

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Orange Boulevard / Steve Valentine PUD, Rezone & Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); (Steve Valentine, JTC Inc., applicant).

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

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

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

**MOTION/RECOMMENDATION:**

- ADOPT** an ordinance that includes the Large Scale Future Land Use Amendment, from Suburban Estates (SE) to Planned Development (PD); and adopt an ordinance for the rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, and approve the Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings (Steve Valentine, JTC Inc., applicant) <sup>(1)</sup>; or
- DENY** the requested Large Scale Future Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District), and authorize the Chairman to execute the denial development order, (Steve Valentine, JTC Inc., applicant); or
- CONTINUE** the public hearing until a time and date certain.

(1) For the record: A motion to adopt a plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of this large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle.

District 5 – Commissioner Carey

Michael Rumer, Senior Planner

**BACKGROUND:**

The applicant requests a Large Scale Future Land Use Amendment and rezoning of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development and from A-1 (Agriculture) to PUD (Planned Unit

<b>Reviewed by:</b> <u>KRF</u>
<b>Co Atty:</b> _____
<b>DFS:</b> _____
<b>OTHER:</b> <u>DD</u>
<b>DCM:</b> <u>R</u>
<b>CM:</b> _____
<b>File No.</b> <u>ph130pdp08</u>

Development). The proposed use is 109 single-family homes at a maximum density of 2.5 dwelling units per net buildable acre. The lots will be a minimum of 9,000 square feet and 75 feet in width and will be serviced by water and sewer provided by Seminole County.

**STAFF RECOMMENDATION:**

Staff recommends the Board continue this item to the December 12, 2006 Board of County Commissioners meeting to allow time for staff to address the Objections, Recommendations and Comments (ORC) Report received from the Department of Community Affairs.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on July 12, 2006 and voted 6-0 to recommend APPROVAL of the Large Scale Future Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and from A-1 (Agriculture) to PUD (Planned Unit Development) based on staff findings and the following Planning and Zoning Commission findings of fact:

- A. This is an example of smart growth.
- B. In today's market, lot sizes do not diminish property values.
- C. Holding the 100 year storm event will improve the drainage in the area.

**BOARD OF COUNTY COMMISSIONERS ACTION:**

On August 8, 2006, the Board of County Commissioners voted 5-0 to transmit the requested Large Scale Land Use Amendment for 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD) to the Florida Department of Community Affairs for review.

Attachments:

Staff Analysis  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Preliminary Master Plan (11x17)  
Development Order  
Denial Development Order (applicable if the request is denied)  
Rezone Ordinance  
Applicant's Justification Statement  
8/8/06 BCC Minutes  
School District Capacity Report

**ORANGE BLVD PUD / STEVE VALENTINE Rezone &  
Large Scale Land Use Amendment from SE to PD  
Rezone from A-1 to PUD**

<b>APPLICANT</b>	Steve Valentine, JTC Inc.	
<b>PROPERTY OWNER</b>	Steve Valentine, JTC Inc, Authorized Agent	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) district to PUD (Planned Unit Development) and LSLUA from SE to PD	
<b>PROPERTY SIZE</b>	54 ± acres	
<b>HEARING DATE (S)</b>	P&Z: July 12, 2006	BCC: August 08, 2006, November 7, 2006
<b>PARCEL ID</b>	36-19-29-300-003B-0000, 36-19-29-300-002A-0000, 36-19-29-300-0020-0000, 36-19-29-300-002B-0000, 36-19-29-300-002C-0000, 36-19-29-300-003C-0000, 36-19-29-300-0030-0000, 36-19-29-300-003A-0000, 36-19-29-300-003B-0000, 36-19-29-300-0010-0000, 36-19-29-501-0000-0040	
<b>LOCATION</b>	Located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard.	
<b>FUTURE LAND USE</b>	SE (Suburban Estates)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2006-23	
<b>COMMISSION DISTRICT</b>	#5 – Carey	

**Proposed Development:**

The applicant is proposing to develop 109 single-family dwelling units at a net density of 2.5 dwelling units per net buildable acre.

**ANALYSIS OVERVIEW:**

**Standards for Plan Amendments within the East Lake Sylvan Transitional Area:**

This property is located within the East Lake Sylvan Transitional Area as depicted in Exhibit FLU: Special Area Boundaries of the Seminole County Comprehensive Plan (Vision 2020). An applicant for a Plan amendment proposing a residential density greater than one (1) unit per net buildable acre must comply with each of the following standards:

- a. The maximum allowable residential density upon parcels shall not exceed 2.5 dwelling units per net buildable acre.
- b. Plan amendments shall be to the Planned Development future land use designation with an associated PUD (Planned Unit Development) zoning classification.
- c. Properties seeking the Planned Development future land use designation must contain a gross acreage of not less than thirty (30) acres in size.

- d. Prior to approval, the applicant shall be required to submit documentation demonstrating that natural resources are protected and that the project shall not exceed a maximum density of two and one-half (2.5) dwelling units per net buildable acre.
- e. All conditions necessary for compliance with these standards shall be placed in the subdivision's covenants and restrictions, which covenants and restrictions shall be recorded in the official land records of Seminole County and which will provide for enforcement of the restrictions by the mandatory homeowners association established to govern the subject property.

The Preliminary Master Plan and Development Order conditions are consistent with the clustering provision. Under the proposed cluster concept, the applicant is providing the protection of wetlands and karst features with a 50-foot upland buffer adjacent to the wetlands and karst features. A buffer of at least 50-feet is located adjacent to Orange Boulevard and South Lake Sylvan Drive except where additional right-of-way dedication is required that is intended to save all existing trees.

**LAND USE / ZONING REQUEST**

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

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (PUD)</b>
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	2,200 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	10 feet	7.5 feet
(Street) Side Yard Setback	50 feet	15 feet
Rear Yard Setback	30 feet	15 feet /25 (lots 95-102)
Maximum Building Height	35 feet	35 feet

**PERMITTED & SPECIAL EXCEPTION USES**

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

Uses	A-1 (existing)	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 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.	Single-family residential, home office, home occupation.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	N/A
Minimum Lot Size	1-Acre	9,000 sq. ft.

## **COMPATIBILITY WITH SURROUNDING PROPERTIES**

Staff has reviewed the requested Future Land Use amendment and rezone and has determined that they are compatible with surrounding properties. The proposed lot sizes of 9,000 square feet and 75' in width at the building line are compatible with the Buckingham Estates subdivision to the west and the Berington Club subdivision to the north. The proposed development also meets the clustering requirements of the East Lake Sylvan Transitional Area and will protect the wetlands and karst features.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map number 12117C0040E with an effective date of April 17, 1995 there is a floodzone area "AE" with base flood elevation of 54 feet, at the southwest corner of the site. No impacts to the area located within the zone "AE" are proposed.

