

ITEM # 64

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Major Revision to Preliminary Master Plan for Deep Lake PUD (Harvey Slayton and Susan Irelan, applicants)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald Fisher CONTACT: Jeff Hopper EXT. 7431

Agenda Date <u>11/26/02</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

- 1 APPROVE the requested major revision to a PUD Preliminary Master Plan and authorize the Chairman to execute the attached development order for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road, Harvey Slayton and Susan Irelan, applicants.
2. DENY the requested major revision to a PUD Preliminary Master Plan by an administrative order for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road.
3. CONTINUE the item to a time and date certain.

District 1 – Maloy

Jeff Hopper-Senior Planner

BACKGROUND:

The applicants are proposing a major change to the Preliminary Master Plan for Deep Lake PUD, approved by the Board of County Commissioners in April 2002 and located on 18.66 acres in the Higher Intensity Planned Development (HIP) land use designation. As compared to the original plan, the requested change involves a moderate increase in residential density, a slight reduction in office-commercial land area, and relocation of retention to an off-site facility. In addition, the project entrance road is now shown as a shared access with the Clayton property to the east, in fulfillment of the Board's wishes as expressed at the April hearing.

In revising the preliminary plan, the applicants are proposing an increase in the number of dwelling units from 65 to 133, for a net residential density of approximately 12.74 units per acre. Also,

Reviewed by:	_____
Co Atty:	<u>klc</u>
DFS:	_____
OTHER:	<u>mw</u>
DCM:	_____
CM:	_____
File No.	<u>ph700pdp02</u>

commercial/office land use has been reduced from 3 lots totaling 4.41 acres to 2 lots at 3.92 acres. Another significant change is the removal of a 1.65 acre dry retention/open space tract. Retention for Deep Lake would be provided on the site of the South Tuskawilla Property PUD to the south, an adjoining project with the same developer.

Staff has no objection to the new proposal as it is consistent with the HIP land use designation, and preserves all buffers and setbacks approved in the original plan.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

At its Nov. 6 meeting, the Planning & Zoning Commission found the proposed density to be in keeping with existing and approved residential development in the area. Because it would be taking full advantage of a major intersection already having FDOT approval, the development would not degrade traffic safety. The project is consistent with the HIP land use assigned by the Vision 2020 Plan and is considerably less intense than other types of development that might be permitted under that future land use designation. Further, the fee-simple configuration of the residential units would foster home-ownership and bring long-term residents into the area. The Commission voted 4-1 to recommend approval of the PUD amendment.

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); 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 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 "Staff Report for Deep Lake PUD"

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

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

**SEE ATTACHED EXHIBIT A**

**Section 3. 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 #2-20500003 in the Official Land Records of Seminole County.

ENACTED this 9th day of April, 2002.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

2-20500003; Z2002-008  
DEEP LAKE PUD / REZONE

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**LEGAL DESCRIPTION (PROVIDED BY CLIENT)**

The Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, less and Except the Following two parcels of land:  
The West 155.5 yards (466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

AND

The East 155.5 yards ( 466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

Further less and except that part taken by Seminole County Expressway Authority by Stipulated Final Judgment recorded February 16, 1993, in Official Records Book 2545, Page 1319, Public Records of Seminole County, Florida, described as:

That part of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 36; thence run South 00°34'41" East along the East line of said Southeast 1/4 a distance of 25.59 feet for a POINT OF BEGINNING; said point being on the South right of way line of State Road 426 (Aloma Avenue) as shown on State Road Right of Way Map Section 770060-2501, said point also being 25.00 feet South of, when measured perpendicularly from the centerline of S.R. 426; thence continue South 00°34'41" East a distance of 95.01 feet; thence departing said East line of the Southeast 1/4 run South 89°14'17" West a distance of 188.50 feet; thence run North 88°11'07" West a distance of 202.18 feet to a point on a line 933.00 feet east of, when measured perpendicularly from the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence run North 00°41'00" West parallel with said West line a distance of 85.91 feet to the aforementioned South right of way line; thence North 89°14'17" East along said right of way line a distance of 390.67 feet to the POINT OF BEGINNING.

**DRAFT MINUTES**  
**SEMINOLE COUNTY PLANNING & ZONING COMMISSION**  
**11/06/02**

1 M. **DEEP LAKE PUD**; Harvey Slayton and Susan S. Ireland, applicants; rezone from  
2 A-1 (Agriculture) to PUD (Planned Unit Development) for the development of mixed  
3 residential and commercial uses; approximately 18.66 acres more or less located  
4 south side of SR 426 (Aloma Ave), east of the Tuskawilla Road Extension and on  
5 west side of Deep Lake Road (Z2002-008)

6 *COMMISSIONER MALOY - DISTRICT 1* *JEFFREY HOPPER*

7 Matt West made the presentation for the item.

8 Deep Lake is a mixed use planned unit development whose original preliminary master  
9 plan and rezoning was approved in April of this year. At that time, the site was divided  
10 into four tracts; one of those being a townhouse tract, which took a majority of the  
11 property. The other tracts were to be commercial and office type uses, which is the  
12 northern part fronting on SR 426. Subsequently, the developer had one builder under  
13 contract to develop the site as well as properties to the south and that contract expired  
14 and a new developer (Beazer homes) was picked up. A request was made to make  
15 some changes to the preliminary PUD that the commission denied on September 24<sup>th</sup>.  
16 The request was to increase the number of townhomes. He put a table on the overhead  
17 to show the previous and current requests. The current preliminary master plan that  
18 was on the record and approved as of April of this year approved a townhouse tract of  
19 65 dwelling units, which equates to about 9.2 dwelling units per acre density. Also, that  
20 plan had individual garages for the units. There was about 4.41 acres of commercial; a  
21 tennis court and swimming pool as part of the open space amenities package. In  
22 September, the Planning and Zoning Commission and the County Commission saw a  
23 revised plan, which was denied by the BCC, requesting to increase the number of  
24 townhomes from 65 to 180, thereby creating a density of about 17.3 units per acre. The  
25 garage units had been removed and replaced with surface parking. They requested a  
26 reduction in the commercial area to about 3 acres and they took all retention and asked  
27 to share it with the South Tuskawilla PUD. Since that time, the developer has  
28 resubmitted a major amendment, which is now on the overhead. The new plan has 133  
29 townhouse units, which is approximately 12.7 units per acre. Comparing that to a  
30 similar project to the west (Trinity Retail Center) is almost an equivalent density. They  
31 have also increased the size of the townhouse and put back the individual garages.  
32 They still have a decrease in the commercial acreage as compared to the April plan.  
33 There is a plan showing a tennis court, tot lot, swimming pool, cabana and some  
34 passive recreation areas as well. Some of the concerns of the residents at the  
35 September hearing were that staff should be sure that this met the County's open space  
36 requirement. Staff did go out to the site and found that the areas 25% of the site is  
37 dedicated to common usable open space and therefore it does meet that requirement.  
38 One of the major impediments to approving this in September was the fact that the  
39 access to 426 is off this site. As you get close to 426, it veers over onto the Clayton  
40 property. At that time in September there was not a signed agreement by the adjacent  
41 property owner consenting to this joint access and it was critical to the County  
42 Commission at that time to have that agreement in place and signed by all parties. That  
43 is lined up with a DOT approved intersection. In the interim, between September and  
44 now, the developer has secured all the signatures and approvals and has an agreement  
45 with the property owners to the east. Also, due south of this project on the old Deep

46 Lake right-of-way, there are four single-family owners that are not part of this PUD that  
47 rely on Deep Lake as their access and the developer was also required to obtain their  
48 approval to do this relocation of the roadway and consent to the vacating of the old  
49 right-of-way and the relocation and realignment of Deep Lake Road as shown on the  
50 plan. We have received copies of their four executed agreements as well. There are  
51 still a couple of differences between what staff is recommending in the report and what  
52 the developer is requesting. The developer is requesting that only a PVC fence be  
53 required around the entire perimeter of the townhouse tract that is abutting the exterior  
54 properties. Staff recommends that in two locations, there should be a masonry wall.  
55 The Saligas own a large tract of land that is low density residential land use and per the  
56 County's active/passive buffer requirements, there should be a masonry wall there.  
57 Also, code requires a buffer between the commercial and the townhouse tract because  
58 there is a wide variety of uses that could go in that Tract J and it's easier to maintain a  
59 masonry wall than it is a PVC fence.

