

Item # 64

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Longwood Hills Condominium Rezone and Small Scale Future Land Use Amendment

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

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

Agenda Date <u>11/07/06</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

1. **APPROVE** a request and enact ordinances for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density (MDR) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), on 3.8 ± acres, located on the north side of Longwood Hills Road and west of CR 427, subject to the attached Preliminary Master Plan and Development Order, based on staff findings, and authorize the Chairman to execute the aforementioned documents (Mike Towers, applicant);or
2. **DENY** a request for a Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 3.8 ± acres, located on the north side of Longwood Hills Road and west of CR 427 (Mike Towers, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 4 – Henley

Michael Rumer, Senior Planner

BACKGROUND:

The applicant, Mike Towers, requests the rezoning of approximately 3.8 acres, located on the north side of Longwood Hills Road and west of CR 427, from A-1 (Agriculture) to PUD (Planned Unit Development) and a Small Scale Land Use Amendment from LDR to

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

MDR. The requested zoning and land use will allow a maximum of 16 condominium units with a maximum net density of 8.16 dwelling units per net buildable acre.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-unit condominium development on 3.8± acres, located on the north side of Longwood Hills Road and west of CR 427, and approval of the attached Preliminary Master Plan and Development Order, per staff findings.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on October 4, 2006 and voted 3 to 2 to recommend APPROVAL of the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-unit condominium development on 3.8± acres, located on the north side of Longwood Hills Road and west of CR 427, and approval of the attached Preliminary Master Plan and Development Order, based on staff findings.

Attachments:

Staff Report
Preliminary Master Plan
Location Map
Land Use & Zoning Map
Aerial Map
School District Capacity Analysis
Approval Development Order
Land Use Ordinance
Rezone Ordinance
Denial Development Order (applicable if the request is denied)
Applicant's Justification Statement
City of Longwood Utility Letter
10-04-06 Planning & Zoning Commission Minutes

Longwood Hills Road Condominium Rezone and SSLUA	
APPLICANT	Mike Towers, Oakwood Construction and Development
PROPERTY OWNER	Mike Towers
REQUEST	SSLUA from LDR to MDR and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)
PROPERTY SIZE	3.8 ± acres
HEARING DATE (S)	P&Z: October 4, 2006 BCC: November 07, 2006
PARCEL ID	29-20-30-5AT-0000-0120
LOCATION	Located at 131 Longwood Hills Road, north side of Longwood Hills Road and west of CR 427.
FUTURE LAND USE	LDR (Low Density Residential)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2006-061
COMMISSION DISTRICT	#4 – Henley

Proposed Development:

The applicant is proposing to develop sixteen (16) condominium units at a density of 8.16 dwelling units per net buildable acre.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting a Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-unit condominium development on 3.8± acres, located on north side of Longwood Hills Road and west of CR 427. The requested zoning and land use will allow a maximum of 16 condominium units with a maximum density of 8.16 dwelling units per net buildable acre.

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

DISTRICT REGULATIONS	Existing Zoning (A-1)
Minimum Lot Size	1-acre
Minimum House Size	N/A
Minimum Width at Building Line	150 feet
Front Yard Setback	50 feet
Side Yard Setback	10 feet
(Street) Side Yard Setback	50 feet
Rear Yard Setback	30 feet
Maximum Building Height	35 feet

DISTRICT REGULATIONS	Proposed Zoning (PUD)
Minimum Lot Size	All condominium units will be alike in size (approximately 25x80).
Minimum Condominium Size	3,000 sq. ft. of living area
Minimum Width at Building Line	N/A*
Front Setback from Longwood Hills Road	49 feet
Side Yard Setback from eastern property boundary	43 feet
Side Yard Setback from western property boundary	295 feet
Rear Yard Setback from northern boundary	14 feet
Maximum Building Height	35 feet

* The width at building line is a code requirement for lots that are owned fee simple. This project will consist of condominium units that will not be owned fee simple and does not need to meet this requirement.

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	A-1 (existing)	PUD (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling including one (1) guesthouse or cottage, docks and boathouses, churches, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	16 unit Condominium development
Special Exception Uses	Cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	N/A
Minimum Lot Size	1-Acre	All condominium units will be alike in size (approximately 25x80).

COMPATIBILITY WITH SURROUNDING PROPERTIES

Staff has reviewed the request to determine compatibility with surrounding developments, and determined the request is compatible. The subject site is surrounded by the City of Longwood on four (4) sides. The properties surrounding the subject site on the east, west and north have a Medium Density Future Land Use designation that permits a density of 4.1 units to 10 units which this proposal is consistent with. The property to the south has the Conservation and Low Density Residential Future Land Use designation; however, this property is located across Longwood Hills Road.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number 12117C01130E, the western portion of the site is located within the 100 year flood plain.

Wetland Impacts:

Based on County wetland map analysis and the survey submitted with the application, there are wetlands on the subject property. The jurisdictional wetland line must be reviewed by SJRWMD staff. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

Based on 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 (A-1)*	Proposed Development (7 Lot PUD) ¹	Net Impact
Water (GPD)	350	5,360	+5,010
Sewer (GPD)	300	4,800	+4,500
Traffic (ADT)	10	94	+84

* Impacts based on one single-family residence.

¹ Proposed PUD Development is based on 16 units requested by the applicant.

Utilities:

The site is located in the service area of the City of Longwood. A letter from the City of Longwood is attached.

Transportation / Traffic:

The property is adjacent to Longwood Hills Road which is classified as a Major Collector road. Longwood Hills Road 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 zone change will generate approximately four (4) 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 nearest response unit to the subject property is Station # 15, which is located at 301 Warren Avenue. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is under 5 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 Wicheewatchee drainage basin. There is no positive outfall for the subject property; therefore the applicant will be required to contain a 100 year/24 hour stormwater event.

Parks, Recreation and Open Space:

The applicant has designated 1.02 ± acres of open space, per Section 30.451 (e) of the Land Development Code (LDC). This is greater than the 0.95 ± acres (25%) required by

the LDC. The open space is being provided through the use of the court yard area that will consist of planters and fountains and the wetland area (30% of the wetland area is included in the calculation). Access to the wetland area is provided via a mulched path coming from the western drive aisle. Wetlands have historically been allowed to be counted toward open space as they provide a green area that can be commonly enjoyed by all participants of the PUD. However, the wetland areas counted toward open space cannot exceed 30% per LDC Section 30.1344 (e)(3)(D).

Buffers and Sidewalks:

The applicant is providing a 23-foot landscape buffer along the southern property line and a 10-foot landscape buffer along the eastern property line with a 6' masonry wall. Additionally, the buffer along the northern property line will consist of a 14-foot landscape buffer with a 6-foot high masonry wall and the west property line is buffered by 1.2 acres of wetlands with a 6-foot high masonry wall on the eastern side of the wetland.

