

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM  
(Continued from September 10, 2002)

SUBJECT: Large Scale Land Use Amendment from Industrial to Higher Intensity Planned Development and Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) (Hugh Harling, applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Kent Cichon CONTACT: Cathleen Consoli EXT. 7377

Agenda Date <u>12-10-02</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

1. Approve a Plan Amendment by enacting an ordinance amending the future land use from Industrial to Higher Intensity Planned Development, rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) and an amendment to the Developer's Commitment Agreement for the Loma Vista PUD, located on the west side of Aloma Avenue and east of the Greenway, subject to Planning Staff conditions; or
2. Deny a Plan Amendment amending the future land use from Industrial to Higher Intensity Planned Development, rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) and an amendment to the Developer's Commitment Agreement for the Loma Vista PUD, located on the west side of Aloma Avenue and east of the Greenway based on findings determined at the hearing; or
3. Continue until a date certain.

(Commissioner Maloy, District 1)

(Cathleen Consoli Planner)

BACKGROUND:

*This item was continued from the meeting of September 12, 2002, to resolve the masonry wall issue. In effect, this amendment was continued from the Spring 2002 Cycle to the Fall 2002 Cycle.*

Reviewed by:	<u>HZC</u>
Co Atty:	<u>[Signature]</u>
DFS:	<u>[Signature]</u>
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph130pdp05</u>

The applicant, Hugh Harling, is requesting a land use amendment from Industrial to HIP, and rezoning from A-1 to PUD, in order to add a 4.07-acre parcel to the Loma Vista PUD. The approved PUD comprises 52.7 acres and will consist of multi-family, industrial, commercial, and institutional uses. The site is required to undergo review as a Large-Scale land use amendment because the proposed density of the multi-family units is greater than 10 dwelling units per net buildable acre. The proposed density is 14 dwelling units per acre.

On March 12, 2002, the Board of County Commissioners voted to transmit the project to the Florida Department of Community Affairs for review as part of the Spring 2002 Cycle. On June 28, 2002, the Department of Community Affairs issued an Objections, Recommendations and Comments letter and did not have any objections to this amendment. The BCC elected not to adopt this amendment with the Spring Cycle and continued it to the Fall Cycle. The intent was to afford the applicant time to resolve some outstanding issues regarding a buffer wall, fire break and fire hydrant location. These issues were resolved and are being handled administratively.

Since the transmittal of the plan amendment to the Department of Community Affairs, the applicant has requested to make several minor revisions to the developer's commitment agreement and final master plan.

On October 24, 2002, the Code Enforcement Board found the developer of the Loma Vista apartment complex in violation of the Developer's Commitment Agreement (DCA), by failing to construct a buffer wall, fire break and fire hydrant. The decision of the Board was to give the applicant two options: either to build the wall per the requirements of the Developer's Commitment Agreement or submit a revision to the DCA and Final Master Plan to allow for an alternate location of the wall. The applicant was given thirty days to comply by acquiring a building permit and an additional thirty days to complete construction of the wall. The applicant chose to submit a revised DCA and Final Master Plan. The Planning Manager decided that the request was a minor modification and could be handled administratively. The Planning Manager determined that the wall may be located 3 feet from the back of curb of the parking area on the southwest portion of the apartment complex. Also the applicant shall provide a 15 foot stabilized fire break along the property line and place a fire hydrant on the SW corner of the property.

The applicant has agreed to relocate an existing fire hydrant and its associated water lines from the southwest portion of the PUD to the southwest corner in order to ensure adequate fire protection to those adjacent properties. Staff anticipates the permits will be pulled prior to the hearing date.

Recently, an adjacent property owner has raised objections to the PUD's lighting requirements. The Land Development Code's lighting restrictions only apply to those non-residential parcels adjacent to properties classified as residential. The

adjacent properties along the southwest portion of the PUD are not classified as residential, therefore does not require any additional restrictions.

Other minor changes to the developer's commitment agreement include clarifying property ownership and eliminating some approved uses on several tracts.

**LPA / P AND Z RECOMMENDATION:**

The recommendation was 7-0 in favor of the request with Staff recommendations.

