLIC SAFETY NOTES:

1. A CLASS FIVE CONTRACTOR REQUIRED TO INSTALL FIRE LINES.
2. THE FIRE LINE FOR SPRINKLERED BUILDINGS STARTS AT THE DOUBLE DETECTOR CHECK VALVE.
3. NO OTHER WATER CONNECTION SHALL BE OFF OF THE FIRE LINE.
4. THE FIRE DEPARTMENT CONNECTION SHALL BE WITHIN 200 FEET OF THE FIRE HYDRANT.
5. ANY FIRE LINE CHARGE BY THE FDC SHALL BE DR-14 PIPE.
6. THE ONLY VALVE ALLOWED IN THE FDC LINE IS A CHECK VALVE.
7. ALL FIRE LINES SHALL BE INSPECTED BY THE FIRE INSPECTION DEPT. BEFORE BEING COVERED.
8. A SEPARATE PERMIT SHALL BE REQUIRED TO INSTALL THE FIRE LINE.

NATURAL RESOURCES NOTES:

1. A CONSERVATION EASEMENT DEDICATED TO SEMINOLE COUNTY WILL BE REQUIRED OVER ALL POS-DEVELOPMENT WETLANDS AND REQUIRED UPLAND BUFFERS.
2. COPIES OF APPROVED SJRWMD ERP PERMITS FOR ANY PROPOSED WETLAND IMPACTS AND ASSOCIATED MITIGATION WILL BE PROVIDED TO SEMINOLE COUNTY.
3. A LISTED SPECIES SURVEY WILL BE PROVIDED TO SEMINOLE COUNTY.
4. COPIES OF APPROVED SJRWMD MITIGATION PLAN FOR ANY PROPOSED WETLAND IMPACTS.

TRAFFIC NOTES:

1. THE MINIMUM CENTERLINE RADIUS OF ALL INTERNAL ROADWAY CURVES SHALL BE 100'.
2. SIGNAL MODIFICATIONS WILL BE REQUIRED AT THE INTERSECTION OF THE PROPOSED MAIN ACCESS ROAD AND S.R. 46.
3. THE MINIMUM RIGHT-OF-WAY WIDTH SHALL BE 50'.
4. THE MINIMUM CORNER RADII SHALL BE 25'.
5. AN FDOT RIGHT-OF-WAY PERMIT WILL BE REQUIRED.

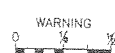
STORM DRAINAGE NOTES:

1. THE PROJECT IS WITHIN THE 100-YEAR FLOOD PLAIN AND WILL REQUIRE A LOMAR TO REMOVE THE PROPERTY FROM THE FLOOD PLAIN. THE LOMAR APPLICATION SHALL BE SUBMITTED TO THE COUNTY FOR APPROVAL AND SIGNATURE WITH THE FINAL ENGINEERING SUBMITTAL.
2. COMPENSATING STORAGE BELOW THE SEASONAL GROUNDWATER TABLE IS NOT PERMITTED.
3. THE SITE SHALL LIMIT DISCHARGE TO NOT EXCEED THE DOWNSTREAM CAPACITY.
4. THE POND IS REQUIRED TO HAVE A 15-FOOT BERM BETWEEN THE TOP OF BANK AND THE LOT LINES.

UTILITY NOTES:

1. FDEP PERMIT APPLICATIONS OR AN FDEP LETTER OF EXEMPTION FORM THE PERMITTING PROCESS SHALL BE SUBMITTED TO SEMINOLE COUNTY.
2. PRIOR TO FINAL ENGINEERING PLAN APPROVAL AND SIGNING OF FDEP PERMIT APPLICATIONS, CAPACITY MUST BE RESERVED.
3. RECLAIMED WATER IS BEING UTILIZED FOR THIS PROJECT.

DATE



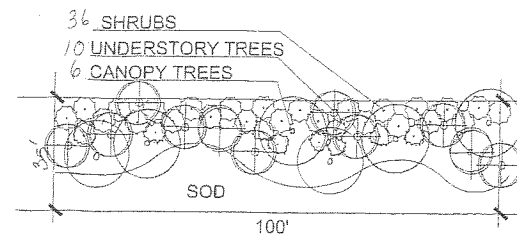
CADD	NAME	DATE
DESIGNED BY	JAW	06/05

Mills, Inc.



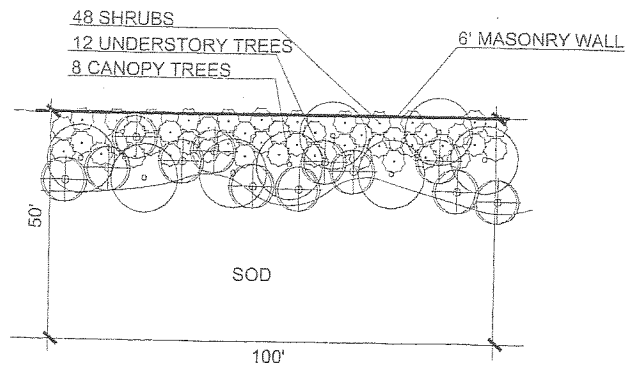
CONSTRUCTION NOTES AND DETAILS

PROJECT NO. 04-0014.001



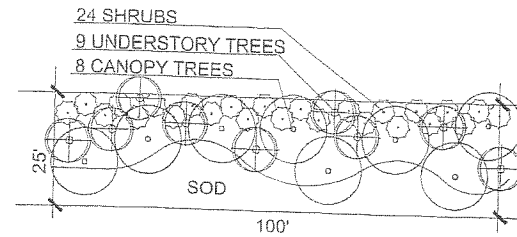
TYPICAL 100' PLAN SECTION

L
3 PASSIVE BUFFER - 25' WIDTH
Scale: 1" = 20'