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 CIE 3.2: Application to New Development
- Issue FLU 3: Exhibit FLU: Future Land Use Map Based On Growth Needs/
Buildout
- Issue FLU 4: Urban Sprawl
- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning
Classifications
- Policy FLU 4.2: Infill Development
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy CON 3.6: Wetland/Flood Prone Regulations
- Policy TRA 1.1: County Level-of-Service Standards/TRA Exhibit-14

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice was sent to the Seminole County School District on September 19, 2006. The School District has provided a School Capacity Report, which is attached. The City of Longwood is not a party to the Intergovernmental Planning Coordination Agreement of 1997 and did not receive a notice.

LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

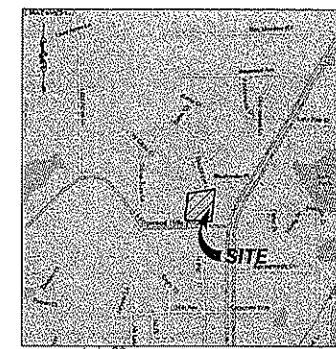
Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-unit condominium development on 3.8± acres, located on the north side of Longwood Hills Road and west of CR 427, and approval of the attached Preliminary Master Plan and Development Order, per staff findings.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

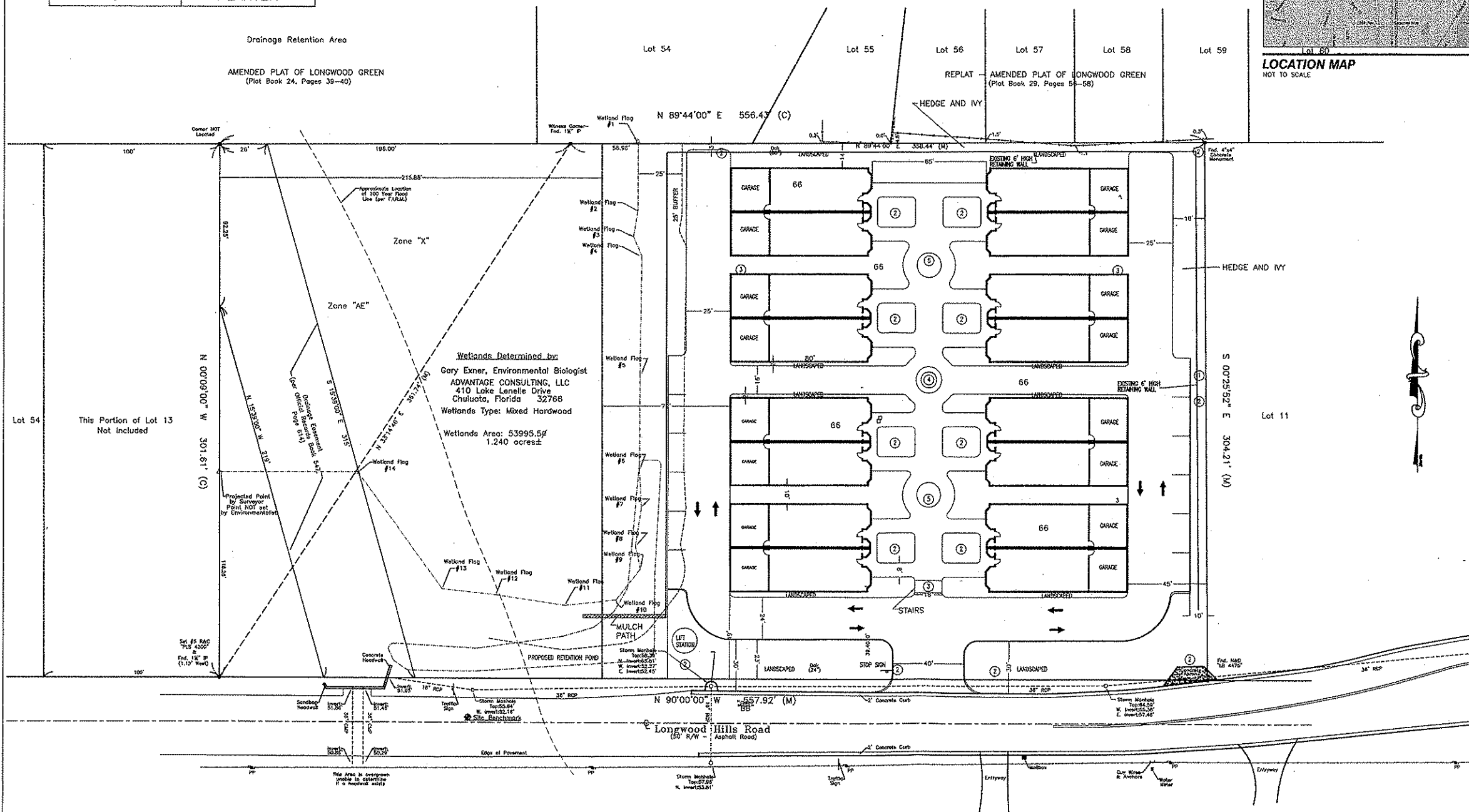
The Planning and Zoning Commission met on October 4, 2006 and voted 3 to 2 to recommend APPROVAL of the request for a Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-unit condominium development on 3.8± acres, located on the north side of Longwood Hills Road and west of CR 427, and approval of the attached Preliminary Master Plan and Development Order, based on staff findings.

PROPERTY FIXTURES	
1	FLORIDA POWER LIGHT TRANSFORMER
2	STREETLIGHT/ FLOWERBED
3	STAIRS/VEHICLE BARRIER
4	FOUNTAIN
5	PLANTER

BUFFERS		
LOCATION	WIDTH	PLANTING
NORTH	14'	HEDGE/IVY
EAST	10'	HEDGE/IVY
SOUTH	23'	4 TREES/ 100' HEDGE



LOCATION MAP
NOT TO SCALE



CONTACT INFORMATION

APPLICANT: MICHAEL F. TOWERS
OAKWOOD CONSTRUCTION AND DEV.
754 FLEET FINANCIAL COURT
LONGWOOD, FL 32750

PLANNER: IVEY PLANNING GROUP, LLC
1309 S. INTERNATIONAL PARKWAY
LAKEMARY, FL 32746
PHONE: 407-660-8881
FAX: 407-660-8886

SURVEYOR: JPI SURVEYING AND MAPPING, INC.
6001 BRICK COURT, SUITE 117
WINTER PARK, FL 32792
PHONE: 407-678-3366
FAX: 407-671-6678

PROJECT INFORMATION

PROJECT DESCRIPTION
THE PROJECT WILL CONSIST OF CONDOS WITH A TOTAL OF 8.1 UNITS PER ACRE FOR A TOTAL OF 16 CONDOS.