**STAFF RECOMMENDATION**

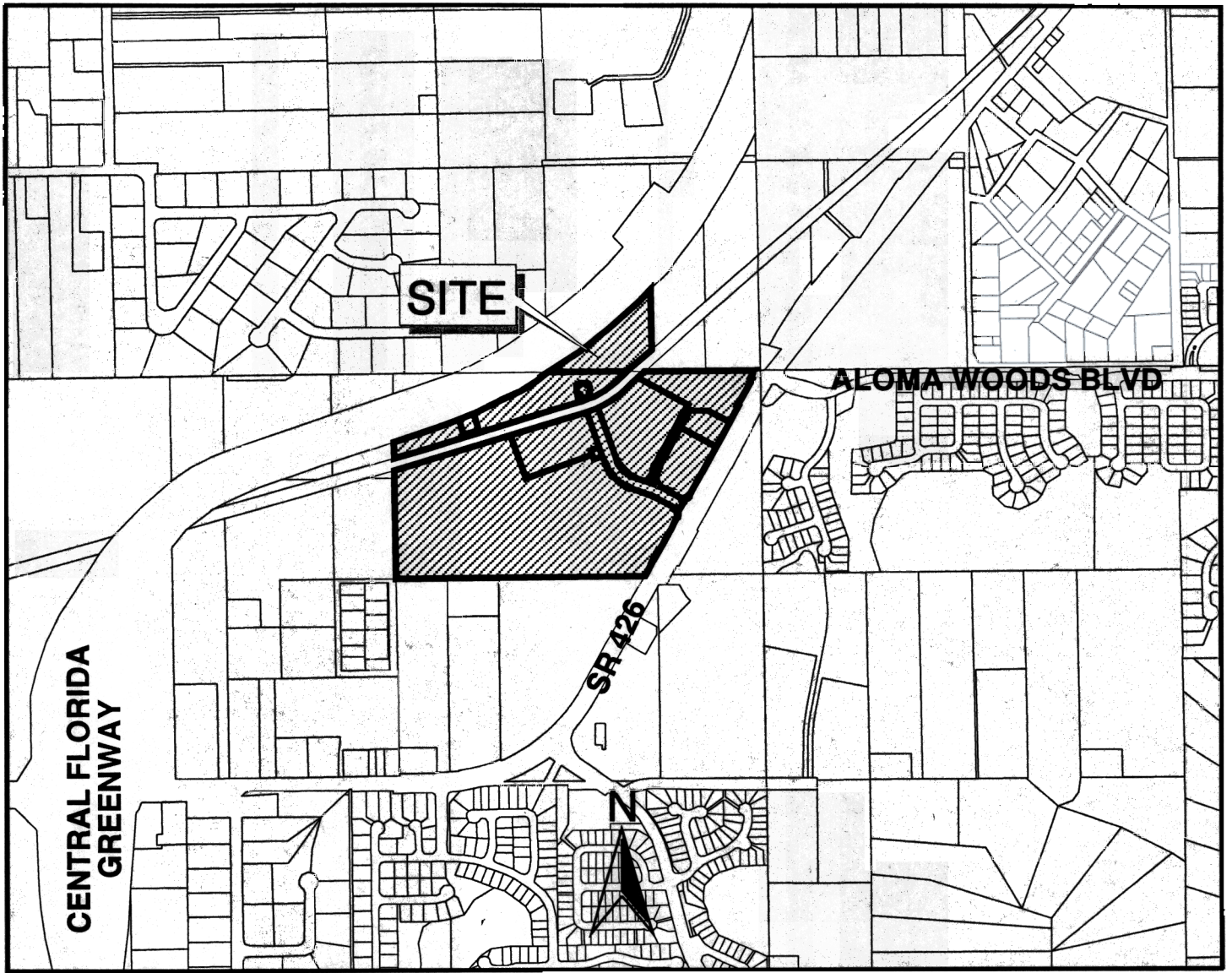
Planning Staff recommends approval of the proposed land use amendment from Industrial to Higher Intensity Planned Development (HIP) land use with findings that HIP land use, as proposed, would be:

1. Consistent with Plan policies related to the HIP land use designation; and
2. Consistent with adjacent HIP and Industrial land uses; and
3. Consistent with Plan policies related to mixed-use development; and
4. Consistent with previous approvals for the Loma Vista PUD; and
5. Consistent with Plan policies identified at this time.

Based on the above analysis, staff recommends approval of the associated rezoning request from A-1 (Agriculture) to PUD (Planned Unit Development) because the request, as proposed, would be:

1. Compatible with surrounding development and surrounding Future Land Use designations of Industrial and HIP; and
2. Consistent with the Loma Vista PUD.