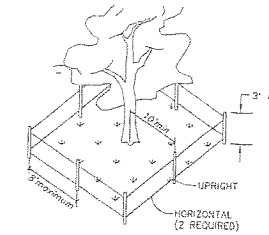
TYPICAL 100' PLAN SECTION

L
2 ACTIVE BUFFER - 50' WIDTH
Scale: 1" = 30'



TYPICAL 100' PLAN SECTION

L
4 ACTIVE BUFFER - 25' WIDTH
Scale: 1" = 30'



TREE BARRICADES ARE REQUIRED AROUND ALL TREES WHICH HAVE BEEN DESIGNATED ON THE SITE PLAN TO BE RETAINED AND PROTECTED. PRIOR TO ANY CLEARING OR CONSTRUCTION ACTIVITY OCCURRING ON THE SITE, TREE BARRICADES SHALL BE CONSTRUCTED. TREE BARRICADES SHALL BE PLACED AT THE EDGE OF THE DRIPLINE OR AT A MINIMUM OF 10' FROM THE TRUNK OF THE TREE.

L
5 TREE PROTECTION
Not to Scale

TYPICAL PLANT MATERIAL PALETTE

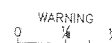
Symbol Key Common Name Botanical Name Min. Size

Note: These plants are representative of typical plants that will be used in the final landscape construction plans.

Shrubs				
○	JC	Juniper	Juniperus chinensis (various species)	3 gal., 24" min. ht.
	WV	Walter Viburnum	Viburnum obovatum	3 gal., 24" min. ht.
	RI	Indian Hawthorne	Raphiolepis indica	3 gal., 24" min. ht.
	GG	Thryallis	Galphima glauca	3 gal., 24" min. ht.
	EP	Eleagnus	Eleagnus pungens	3 gal., 24" min. ht.
Trees - Ornamental				
⊕	LI	Crape Myrtle	Lagerstroemia indica 'Watermelon'	45 gal., min. 8' ht., multi-trunk, 2" combined cal.
	SP	Sabal Palm	Sabal palmetto	12' min. height, B&B
	MV	Sweetbay Magnolia	Magnolia virginiana	45 gal., min. 8' height, 2" cal.
	IO	Amerian Holly	Ilex opaca	45 gal., min. 8' height, 2" cal.
Trees - Shade				
○	UA	Chinese Elm	Ulmus parvifolia	Min. 12' ht., 2-1/2 to 3" cal. @ 12" a.g.
	QV	Live Oak	Quercus virginiana	Min. 12' ht., 2-1/2 to 3" cal. @ 12" a.g.
	MG	Southern Magnolia	Magnolia grandiflora	Min. 12' ht., 2-1/2 to 3" cal. @ 12" a.g.

GENERAL NOTES

- ALL PROPOSED LANDSCAPE SHALL COMPLY WITH ALL APPLICABLE SEMINOLE COUNTY ZONING REQUIREMENTS.
- All plant materials shall be Florida No. 1 grade, or better, according to the current "Grades and Standards for Nursery Plants," published by the State of Florida, Department of Agriculture, except when the Planning Manager finds that the existing native vegetation will provide the necessary visual screening. Existing trees situated in the required buffer may be used to satisfy the buffer tree requirement.
- Trees shall have a minimum height of eight (8) feet and minimum caliper of two and one-half (2 1/2) inches with an overall average of three (3) inches, measured one (1) foot above ground, immediately after planting.
- Shrubs shall be a minimum of two feet (2') in height immediately after planting.
- Grass areas shall be Argentine Bahia. Grass areas may be sodded or seeded, provided, however, that solid sod shall be used in swales or other areas that are subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.
- Mulch shall be installed and maintained at a minimum depth of two (2) inches on all planting areas except annual beds. Organic mulches shall be used.
- All landscaping shall be installed in accordance with professionally and generally accepted commercial planting procedures. Soil which is free of limerock, pebbles and other construction debris shall be used. Installation of landscape materials shall be accomplished in accordance with the approved Landscape Plan.
- Trail buffer plantings shall be & maintained by the Homeowner's Association.
- Buffer planting between the Commercial and Multi-family parcels shall be planted within the Commercial parcel.
- Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. Preserved trees shall be protected (see detail) with tree barricades during construction operations.



CADD	NAME	DATE
DESIGNED BY	JAW	06/05

Mills Inc.



LANDSCAPE DETAILS

PROJECT NO.
04-0014.001

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

WEDNESDAY, SEPTEMBER 7, 2005
7:00 P.M.

Members present: Ben Tucker, Rob Wolf, Matt Brown, Walt Eismann, Jason Brodeur

Members absent: Beth Hattaway, Dudley Bates

Also present: Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Rebecca Hammock, Principal Coordinator, Development Review; Jeffrey Hopper, Senior Planner; Brian Nelson, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

F. SR 46 / Lake Forest Boulevard PUD Rezone; Robert Hattaway, applicant; approximately 42 acres; Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development); located on the north side of SR 46, opposite International Parkway. (Z2005-038)

Commissioner Carey – District 5
Tony Walter, Planning Manager

Tony Walter introduced the application stating that it will include up to 282 town homes with a maximum density of ten dwelling units per net buildable acre and six commercial tracts adjacent to SR 46 with equivalent C-2 uses with a maximum floor ratio of .35 which is consistent with such uses.