#### *Wetland Impacts:*

Based on the preliminary master plan submitted and Seminole County wetland map analysis, a portion of the property (5 ± acres) contains wetlands. 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 a threatened and endangered study and a species of special concern survey performed by Ark Environmental Consulting, no species were found on the subject site.

### **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.

#### *Utilities:*

The site is located in the service area of Seminole County and is proposing to connect to public utilities for water and sewer. There is a 12-inch water main on the west side of Orange Boulevard and a 12-inch force main on the west side of Orange Boulevard. This parcel must connect to reclaimed water. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

### *Transportation / Traffic:*

The property currently accesses Orange Boulevard. Orange Boulevard has a measured Level-Of-Service "A". This portion of Orange Boulevard is currently programmed to be improved according to the County 5-year Capital Improvement Program as a Minor Project. The proposed entrance is located on South Sylvan Lake Drive, a local road, which is not built to County standards. South Sylvan Lake Drive is required to be improved to County standards from Orange Boulevard to the end of the property frontage.

### *School Impacts:*

The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in the school capacity numbers in the previous table. This analysis is included as an attachment to this report.

### *Public Safety:*

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station 34, which is located at 4905 W SR 46, approximately 2.85 miles from the project.

### *Drainage:*

The proposed project is located within the Yankee Lake Drainage Basin. Based on preliminary analysis, the site outfalls to Pearl Lake, which appears to be landlocked. Therefore, total retention of the 100 year/24 hour storm event will be required. Design of the drainage system will be evaluated in more detail prior to final engineering approval.

### *Parks, Recreation and Open Space:*

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources. Section 30.451 (e) requires 25% usable open space and recreation areas dedicated to the homeowner association. The Preliminary Master Plan proposes to maintain 43.6% useable open space.

### *Buffers and Sidewalks:*

At time of development, a 5-foot wide sidewalk is required to be installed along the property frontage on Orange Boulevard and South Sylvan Lake Drive. Active/Passive setbacks are not required because the proposed development is detached single-family, and the adjacent Future Land Use designations are Suburban Estates and the adjacent zoning is A-1.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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

**SPECIAL DISTRICTS**

The subject property is located within the East Lake Sylvan Transitional Area and the Wekiva Study Area.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

- Policy FLU 1.2: Flood Plain Protection
- Policy FLU 1.3: Wetlands Protection
- Policy FLU 1.4: Conservation Easements
- Policy FLU 1.5: Cluster Development
- Policy FLU 2.1: Subdivision Standards
- Policy FLU 2.11: Determination of Compatibility in the Planned Unit
- Policy FLU 14.2: Recognition of the East Lake Sylvan Transitional Area
- Policy FLU 14.8: Compliance Agreements Between Seminole County and the Florida Department of Community Affairs
- Policy FLU 15.2: Wekiva Study Area Natural Resource Protection
- Policy CON 3.7: Open Space Regulation
- Policy CON 3.8: PUD/Cluster Developments
- Policy CON 3.9: Conservation Easement/Dedication
- Policy PUB 2.1: Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notice was sent to the Seminole County School District on June 12, 2006. The School District has provided a School Capacity Report, which is attached.

**LETTERS OF SUPPORT OR OPPOSITION:**

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

**STAFF RECOMMENDATION:**

Staff recommends the Board continue this item to the December 12, 2006 Board of County Commissioners meeting to allow time for staff to address the Objections, Recommendations and Comments (ORC) Report received from the Department of Community Affairs.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on July 12, 2006 and voted 6-0 to recommend APPROVAL of the Large Scale Future Land Use Amendment and rezone of 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD); and from A-1 (Agriculture) to PUD (Planned Unit Development) based on staff findings and the following Planning and Zoning Commission findings of fact:

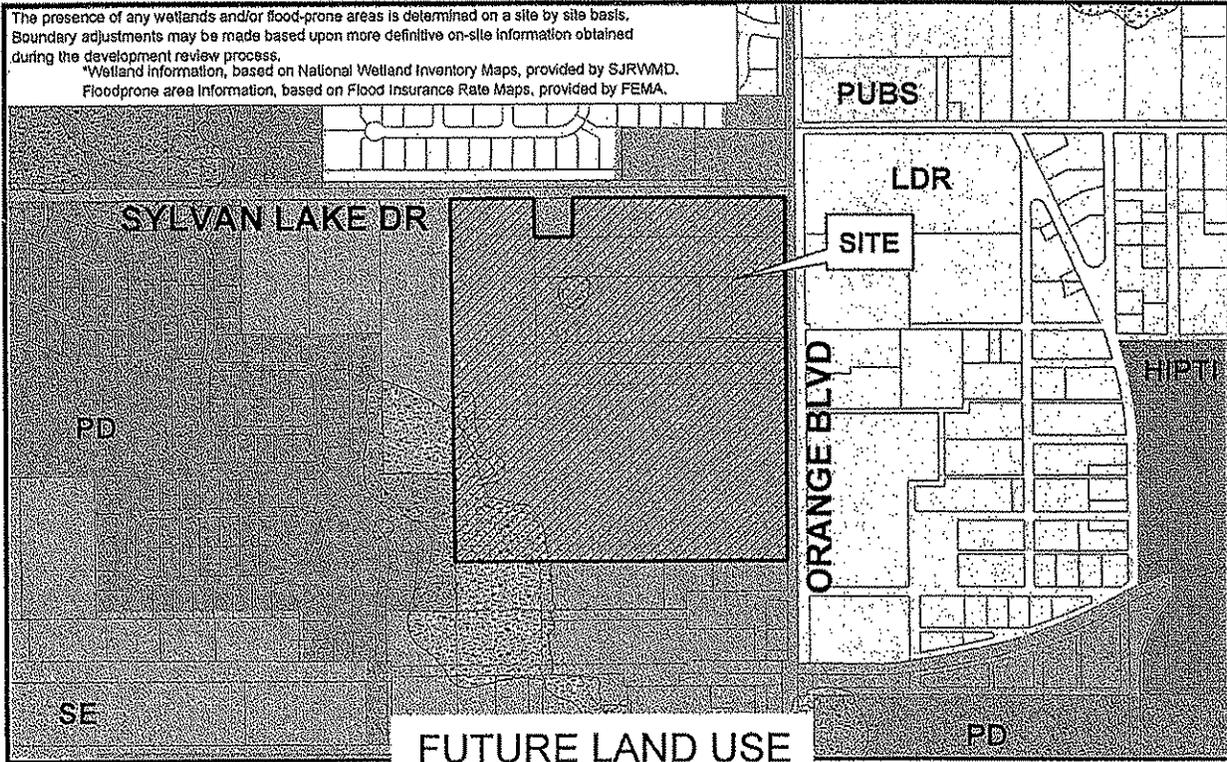
- A. This is an example of smart growth.
- B. In today's market, lot sizes do not diminish property values.
- C. Holding the 100 year storm event will improve the drainage in the area.