Planning Staff also recommends approval of the revised Developer's Commitment Agreement and Final PUD Master Plan.

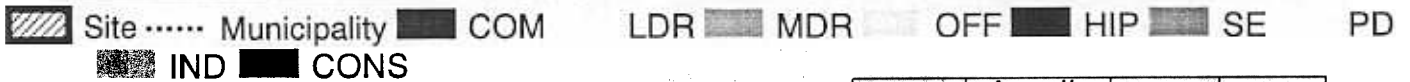


The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

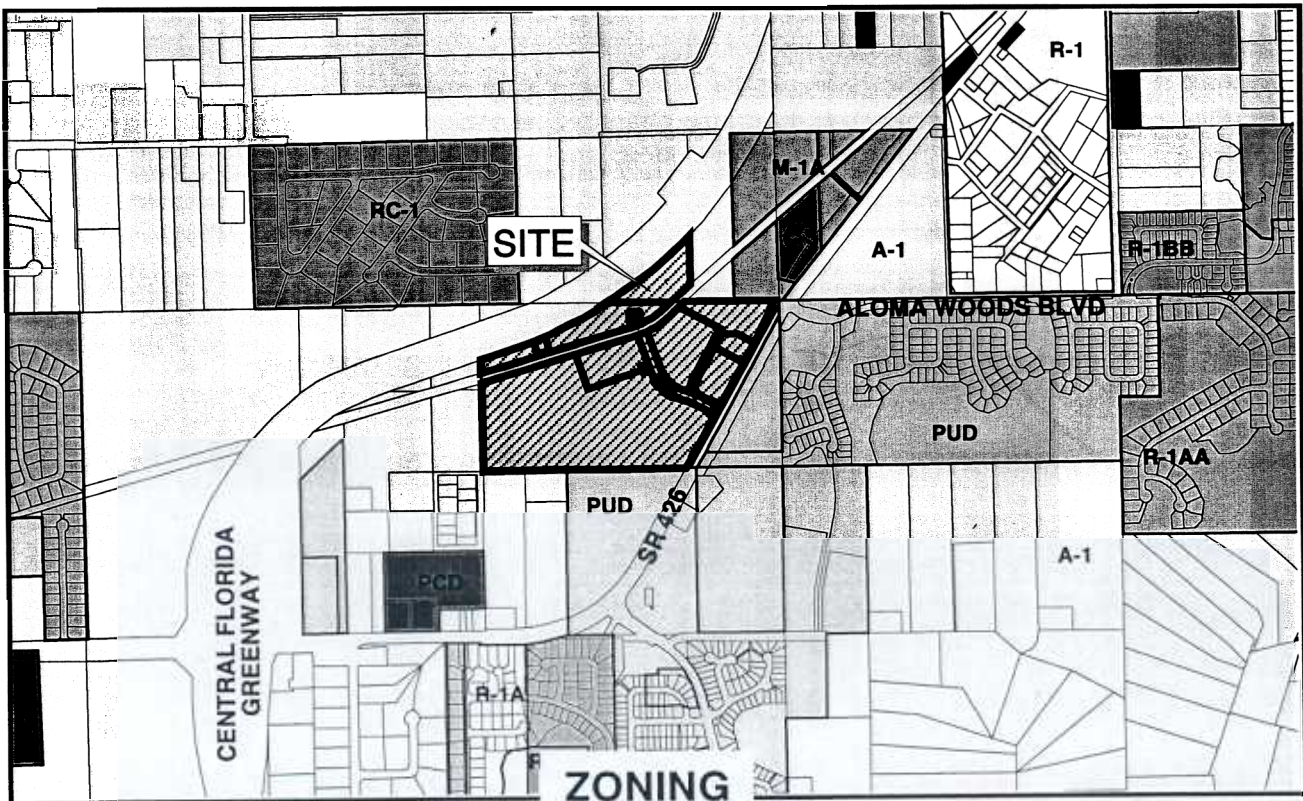


**FUTURE LAND USE**



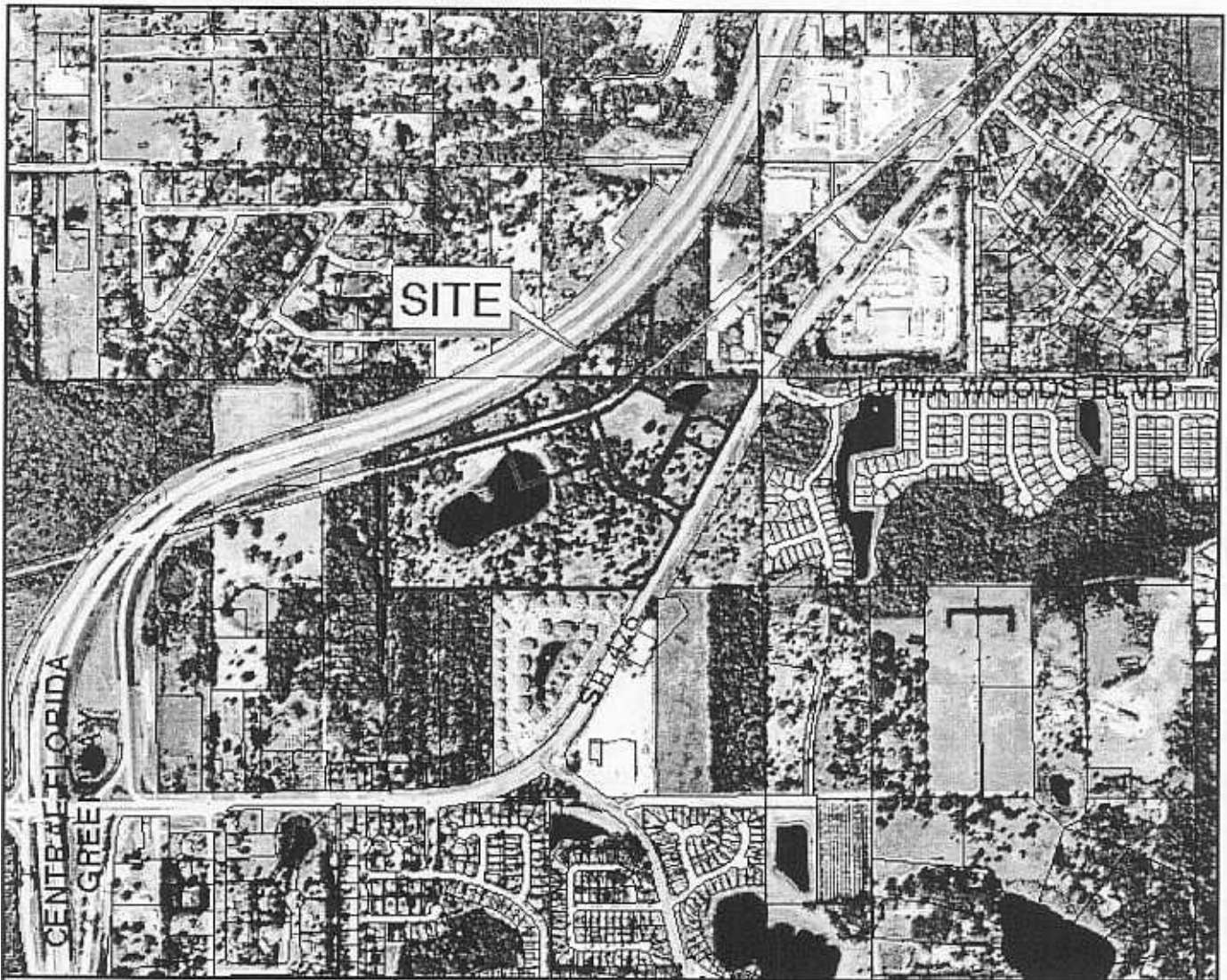
Applicant: Harling Locklin & Associates, Inc.  
 Physical STR: 30-21-31-300-0110-0000  
 Gross Acres: +/-3.5 BCC District: 1  
 Existing Use: Vacant Industrial  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	02S.FLU01	IND	HIP
Zoning	Z2001-040	A-1	PUD