60  
61 **Staff recommends approval of the requested modifications to the Preliminary**  
62 **Master Plan, subject to the following:**

- 63  
64 1 The developer must maintain an agreement with the property owner to the east  
65 (Greenway Center South) regarding a joint access road to SR 426. Said  
66 agreement shall include, but not be limited to, the following issues:
  - 67 a. Provision of utilities such as water and sewer specifying location, sizes and  
68 capacity to serve on each side of the joint access road.
  - 69 b. Aligning the joint access road with the proposed driveway for the  
70 development on the north side of SR 426 (Greenway Center North).
  - 71 c. Specifying driveway locations along the joint access road for development  
72 on both sides.
- 73 2. Residential density shall not exceed 12.74 units per net buildable acre, as  
74 defined in the Seminole County Land Development Code.
- 75 3. Landscaping and lighting shall be consistent with the standards of the Lake  
76 Mary Boulevard Overlay Ordinance, except that lighting height shall be limited  
77 to 16 feet.
- 78 4. There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to  
79 the south, with a 6-foot masonry wall along the common property line.
- 80 5. The county's open space requirements shall be met for the entire PUD at 30  
81 percent. Individual lots for the proposed development shall provide at least  
82 25 percent open space.
- 83 6. Prior to Final Engineering Approval, the Owner and County staff shall assess  
84 the feasibility of utilizing traffic-calming devices along Deep Lake Road.
- 85 7. The owner shall install hedges on the east side of Tuskawilla Road where it  
86 abuts the project.
- 87 8. Within the buffer between town homes and South Tuskawilla Road, the  
88 Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory  
89 trees at 10 foot intervals.
- 90 9. Tracts I and J are approved for permitted and special exception uses within  
91 the C-2 zoning district, with the exception of off-site signage (billboards),



- 92 mechanical garages, paint and body shops, contractor's equipment storage  
93 yard, drive-in theaters, and adult entertainment establishments.
- 94 10. Tract K is approved for townhouse use, customary accessory uses, and  
95 recreation and open space amenities located in common areas of the  
96 development site.
- 97 11. The Owner shall provide recreational amenities as shown on the Preliminary  
98 PUD Master Plan.
- 99 12. A landscape buffer shall be provided as follows between Tract J and Tract K:  
100 a. The width of the buffer shall be 15 feet on Tract J and 22 feet on Tract K.  
101 b. A 6-foot brick or masonry wall shall be provided along the common  
102 property line.  
103 c. The buffer on the south (residential) side of the required wall shall be  
104 planted with at least 4 canopy trees per 100 linear feet.  
105

106 **Commissioner Peltz asked about the location of the brick walls.**

107 Mr. West clarified that it would be between the commercial tract and townhouse tract  
108 and along the Saliga property down along the southwest part of the property.

109 **Commissioner Peltz then asked if there would be a brick wall along the dirt road  
110 on the west side.**

111 Mr. West stated that the negotiations were to put landscaping there as opposed to a  
112 wall because the other townhouse project (Trinity Retail) is there. We didn't see a need  
113 to put a well between the two like uses. He then introduced Mr. Ed Suchora from  
114 Beazer Homes; Mr. Ron Henson the engineer from Design Service Group and Mr. Jim  
115 Stelling is here from Aloma Green development. Mr. Suchora has renderings of what  
116 the townhomes will look like.

117 Mr. Ed Suchora of Beazer Homes, representing the applicant, stated that he would be  
118 the builder/developer of this property. He pointed out to the board that he has modified  
119 the September plan and modeled it after the Centex Trinity townhome site that is  
120 adjacent to our property to the west. We worked with staff and determined the model  
121 on that site plan for calculating density and designed our plan to follow that model and  
122 build this program as you see it here tonight. As a result, the new units are twenty-foot  
123 wide as are the Centex projects, with a single car garage. As Mr. West pointed out as  
124 far as a perimeter buffer going around, this will be a gated private community. The  
125 plans around the entire site were to be polyvinyl as required by Seminole County on  
126 another project called Royal Oaks. At that time the Board of County Commissioners  
127 recommended and required that we build our gated entry and enclose the rest of the  
128 property in polyvinyl. So we took that recommendation from a previous project and  
129 thought that would be acceptable here since it was the same board. We plan to build a  
130 decorative brick or masonry type wall out front and fully gate it. Another thing that is  
131 important is that these are fee simple units; this is not a rental apartment community. It  
132 will be ownership and will be controlled by a homeowners association of which that  
133 association will take care of all common grounds, which include lawns, shrubs,  
134 irrigations, pool, and tot lots. After meeting with the surrounding residents, their biggest  
135 concerns are what the community will look like and how it will feel in the overall end

136 product. We are proud of our projects and we have put in property managers to keep  
137 the property looking good. As Mr. West mentioned, there is now an agreement in place  
138 with the Claytons and as a result, the new road will go in and will be aligned properly.  
139 We also worked with each of the four property owners to the south who control the  
140 easements down Deep Lake Court. We have received fully executed easement  
141 releases, which have been recorded in the public records. We are only a fraction lower  
142 in density than the Centex property and have more recreational amenities.

143 **Commissioner Peltz asked to see what the garages would like.**

144 Mr. Suchora explained that the garages would be staggered opposite of each other so  
145 that you don't see a lot of concrete next to each other, thus creating a separation for  
146 each individual entry. From the rear elevation, there are no elevated decks or  
147 balconies; there are strictly patios.

148 Marcus Griffin asked for clarification on the C-2 uses. Does that exclude businesses  
149 such as adult entertainment and those that sell beer, wine and liquor and have a bar?  
150 He also asked if the rendition was concrete or was that subject to change (carved in  
151 stone)? He also wondered if there were special restrictions on the HIP property and if  
152 so does it also to the Deep Lake Road PUD also? He also has some major concerns  
153 about the traffic. There are four traffic lights within a span of about a half mile. He  
154 asked about the timeframe of the DOT study that authorized the placement of a traffic  
155 light next to this roadway. He is still speaking in opposition of the request because the  
156 density is still too great. This board has the power to stop the encroachment and  
157 protect our community. There has to be a balance somewhere and can't always be pro-  
158 business. He just wants to see balance and compromise.