SITE DATA
LOCATION: 131 LONGWOOD HILLS ROAD
PARCEL ID: 29-20-30-SAT-000-0120

ACREAGE

GROSS ACREAGE	3.8 ACRES
WETLANDS	0.372 ACRES
GREEN SPACE & BUFFERS	.83 ACRES
TOTAL	1.202 ACRES
ROADS	.60 ACRES
NET BUILDABLE	1.96 ACRES
NET DENSITY	8.16 DU/ACRES

PARKING SUMMARY

	REQUIRED	PROVIDED
GARAGE SPACES	32 SPACES	37 SPACES
2 SPACES PER DU	2.33 SPACES PER DU	
VISITOR SPACES		12 SPACES
TOTAL	32 SPACES	49 SPACES

ZONING CLASSIFICATION

EXISTING ZONING	CLASSIFICATION
EXISTING ZONING	A-1 (AGRICULTURE)
EXISTING USE	VACANT
PROPOSED ZONING	PUD (PLANNED UNIT DEV.)
PROPOSED FUTURE LAND USE	MDR (MED. DENSITY RESIDENTIAL)
FUTURE LAND USE DESIGNATION	LDR (LOW DENSITY RES) (LOW DENSITY RESIDENTIAL)

LOT BULK REQUIREMENTS
BUILDING HEIGHT: 35' OR 2 STORIES

UTILITIES
WATER AND SEWER UTILITIES DESIGN SHALL MEET THE REQUIREMENTS OF SEMINOLE COUNTY, THE CITY OF LONGWOOD AND FDEP.

SANITARY: PROVIDED BY THE CITY OF LONGWOOD
WATER: PROVIDED BY THE CITY OF LONGWOOD

STORMWATER
THE PROPOSED STORMWATER MANAGEMENT SYSTEM SHALL BE DESIGN TO MEET THE REQUIREMENTS OF SEMINOLE COUNTY AND THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT. A PORTION OF THE RETENTION WILL BE UNDER THE PARKING AND DRIVING AISLES IN VAULTS OR EXFILTRATION SYSTEM.

BUFFERS
SEE BUFFER TABLE.

OPEN SPACE
25% OPEN SPACE REQUIRED (3.8 ACRES X 25% = .95 ACRES).

OPEN SPACE PROVIDED (30% WETLANDS (0.37 ACRES) AND COURTYARD/BUFFER (0.83 ACRES) FOR A TOTAL OF 1.02 ACRES).

FLOOD ZONE
PARCEL IS LOCATED WITHIN FLOOD ZONE AE AND X PER FEMA.

PRIVATE ROAD & COMMON AREAS
THE PRIVATE ROAD AND THE COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE H.O.A. COMMON AREAS SHALL HAVE PEDESTRIAN CONNECTIONS FOR RECREATIONAL USES. FINAL LOCATION AND DESIGN TO BE DETERMINED AT FINAL MASTER PLAN STAGE.

IMPACT ANALYSIS
SCHOOLS: BASED ON 16 UNITS
ELEMENTARY SCHOOL: 2 STUDENTS
MIDDLE SCHOOL: 1 STUDENT
HIGH SCHOOL: 1 STUDENT
TOTAL: 4 STUDENTS

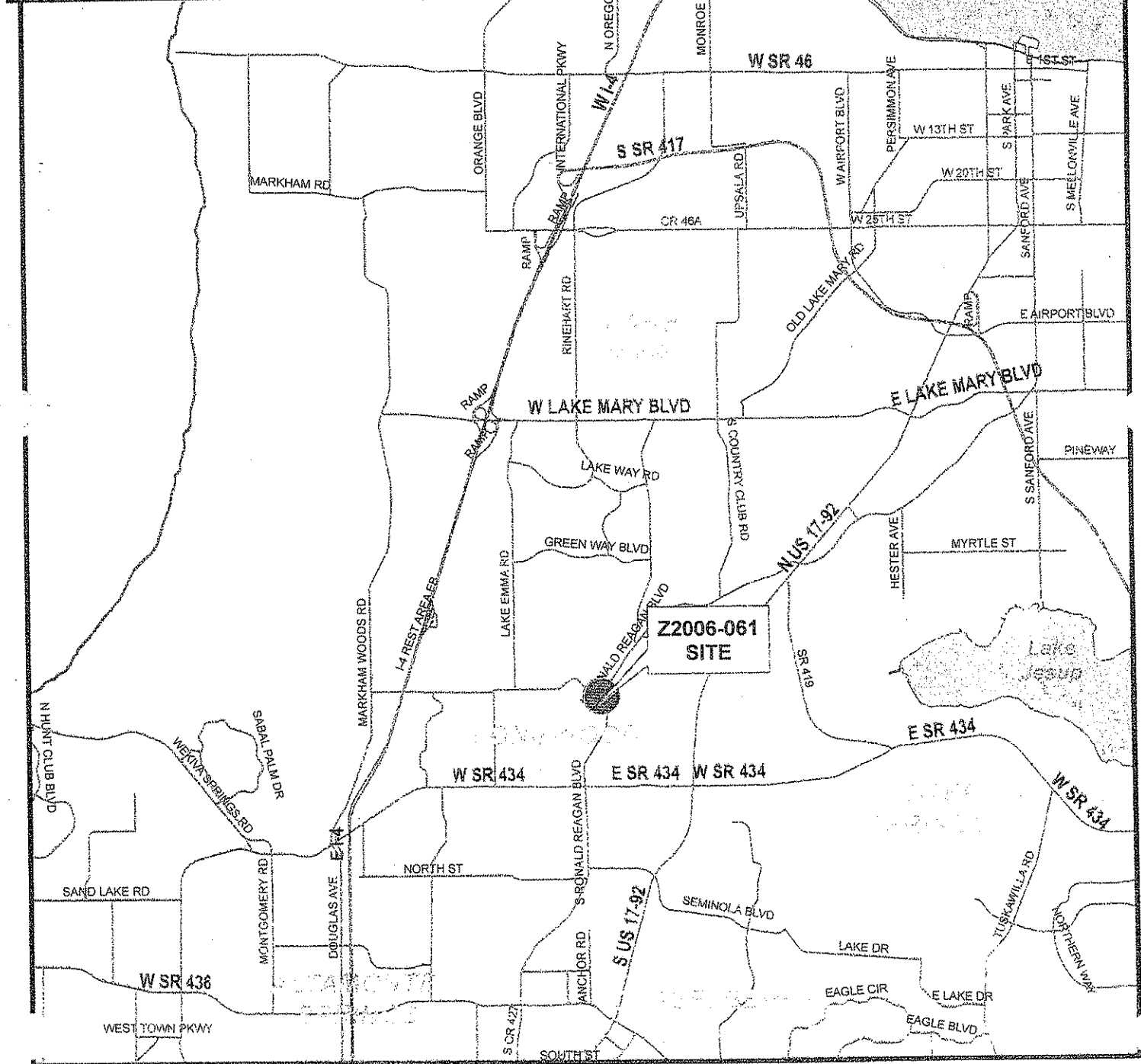
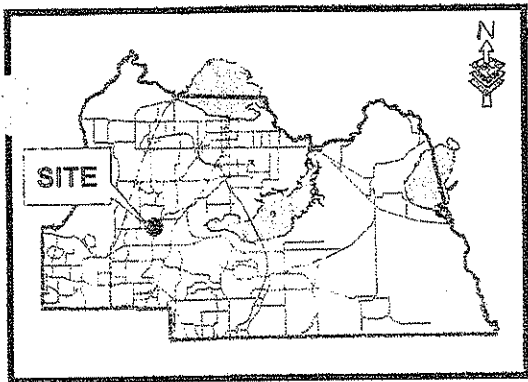
ROADS: 94 ADT AND 8 PEAK TRIPS