**ZONING**







Amendment No. 02S.FLU01

From: IND To: HIP

Rezone No. Z2001-040

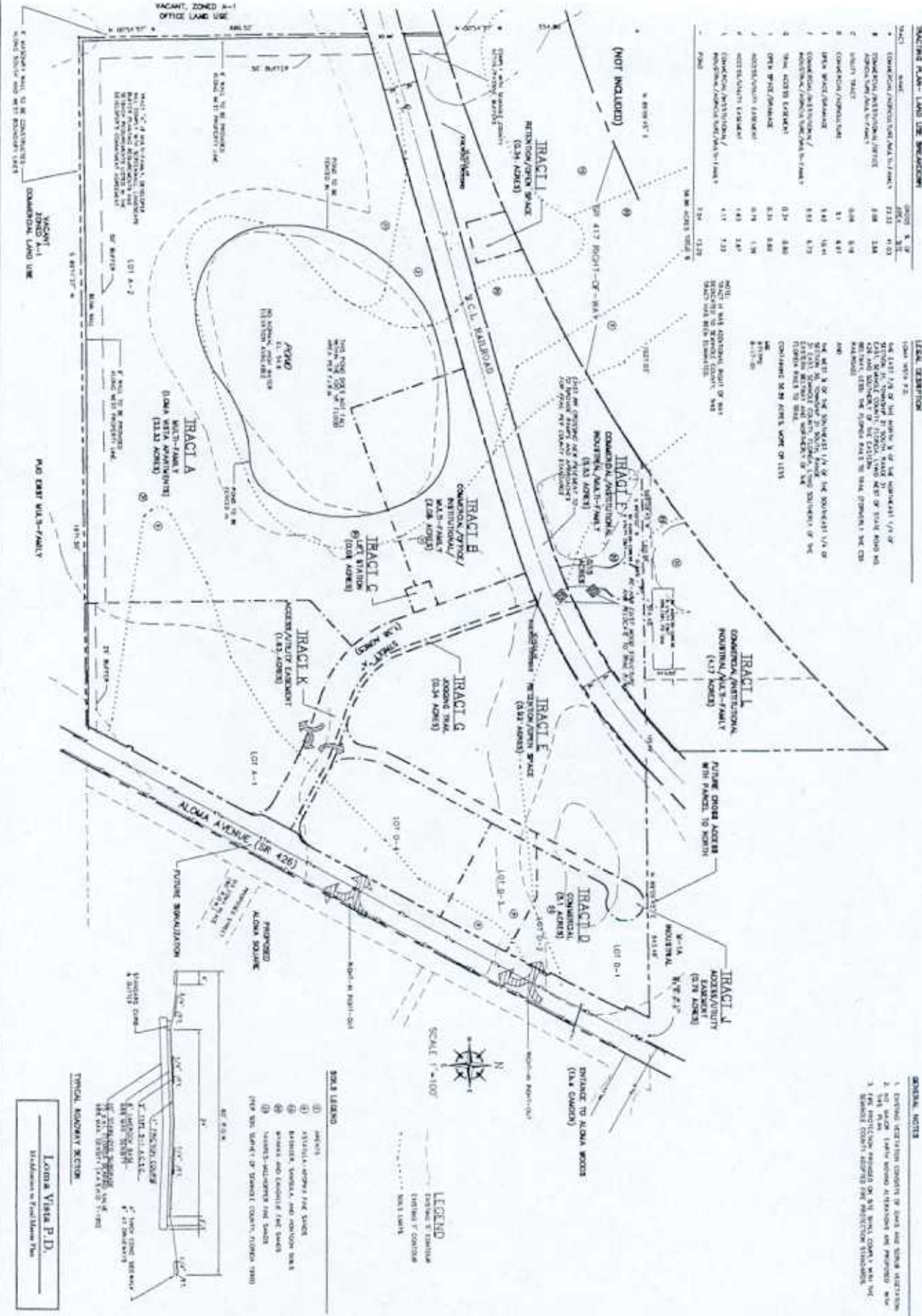
From: A-1 To: PUD

 Subject Property

 Parcelbase



February 1999 Color Aerials



TRACT	NAME	AREA	% OF TOTAL
1	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	22.13	11.03
2	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	8.88	4.24
3	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	0.88	0.42
4	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	0.11	0.05
5	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	1.41	0.68
6	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	8.83	4.17
7	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	0.34	0.16
8	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	8.31	3.98
9	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	0.19	0.09
10	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	1.43	0.68
11	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	4.17	1.97
12	COMMERCIAL/INSTITUTIONAL/RESIDENTIAL	1.32	0.62

LEGAL DESCRIPTION  
 LOT 1: 7.9 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 2: 2.4 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 3: 0.2 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 4: 0.1 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 5: 1.4 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 6: 8.8 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 7: 0.3 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 8: 8.3 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 9: 0.2 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 10: 1.4 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 11: 4.2 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).  
 LOT 12: 1.3 ACRES, 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 30 NORTH, RANGE 17 WEST, COUNTY OF SEMINOLE, FLORIDA (TWD 481 OF STATE ROAD 401).