Mr. Walter stated that compatibility is an issue here. Staff recommends approval of the request based on its consistency with the HIPTI future land use. This application has neighborhood commercial and high-density residential standards.

Permitted uses include those allowed in C-2 zoning standards, excluding communication towers, outdoor advertising signs, and automobile sales. Any development in the residential portion shall be to the R3 Residential Zoning development standards, including setbacks. Non-residential building height shall be limited to 35 feet and active-passive buffer requirements including a 6-foot masonry wall along the north property line adjacent to the single-family uses.

Hugh Harling stated that the site plan he distributed to the commissioners at the meeting is consistent with the County Comprehensive Plan. There has been a long history of development activity in the area of the application in the last 15 years. International Parkway was extended to line up with in entrance to the property. There is

a signalized intersection. Tall Trees subdivision at Wayside Drive was developed 12 to 15 years ago. That property drains into the SR 46 right of way and then to the subject property, and finally across Lake Forest. The property to the east was damaged by the activity of widening SR 46, which created a wetland there that did not previously exist. This drainage goes into the east side of Lake Forest and also into a canal system along Oregon Avenue and also into the Smith Canal which outfalls into the St John's River. All of the drainage issues have been studied extensively. The engineering firm of Dyer, Riddle, Nils and Precour did the original drainage study for Lake Forest. The engineering firm of McIntosh and Associates prepared the engineering plans on the property to the east of the subject property. Mr. Harling stated that the applicant has worked with the St. Johns River Water Management District to prepare a drainage calculation and storage facility on the site to have zero impact on neighbors based on concept design. Mr. Harling said that he has a technical staff report from the Water Management District stating that the design conceptually presented will not impact the neighbors.

Mr. Harling stated that there will be a lift station to pump to the Yankee Lake substation. There is a major water transmission line on SR 46 that he will tie into.

This project will have buffers on the north property line with significant oak trees in the buffer. All of this will be consistent with the Seminole County Comprehensive Plan. There are only two zoning categories allowed in a HIP future land use. Mr. Harling said that the PUD he is doing is one of the allowed uses. The other use allowed in HIP is a PCD (Planned Commercial Development) which would only be done if the entire site were commercial. There will be 282 residential units, priced in the \$290,000.00 to \$300,000.00 range. There will be no impact on the neighbors except at the traffic signal. Concurrency will be dealt with later.

John Abbot stated that he would rather see a PUD here rather than commercial development.

Richard Fadil said that he wanted to see residential use here with limited commercial use on SR 46, like this. High density residential is more compatible. As a resident of Lake Forest, he would like to see high-end townhomes rather than a "big box" store there. Small commercial development is preferable to a car dealership.

Next are 5 speakers from the Lake Forest Transitional Committee.

Bob Manuel spoke on behalf of the Transition Committee as Co-Chair of the committee. He referred to a packet that he submitted to the commissioners. He is concerned that Mr. Hattaway intends to completely fill the wetlands in order to put in the 282 townhomes and 6 commercial sites. His consultant biologist believes that there are wetland concerns on this project that cannot be mitigated off site. The consultant hydrologist believes that there are concerns that have not adequately been addressed concerning the proposed filling in the 100 year flood plain which lies at the bottom of an approximately one square mile drainage basin. He believes that this proposal is not

compatible with the area and that it will negatively impact Lake Forest. He would like to see the project scaled back to an acceptable risk level.

Mr. Manuel stated that the destruction of the wetlands was the first major concern of the Lake Forest residents. He asked that the commissioners consider the actions of the St John's River Water Management District, the Army Corp of Engineers, the EPA are taking regarding the dredging and filling of the wetlands that was done without the required permits.

St. John's River Water Management District has issued a consent order, the Army Corps of Engineers has issued a cease and desist order. The Army Corps of Engineers has suspended their review of Mr. Hattaway's application pending resolution of its cease and desist order. The enforcement of the cease and desist order will be enforced by the EPA out of Atlanta. Mr. Manuel said that he had included a copy of the order in the packet of materials submitted. (Enclosure 11)

Mr. Manuel stated that Enclosure 12 Mr. Hattaway stated that there had been timber sold from the site in 1989, and that no further harvesting of timber had occurred since then. However, there was an invoice included with an invoice for Clear cutting dated July of 1998. Aerial photos of the site from 1995 and 1999 show that the property was extensively cleared sometime between those two dates.

Mr. Manuel stated that with his background and experience, Mr. Hattaway is aware of the regulations concerning wetlands in the state of Florida.

Steve Devine spoke on behalf of the Lake Forest community concerning the environment. He said that this application is incompatible with the adjacent 100 year flood plain. There is habitat for the black bear here. This property should not be rezoned. Using an overhead map, Mr. Devine pointed out conservation areas near to or adjacent to the site of the application. He said that the off site mitigation will not make up for the permanent destruction of wetland and habitat.

Dr. Ira Swartsberg, also representing the Transitional Committee for Lake Forest Homeowners, stated that 85% of the site is at the bottom of the 100-year flood plain. The proposed application calls for the filling of the site and raising it 8 feet higher than the surrounding area in Lake Forest.