LONGWOOD HILLS PUD
LONGWOOD, FLORIDA
SEMINOLE COUNTY
LONGWOOD HILLS AND C.R. 427

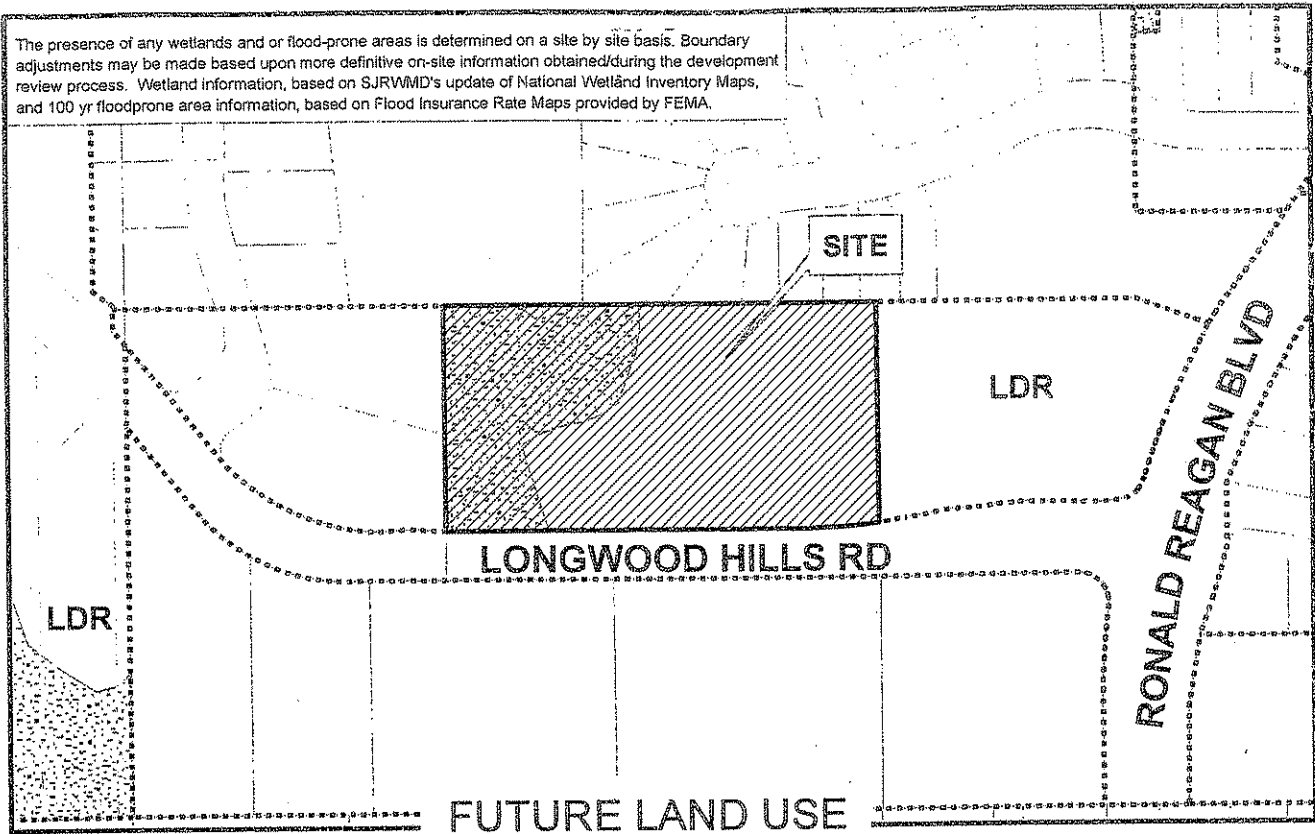
TITLE: PRELIMINARY PUD PLAN
PROJECT NUMBER: TOWRS-01

IVEY PLANNING GROUP, LLC SCALE: 1"=30'-0"
Town Planners & Community Builders

DATE	REVISIONS	BY	CHECKED
9/14/06	REVISIONS PER DRC MEETING	JSS	MW



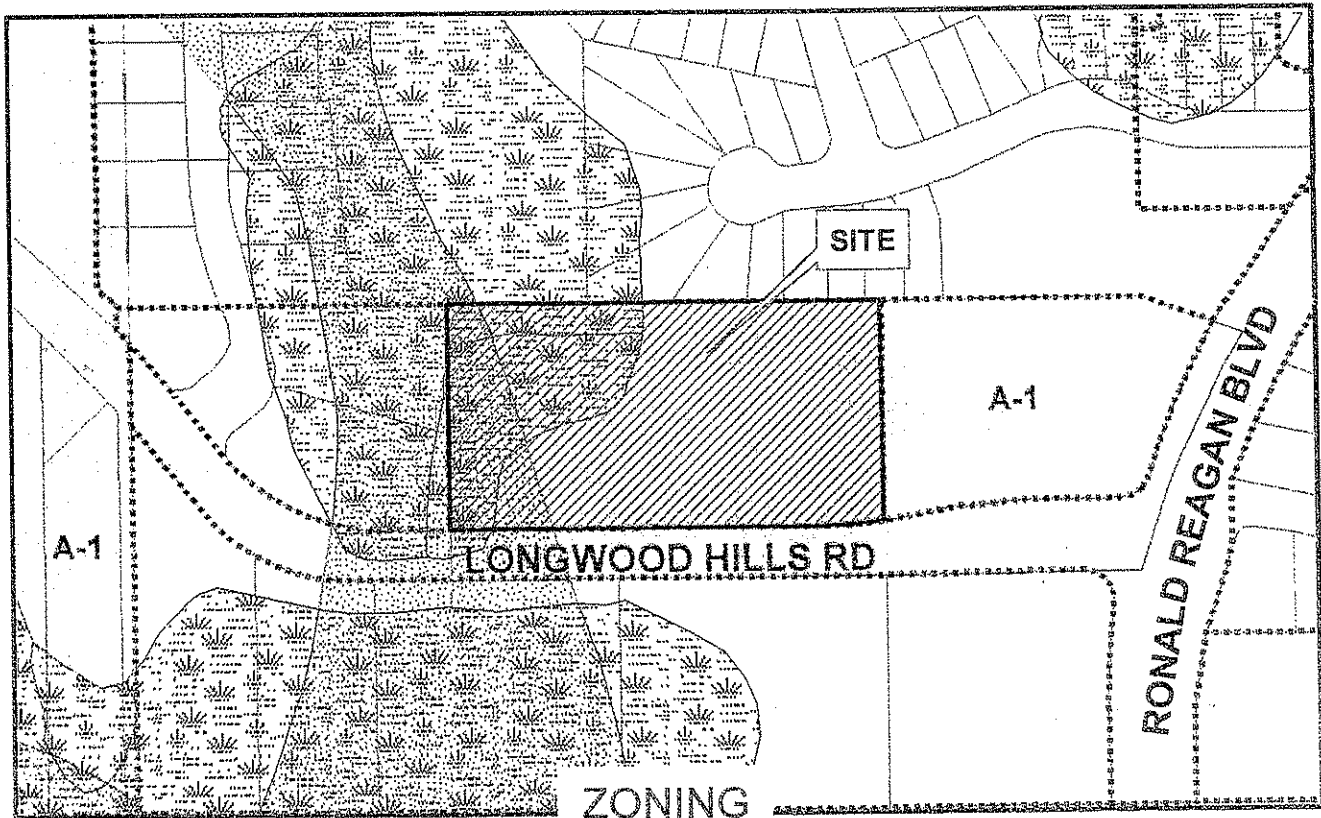
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