**BOARD OF COUNTY COMMISSIONERS ACTION:**

On August 8, 2006, the Board of County Commissioners voted 5-0 to transmit the requested Large Scale Land Use Amendment for 54± acres, located on the southwest corner of South Lake Sylvan Drive and Orange Boulevard, from Suburban Estates (SE) to Planned Development (PD) to the Florida Department of Community Affairs for review.



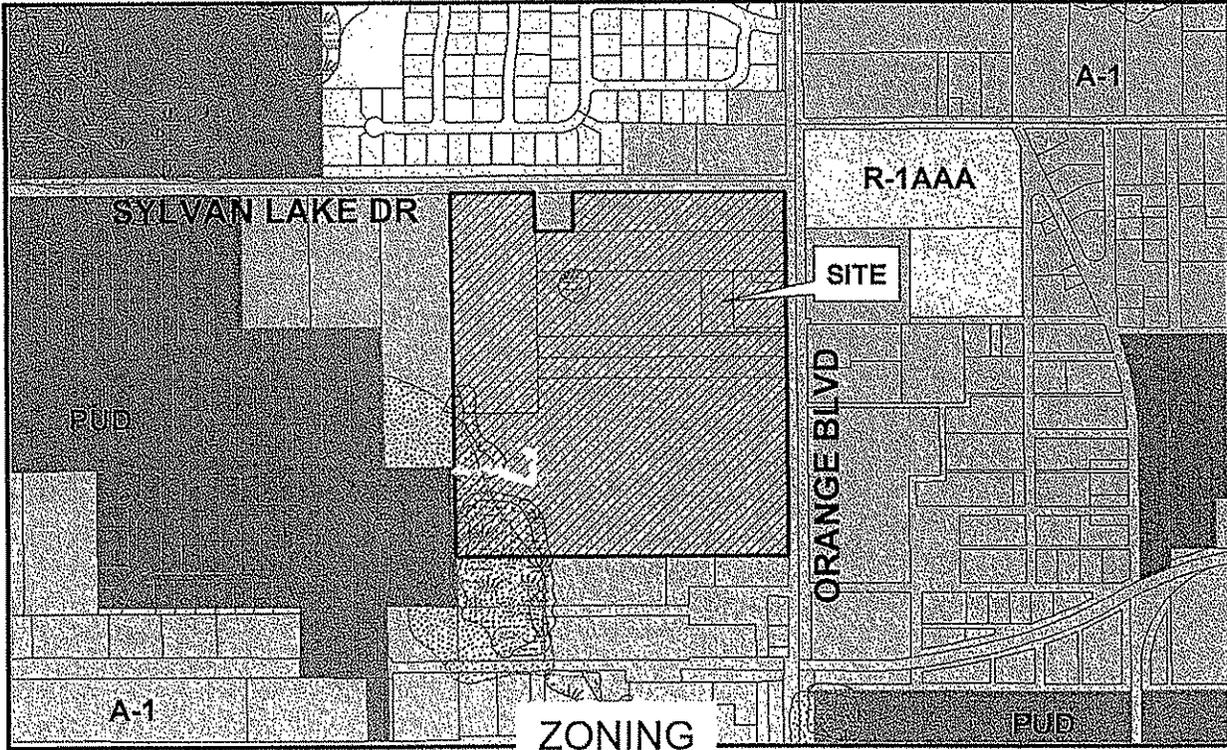
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site 
  Municipality 
  LDR 
  SE 
  PD 
  HIPTI 
  PUBS 
  CONS

Applicant: Steve Valentine  
 Physical STR: 19-29-36  
 Gross Acres: 54.76 acres +/- BCC District: 5  
 Existing Use: Mixed Uses  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	06F.FLU01	SE	PD
Zoning	Z2006-023	A-1	PUD



A-1 
  R-1AAA 
  PUD 
  FP-1 
  W-1



FLU No: 06F.FLU01  
From: SE To: PD  
Rezone No: Z2006-023  
From: A-1 To: PUD

- Parcel
- Subject Property



January 2004 Color Aerials



**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On November 07, 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:** Steve Valentine  
718 Garden Plaza  
Orlando, FL 32803

**Project Name:** Orange Boulevard / Steve Valentine PUD, Rezone & Large Scale Land Use Amendment.

**Requested Development Approval:** Rezoning from A-1 (Agriculture) zoning classification to PUD (Planned Unit Development) zoning classification

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

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

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

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

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

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

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

Standard Conditions:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. Permitted uses shall be single-family dwelling, home offices, home occupations.
- 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.

Project Specific Conditions:

- a. Existing agriculture uses and the wholesale nursery, shall remain permitted uses until issuance of the site development permit for the final engineering plans.
- b. Existing Cell Tower shall be removed prior to the recording of the final plat.
- c. The minimum size of a residential unit shall be 2,200 square feet, excluding porches, garages, and other appurtenances.
- d. The project shall utilize clustering on site for the purposes of preserving wetlands, rare upland habitats, and karst features.
- e. The encroachment into or the placement or deposit of fill within the one hundred (100) year floodplain is prohibited.
- f. A Conservation Easement dedicated to Seminole County will be required over all wetlands and require a 50-foot average, 25-foot minimum upland buffers from wetland areas and karst features.
- g. Restoration and/or preservation of hydrologic regimes shall be required.
- h. Maintenance of undisturbed natural vegetation in site design as a means to provide preservation of native habitats and greenway systems shall be required.
- i. Preserve a minimum of 50% of the existing trees on site.
- j. A minimum of 40% common open space shall be provided.