159 Patty Duffy, who lives in the Trinity Bay subdivision, is a board member in Trinity Bay  
160 and also the Tuskawilla/Aloma coalition. The applicant's original proposal was for 65  
161 garage townhouses. Our community felt that this was a good project and compatible  
162 with our community. It was approved and accepted by all. Then the 180 units were not  
163 accepted by our community nor by the Board of County Commissioners, so why would  
164 133 units be acceptable when this in fact doubles what was approved. The whole  
165 project has been a scam from the beginning and since when does a project get  
166 approval on a conceptual basis? When will the revisions stop so we can see what the  
167 real product will be? We thought the price range would be from 140 to 160 thousand  
168 dollars with the 65 unit plan. What is now proposed is at about 100 thousand dollars  
169 complete with a disclaimer at the bottom. The disclaimer says that this is an artist's  
170 rendering only and may vary somewhat in precise detail and dimension. Beazer homes  
171 reserves the right to change/alter materials, landscaping, specifications, features,  
172 dimensions and designs without prior notice. That means we could be getting  
173 apartments again. The Royal Oaks subdivision that Beazer Homes built on Red Bug  
174 committed to buffers and landscaping to the residents behind them and they didn't fulfill  
175 their promise. Why would this one be any different? Another question is that when was  
176 the last time a property seen three times in less than nine months and submitted in  
177 three different forms? Is this a new pattern or is this a continued special exception for  
178 this developer? Commissioner Van Der Weide stated that he would not have approved  
179 the initial request if he had known they would come back with revisions. He referred to  
180 this as bait and switch. Our community still sees this tactic in effect. Commissioner

181 Morris and Aloma Development has now started a new concept for rezoning. Step one  
182 goes to the board with a plan that is minimal in size and get approval for the zoning  
183 change. The move to step two is to submit a major revision to max out the property;  
184 ask for as much as possible and see how it goes. If step two doesn't work, go to step  
185 three and resubmit again with a significant revision and see what you can get away  
186 with. This message is what Commissioner Morris is sending out to developers and  
187 builders. What will Seminole County look like in the future if this continues? Don't let  
188 Aloma Development make a mockery out of the system. Do the right thing tonight; stop  
189 wasting taxpayers money and recommend denial of this project and revert back to the  
190 original plan.

191 Ms. Bailey addressed the board to say that she never had any objections to the original  
192 plan of 65 town homes that were priced at \$140,000 to \$160,000 with garages. She  
193 has objected to subsequent projects. She submitted a letter from the Aloma Green  
194 development that provided her with some research they had done regarding the  
195 schools. The elementary school that her daughter attends is two years old and at  
196 present has ten portables and is obviously overloaded at this time. One of the answers  
197 to that in this letter is that they were going to be building two new elementary schools to  
198 alleviate this problem. The schools are in Winter Springs and Chuluota, so that won't  
199 alleviate the problem we have here. The middle schools aren't going to be ready until  
200 2006 and 2007. The woman who is head of the Seminole County facilities says in the  
201 letter that the Seminole County School Board does not see our project as a problem  
202 now or in the future. The other letter was delivered to our homes from Aloma  
203 Development saying that they were attempting to place a high-quality development in  
204 the area. She stated that they have made some significant changes but we are having  
205 a hard time getting things in writing. It is good to hear from the County that there will be  
206 a wall but we have been without an answer about that. Our community doesn't know  
207 what to believe because we haven't been given straight answers. She is not opposed  
208 to a townhome project but she is opposed to continually dealing with developers who  
209 are not really interested in making this community a better one. She is tired of the bait  
210 and twist; to be told one thing and are delivered something else. She hopes this thing  
211 can be resolved tonight.

212 Craig Bailey, President of the Trinity Bay homeowners association, addressed the board  
213 to say that we have heard how the developer has sacrificed one of the commercial lots  
214 and in fact they have only lost a half acre of property. They are increasing the size of  
215 the units from 65 to 133, which is over twice the size. He also stated that there are four  
216 lights in less than four tenths of a mile. There will be thousands more people with the  
217 hundreds of units that are going in now. It will be a very difficult situation to cope with.

218 Dan Chapman addressed the board to say that he lived in Bear Creek. He is also  
219 concerned with traffic. He also wanted to get clarification on units per acre. The  
220 Planning people said that it would be about 12.74 per acre; Beazer said it would be 10.9  
221 compared to 11.02 of the Centex property. The original plan was approximately 7.3  
222 units per acre. He presented a letter of support from around the community against this  
223 project. The letter is from Attorney Michael Sinemic. He represents the University  
224 Boulevard Coalition and they are opposed to it. That coalition is made up of 33 home  
225 owners associations. They are concerned because the infrastructure in this area is

226 already incapable of addressing present needs. He presented a couple of studies to  
227 show this. Already, the net capacity is in the negative; 3,600 link trips per day. It is the  
228 same businesses in this study that feed into the stretch on Aloma. The capacity is  
229 about 48,000 link trips per day. Most of the development going toward Tuskawilla aren't  
230 in place yet, so he is surprised that the capacity is 48,000 but it is. We are currently at  
231 about 30,578 against that 48,000. If you add in both Deep Lake PUD and Trinity Retail,  
232 that adds in another 12,000, which will bring us up to about 42,500. If we look to what  
233 will happen with Bear Gully Forest, which is not on here, it's at least 50 or 60 homes.  
234 The second portion of Centex is also not covered in the study. There is a  
235 disproportionate number of accidents there already. He has also heard stories about  
236 the school buses that stop to pick up the elementary school children. There really isn't  
237 any place for the school bus to move over to. This community is highly concerned  
238 about the current traffic conditions and it is only going to get worse.

239 Michelle Copeland addressed the board to say that she is a member of Bear Creek  
240 Subdivision and is concerned about the educational impact. She is also concerned  
241 about adding another traffic light. Adding a traffic light would impact the paramedics  
242 being able to get to the scene of an accident or a 911 call in the neighborhood. She  
243 wondered if there any plans to add more law enforcement to the area. She was  
244 wondering if any consultations had been made with Bear Creek home owners  
245 associations since the September 24<sup>th</sup> Board of County Commissioners meeting. She  
246 didn't receive any notices regarding this meeting until the home owners showed us that  
247 it would be taking place.

**Chairman Tucker called for a short recess at 11:28 p.m.**

**Chairman Tucker called the meeting to order at 11:33 p.m.**

250 Mr. Ed Suchora addressed the board to respond to public comment. Regarding the  
251 increase of units he had to retort by saying the original 65-unit plan was a ten acre site.  
252 With the new plan, we were able to move the storm water facilities onto the southern  
253 single-family site by creating a larger pond. We also added approximately 3 ½ acres by  
254 giving up the third commercial tract and adding additional units. It is certainly not a  
255 doubling. In regards to price, the picture presented by Ms. Duffy was nothing that was  
256 presented by Aloma Green. The \$100,000 units were the ones that came through the  
257 last time; the 16-foot wide units with no garages. However, by adding additional square  
258 footage, width and a garage to each of the units, the price has had to go up. We would  
259 have to price these units at \$115,900 to be competitive with Centex. As far as the  
260 disclaimer on the rendering, you could ask any builder in town and try and not find a  
261 disclaimer. These are done for materials that can no longer be used, a plant that you  
262 put on there because a home owner insisted they get because they saw it on the  
263 rendering. It is simply for the purpose of flexibility. Everyone is tired of change on this  
264 project but he is here to say that this project is his first one to build here in Central  
265 Florida; it was brought down from the Atlanta division. The flexibility of the disclaimer is  
266 for the slight tweaks that he might have to do. In regards to the buffers at Royal Oaks,  
267 he wasn't aware of any buffers that he did not provide to any adjacent homeowners nor  
268 has he received any complaints from any adjacent homeowners saying that the buffers  
269 were not installed. As for the school impact, his conversation with the school board told  
270 us that there would be a minimal impact based on the type of product. They also stated