GENERAL NOTES  
 1. EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE LATEST AVAILABLE RECORDS AND FIELD SURVEY.  
 2. THE EXISTING UTILITIES SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF THE UTILITIES.  
 3. THE EXISTING UTILITIES SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF THE UTILITIES.  
 4. THE EXISTING UTILITIES SHOWN ON THIS PLAN ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE LOCATION OR DEPTH OF THE UTILITIES.

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	07/20/2003
2	REVISED PER PERMIT	07/20/2003
3	REVISED PER PERMIT	07/20/2003
4	REVISED PER PERMIT	07/20/2003
5	REVISED PER PERMIT	07/20/2003
6	REVISED PER PERMIT	07/20/2003
7	REVISED PER PERMIT	07/20/2003
8	REVISED PER PERMIT	07/20/2003
9	REVISED PER PERMIT	07/20/2003
10	REVISED PER PERMIT	07/20/2003
11	REVISED PER PERMIT	07/20/2003
12	REVISED PER PERMIT	07/20/2003

Scale Legend:  
 (1) 1" = 100'  
 (2) 1" = 200'  
 (3) 1" = 400'  
 (4) 1" = 800'  
 (5) 1" = 1600'

Legend:  
 (1) 1" = 100'  
 (2) 1" = 200'  
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 (4) 1" = 800'  
 (5) 1" = 1600'

Modification to Final Master Plan  
 Loma Vista P.D.  
 on Aloma Avenue (SR 426)  
 Seminole County, Florida

**HARLING LOCKLIN & ASSOCIATES, INC.**  
 Consulting Engineers - Planning Services  
 6600 Central Expressway, Orlando, Florida 32817  
 Phone: 407-239-8800  
 Fax: 407-239-8800  
 E-mail: harling@harclocklin.com

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	07/20/2003
2	REVISED PER PERMIT	07/20/2003
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9	REVISED PER PERMIT	07/20/2003
10	REVISED PER PERMIT	07/20/2003
11	REVISED PER PERMIT	07/20/2003
12	REVISED PER PERMIT	07/20/2003

# LOMA VISTA

<b>Industrial to Higher Intensity Planned Development</b>		<b>Amendment 02S.FLU01 &amp; Z2001-040</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Harling Locklin & Associates, Inc. (Hugh Harling)	
<b>PLAN AMENDMENT</b>	Industrial to HIP (Higher Intensity Planned Development)	
<b>REZONING</b>	A-1 (Agriculture) to PUD (Planned Unit Development)	
<b>APPROXIMATE GROSS ACRES</b>	4.07	
<b>LOCATION</b>	West side of SR 426 (Aloma Avenue), east of SR 417 (Greenway), between Dean Road and Mitchell Hammock Road	
<b>SPECIAL ISSUES</b>	The site abuts a portion of the Cross Seminole Trail.	
<b>BOARD DISTRICT</b>	#1 – Commissioner Maloy	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>Board of County Commissioners</b> March 12, 2002	The Board of County Commissioners voted to transmit the project to the Department of Community Affairs for review.	
<b>Department of Community Affairs</b> June 28, 2002	On June 28, 2002, the Department of Community Affairs issued an Objections, Recommendations and Comments letter and did not have any objections to this amendment.	
<b>Board of County Commissioners</b> August 27, 2002	On August 13, 2002, the Board of County Commissioners voted to continue this item until September 10, 2002 at the request of the applicant's representative.	
<b>Board of County Commissioners</b> September 10, 2002	On September 10, 2002 the Board of County Commissioners voted to continue this item until December 10, 2002 public hearing in order to resolve the placement of the masonry wall along the southwestern portion of the property line for the apartment complex.	



**STAFF  
RECOMMENDATION**

March 12, 2002,  
August 13, 2002,  
August 27, 2002,  
September 10, 2002,  
and December 10,  
2002.