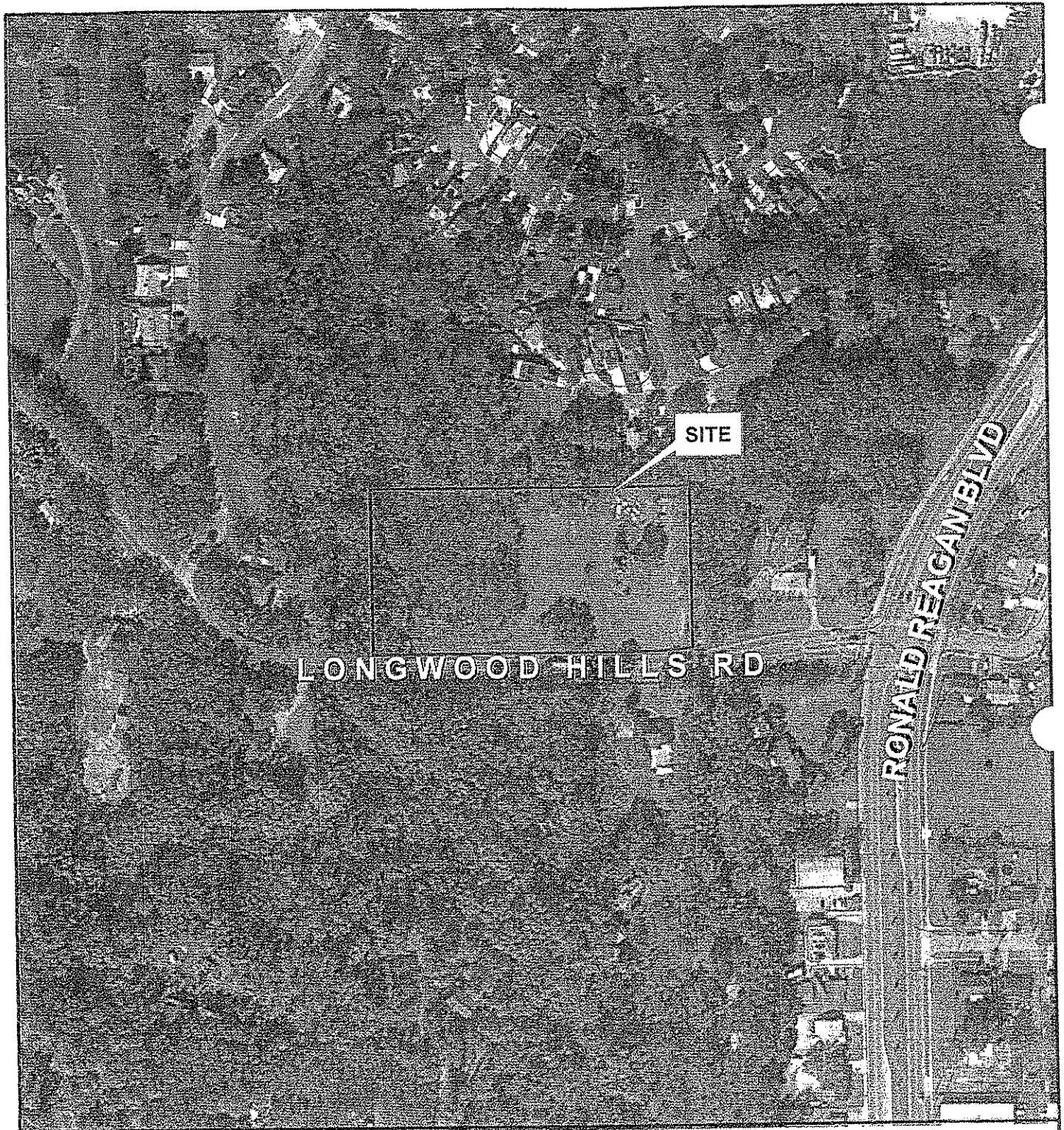
Site
 Municipality
 LDR
 CONS

Applicant: Michael Towers
 Physical STR: 29-20-30-5AT-0000-0120
 Gross Acres: 3.8 +/- BCC District: 4
 Existing Use: Vacant
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	10-06SS.02	LDR	MDR
Zoning	Z2006-061	A-1	PUD