- k. Access to the subdivision shall be from South Lake Sylvan Drive.
- l. The buffer adjacent to Orange Boulevard shall be a minimum of 50-feet in width with a 25-foot easement located at the rear of the lots adjacent to the 50-foot buffer and dedicated to the HOA resulting in a 75-foot buffer.
- m. A buffer shall be located adjacent to South Lake Sylvan Drive with a width of 50-feet except areas where the required right-of-way improvements require additional right-of-way dedication.
- n. The maximum number of dwelling units shall not exceed 109 units and net residential density shall be no more than 2.5 dwelling units per net buildable acre.
- o. The Development shall connect to the County's water and central sewer service and install residential reclaim water lines. The lines are to be charged with potable water until reclaimed water is available.
- p. Accessory buildings exceeding two-hundred (200) sq. ft. in size and /or twelve (12) ft. in height shall meet all of the setback requirements applicable to the main residence.
- q. A 6-foot high brick wall is required to be located on the perimeter of the property, except where wetlands and karst features are present.
- r. The following setback standards shall apply to the individual single-family homes:

Minimum Lot size	9,000 sq. ft.
Minimum Lot width	75 feet
Main Residence Front Yard Setback	20 feet
Main Residence Side Yard Setback	7.5 feet
Main Residence (Street) Side Yard Setback	15 feet
Main Residence Rear Yard Setback	15 feet / 25 feet (lots 95-102)
Accessory Structures Rear	10 feet
Pool Edge Rear	7.5 feet
Pool Edge Side	10 feet
Pool Enclosure Rear	5 feet
Pool Enclosure Side	7.5 feet

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

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

**Done and Ordered on the date first written above.**

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





**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Christel Stephens & Elfriede Swienty, on behalf of themselves and their 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

\_\_\_\_\_  
Christel Stephens

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Elfriede Swienty

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 Christel Stephens & Elfriede Swienty who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take 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:

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Charles Stephens & Christel Stephens, on behalf of themselves and their 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

\_\_\_\_\_  
Charles Stephens

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Christel Stephens

**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 Charles Stephens & Christel Stephens who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

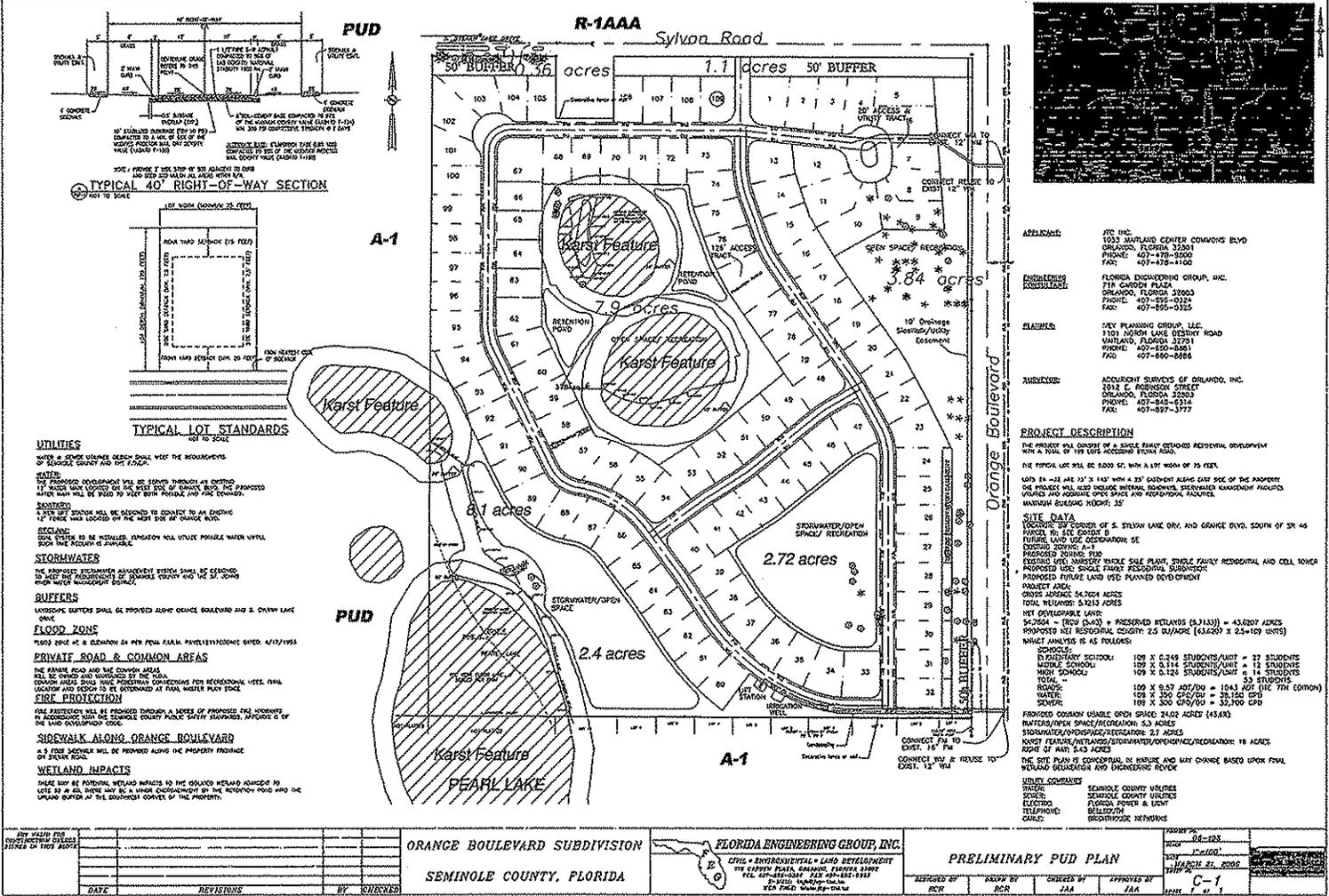
EXHIBIT A

DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; THENCE S00°00'00"W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 33.00 FEET; THENCE N89°50'00"W A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORANGE BOULEVARD AND FOR A POINT OF BEGINNING; THENCE S00°00'00"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1709.41 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK A, TOWN OF PAOLA, AS RECORDED IN PLAT BOOK 1, PAGE 4, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N89°50'00"W ALONG THE NORTH LINE OF SAID BLOCK A, TOWN OF PAOLA, A DISTANCE OF 1413.96 FEET; THENCE N00°18'00"E A DISTANCE OF 1709.40 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 323.00 FEET; TO THE WEST LINE OF LOT 1, TROVE PARK, AS RECORDED IN PLAT BOOK 4, PAGE 76, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE S00°00'00"W ALONG SAID WEST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE S89°50'00"E ALONG SAID SOUTH LINE A DISTANCE OF 150.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N00°00'00"E ALONG SAID EAST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 932.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 2385365 SQUARE FEET OR 54.7604 ACRES MORE OR LESS.