Dr. Swartsberg also said that there were significant omissions from the current application. The hydrology in the area south of SR 46 is not articulated clearly enough to define the flow of water to and through the Hattaway site. He asked who would be liable if Lake Forest floods as result of more of the flood plain. He asked that the application be reviewed in light of Appendix B – of the Seminole County Land Development Code of the section titled "Surface Water Management Standards" which states that flood plains shall be kept in their natural state and must be protected. He asked if the Code allows for anything other than keeping the flood plain in its nature state and protecting it with a conservation easement.

Sharon Thompson stated that the wetlands on the property were not created by water flowing off the Tall Trees site, as stated by Mr. Harling. The USGS had designated this area as wetlands prior to the creation of the Tall Trees neighborhood.

In addition, Ms. Thompson stated that the proposed density was higher than stated. 282 residential units are going on 10 acres of the site. That comes out to 18.64 units per acre, not 10 units per acre. Compatibility is a concern. Lake Forest has .6 units per buildable acre. This proposal is at a significantly higher rate of density than the surrounding areas.

The proposed plan calls for 20-foot rather than 24-foot right of ways. This is supposed to be modeled on Baldwin Park. Ms. Thompson stated that she has talked to Orlando public safety officials who have reported many problems with safety vehicle access, delivery vehicle access, and normal vehicular traffic in Baldwin Park streets. Narrow right of ways permits higher yield of units. One way to cut down on density is to increase the size of the right of ways.

Ms. Thompson stated that her group feels that this project as presented is not compatible with the surrounding areas. This project should include the same type of conservation inclusions as were required with surrounding areas. Open spaces and comparable densities to neighboring areas should be made here, too.

Fred Bates, Co-Chair of the Lake Forest Homeowners Transitional Committee, stated that the development could be made to preserve habitat of black bears and sand hill cranes. Save the wetlands between the lands that Lake Forest set aside and those on the other side of the Hattaway property designated as conservation. Preserving the approximately 25 acres there is the best approach. This would allow development of 17 acres on the south side of the flood plain along SR 46, which is similar to what was done on the NW Oregon development, and the Publix shopping center which also preserved the conservation and wetland areas behind it. Only a small portion of the NW Oregon site and the Publix site were in the 100-year flood plain. Most of the Hattaway site is in the 100-year flood plain.

Mr. Bates said that another approach that his group would recommend is to reduce the height of the fill which will affect the surrounding communities by reducing run-off. If Mr. Hattaway is allowed to sever this conservation area it will send a message to other developers. What does this say to the developers who have already done their work in the area? Preserve the area to the standards of "Florida's Natural Choice."

Mr. Bates concluded by saying that if the zoning issue is the only thing being considered tonight, please deny the application.

Nancy Petty submitted a comment form stating opposition to the project.

Frank Guida submitted a comment form stating opposition to the application.

Gordon Shaw expressed a concern for the density of the project.

James Taglia stated that this project needs to be developed at a lower density.

Arnold Ritchie asked the commissioners to reject this project. He has been a realtor for many years. The plan submitted only meets the criteria for profit to the owner. Mr. Hattaway should be able to develop his land and make a profit without doing this plan.

In rebuttal, Hugh Harling stated that he has represented the property owner for many years. He is always willing to work with the community as projects move from zoning to final engineering plans. Mr. Harling quoted from a newspaper from 1986 talking about "wetlands may be sacrificed for the Wekiva River." The article said that "environmentalists encouraged the deal, the first such by the District, saying that it is worth losing 45 acres of wetland to gain 750 acres of Wekiva Protection Area." Mr. Harling quoted another paragraph of the article that said, "The deal hinges on Seminole County approving the developer's plan to tear up wetlands in the proposed Lake Forest Development." Mr. Harling said that Lake Forest deleted 45 acres of wetlands on the southern end of the property. Mitigation took place on Lake Forest.

NTS has a transition committee, but it made an offer in Feb. 3, 2000, to Mr. Hattaway, to put in a bid to buy the Hattaway property. NTS would then have taken the front 1.5 acres to develop 4 commercial lots and then develop the back 36 acres with 432 apartments. This would have increased the density of the site by over 1/3 more than what is proposed here.

Mr. Harling said that in the technical staff report from the St John's River Water Management staff, it states that due to the location of the site, bear habitat is only incidental. This is especially true when the long-term viability of the site is considered. This is a rapidly urbanizing area that does not represent sustainable bear habitat.

Mr. Harling concluded by saying that the PUD densities have been set. Final engineering will do code requirements for drainage, open space and the like. Final engineering is always done the Code. Tonight, compatibility with the area and consistency with the comprehensive plan for the area are being considered.

Commissioner Wolf asked Mr. Harling if he had met with the Lake Forest Transitional Committee.

Mr. Harling said he had not.

Commissioner Brown asked if the townhomes will be fee simple.

Mr. Harling said that they would be.

Bob Hattaway stated that he had a brief meeting with 4 or 5 members of the transition team at a DRC meeting in the County Services building. He showed members of the homeowners association his plan for development at that time. That was the only time he had met with people from Lake Forest.