A-1
 FP-1
 W-1

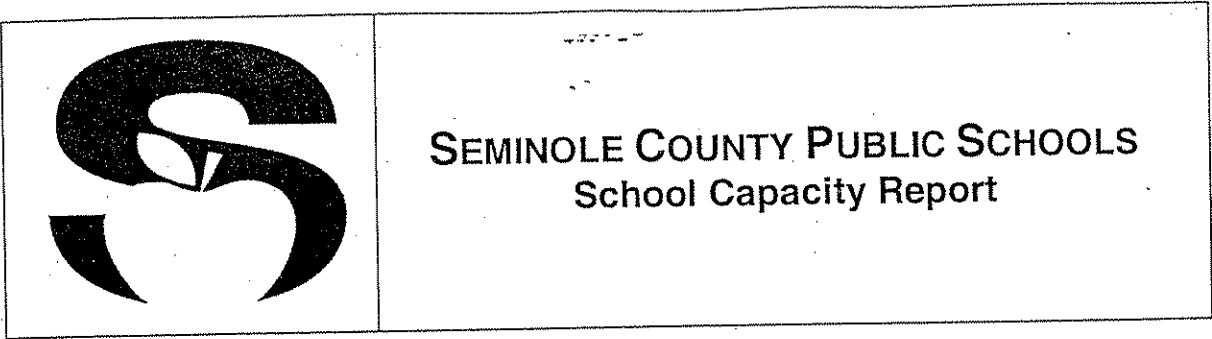


FLU No: 10-06SS.02
From: LDR To: MDR
Rezone No: Z2006-061
From: A-1 To: PUD

- Parcel
- Subject Property



Winter 2006 Color Aerials



To: Seminole County Board of County Commissioners

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

Date: September 20, 2006

RE: Z2006-061 Longwood Hills FLU/Rezone

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 – 3.8 +/- acres located on the north side of Longwood Hills Road and west of CR 427 from future land use of LDR to MDR and rezone from A-1 (Agricultural) to PD (Planned Development) to allow construction of 16 condominium units. Parcel ID 29-20-30-5AT-0000-0120.

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

<i>Total Proposed units</i>					
<i>Total # of Units</i>		<i># of Single-Family Lots</i>		<i># of Multi-Family Units</i>	
16		0		16	
<i>Student Generation</i>					
<i>Impacted Schools</i>	<i>Projected Number of Additional Students</i>	<i>Current Capacity</i>	<i>Current Enrollment</i>	<i>Percent Utilization</i>	<i>Students Resulting from Recently Approved Developments</i>
Elementary Longwood	2	715	669	93.6	13
Middle Greenwood Hills	1	1281	1176	91.8	17
High Lake Mary	1	2831	2601	91.9	19

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

Current Capacity is based on the current (February 2006) enrollment full time equivalent student (FTE) data not including relocatable stations.

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

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).

Percent Utilization is the ratio of enrollment to available permanent student stations. The utilization ratio is based on the total DOE assigned student stations (FISH) 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 be absorbed into the elementary, middle, and high schools at this time without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve any of the affected schools.

SEMINOLE COUNTY DEVELOPMENT ORDER

On November 7, 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: Mike Towers

Project Name: Longwood Hills Condominium Rezone and Small Scale Land Use Amendment

Requested Development Approval:

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

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

Prepared by: Mike Rumer
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development's approval, all of which have been accepted by and agreed to by the owner of the property are as follows;

Standard Conditions:

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. Permitted uses shall be condominiums, home offices, home occupations, and customary recreational facilities for the use of the residents.
- d. All landscape buffers and common areas shall be maintained by a homeowners association.
- e. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- f. Converting garages to living space shall be prohibited.
- g. Storage of RVs and boats on the site shall be prohibited.
- h. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.

Project Specific Conditions:

- a. The project shall be developed at a maximum density of 8.16 dwelling units per net buildable acre, not to exceed 16 condominium units.
- b. The minimum living space for each condominium shall be 3,000 sq. ft.
- c. The following minimum buffer standards shall apply:
 - The applicant will provide a 10-foot landscape buffer along the eastern property line and contain a 6-foot high masonry wall.
 - The applicant will provide a 14-foot landscape buffer along the northern property line and contain a 6-foot high masonry wall.
 - The applicant will provide a 23-foot landscape buffer along the southern property line, adjacent to Longwood Hills Road.
 - The western property line will be buffered by the existing wetlands and contain a 6-foot high masonry wall located on the eastern side of said wetlands.

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

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

Done and Ordered on the date first written above.

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

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

OWNER'S CONSENT AND COVENANT

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

Witness

Print Name

Mike Towers

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 Mike Towers, who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, October 4, 2006 for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on November 7, 2006, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other

public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE

DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Amendment Appendix "A"

(b) The associated rezoning request was completed by means of Ordinance Number 06-_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 7th day of November, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley, Chairman

APPENDIX A

Legal Description

Lot 12 and the East 215.88 feet of Lot 13, Longwood Hills, according to the Plat thereof, as recorded in Plat Book 6, Pages(s) 15-16, Public Records of Seminole County, Florida.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Longwood Hills Condominium Rezone and Small Scale Land Use Amendment".

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 to PUD:

SEE ATTACHED EXHIBIT A.

Section 3. TERMS. This rezoning incorporates, and is contingent upon, execution of the Longwood Hills Condominium PUD Development Order.

Section 4. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 5. 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 6. 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 the date of filing with the Department and recording of the Longwood Hills Condominium PUD Development Order in the Official Land Records of Seminole County.

ENACTED this 7th day of November, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A

Legal Description

Lot 12 and the East 215.88 feet of Lot 13, Longwood Hills, according to the Plat thereof, as recorded in Plat Book 6, Pages(s) 15-16, Public Records of Seminole County, Florida.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On November 7, 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): Mike Towers

Project Name: Longwood Hills Road Rezone and SSLUA

Requested Development Approval: The applicant is requesting a Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-unit condominium development on 3.8± acres, located on north side of Longwood Hills Road and west of CR 427.

The Board of County Commissioners has determined that the Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area.

After fully considering staff analysis titled "Longwood Hills Road Rezone and SSLUA" and all evidence submitted at the public hearing on November 07, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture) 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

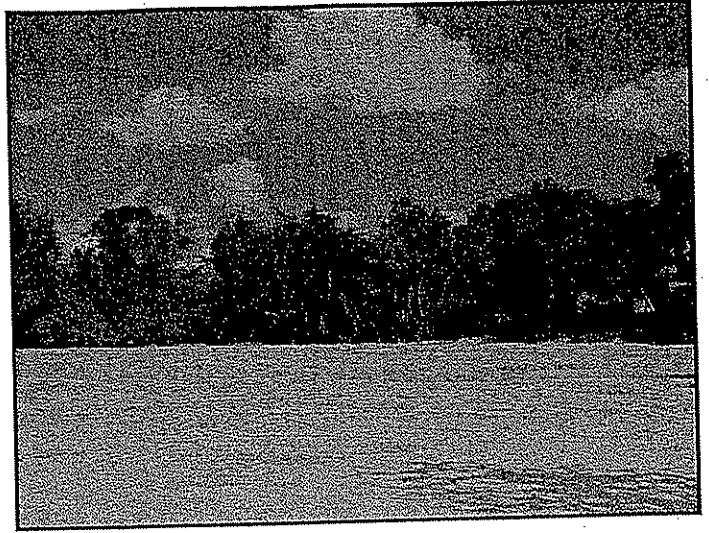
EXHIBIT "A"

Lot 12 and the East 215.88 feet of Lot 13, Longwood Hills, according to the Plat thereof, as recorded in Plat Book 6, Pages(s) 15-16, Public Records of Seminole County, Florida.