**EXHIBIT B**  
**Preliminary Master Plan**



**APPLICANT:** JTC INC.  
1033 HIGHLAND CENTER COMMONS BLVD  
ORLANDO, FLORIDA 32801  
PHONE: 407-478-8500  
FAX: 407-478-4100

**ENGINEERING FIRM/REGISTERED:** FLORIDA ENGINEERING GROUP, INC.  
718 GARDNER PLACE  
ORLANDO, FLORIDA 32803  
PHONE: 407-255-0324  
FAX: 407-255-0325

**PLANNER:** JAY PLANNING GROUP, LLC  
1101 N. ORANGE BOULEVARD  
ORLANDO, FLORIDA 32837  
PHONE: 407-550-2885  
FAX: 407-550-2886

**SURVEYOR:** ACCURATE SURVEYS OF ORLANDO, INC.  
2012 E. ROBINSON STREET  
ORLANDO, FLORIDA 32825  
PHONE: 407-842-6314  
FAX: 407-877-3777

**PROJECT DESCRIPTION:**  
THE PROJECT WILL CONSIST OF A SINGLE FAMILY RESIDENTIAL DEVELOPMENT WITH A TOTAL OF 108 UNITS ACCESSING FROM SYLVAN ROAD.  
THE TOTAL LOT AREA IS 3,840 SQ. FT. WITH A LOT WIDTH OF 25 FEET.  
LOTS 24-28 ARE 15' X 145' WITH A 15' GARDEN ALONG EAST SIDE OF THE PROPERTY.  
THE PROJECT WILL ALSO INCLUDE INTERNAL ROADWAY, STORMWATER MANAGEMENT FACILITIES, PARKING AND ADDRESS SPACE AND RECREATION FACILITIES.  
MINIMUM BUILDING HEIGHT: 35'

**SITE DATA:**  
LOCATION: ON CORNER OF SYLVAN LANE DR. AND ORANGE BOULEVARD, SOUTH OF SR 44  
APPLICANT TO SITE POSITION: B  
ZONING: R-1  
EXISTING ZONING: R-1  
PROPOSED ZONING: R-1  
EXISTING USE: SINGLE FAMILY RESIDENTIAL AND CELL TOWER  
PROPOSED USE: SINGLE FAMILY RESIDENTIAL SUBDIVISION  
PROPOSED FUTURE LAND USE: PLANNED FOOD COURT  
PROJECT AREA:  
TOTAL RELIEF: 5.215 ACRES  
NET DEVELOPABLE LAND:  
SECTION - (REV 5/03) = PRESERVED WETLANDS (5.1113) = 43,620' ACRES  
PROPOSED NET RESIDENTIAL DENSITY: 2.5 UNITS/ACRE (43,620' X 2.5 = 109 UNITS)  
WHAT ANALYSIS IS AS FOLLOWS:

ELMENTARY SCHOOLS:	109 X 0.249 STUDENTS/UNIT = 27 STUDENTS
MIDDLE SCHOOL:	109 X 0.114 STUDENTS/UNIT = 12 STUDENTS
HIGH SCHOOL:	109 X 0.124 STUDENTS/UNIT = 14 STUDENTS
TOTAL:	53 STUDENTS
ROADS:	109 X 9.57 ADT/UNIT = 1043 ADT DUE 7TH EDITION
TRAFFIC:	109 X 300 CPM/UNIT = 32,700 CPM
SEWER:	109 X 300 CPM/UNIT = 32,700 CPM

PROPOSED COMMON USABLE OPEN SPACE: 24.02 ACRES (45,633)  
WETLANDS/OPEN SPACE/RECREATION: 5.3 ACRES  
STORMWATER/OPEN SPACE/RECREATION: 2.7 ACRES  
KARST FEATURE/WETLANDS/STORMWATER/OPEN SPACE/RECREATION: 18 ACRES  
TOTAL OF KARST: 5.3 ACRES

THE SITE PLAN IS PRELIMINARY IN NATURE AND MAY CHANGE BASED UPON FINAL WETLAND DELINEATION AND ENGINEERING REVIEW.

**UTILITIES:**  
WITH A SINGLE FAMILY RESIDENTIAL DEVELOPMENT THE REQUIREMENTS OF SEWERAGE SERVICE AND POTABLE WATER.

**WATER:**  
THE PROPOSED DEVELOPMENT WILL BE SERVED THROUGH AN EXISTING 12" WATER MAIN LOCATED ON THE WEST SIDE OF SYLVAN ROAD. THE PROPOSED WATER MAIN WILL BE 12" TO SERVE POTABLE WATER TO THE DEVELOPMENT.

**SEWERAGE:**  
A 12" POTABLE WATER MAIN WILL BE INSTALLED TO SERVE THE DEVELOPMENT. THE PROPOSED SEWERAGE MAIN WILL BE 12" TO SERVE POTABLE WATER TO THE DEVELOPMENT.

**STORMWATER:**  
THE PROPOSED DEVELOPMENT WILL BE SERVED BY AN EXISTING 12" POTABLE WATER MAIN LOCATED ON THE WEST SIDE OF SYLVAN ROAD. THE PROPOSED WATER MAIN WILL BE 12" TO SERVE POTABLE WATER TO THE DEVELOPMENT.

**STORMWATER:**  
THE PROPOSED DEVELOPMENT WILL BE SERVED BY AN EXISTING 12" POTABLE WATER MAIN LOCATED ON THE WEST SIDE OF SYLVAN ROAD. THE PROPOSED WATER MAIN WILL BE 12" TO SERVE POTABLE WATER TO THE DEVELOPMENT.

DATE	REVISIONS	BY	CHECKED	ORANGE BOULEVARD SUBDIVISION SEMINOLE COUNTY, FLORIDA	FLORIDA ENGINEERING GROUP, INC. CIVIL & ENVIRONMENTAL LAND DEVELOPMENT 118 CANNON PLACE, ORLANDO, FLORIDA 32803 TEL: 407-255-0324 FAX: 407-255-0325 WWW.FEGROUP.COM	PRELIMINARY PUD PLAN	PROJECT NO. 08-103 DATE: 12/10/08 DRAWN BY: JTC CHECKED BY: JTC APPROVED BY: JTC DATE: 12/10/08
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**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On Novemeber 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:** Steve Valentine  
718 Garden Plaza  
Orlando, FL 32803

**Project Name:** Orange Boulevard / Steve Valentine PUD, Rezone & Large Scale Land Use Amendment.

**Requested Development Approval:** Rezoning from A-1 (Agriculture) zoning classification to PUD (Planned Unit Development) zoning classification

The Board of County Commissioners has determined that the request for a rezone from A-1 (Agriculture) zoning classification to PUD (Planned Unit Development) zoning classification is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Orange Boulevard / Steve Valentine PUD, Rezone & Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development" and all evidence submitted at the public hearing on November 7, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval 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