Mr. Hattaway stated that he had bought the property 33 years ago with a partner. This was long before Tall Trees and Lake Forest were developed. Mr. Hattaway said that he granted the owner of the Tall Trees property an easement to drain that property onto SR 46. This agreement allows Mr. Hattaway to drain his property into the Lake Forest basin. He has the right to drain his property into the Lake Forest basin. It has been that way since 1986. Mr. Hattaway stated that at that time he obtained every necessary permit with Seminole County. After putting cattle on the property, he dug several water holes. St Johns River Water Management came back with the statement that he needed permits to put in the 4 water holes for the 25 head of cattle. Mr. Hattaway said that he had come to an agreement to pay a fine for that action. He has done everything possible to work with the county and St. John's Water Management. His property is the last one in the area to be developed. The NTS people have tried to buy his property several times, talking about townhouses or apartments. Now that it is not in their interest, they are attacking his project. Mr. Hattaway concluded by saying that he has paid taxes on this property for 33 years. Every project that he has brought forth in this county has been a project of major consequences that has worked out well. Mr. Hattaway said that this property has been a retirement investment for 33 years. He should have a right to use his property putting in a quality product that the county can be proud of.

The public hearing was now closed.

At this time the Chairman called for a brief recess.

Following the recess Mr. Manuel asked for more time to speak.

The Chairman stated that there had been ample time to communicate the group's ideas. The hearing had been closed.

Chairman Tucker asked about the figures on students that may be generated from this project.

Tony Walter stated that the estimates were included in the staff report. The net impact would be up to 16 elementary school students, 5 middle school students, and 7 high school students. This is based on impact fee information. The School Board has not provided information in some months. The School Board will be meeting with the commissioners in November.

Dan Matthys stated that the information is based on information previously provided by the School Board. There is a comparison of what would be generated on the current A-1 zoning, versus the requested zoning.

Chairman Tucker reviewed the fact that the School Board has had an ex-officio member giving input on school impact in the past. This is true of the 7 cities also. We have requested written reports from the School Board.

Commissioner Brown pointed out that town homes drop the students-generated- per-unit statistics down from what is generated in other types of housing.

Commissioner Brown made a motion to recommend approval of the request with staff recommendations.

Commissioner Eismann seconded the motion.

Commissioner Brown stated that this property will be developed. Town homes are an appropriate use here. Consider what happened along SR 436, with homes backing up to restaurants. The transition here is appropriate.

Commissioner Wolf asked how the proposed density compares with the surrounding area. How are that many townhomes compatible with the area?

Tony Walter said that the net density, subtracting out roads, is 10 units per acre, including buffers and open space. This is an appropriate transitional use.

Commissioner Wolf asked about hydrological concerns.

Dan Matthys said that the applicant would have to prove everything later, during final engineering. Tonight the commissioners are looking at compatibility only. What is finally approved and executed may be different based on what is recommended.

Chairman Tucker stated that this is a 40-acre in-fill site. When Lake Forest was mitigated, it was done in Sabal Point. We are looking to make transitions. This will be mitigated, which helps the entire state.

Commissioner Wolf asked about the LOMAR on the site.

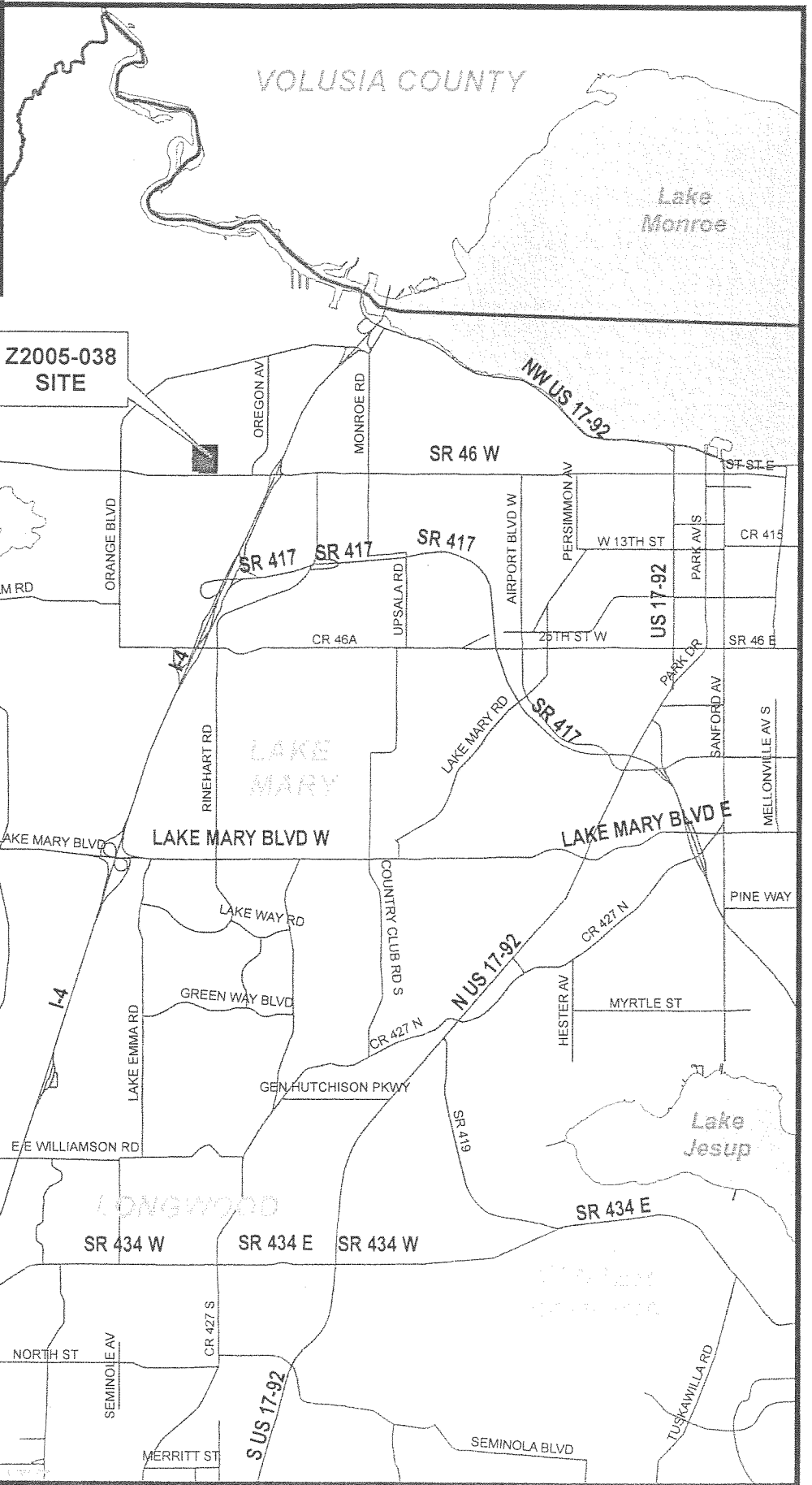
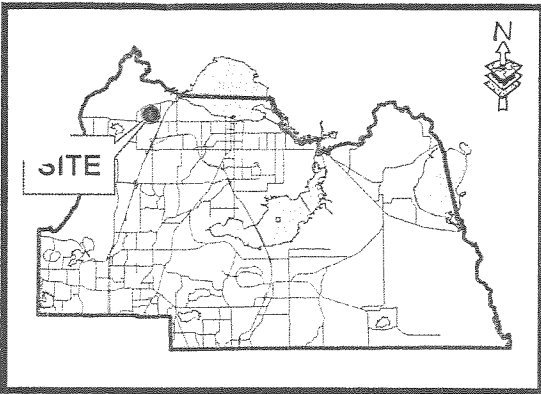
Dan Matthys said that a LOMAR is a letter of map revision that is submitted to FEMA which will be part of a detailed process that the applicant will have to go through which includes the final engineering plan, and the preliminary subdivision plan. Tonight the issue of compatibility – does the townhouse serve as an appropriate buffer between single-family use and commercial use – is what is being considered. Staff feels that this is an appropriate use. Final engineering will be done and the final product may not be what we see tonight.