271 that they are building new schools and they would be redistricting to realign all the  
272 students in question. As to the definition of quality, Beazer Homes has been doing  
273 business here in Seminole County and in the nation and builds quality subdivisions and  
274 in fact the division here in Orlando has one of the highest customer satisfactions in the  
275 country. That does not come from a non-quality project. As for getting items in writing  
276 from Beazer or other developers. We were able to work with the four home owners to  
277 get the easement releases and he was even in Wendy Saliga's home last evening trying  
278 to finalize some things that she wanted. He made offers to work through those and to  
279 get them done for her and asked her to call me today to work through the final bit, but to  
280 no avail. Wendy did not call me. He has never formally been asked to put things in  
281 writing by Wendy or any of the other members. Certainly the questions have been  
282 posed, but he has never been asked to put it in a letter. Hasn't happened. As far as the  
283 bait and switch, Beazer Homes is leading this charge. The plans here tonight is what I  
284 plan to do; 133 town homes with recreational amenities; gated with full maintenance  
285 landscaping. As for the commercial acreage, I think staff can support that the acreage  
286 does balance. In regards to the extra police, emergency care and other services, every  
287 one of these home owners will be paying taxes and he as the builder will be paying  
288 impact fees on every single one of these homes for everything from schools to fire to  
289 help support it. The Bear Creek folks have stated that the developer essentially ignored  
290 them and stated that we refused to meet with them. Again, that is completely false. He  
291 has personally spoken with Ann Bryant several times on the phone requesting a  
292 meeting and/or an opportunity to get her information on the project or anything she  
293 would like. Basically she refused every time, so I was forced to get her to get her to  
294 agree to accept a package of all of the information of which I had submitted to Seminole  
295 County. He sent it via courier to her place of business. We also wrote a letter and  
296 taped to every one of the doors in Bear Creek so they could have the information. His  
297 phone records would show the number of attempts to work with them. As for density  
298 addressed by Mr. Chapman, staff asked us to provide three different density  
299 calculations on our plans. One was the gross density; one was the net density and the  
300 third was the net density less the road right-of-ways. With these three calculations, the  
301 gross density is 9.5 units to the acre. Centex' gross density is 11.02. The net density of  
302 which is less any wetlands or unusable area is 10.99 units to the acre. The Centex  
303 project is 11.02 units to the acre. Under the net density with right-of-ways removed, we  
304 are at a density of 12.74. The Centex site is at 13.8 units to the acre. This is available  
305 for the record if anyone would like. We would respectfully request approval on this  
306 project.

307 **Chairman Tucker closed the floor to public comments.**

308 **Commissioner Peltz asked Mr. Stelling why 65 homes were first presented?**

309 Mr. Stelling stated that it was a conceptual plan because they didn't have a builder.  
310 Staff said that we needed a thumbnail and we provided a thumbnail.

311 **Commissioner Harris stated that the implication was is the traffic light would go**  
312 **away if the development goes away and that is simply not true. The traffic light**  
313 **will be there because the Claytons got a legal agreement that there would be a**  
314 **light there and it would be permitted when they developed their two parcels.**

315 **Chairman Tucker asked Mr. West to clarify the C-2 uses pertaining to adult**  
316 **entertainment and the sale of alcoholic beverages.**

317 Mr. West explained that the sale of alcoholic beverages in C-2 would require a special  
318 exception, which would require a public hearing before the Board of Adjustment. The  
319 change to apartments would be a change in use not a change in the design of the  
320 building. The development order as written is stating town houses, so if the request is  
321 to go to apartments or rental units, we would have to come back to this board and the  
322 Board of County Commissioners. Architectural renderings could be addressed as part  
323 of an exhibit of this development order or at the final master plan.

324 **Chairman Tucker asked the special restrictions for HIP.**

325 Mr. West said that he wasn't aware of any that was specific to this property but HIP is  
326 broken into three categories. There is an area around the Orlando-Sanford Airport that  
327 is designated as HIP airport to discourage residential uses around the airport because of  
328 noise issues. Then there is HIP-TI or HIP core, which is in the northwest part of  
329 Seminole County around the Interstate 4, 46 and Heathrow area. HIP core allows up to  
330 50 du/ac and requires a minimum of 20 du/ac. And then we have with this property the  
331 HIP transitional, which has a maximum of 20 du/ac. There is also consideration for  
332 architectural standards or stepping down building heights or buffers to make it  
333 compatible as you get closer to the lower density development.

334 **Chairman Tucker asked Mr. West how recent the traffic study was?**

335 Mr. West stated that the applicant has deferred concurrency testing, so staff has not  
336 reviewed a traffic study. They have elected to defer that to a future step. The applicant  
337 has an option to submit their traffic study at certain points in the review process; at  
338 preliminary zoning, which is where we are now or at final master plan. But before they  
339 are issued development permits, they must submit a traffic study and address any  
340 mitigation or requirements. He pointed out that 426 is a state road, and is controlled by  
341 the FDOT and not the county. They also control where the curb cuts go. SR 426, at its  
342 build out, has been designated to be level of service E, which is not a high level service  
343 standard. The Trinity Retail Center adjacent was a power center and actually cut their  
344 trips in half.

345 **Chairman Tucker asked if FDOT takes into consideration emergency response**  
346 **times and things of that nature?**

347 Mr. West replied that they do and in the development review process, there are  
348 members of the Public Safety Department and a representative of the Sheriff's  
349 Department. Even at the plan for 180 dwelling units, he had no objections. There is a  
350 school impact fee which is there to offset the impacts of those dwelling units. Mr. John  
351 Laroy of the School Board is also represented in the review process. As part of Senate  
352 Bill 1906 that was adopted and effective May 31<sup>st</sup> of this year, the school board can  
353 appoint a member to the LPA to deal with density and intensity. We are still waiting to  
354 hear from the school board.

355 **Commissioner Hattaway asked Mr. West if this project had met all the**  
356 **concurrency requirements?**

357 Mr. West explained that they had *deferred* testing for concurrency until a further step.  
358 My understanding is that they submitted an application for deferral.

359 **Commissioner Bates thought he heard the gentleman from Beazer said that they**  
360 **had done a traffic study.**

361 Mr. West stated that he may stand corrected.

362 **Commissioner Harris stated that despite all of the multiple times this board had**  
363 **gone through this preliminary plan, there are still three or four facts that continue**  
364 **to be central to this issue. First of all, the current request meets the standard of**  
365 **the HIP district. It not only meets the standard, but it meets the same criteria as**  
366 **the Trinity Retail which is adjacent. The precedent is there for the density that is**  
367 **requested here. With respect to traffic, the light will be there whether or not this**  
368 **parcel is developed. If they have already submitted and it meets concurrency,**  
369 **then it's still not an issue.**