**PLAN AMENDMENT:** Recommend approval of the Higher Intensity Planned Development (HIP) land use with findings that HIP land use, as proposed, would be:

1. Consistent with Plan policies related to the HIP land use designation; and
2. Consistent with adjacent HIP and Industrial land uses; and
3. Consistent with Plan policies related to mixed-use development; and
4. Consistent with previous approvals for the Loma Vista PUD; and
5. Consistent with Plan policies identified at this time.

**REZONE:** Based on the above analysis, staff recommends:

1. The request, as proposed, would be compatible with surrounding development and surrounding Future Land Use designations of Industrial and HIP; and
2. The request, as proposed, would be consistent with the Loma Vista PUD.

Therefore, Planning Staff recommends approval of the A-1 to PUD rezoning request.

# STAFF ANALYSIS

## Industrial to Higher Intensity Planned Development

Amendment  
02S.FLU01 &  
Z2001-040

1. **Property Owners:** Clayton Invest, Ltd., CWC Invest., Ltd.
2. **Tax Parcel Numbers:** 30-21-31-300-0110-0000
3. **Applicant's Statement:** The amendment site is in an area that is a logical expansion of the uses requested. Urban services are available and the proposed land use is a compatible use with the existing and proposed development pattern.
4. **Development Trends:** The area along the west side of State Road 426 (Aloma Avenue), south of Chapman Road and east of SR 417 has been developing with a mixture of industrial, commercial, and multi-family uses. If approved, the subject property will be incorporated into the Loma Vista PUD, which is a mixed use development that permits industrial, institutional, commercial and multi-family uses.

## SITE DESCRIPTION

### EXISTING AND PERMITTED USES:

- a. The A-1 zoning district also permits single-family development and a variety of agricultural and non-residential uses, such as churches.
- b. The requested Higher Intensity Planned Development land use and PUD zoning, as proposed, potentially permit the proposed uses of industrial, institutional, commercial, and multi-family within a mixed-use PUD. The applicant proposes to incorporate the subject property into the existing Loma Vista PUD. The subject property is located on the west side of the Cross Seminole Trail and the applicant would be required to obtain a trails crossing permit from the County and the Office of Greenways and Trails. Since the transmittal of the plan amendment to the Department of Community Affairs, the applicant and County Staff have made several minor revisions and clarifications to the developer's commitment agreement and final master plan, such as property ownership.

Location	Future Land Use*	Zoning*	Existing Use
Site	Industrial	A-1	Vacant
North	N/A	A-1	The Central Florida Greenway (SR 417)
South	Higher Intensity Planned Development	PUD	Loma Vista PUD, which permits multi-family residential, institutional, industrial and commercial uses
East	Industrial	A-1	Cross Seminole Trail and vacant
West	N/A	A-1	The Central Florida Greenway (SR 417)

\* See enclosed future land use and zoning maps for more details.

## **COMPREHENSIVE PLAN CONSISTENCY**

**2. PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect on the timing/financing of these programs) that will be affected by the amendment if approved.

**Summary of Program Impacts:** The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is through Loma Vista PUD internal roadway system, which is constructed to Seminole County standards. However, direct access to the subject property would have to be gained by crossing the Cross Seminole Trail and obtain joint access through an adjacent tract within the Loma Vista PUD. The applicant shall be required to apply to the County and state's department of the Office of Greenways and Trails for a trails crossing permit.

**B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County.*

The subject property is within the Seminole County Utilities water and sewer service area.

**C. Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Rescue Howell Branch Station (Station # 23). Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**3. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 20/20 Plan, but are not applied in detail at this stage.

**A. Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities. If approved, the developer shall be required to apply to the County and the state's department of the Office of Greenways and Trails for trails crossing permit.

**B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The subject property does not contain any wetlands and/or flood prone areas.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering for the subject property.

**4. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, Higher Intensity Planned Development land use, as proposed, would be consistent with Plan policies identified at this time and therefore is consistent with the Seminole County Vision 2020 Plan.

Applicable Plan policies include, but are not limited to, the following:

- 1. Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

The Higher Intensity Planned Development future land use designation encourages a variety of residential and non-residential development along collector and major arterial roadways, as well as expressways. Due to the

subject property's proximity to Industrial land uses to the north, SR 426, and the Central Florida Greenway, the development's proposed intensity would be consistent with the requested future land use designation of HIP.