Commissioner Tucker said that this is a difficult decision. This is an infill site. It is hard to say that a remaining 40-acre site is a wetland basin. Mitigation will benefit the whole state. It is hard to hear about things if it is in your backyard.

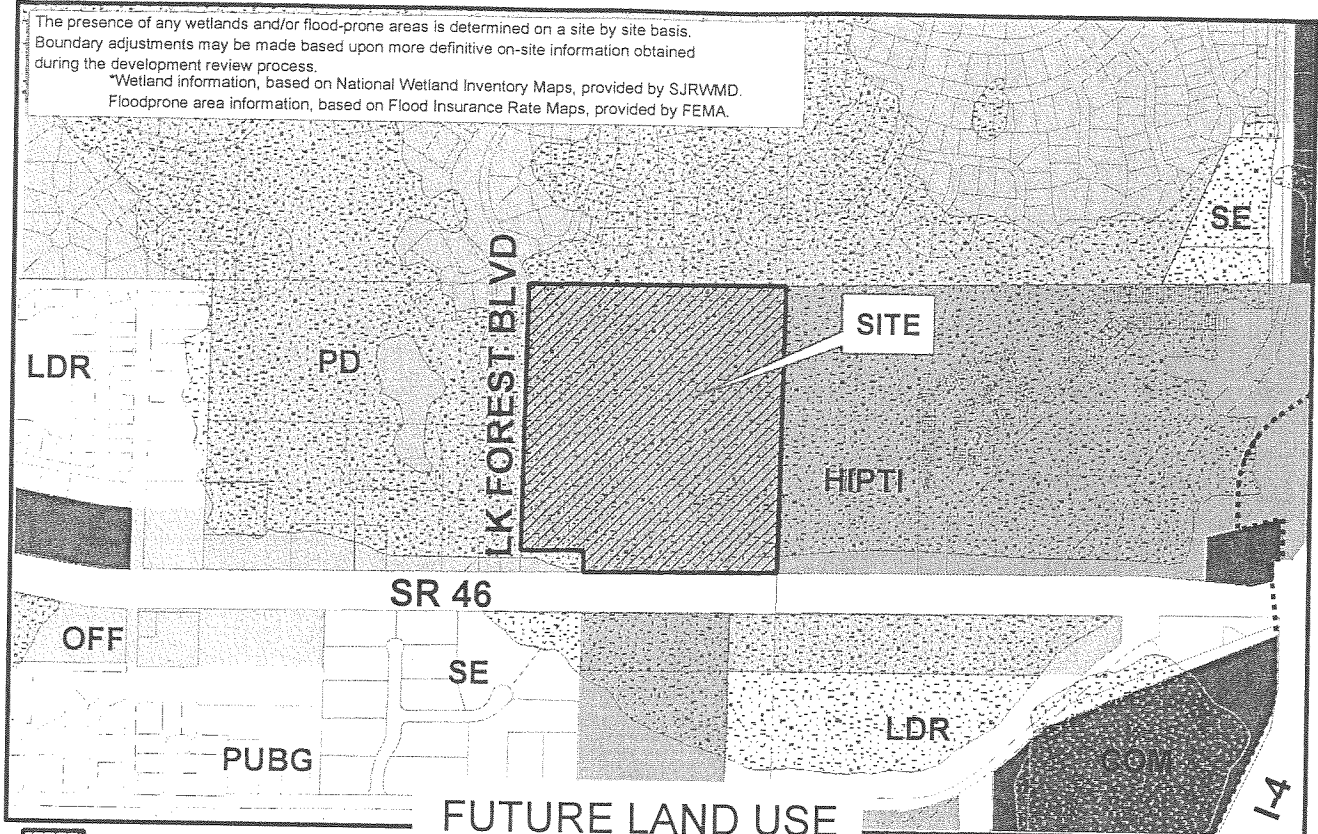
Commissioner Wolf said that the technical issues are not to be considered tonight.