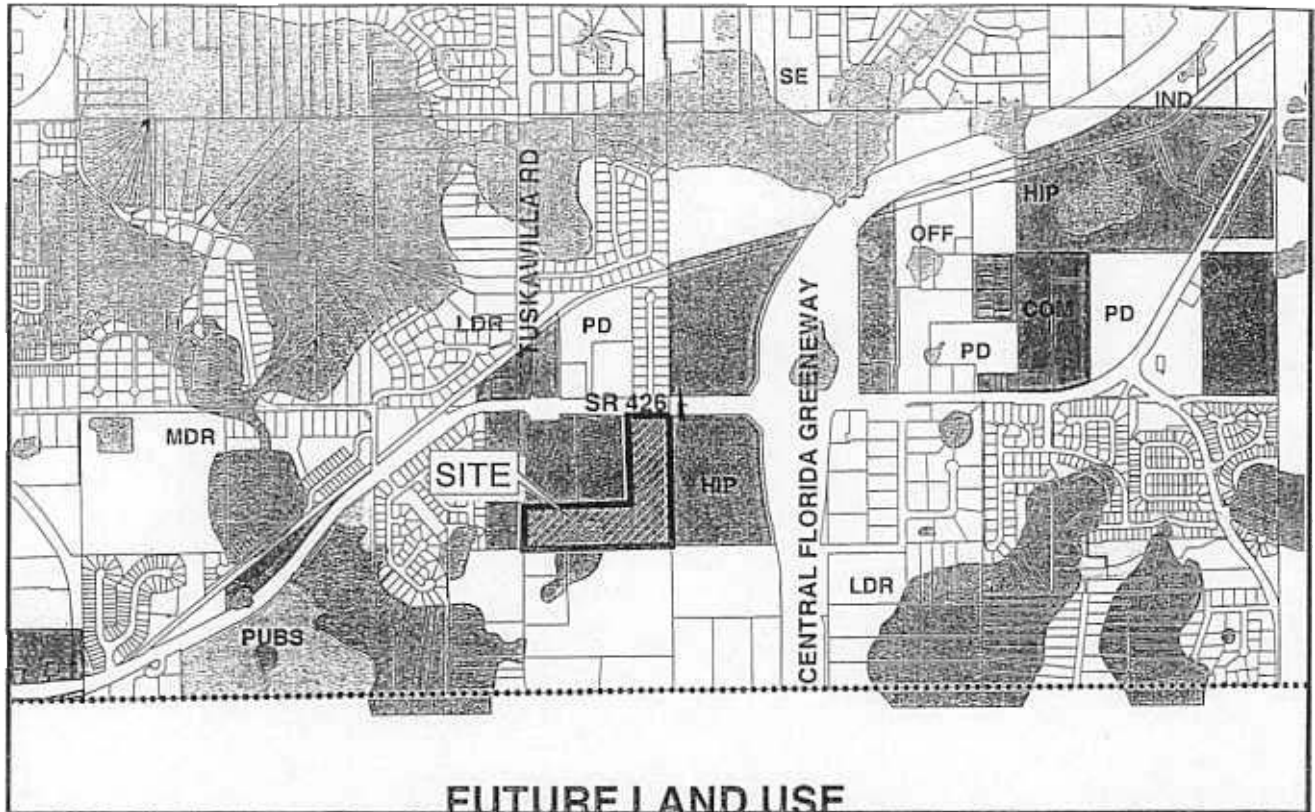
370 Mr. West addressed the board to say that the applicant did submit concurrency in  
371 September and we can have someone check the report if the board wishes.

372 **Commissioner Harris stated the applicant wouldn't have submitted it if it didn't**  
373 **meet concurrency. The issue goes back to the point that he made previously.**  
374 **We have a parcel in the HIP district right next to the Greenway, with a traffic light**  
375 **at its entrance. It has been proven that the development meets all of the criteria**  
376 **that it should meet and is at the same standard as the development that has**  
377 **already been approved. If we can't put a high intensity townhome development in**  
378 **a position where it is a HIP district, how can we say that we do good planning?**  
379 **Intensity and density needs to go where we planned for it and this particular**  
380 **place is planned for this development. Having said that he offered the following**  
381 **motion: Recommend approval of the requested major revision to the PUD**  
382 **preliminary master plan for this site.**