## DESCRIPTION

COMMENCE AT THE NORTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; THENCE S00°00'00"W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 33.00 FEET; THENCE N89°50'00"W A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORANGE BOULEVARD AND FOR A POINT OF BEGINNING; THENCE S00°00'00"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1709.41 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK A, TOWN OF PAOLA, AS RECORDED IN PLAT BOOK 1, PAGE 4, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N89°50'00"W ALONG THE NORTH LINE OF SAID BLOCK A, TOWN OF PAOLA, A DISTANCE OF 1413.96 FEET; THENCE N00°18'00"E A DISTANCE OF 1709.40 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 323.00 FEET; TO THE WEST LINE OF LOT 1, TROVE PARK, AS RECORDED IN PLAT BOOK 4, PAGE 76, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE S00°00'00"W ALONG SAID WEST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE S89°50'00"E ALONG SAID SOUTH LINE A DISTANCE OF 150.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N00°00'00"E ALONG SAID EAST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 932.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 2385365 SQUARE FEET OR 54.7604 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) 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 Orange Boulevard / Steve Valentine PUD, Rezone & Large 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 (Agriculture) to PUD (Planned Unit Development):

COMMENCE AT THE NORTHEAST CORNER OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; THENCE S00°00'00"W ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1 A DISTANCE OF 33.00 FEET; THENCE N89°50'00"W A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF ORANGE BOULEVARD AND FOR A POINT OF BEGINNING; THENCE S00°00'00"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 1709.41 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK A, TOWN OF PAOLA, AS RECORDED IN PLAT BOOK 1, PAGE 4, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N89°50'00"W ALONG THE NORTH LINE OF SAID BLOCK A, TOWN OF PAOLA, A DISTANCE OF 1413.96 FEET; THENCE N00°18'00"E A DISTANCE OF 1709.40 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 323.00 FEET; TO THE WEST LINE OF LOT 1, TROVE PARK, AS RECORDED IN PLAT BOOK 4, PAGE 76, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. THENCE S00°00'00"W ALONG SAID WEST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE S89°50'00"E ALONG SAID SOUTH LINE A DISTANCE OF 150.00 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N00°00'00"E ALONG SAID EAST LINE A DISTANCE OF 160.04 FEET TO THE SOUTH RIGHT OF WAY LINE OF SOUTH SYLVAN LAKE DRIVE; THENCE S89°50'00"E ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 932.01 FEET TO THE POINTOFBEGINNING.

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

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

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 06-20500004 in the Official Land Records of Seminole County.

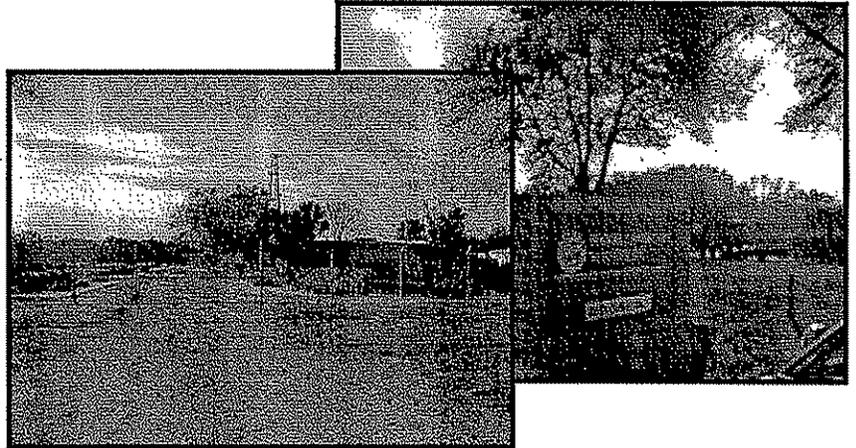
ENACTED this 7th day of November, 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

## **Justification Statement**

**Project Description:** The subject property is approximately 54.76 acres (43.6 of which is developable) and is located at the SW intersection of Orange Boulevard and South Sylvan Lake Drive south of S.R. 46. The applicant is requesting a large scale future land use amendment



to Planned Development (PD) and a rezone to Planned Unit Development (PUD) in order to develop a 109 lot single family residential subdivision with a maximum net density of 2.5 du/acre. The applicant is seeking a net density increase from 1 du/acre to 2.5 du/acre in accordance with FLU Policy 14.2. The typical lot size will be 9,000 sq. ft. with a lot width of 75 feet. Lots 24-32 will be 75' x 145' with a 25' easement along the east side of the lots. The minimum house size (heated space) shall be 2,200 square feet. Home prices (including the lot) will range from \$800,000-\$1,000,000. The internal subdivision streets shall be private.

**Traffic:** According to Seminole County Development Review Division, Orange Blvd. is operating at a LOS A with 9,022 trips per day. The adopted level of service for Orange Blvd. is E, which allows up to 19,360 trips per day.

**Environmental:** According to Rod Shultz, Environmental Scientist, E.D., the upland habitat can be developed without impacting threatened, endangered or species of special concern. Mr. Shultz's site visit did not reveal the presence of any threatened, endangered or species of special concern inhabiting the subject site. He believes this is primarily because of the agricultural (i.e. ornamental nursery) activities, lack of any significant native habitat and because it is not connected or contiguous to any other native landscape habitat. Please see the attached environmental report from Ark Environmental Consulting.

**Current Entitlements:** Under the property's current future land use and zoning categories it could be developed with one (1) acre lots that would permit agricultural uses such as churches, elementary schools and the raising of live stock such as pigs, cows, and chickens. The property's current zoning designation of A-1 would allow the

property to be platted into 1 acre lots with the use of septic tanks resulting in possibly no common open space/greenway corridors or tree preservation. Under A-1 zoning lots could be platted into wetland areas and the site could be subdivided into approximately 43 lots with 20% of the acreage used for infrastructure. Please see the table below for a comparison of impacts.

<b>Development Impact Comparison</b>					
	<b>Population*</b>	<b>Students</b>	<b>Traffic/ADT</b>	<b>Water/GPD</b>	<b>Sewer/GPD</b>
Current A-1 Zoning/ 43 Lots	108	21	412	15,050	12,900
Proposed PUD Zoning/109 lots	274	53	1043	38,150	32,700
<b>Net Increase in Impact</b>	<b>166</b>	<b>32</b>	<b>631</b>	<b>23,100</b>	<b>19,800</b>

Source: Per Seminole County Planning Division Generation Spreadsheet

\* # of lots multiplied by 2.51 per Seminole County

Although, the proposed development will increase impacts to services and infrastructure it will have less impact on natural resources and is environmentally preferable for the following qualitative reasons:

- Sewage generated will be managed with central sewer rather than septic tanks where it is disposed of directly into the ground.
- Trees will be preserved with buffers.
- Wetlands will be preserved to the maximum extent possible and protected with buffers.
- Open space is increased to over 40%.
- Roadways are buffered and setbacks from roadways are increased.