Commissioner Tucker agreed. Engineers will look into the technicalities.

The vote was 4 to 1 in favor of the motion. Commissioner Wolf voted “no”.



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

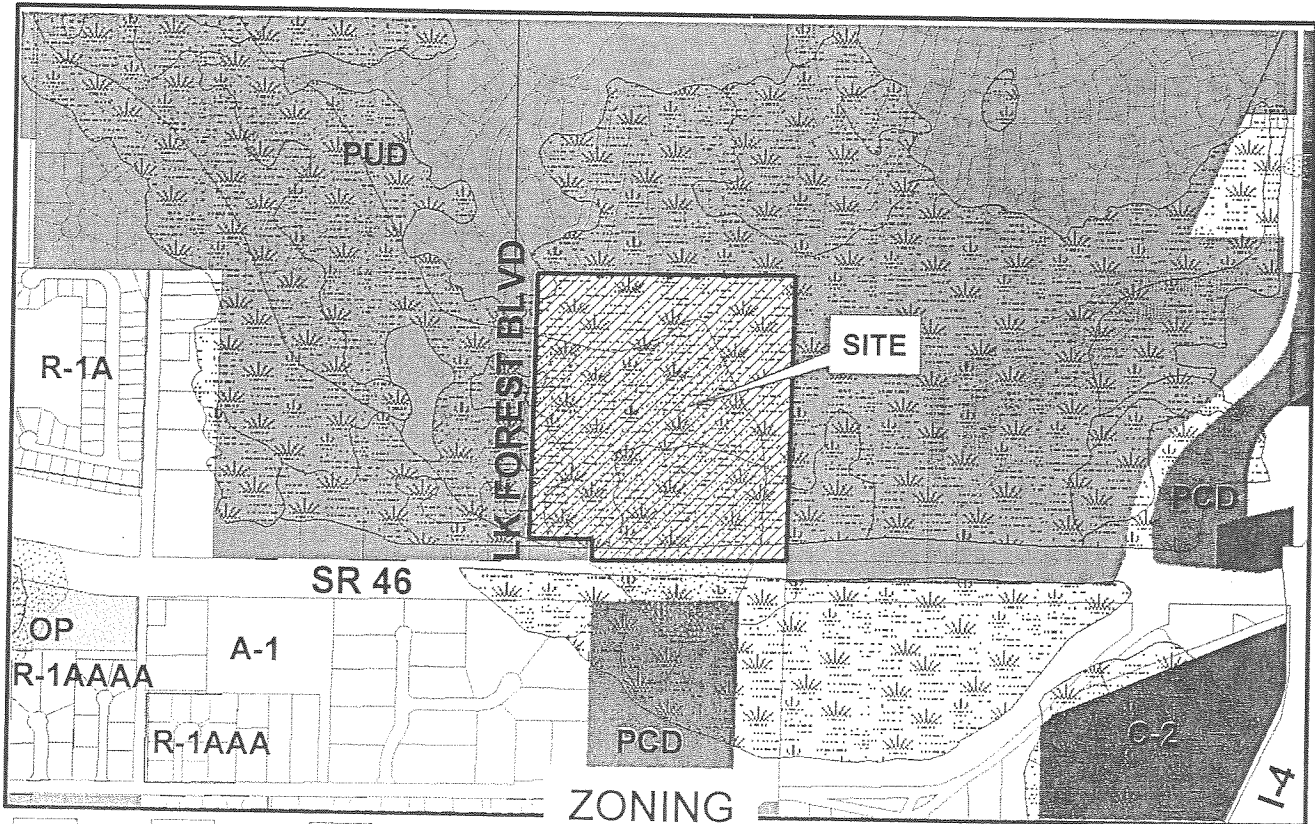


FUTURE LAND USE

Site
 Municipality
 LDR
 COM
 OFF
 SE
 PD
 HIPTI
 PUBG
 CONS

Applicant: Robert Hattaway
 Physical STR: 30-19-30-300-0010-0000
 Gross Acres: 44.78 +/- BCC District: 5
 Existing Use: Agriculture
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-038	A-1	PUD