383 **Commissioner Hattaway seconded the motion.**

384 **Vote passed 4-1 with Chairman Tucker voting nay.**

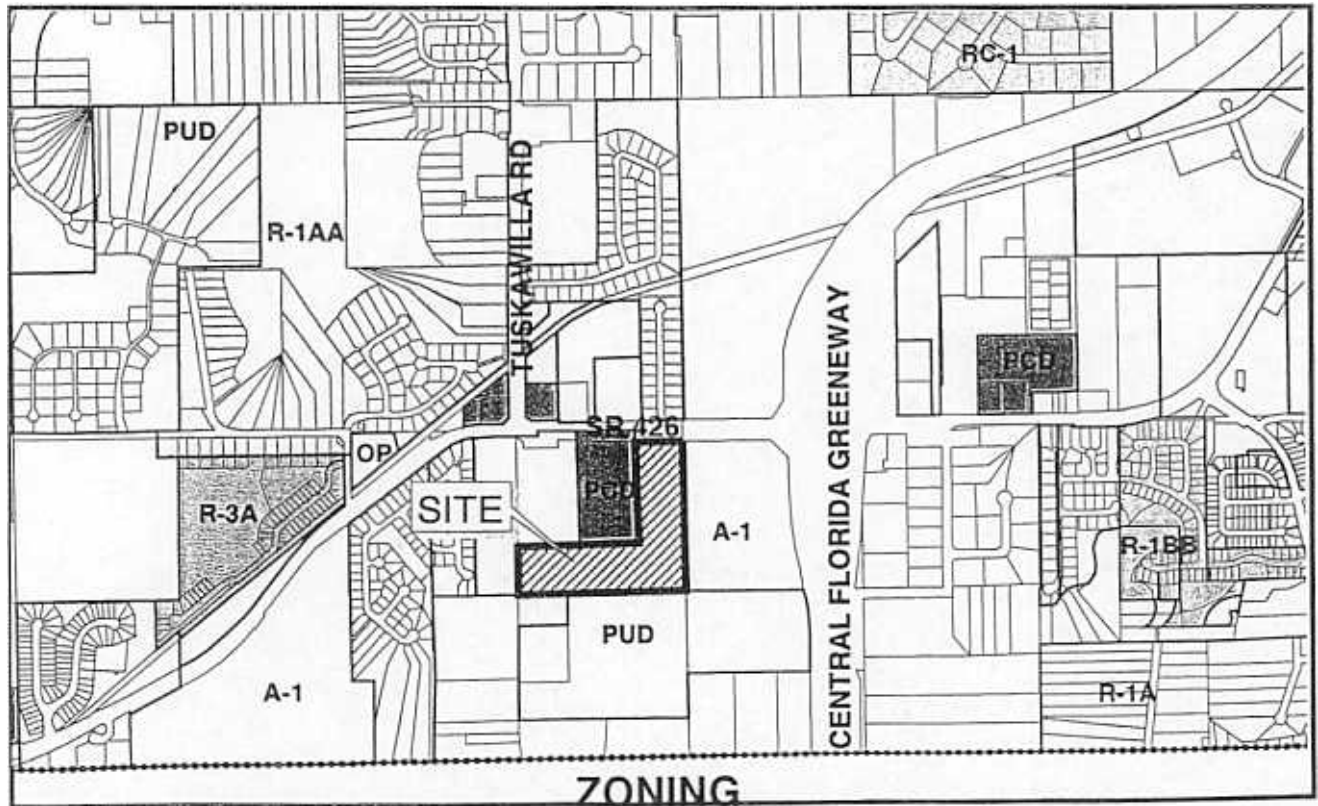
385



Site
  Municipality
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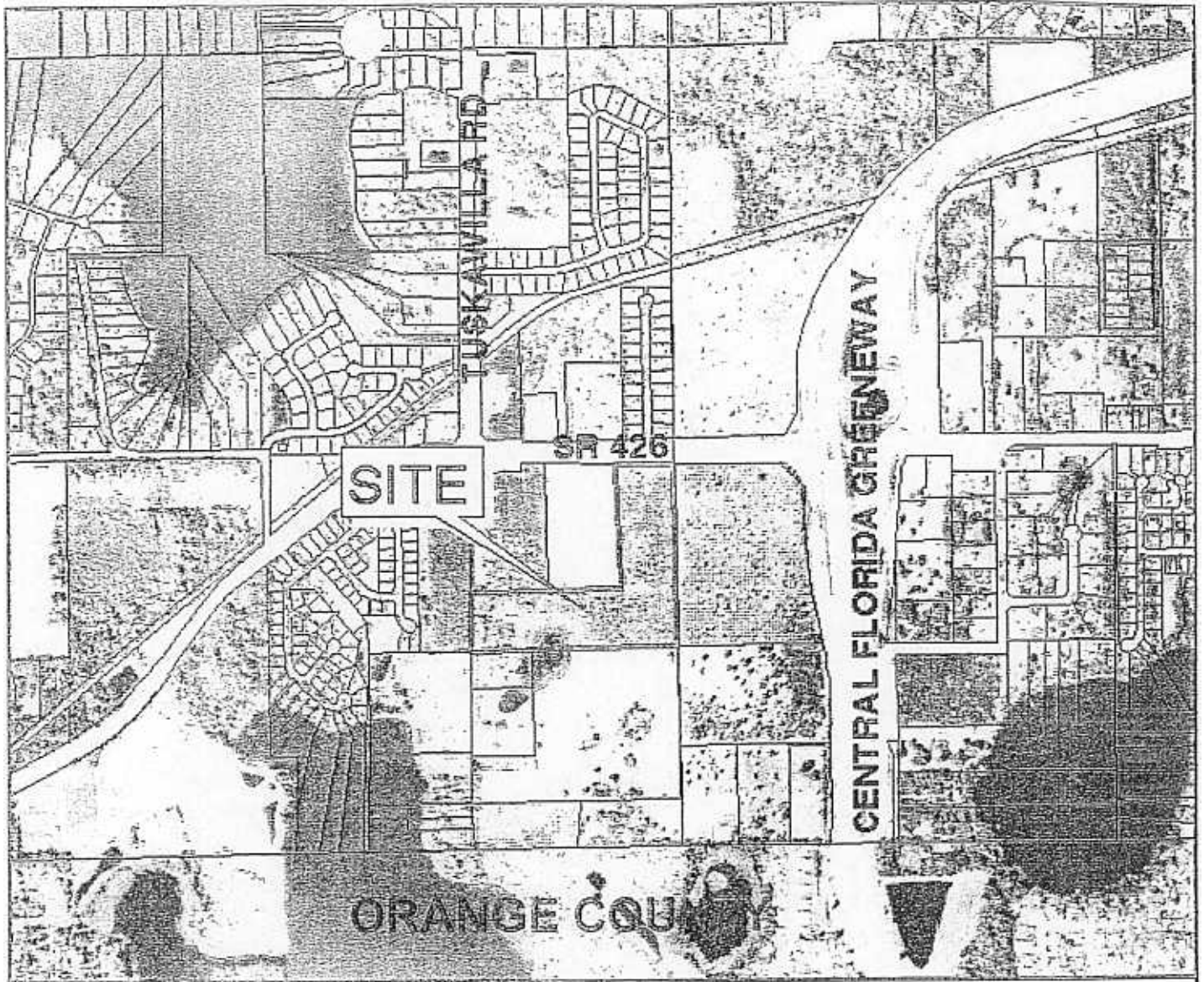
Applicant: Mr. Harvey Slayton & Ms. Susan S. Irelan  
 Physical STR: 36-21-30-300-0250-0000  
 Gross Acres: 18.66 BCC District: 1  
 Existing Use: Timberland  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-008	A-1	PUD



A-1
  R-1A
  R-1AA
  PUD
  OP
  PCD
  R-1BB
  R-3A
  RC-1





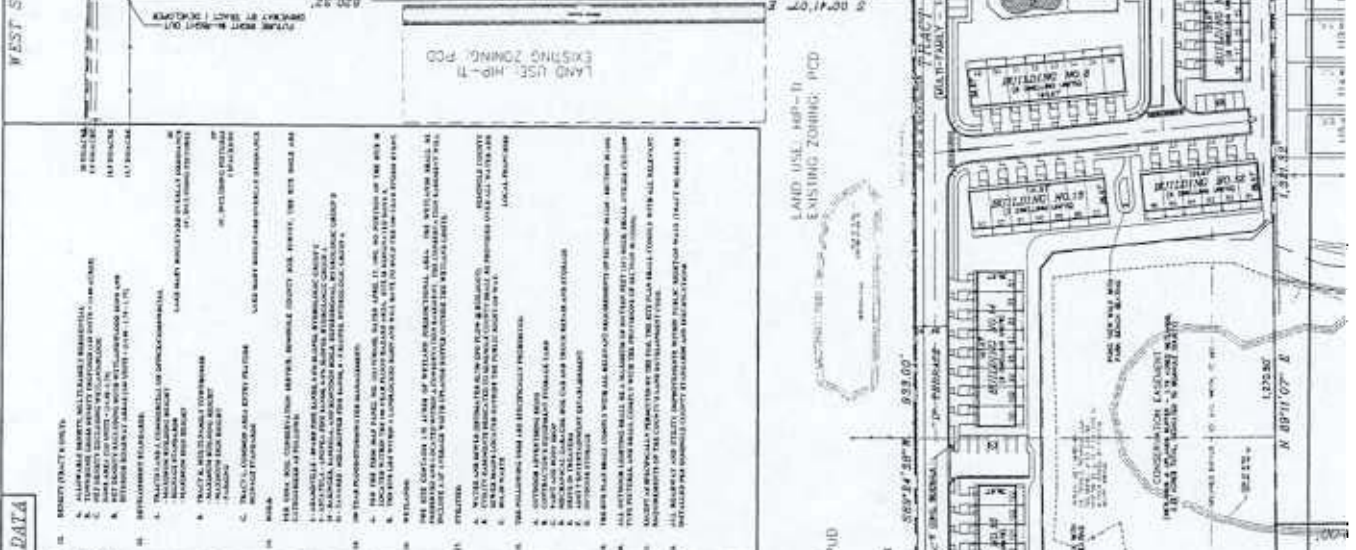
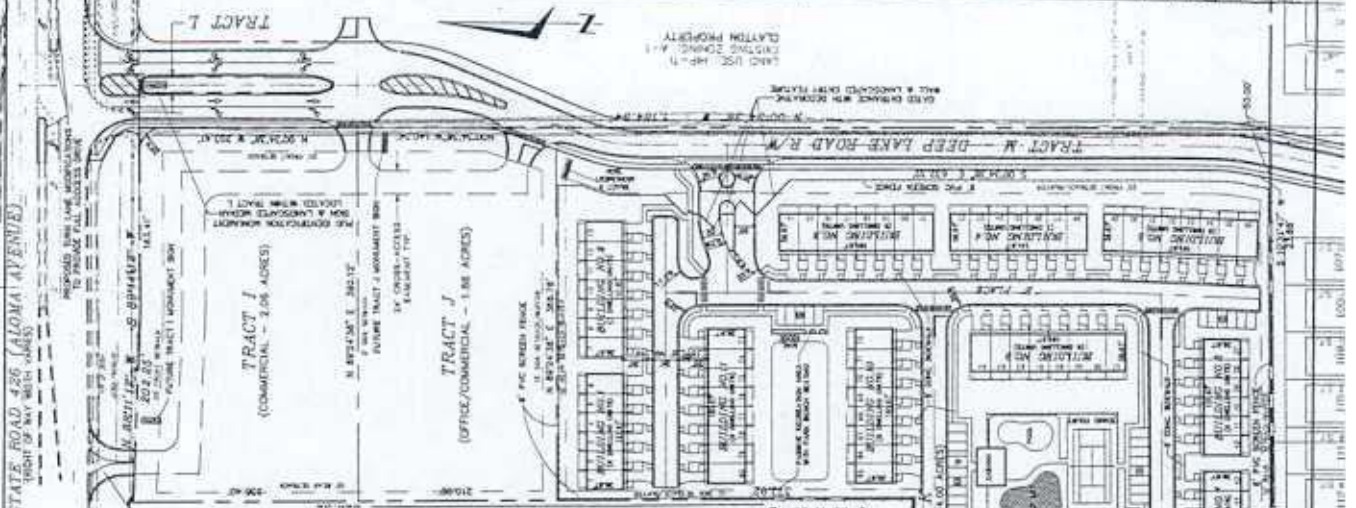
Rezone No. Z2002-008  
 From: A-1 To: PUD