Project Description:

The applicant is proposing a 16 unit up-scale residential townhome development on approximately 3.8 acres. Of the 3.8 acres, 2.6 acres are uplands.

The units will be approximately 3,000 sq. ft under air and heat with two car garages. The garages will be rear entry. Vehicle access will not be permitted in front of the units as this will be a pedestrian courtyard lined with landscaping, fountains, and brick pavers. Sidewalks will connect the guest parking to the pedestrian courtyard. The max height will be 35' or two stories. The sales price per unit will start at approximately \$500,000.

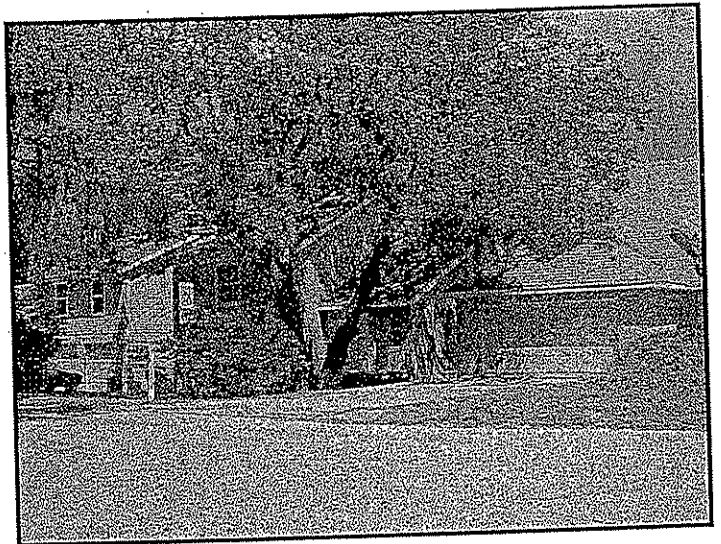


Compatibility & Surrounding Land Uses:

The subject property is surrounded by the City of Longwood on three (3) sides, on the north, west, and south.

The property to the west is buffered from potential development of this site by a wetland system. The adjacent land to the north is in the City of Longwood and has a Future Land Use designation of Medium Density Residential (MDR) and General Commercial (GC).

The land to the south of the subject property has City of Longwood Future Land Use Designation of LDR with a conservation overlay. There is one existing home to the south across Longwood Hills Road but the remainder of the land adjacent to the subject property is wetlands. The one home owner to the south has already



expressed support of the proposed project. In addition, they are separated from this site by Longwood Hills Road and will be buffered with a landscape buffer along the property line of the subject property.

The property to the north, which as a land use designation of MDR has lots adjacent to the subject property that are approximately 50 ft. in width. These lots will also be buffered from the proposed development with a landscape buffer. See picture inset above.

The area is made up of a mix of low density residential and medium density residential. The proposed development will be designed to be compatible with the surrounding area and be consistent with the development pattern of a mix of LDR and MDR.

Comprehensive Plan Consistency:

The proposed project is consistent with the following Goals, Objectives, and Policies of the Seminole County Comprehensive Plan.

The proposed project is infill development with urban services that will maximize density on the property and help to discourage sprawl. Urban Sprawl as identified in Issue FLU 4 of the Seminole County Comprehensive Plan includes large expanses of low density single dimensional development.

The proposed project is consistent with Future Land Use Policy 4.2 of the Seminole County Comprehensive Plan because it addresses an infill development opportunity and will help to provide a mix of residential uses.

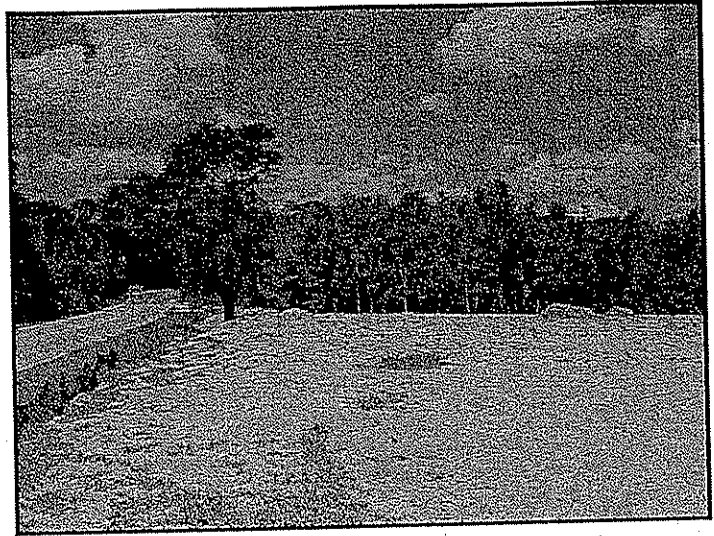
According to the Future Land Use Element of Seminole County's Comprehensive Plan Issue FLU 3, per the adopted Future Land Use map it is projected that between 2015 and 2020 the County will experience a shortage of vacant developable land for single family and multi-family development and among options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

The proposed development is consistent with Future Land Use Objective 2 that states that the County shall ensure the long term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses. The proposed development is compatible with surrounding

land uses and through the PUD rezone process the design of the site will ensure consistency and compatibility with adjacent land uses.

Consistency with the Urban Sprawl

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



Rule 9J-5.006.5.1:

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

Rule 9J-5.006.5.2:

The proposed land use amendment does not promote significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas. Nor does the proposed land use amendment promote leaping over undeveloped land. The subject property is located in the urban area and has urban development surrounding it. The proposed development could be classified as infill.

Rule 9J-5.006.5.3:

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

Rule 9J-5.006.5.4:

The proposed land use amendment will not result in any negative impacts to the natural resources of the property.

Rule 9J-5.006.5.6:

Development of the property will utilize existing public facilities and services.

Rule 9J-5.006.5.8:

The proposed amendment will not result in any negative impacts to the County's infrastructure. Development of the property does not allow for land use patterns

or timing that disproportionately increases the cost in time, money and energy, of providing and maintaining facilities and services.

Rule 9J-5.006.5.9:

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

Rule 9J-5.006.5.10:

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

Rule 9J-5.006.5.12:

The proposed amendment does not result in poor accessibility. Access shall be provided on Longwood Hills Road.

Rule 9J-5.006.5.13:

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



City of Longwood

175 WEST WARREN AVENUE
PHONE (407) 260-3440

LONGWOOD, FLORIDA 32750-4197
FAX (407) 260-3419

Seminole County Development Review
Planning And Development Department
1101 East First Street
Sanford, FL 32771

August 24, 2006

To Whom It May Concern:

Please accept this letter as notification that public utility service from the City of Longwood is not currently available to the property located at 131 Longwood Hills Road, Parcel 29-20-30-5AT-0000-0120. Longwood City Code 90-38 (c) requires that enclave properties annex into the City before public utility service can be provided.