ZONING

A-1
 R-1A
 R-1AAA
 R-1AAAA
 OP
 PCD
 C-2
 PUD
 FP-1
 W-1

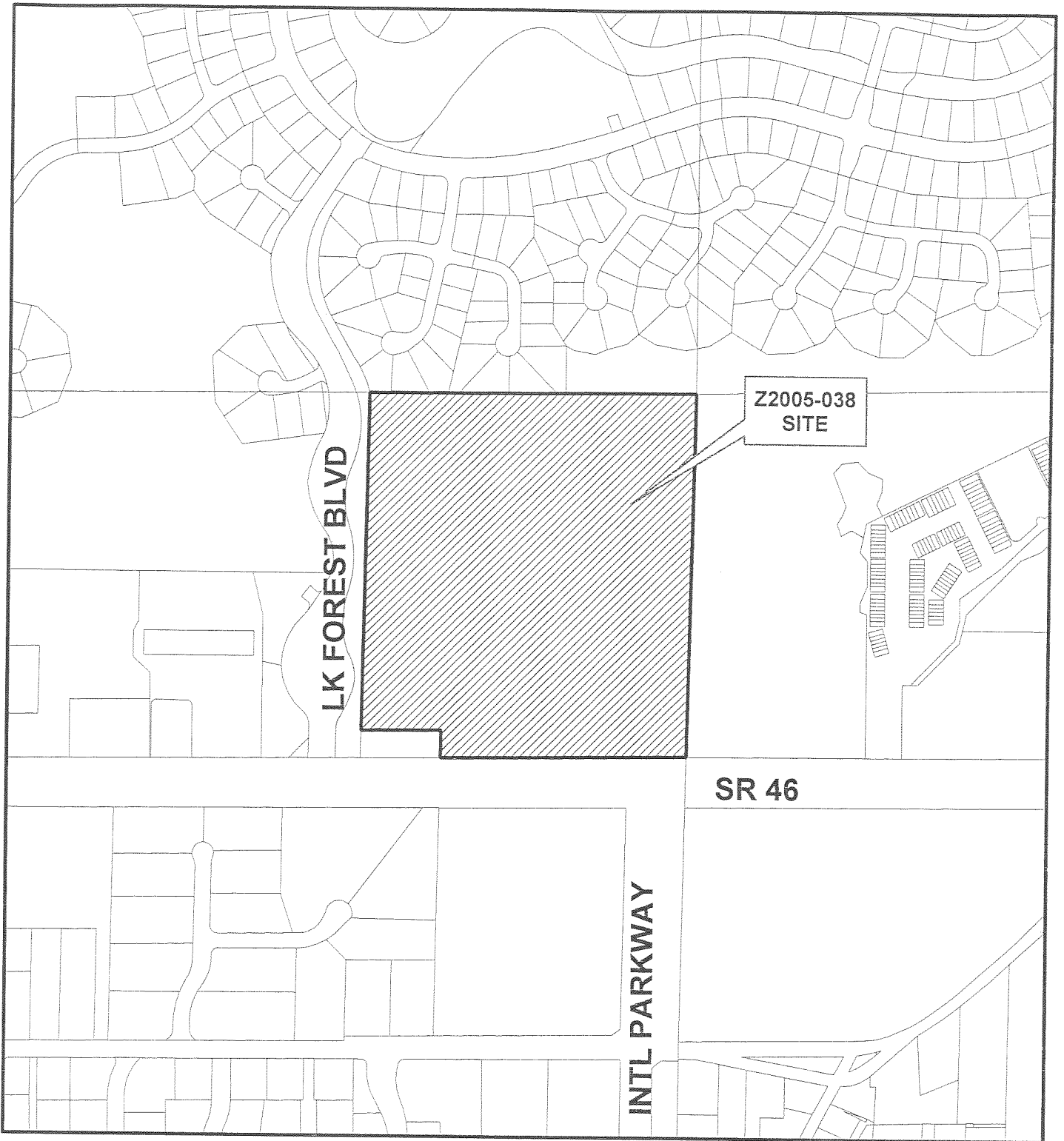


Rezone No: Z2005-038
From: A-1 To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials



FILE # Z2005-038

DEVELOPMENT ORDER #5-20500006

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

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

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: ROBERT T. HATTAWAY

Project Name: SR46/LAKE FOREST PUD

Requested Development Approval: Rezone from A-1 to PUD

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

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

Prepared by: TONY WALTER
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:

1. Permitted and special exception uses shall be limited to the provisions of the C-2 districts except that the following uses shall be prohibited:
 - Automobile sales
 - Marine sales and service
 - Mobile home and recreation vehicles sales
 - Drive-in theaters
 - Mechanical garages
 - Paint and body shops
2. Any residential development on the property shall be subject to R-3A development standards and limited to a maximum of 10 units per net buildable acre.
3. Nonresidential building height shall be limited to 35 feet
4. Active/Passive buffer requirements including a 6' masonry wall is required along the north property line adjacent to the single family residential to the north.

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

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

Done and Ordered on the date first written above.

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

FILE # Z2005-038

DEVELOPMENT ORDER #5-20500008

OWNER'S CONSENT AND COVENANT

COMES NOW, ROBERT T. HATTAWAY, on behalf of herself and her 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

Robert T. Hattaway, Trustee

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 SHIRLEY T. ALEXANDER, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

FILE # Z2005-038

DEVELOPMENT ORDER #5-20

EXHIBIT A

Project Legal Description:

The Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida AND;

The Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida, lying North of State Road No. 46. Less the West 320.00 feet thereof.

The whole containing 42.55 acres, more or less

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; 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 "SR46/Lake Forest Rezone."

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development District):

The Northeast ¼ of the Northeast ¼ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida AND;

The Southeast ¼ of the Northeast ¼ of Section 30, Township 19 South, Range 30 East, Seminole County, Florida, lying North of State Road No. 46. Less the West 320.00 feet thereof.

The whole containing 42.55 acres, more or less

Section 3. 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 4. 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 upon filing with the Department of State.

ENACTED this 25th day of October, 2005

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley
Chairman