- Subject Property
- Parcelbase

N



February 1999 Color Aerials



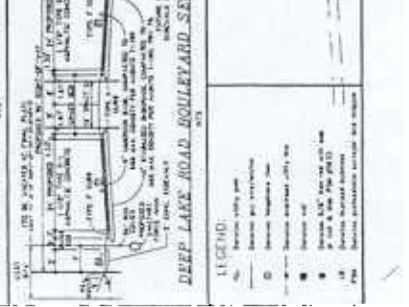
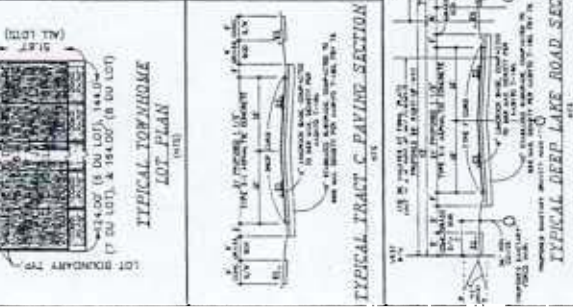
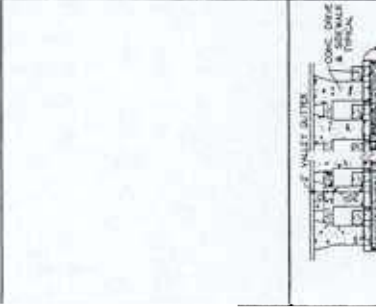
**PRELIMINARY MASTER PLAN**  
 DEEP LAKE PUD  
 SEMINOLE COUNTY, FLORIDA  
 ALKHA GREEN DEVELOPMENT LLC  
 205 WINTER PARK AVENUE  
 WINTER PARK, FL 32789  
 (407) 622-5263

**TRACT I (COMMERCIAL - 3.06 ACRES)**  
 1. THE TRACT I SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.  
 2. THE TRACT I SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.  
 3. THE TRACT I SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.  
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 9. THE TRACT I SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.  
 10. THE TRACT I SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.

**TRACT J (OFFICE/COMMERCIAL - 1.86 ACRES)**  
 1. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
 2. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
 3. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
 4. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
 5. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
 6. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
 7. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
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 9. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.  
 10. THE TRACT J SHALL BE DEVELOPED AS AN OFFICE/COMMERCIAL ZONING DISTRICT.

**TRACT L (COMMERCIAL - 3.06 ACRES)**  
 1. THE TRACT L SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.  
 2. THE TRACT L SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.  
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 9. THE TRACT L SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.  
 10. THE TRACT L SHALL BE DEVELOPED AS A COMMERCIAL ZONING DISTRICT.

**LEGEND:**  
 [Symbol] Existing Structure  
 [Symbol] Proposed Structure  
 [Symbol] Access Drive  
 [Symbol] Utility Lines  
 [Symbol] Easements  
 [Symbol] Other



## DEEP LAKE PUD

REQUEST INFORMATION	
APPLICANT	Harvey Slayton and Susan S. Irelan
PROPERTY OWNER	Harvey Slayton and Susan S. Irelan
REQUEST	Major Modification to PUD Preliminary Master Plan
HEARING DATE (S)	P&Z: Nov. 6, 2002   BCC: Nov. 26, 2002
SEC/TWP/RGE	
LOCATION	South of SR 426 and east of S. Tuskawilla Road
FUTURE LAND USE	High Intensity Planned Development (HIP)
FILE NUMBER	Z2002-008
COMMISSION DISTRICT	District 1 (Maloy)

### OVERVIEW

**Zoning Request:** The applicants are proposing a major change to the Preliminary Master Plan for Deep Lake PUD, approved by the Board of County Commissioners in April 2002. This project is located on 18.66 acres in the Higher Intensity Planned Development (HIP) land use designation. As compared to the original plan, the requested change involves a moderate increase in residential density, a reduction in office-commercial land area, and relocation of retention to an off-site facility. In addition, the project entrance road is now shown as a shared access with the Clayton property to the east, in fulfillment of the Board's wishes as expressed at the April hearing.

The applicant is proposing a substantial revision to the Preliminary Master Plan approved for Deep Lake PUD in April 2002. The plan approved at that time consisted of three lots for commercial and/or office use, totaling approximately 4 acres, and a fourth lot for townhouse development. On this lot, the preliminary plan submitted for review illustrated 65 residential units on 11 acres, for an overall density of 5.9 units per acre.

Subsequent to the April approval, the applicants proposed a Final Master Plan showing 180 units at approximately 17 units per acre. This revised development concept was recommended for approval by the Planning & Zoning Commission on September 4, but denied by the Board of County Commissioners on September 24.

The present proposal consists of 133 dwelling units on 14 acres at a density of 12.74 units per net buildable acre. This is a slightly lower density than that of the adjoining Trinity Retail Center site, approved earlier this year. There will be minimal off-street parking, as each unit will include a garage.

Of major importance in this revision is the presence of a shared access road with the Clayton property adjoining to the east. An agreement has been reached between the applicants and the neighboring property owner to provide joint access and utilities for use of both Deep Lake and future projects on the Clayton land. This access will also serve the proposed South Tuskawilla Road development immediately south of Deep Lake, and will benefit additional properties to the south of that. (All affected property owners adjacent to the South Tuskawilla project have signed an agreement accepting access through that

development and Deep Lake PUD.) The BCC had expressed a strong concern that development south of 426 in this area should make use of an FDOT- approved future intersection to be located on the Clayton property, in order to ensure safety and efficient traffic flow.

Additional changes to Deep Lake, as compared with the original approval, include a reduction in dwelling unit size and removal of several landscaped retention areas. Commercial and office uses have been reduced from 4.42 acres in the original to 3.92 acres in the new proposal. General use facilities to be provided within open space areas now include a tot lot, pool, cabana, and tennis court. Also, a “passive recreation area” with bench seating will now be provided.