90-38 (c) Annexation Agreement. If application is made for public utilities service to property located outside the city boundaries that is contiguous to the existing city boundaries or is an enclave within the city boundaries, the property owner shall simultaneously annex the property into the city as a prerequisite to the provision of public utilities service to the property.

The subject property is currently an enclave under Seminole County's jurisdiction and has not been annexed into the City of Longwood; therefore the City is prohibited from providing utility service even though utility lines and capacity may exist. If the developer wishes to receive utility service from the City of Longwood, he may contact the City's Community Development Division to discuss the annexation process.

This letter supersedes any previous correspondence related to utility availability to this site. Previous letters were written during a recent annexation process to the City which has been withdrawn.

If you have any questions or need additional information please feel free to contact me at (407) 263-2388.

Sincerely,

Richard Kornbluh
Utilities Manager

Cc: John Drago, City Administrator
Pat Miller, Community Services Director
Paul Sizemore, Community Services Coordinator

City Mission:
"Enhancing the Quality of Life for Our Citizens"

**MINUTES OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION**

**WEDNESDAY, OCTOBER 4, 2006
7:00 P.M.**

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Rob Wolf, and Jason Brodeur

Members absent: Walt Eismann, Matt Brown

Also present: April Boswell, Planning Manager; Tina Williamson, Principal Coordinator; Kathleen Furey-Tran, Assistant County Attorney; Bryan Potts, Development Review Manager; and Candace Lindlaw-Hudson, Clerk to the Commission.

Longwood Hills Condominium PUD; SSLUA & Rezone; Mike Towers, applicant; Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a 16-Unit condominium development on 3.8± acres; located on the north side of Longwood Hills Road and west of CR 427.
(Z2006-61/10-06SS.02)

Commissioner Henley – District 4
Michael Rumer, Senior Planner

Tina Williamson introduced the request which would allow 16 condominium units with a maximum net density of 8.16 dwelling units per net buildable acre. The subject site is surrounded on 4 sides by the City of Longwood. Ms. Williamson noted that the Future Land Use map indicates a site to the east labeled as LDR that has been incorporated into the City of Longwood and now has Commercial future land use designation. Staff recommendation is for approval of the requests based on staff findings.

Matt West of Ivey Planning Group represented the applicant. Mr. West showed a map combining Longwood and County future land uses. To the east is the communication tower. To the north is MDR and to the south and west is LDR and conservation. The break line to MDR could be Longwood Hills Road considering the land uses to the north of the road. Addressing the site plan, Mr. West stated that the units will look like town houses with two units per building. The fronts of the units are turned into a pedestrian courtyard. There will be rear-entry two-car garages. There will be a terrace above the garage for each unit. Only the sides of two buildings are facing the single family lots. There will be no

windows on the sides of the buildings facing the homes to the north. There is additional guest parking available. Mr. West stated that the project will eventually annex into the City of Longwood. This project is coordinating with the City of Longwood.

Commissioner Bundy of the City of Longwood spoke concerning the application. He said that this project falls within the Interlocal Annexation Ordinance and will be annexed when the project changes owners. Preliminary demolition and grading permits were obtained from the County. Longwood requires a full site plan in order to get permits. Mr. Tower has agreed to adhere to whichever design standards were more strict – the City or the County. Those conditions will be in the developer commitment agreement. Utilities will be provided and a letter issued at the time of annexation. There is adequate capacity available.

Mr. Robert Brobst, owner of Lot 55 to the north of the site distributed two letters from the St Johns River Water Management District. These letters pertained to ceasing construction. The residents of the Longwood Oaks and the Longwood Greens are concerned with the topography of the project. There is a drop of 7 feet from the lot to the northeast. His lot looks up at the footers of the buildings. The topography of this project is not compatible with the surrounding lots. He was also concerned about the nearby retention pond. He said that there is currently a stop-work order on the site. He said that there is a public safety concern about the walls and insufficient footers. He also spoke about the silt fence which was down and that a foot of silt had washed into the wetlands. He requested that the item be continued

Steve Feiner of 235 Longwood Hills Road. He lives to the west of Longwood Green, where the curve is in the road. He has lived there for 8 months. He said that the water flow goes to the west and north. There are 4 to 5 acres of wetlands in his area. Mr. Biner said that he had checked and there has been no study of the effects that this project will have on the wetlands of the area. He was also concerned about traffic patterns in the area. North and west of Longwood Green one finds large plots of land. There are dirt roads and single family development.

Michael Towers said that the elevation on the north and west will be held by retaining walls and fencing. The elevation on the low side will have a 4 foot grade change. The main courtyard has been leveled out. Drainage runs to the west. The retention pond is a siltation pond. The footers on the project are being re-examined. There was no stop-work order issued. There has been a traffic engineering study done. This project is well below the threshold of traffic impacts. He is following the guidelines for the City of Longwood and for the County.

Commissioner Tucker asked Bryan Potts to address the concerns previously expressed.

Bryan Potts said that he had visited the site with Building Department officials. He had asked Mr. Tower for additional information on the retention walls. Until that information is provided, work has ceased.

Commissioner Tucker asked if the work is properly permitted and inspected.

Mr. Potts said that it had been.

Commissioner Tucker stated that the purview of this board is to consider zoning and land use changes.

Commissioner Tucker asked if consideration is given to property being designated as Medium Density Residential and developed as Low Density Residential.

April Boswell stated that the land use around the subject site is considered. Staff also considers how the project is developed on the site. To the west of this site is a wetland buffer.

Commissioner Tucker asked when the tower was developed and if a fall zone is being protected. Had it been taken from the subject site originally? Does it have a development order? Have we addressed the fall zone that this property now lies in? Is the fall zone being protected?

Ms. Boswell said that she did not know the history of the tower. She would have to research it. She stated that the tower is probably a self-supporting structure with buckle points that would allow it to fall in on itself.

Commissioner Tucker said that the tower had been on its site for many years. If there is a development order for the tower, it should be continued with this project so that the project cannot complain about a pre-existing tower.

Commissioner Wolf asked why the project had not been annexed prior to this.

Commissioner Tucker stated that the commission had the duty to consider all zoning matters brought before it, and that they did not consider other circumstances.

Commissioner Hattaway made a motion to recommend approval of the request.

Commissioner Bates seconded the motion.

Commissioner Tucker said that he would not be voting for the motion. Compatibility is an issue here. There is suburban estates and rural use here. It is over-intense for the area.

Commissioner Wolf agreed. He also said that Longwood should deal with these issues. He would also vote "no."

Commissioner Hattaway said that this is near commercial uses and major roads. It is a good infill project near a huge tower. This is low density for the type of project that it is. The problems can be addressed.

The motion passed 3 – 2. Commissioners Tucker and Wolf voted "no."