Qualitative Impact Comparison						
	Buffers	Accessory Structures	Opens Space	Reclaim Water Use	Tree Preservation	Platting into wetlands
Current Zoning (A-1)	None required	Permitted in front yards and pools/enclosures could be as close as 7.5 ft. from the property line	0%	No	1 acre platted lots are exempt from the Arbor Ordinance	Could plat into wetlands
Proposed Zoning (PUD)	50' & 75' buffers	Accessory structures will be buffered from ROW's by the 50' buffers	40%	Yes	Trees to be preserved in buffers and open space tracts	Wetlands are protected & have upland buffers

**Comprehensive Plan:** The subject property is located within the East Lake Sylvan Transitional Area of the Wekiva River Protection Area (WRPA); therefore, it is not subject to the Wekiva River Protection Area Environmental Design Standards. However, the proposed plan exceeds minimum code requirements and is designed to comply with the **Wekiva River Protection Area Environmental Design Standards Sec. 30.1114** by:

- Providing a 50 ft. upland buffer around wetland areas;
- Minimal to no impacts to wetlands;
- Proposing no filling of the flood plain and;
- Preserving a minimum of 50% of the existing trees on site.

The request is consistent with the Future Land Use Element Plan Amendment Standards of Review for amendments within the East Lake Sylvan Transitional Area because:

- It proposes a maximum density of 2.5 du/acre
- The request is for PD future land use and PUD zoning
- The gross acreage of the site exceeds 30 acres

The request is consistent with the following Goals, Objectives, and Policies of the Seminole County Comprehensive Plan:

- **Policy FLU 14.2 Recognition of the East Lake Sylvan Transitional Area:**

The proposed amendment is in compliance with Policy FLU 14.2 because the anticipated development will have less impact on natural resources than low density residential development at one (1) dwelling unit per net buildable acre for the following reasons:

1. The subject property is currently a wholesale plant nursery that utilizes commercial grade fertilizers and pesticides. With the development of a single family subdivision the use of these chemicals will be drastically decreased.



2. The existing wetlands on site are not protected from untreated run off and there is no stormwater treatment system in place. Therefore, run off from the site goes directly into the lake and wetland areas. With development of the site a stormwater system will be put in place that will treat stormwater run-off before it discharges into any wetlands.
3. With the development of the site as single family residential subdivision with 2.5 du/acre instead of 1 du/acre, the development will be clustered to protect environmentally sensitive areas and create upland buffers adjacent to wetland areas.
4. With the development of the site as single family residential subdivision with 2.5 du/acre instead of 1 du/acre central water and sewer and reclaimed water will be utilized as opposed to well and septic which is permitted on 1 acre lots. The use of reclaim water will decrease the impact to potable water usage.
5. Efforts will be made to preserve existing trees along Orange Blvd. and S. Sylvan Lake Drive in buffers. A minimum of 50% of the existing trees on site are to be preserved. Trees will be preserved in a buffer dedicated to the

Home Owner's Association (HOA) or in an easement dedicated to the HOA.

6. Please see attached Wekiva Consistency Form.

- **Issue FLU 3**

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 amendment will increase the density from 1 du/acre to 2.5 du/acre thus helping to alleviate projected shortages of single family residential.

- **Policy FLU 15.2 Wekiva Study Area Natural Resource Protection and Policy CON 3.7 Open Space Regulation**

The subject request is consistent with FLU Policy 15.2 and CON Policy 3.7 because it protects open space by providing over 40% open space which is well above the required 25% for a planned development.

- **Policy FLU 15.2 Wekiva Study Area Natural Resource Protection**

The proposed amendment is also consistent with FLU Policy 15.2 because the anticipated development preserves the Karst Features on site and provides a 50 ft. buffer around the Karst areas.

- **Policy FLU 2.11 Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications**

The proposed land use amendment is consistent with FLU Policy 2.11 because the development standards of the PUD are compatible with adjacent development in the area. The proposed lot size and buffer of 50' along S. Sylvan Lake Drive makes the proposed subdivision consistent with Buckingham Estates to the West and Berington Club to the north. Lots along S. Sylvan Lake Drive within Buckingham Estates are 75' x 120', which is consistent with the proposed lot size of this request.



In addition, since there are existing single family homes in the area the proposed subdivision is more compatible with surrounding uses than agricultural uses permitted under the property's current zoning classification.

- **Policy CON 3.8 PUD/Cluster Developments**

The County shall encourage planned unit developments and cluster type developments in order to preserve large contiguous areas of wetland and other environmentally sensitive communities. The proposed amendment is consistent with Policy CON 3.8 because it is proposing a PUD zoning that protects the wetland areas. The lots are proposed on the upland areas of the site and the wetland areas are protected with buffers.

- **Policy FLU 15.3 Wekiva Study Area Cluster Development Standards**

The proposed development implements FLU Policy 15.3 by proposing a cluster development to protect the wetlands, flood prone areas and karst features on site.

- **Policy SAN 14.1.1 River Protection Areas**

The County shall continue to require the use of central sewer for all new subdivisions consistent with Section 381.0065, Florida Statutes and Chapter 64E-6, F.A.C. within the statutory Wekiva River Protection Area or if a similar provisions is enacted by Federal, State or local law, rule or regulation. The proposed subdivision implements policy SAN 1.1 since it will connect to central sewer minimizing potential adverse water quality impacts that would otherwise be caused with the use of individual septic systems permitted with one (1) acre lots.

**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 property is located adjacent to a north/south collector (Orange Blvd.) connecting to two major arterials SR 46 and SR 46A. 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. Development of the property is subject to the St. John's River Water Management District's and Seminole County's rules and regulations which govern wetlands, floodplains, and impacts associated with stormwater management. The proposed subdivision exceeds the requirements of the environmental regulations.

**Rule 9J-5.006.5.5:**

The proposed amendment does not negatively impact adjacent agricultural areas and activities. Development of the property will be subject to the County's land development regulations for stormwater management, resulting in no negative off-site impacts.

**Rule 9J-5.006.5.6:**

Development of the property will utilize existing public facilities and services. The water plant is directly across the street from the subject property.

**Rule 9J-5.006.5.7:**

Development of the property will utilize future public facilities and services including reclaim water. The County has also programmed to 3-lane Orange Blvd.

**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 other single family 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 S. Sylvan Lake Drive, which connects to Orange Blvd.