Retention for the site is now proposed to be located on the South Tuskawilla project to the south, a single family development being proposed by the same applicant. This is allowable with appropriate easements and agreements tying the two developments together for stormwater management purposes.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	<b>Existing Zoning</b>	<b>Future Land Use</b>
<b>North</b>	PUD, PCD	Higher Intensity Planned Development and Low Density Residential
<b>South</b>	A-1 (approved for PUD)	Low Density Residential
<b>East</b>	A-1	Higher Intensity Planned Development
<b>West</b>	PUD, PCD	Higher Intensity Planned Development

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

- 1 Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.
3. Water and sewer service are being provided by Seminole County.

**Compliance with Environmental Regulations:** The project must comply with the requirements of the W-1 Wetlands Overlay District. An undisturbed wetland buffer averaging 25’ and not less than 15’ is required landward of the wetland limits.

**Compatibility with surrounding development:** Currently, the surrounding properties have Low Density Residential and Higher Intensity Planned Development land use designations. The approved Planned Unit Development, together with proposed changes, is compatible with adjacent land use designations.

### **STAFF RECOMMENDATION**

Staff supports the proposed access plan involving shared access with the Clayton property at the approved future intersection. The revisions being proposed at this time are consistent with the future land use designation of the Vision 2020 Plan, and compatible with surrounding land uses. Subject to compliance with Code requirements related to open space, drainage and other development standards, the proposed alterations to the Preliminary Master Plan are reasonable and appropriate to the area.

Staff recommends APPROVAL of the requested modifications to the Preliminary Master Plan, subject to the following:

1. The developer must maintain an agreement with the property owner to the east (Greenway Center South) regarding a joint access road to SR 426. Said agreement shall include, but not be limited to, the following issues:
  - a. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of the joint access road.
  - b. Aligning the joint access road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
  - c. Specifying driveway locations along the joint access road for development on both sides.
2. Residential density shall not exceed 12.74 units per net buildable acre, as defined in the Seminole County Land Development Code.
3. Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance, except that lighting height shall be limited to 16 feet.
4. There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to the south, with a 6-foot masonry wall along the common property line.
5. The county's open space requirements shall be met for the entire PUD at 30 percent. Individual lots for the proposed development shall provide at least 25 percent open space.
6. Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
7. The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.
8. Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory trees at 10 foot intervals.
9. Tracts I and J are approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments.

10. Tract K is approved for townhouse use, customary accessory uses, and recreation and open space amenities located in common areas of the development site.
11. The Owner shall provide recreational amenities as shown on the Preliminary PUD Master Plan.
12. A landscape buffer shall be provided as follows between Tract J and Tract K:
  - a. The width of the buffer shall be 15 feet on Tract J and 22 feet on Tract K.
  - b. A 6-foot brick or masonry wall shall be provided along the common property line.
  - c. The buffer on the south (residential) side of the required wall shall be planted with at least 4 canopy trees per 100 linear feet.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

At its Nov. 6 meeting, the Planning & Zoning Commission found the proposed density to be in keeping with existing and approved residential development in the area. Because it would be taking full advantage of a major intersection already having FDOT approval, the development would not degrade traffic safety. The project is consistent with the HIP land use assigned by the Vision 2020 Plan and is considerably less intense than other types of development that might be permitted under that future land use designation. Further, the fee-simple configuration of the residential units would foster home-ownership and bring long-term residents into the area. The Commission voted 4-1 to recommend approval of the PUD amendment.

## SEMINOLE COUNTY DEVELOPMENT ORDER

On November 26, 2002, 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:** SUSAN S IRELAN, PO BOX 620514, OVIEDO, FL, 32762; HARVEY SLAYTON, PO BOX 620514, OVIEDO, FL 32762

**Project Name:** DEEP LAKE PUD

**Requested Development Approval:** MAJOR REVISION TO PUD PRELIMINARY MASTER PLAN

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: Jeff Hopper  
1101 East First Street  
Sanford, Florida 32771

## Order

### 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:

The developer must maintain an agreement with the property owner to the east (Greenway Center South) regarding a joint access road to SR 426. Said agreement shall include, but not be limited to, the following issues:

- a. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of the joint access road.
- b. Aligning the joint access road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
- c. Specifying driveway locations along the joint access road for development on both sides.

Residential density shall not exceed 12.74 units per net buildable acre, as defined in the Seminole County Land Development Code.

Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance, except that lighting height shall be limited to 16 feet.

(D) There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to the south, with a 6-foot masonry wall along the common property line.

The county's open space requirements shall be met for the entire PUD at 30 percent. Individual lots for the proposed development shall provide at least 25 percent open space.

(F) Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.

The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.

Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory trees at 10 foot intervals.

(I) Tracts I and J are approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments.

(J) Tract K is approved for townhouse use, customary accessory uses, and recreation and open space amenities located in common areas of the development site.

The Owner shall provide recreational amenities as shown on the Preliminary PUD Master Plan.



- (L) A landscape buffer shall be provided as follows between Tract J and Tract K:
  - a. The width of the buffer shall be 15 feet on Tract J and 22 feet on Tract K.
  - b. A 6-foot brick or masonry wall shall be provided along the common property line.
  - c. The buffer on the south (residential) side of the required wall shall be planted with at least 4 canopy trees per 100 linear 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 above.**

By: \_\_\_\_\_  
Daryl G. McLain, Chairman  
Board of County Commissioners

**Order**

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, Susan Irelan, the owner of the aforescribed property in this Development Order, on behalf of herself and her 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

\_\_\_\_\_  
SUSAN S. IRELAN

\_\_\_\_\_ )  
Print Name

\_\_\_\_\_ )  
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 Susan S. Irelan who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_day of \_\_\_\_\_, 2002.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires

Order

OWNER'S CONSENT AND COVENANT

**COMES NOW**, Harvey Slayton, the owner of the aforescribed property in this Development Order, 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

\_\_\_\_\_ HARVEY SLAYTON

\_\_\_\_\_ Print Name

\_\_\_\_\_ 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 Harvey Slayton who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## EXHIBIT A

### LEGAL DESCRIPTION

The Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, less and Except the Following two parcels of land:

The West 155.5 yards (466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

AND

The East 155.5 yards ( 466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

Further less and except that part taken by Seminole County Expressway Authority by Stipulated Final Judgment recorded February 16, 1993, in Official Records Book 2545, Page 1319, Public Records of Seminole County, Florida, described as:

That part of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 36; thence run South 00°34'41" East along the East line of said Southeast 1/4 a distance of 25.59 feet for a POINT OF BEGINNING; said point being on the South right of way line of State Road 426 (Aloma Avenue) as shown on State Road Right of Way Map Section 770060-2501, said point also being 25.00 feet South of, when measured perpendicularly from the centerline of S.R. 426; thence continue South 00°34'41" East a distance of 95.01 feet; thence departing said East line of the Southeast 1/4 run South 89°14'17" West a distance of 188.50 feet; thence run North 88°11'07" West a distance of 202.18 feet to a point on a line 933.00 feet east of, when measured perpendicularly from the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence run North 00°41'00" West parallel with said West line a distance of 85.91 feet to the aforementioned South right of way line; thence North 89°14'17" East along said right of way line a distance of 390.67 feet to the POINT OF BEGINNING.