**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 City's land development regulations for required open space, stormwater management, and buffers. In addition, open space requirements shall be exceeded.

participation agreement requires that they have a boat ramp on that property.

Commissioner Carey stated she would like staff to discuss with the SJRWMD relative to what flexibility they may have with that condition.

Bob Musser, 2780 Lake Howell Lane, addressed the Board to state he is in favor of the continuance, but the developer has failed to deliver, for the past 30 days, on a promise to the residents to work with them on getting a set of restrictions that the homeowners around the lake could agree with. He stated based on past performances, he is not sure August 22 is enough time to review this.

Speaker Request and Written Comment Forms were received and filed.

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

**REZONE AND LARGE SCALE LAND USE  
AMENDMENT/Steve Valentine, JTC, Inc.**

Proof of publication, as shown on page \_\_\_\_\_, calling for a public hearing to consider request to Rezone from A-1 (Agriculture) to PUD (Planned Unit Development), and Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) for 54+/- acres located on the southwest corner of South Lake Sylvan Drive and Orange Blvd.; Steve Valentine, JTC Inc., received and filed.

Michael Rumer, Planning, addressed the Board to state the applicant is proposing 109 single-family homes at a maximum density of 2.5 dwelling units per net buildable acre. Lots will be a minimum of 9,000 sq. ft. and 75 ft. in width. The lots will be serviced by water and sewer provided by Seminole County. This property is located within the East Lake Sylvan Transitional Area, which presents

a residential density greater than 1 unit per net buildable acre if the proposal complies with the following standards: (a) Maximum density is 2.5 units per acre; (b) A land use amendment to PUD and an associated PUD rezone; (c) The property must contain at least 30 gross acres; and (d) All conditions necessary for compliance will be placed in the subdivision's covenants and restrictions. Staff has determined that the Preliminary Master Plan and development order conditions are consistent with the clustering provision. The Planning & Zoning Commission (P&Z) recommended approval of the request to transmit. He stated staff has two changes to the development order. Under the Project Specific Conditions, Item S would be added to state that Lots 95 through 102 will have a 25 ft. rear setback; and Change Item Q to state a 6 ft. **brick** wall is required and the masonry wall aspect would be removed from that condition.

Matt West, Ivey Planning Group, addressed the Board to advise that Jean Abi-Aoun and Steve Valentine are in attendance. He displayed and reviewed slides (not received and filed) of the property that fronts Orange Blvd. and the Site Location. He continued by reviewing the Site Information; Opportunities and Why they are asking for a PUD; copies of photographs showing the tower that will be removed, Beckel's Nursery, and the Water Treatment Plant; the Preliminary Master Plan; the P&Z is recommending approval; and the applicant's request. He stated Mr. Valentine has met with the School Board and has signed an agreement with them to contribute additional monies over and above the school impact fees. He stated they are working with the School Board to alleviate the impacts and concerns the School Board raised on increasing the density.

Chairman Henley asked what type of formula was agreed on with the School Board regarding the 140% capacity. Whereupon, Mr. West advised he believes they are paying an additional \$2,700 per unit.

Jack Owen, 5855 S. Sylvan Lake Dr., addressed the Board to state he owns 10 acres bordering the west side of this property. He stated his concern is there was supposed to be a wall between him and this subdivision and after discussing this with Commissioner Carey and Mr. Valentine, those concerns have been satisfied. He stated he understands that the wall would be built and it would be a brick wall. He added his other concern is the drainage as his property is on the downhill side of the proposed rezone. He concluded by saying he has a fishing pond on his property and it will be an attraction for children to fish in that pond.

No one else spoke in support or in opposition.

District Commissioner Carey stated the condition was added to have 25 ft. rear yard setbacks on Lots 25 through 102 and those homes will set back 10 ft. further in addition to the 6 ft. wall being made out of brick. She stated she appreciates the applicant working with them in making sure the property to the west would be protected.

**Motion** by Commissioner Carey, seconded by Commissioner Dallari to transmit request to Rezone from A-1 (Agriculture) to PUD (Planned Unit Development), and Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); for 54+/- acres located on the southwest corner of South Lake Sylvan Drive and Orange Blvd., as described in the proof of publication, Steve Valentine, JTC Inc., based on staff findings and with the additional setbacks on Lots 95 through 102, a 25 ft. rear yard setback, as well as the wall being brick and not masonry.

Under discussion, Commissioner Carey stated some of the residents were concerned with East Lake Sylvan Drive and she would like to assure them that that road will be built to County standards.

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

**CAPITAL IMPROVEMENTS, IMPLEMENTATION  
AND TRANSPORTATION ELEMENT**

Proof of publication, as shown on page \_\_\_\_\_, calling for a public hearing to consider request to transmit proposed Capital Improvements, Implementation and Transportation Element amendments to enable the use of Proportionate Fair-Share Funding of Transportation Improvements to the Department of Community Affairs (DCA), received and filed.

Sheryl Stolzenberg, Planning, addressed the Board to advise the request is to transmit to the DCA text amendments to the Capital Improvements Implementation and Transportation Elements of the County's Comprehensive Plan in order to enable the use of a proportionate fair share funding of transportation improvements. She reviewed the requirements of the Growth Management Act. The Legislation created a possibility of a developer making a contribution towards advancing the project in order to bring it online sooner and that would be a proportionate fair share. This does not mean that a project not complying with the Comp Plan would have to be approved, but it gives local governments and developers another way to finance a transportation improvement for a project that would otherwise be seen as desirable. Staff is required by December 1 to put in place of the concurrency management system of the Land Development Code language that enables this. Because they address the issue of concurrency in the Comprehensive Plan, staff



## SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

**To:** Seminole County Board of County Commissioners

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

**Date:** July 6, 2006

**RE:** Z2006-23 / 06f.Flu01 Orange Boulevard FLU/Rezone

Seminole County Public Schools (SCPS), in reviewing the above FLU/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: -54 +/- acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southwest corner of South Sylvan Lake Drive and Orange Boulevard.

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

<b>Total Proposed units</b>					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
109		109		0	
<b>Student Generation</b>					
<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>
<b>Elementary Northwest Cluster</b>	27	4186	4086	97.6	207
<b>Middle Markham Woods</b>	12	1251	N/A	N/A	26
<b>High Seminole</b>	14	1966	2900	140.2	192

**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.

**Current Capacity** is based on the current enrollment FTE date not including relocatable stations.

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

**Percent Utilization** is the ratio of enrollment to total permanent building student stations.

**Students Resulting from Recently Approved Developments** is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

**Comments:**

The students generated at the Middle school level resulting from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. However, the students generated from the new residential dwelling units could not be absorbed into the Elementary or High schools 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 the affected schools.