In addition, the PUD zoning classification provides for flexibility in determining if a project is compatible with adjacent properties, through sensitive site design, such as sufficient buffering and limiting adjacent uses to passive and unobtrusive uses. However, if the subject property were to develop as multi-family prior to the Industrial property, the multi-family project shall be required to provide all applicable active/passive buffers.

Other applicable plan policies include:

Higher Intensity Planned Development – Core and Transitional Areas Definition  
Higher Intensity Planned Development (HIP) General Uses and Intensities (Policy FLU 5.7)  
Higher Intensity Planned Development (HIP) Purpose (Policy FLU 5.6)  
Determination of Compatibility in the PUD Zoning Classifications (Policy FLU 2.11)  
On-site Traffic Flow (Policy FLU 2.12)

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

**5. COORDINATION** - Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

**A. Plan Coordination:** *The County shall continue to coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land (Intergovernmental Coordination Policy 8.2.12). Seminole County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies*

*by...as the County is now a charter County (Intergovernmental Coordination Policy 8.3.3).*

The Vision 2020 Plan fully complies with the State Comprehensive Plan adopted pursuant to Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council pursuant to Chapter 163, Florida Statutes. Consistency with the State Plan and the Regional Policy Plan will be evaluated by individual review agencies during the Plan amendment review process.

**LOMA VISTA P.U.D.**  
**FINAL MASTER PLAN**  
**DEVELOPER'S COMMITMENT AGREEMENT**

**COMMITMENTS, CLASSIFICATIONS, AND DISTRICT DESCRIPTION**  
**APPROVED BY THE SEMINOLE COUNTY BOARD OF COUNTY**  
**COMMISSIONERS**

**I. LEGAL DESCRIPTION**

THAT PORTION OF THE EAST 7/8 OF THE NORTH 2 OF THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA LYING WESTERLY OF STATE ROAD 426 AND SOUTHEASTERLY OF THE EXPRESSWAY BELTWAY; LESS THE RIGHT-OF-WAY FOR THE SEABOARD COASTLINE RAILROAD.

AND

THE WEST ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA LYING SOUTHERLY OF THE EASTERN BELTWAY AND NORTHERLY OF THE FLORIDA RAILS TO TRAILS.

CONTAINING 56.86 ACRES MORE OR LESS.

**II. PROPERTY OWNERS**

Charles W. Clayton, Jr.  
W. Malcolm Clayton  
Seminole Co. Loma Vista Partners, Ltd.

**III. STATEMENT OF BASIC FACTS**

A. Total Area:	56.86 Acres
B. Zoning: Development	Planned Unit
C. Density of Residential Tracts B, D, F, & L (as listed below):	20 dwelling units per acre or 480 dwelling units maximum



- D. 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.
- E. The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.
- F. 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 owners are as follows:

**IV. TRACTING PLAN – LAND USE BREAKDOWN**

<i>Tract</i>	<i>Name</i>	<i>Max. # of Dwelling Units</i>	<i>Gross Area</i>	<i>% of Site</i>
A	Multi-Family	382	23.33	41.03%
B	Commercial/Institutional/ Multi-Family	29	2.08	3.66%
C	Lift Station		0.9	0.16%
D	Commercial		5.10	8.97%
E	Retention/Open Space		5.92	10.41%
F	Commercial/Industrial/Multi-Family	95	5.53	9.73%
G	Jogging Trail		0.34	0.60%
	Open Space/Drainage		0.34	0.60%
J	Access/Utility Easement		0.79	1.39%
K	Access/Utility Easement		1.63	2.87%
L	Commercial/Industrial	69	4.17	7.33%
	Pond		7.54	13.25%
<b>TOTAL</b>			<b>56.86</b>	<b>100%</b>

**V. OPEN SPACE CALCULATIONS**

Open space shall be provided at an overall rate of 25%, or a minimum of 14.12 acres throughout the entire PUD. A lake will serve as the major open space element for the PUD, designed to serve both this project and the Seminole County Trail. Remaining open space (as listed below) is achieved through active recreation, passive recreation and other green

space in the PUD, subject to approval by the Planning Manager during final site plan approval.

Total Land Area: 56.86 acres, less 0.4 acres SR 426 R/W = 56.46 gross acreage

Required Open Space: 25% = 56.46 acres x 0.25 = 14.12 acres open space

The Open Space/Lake Tract "E" shall be encumbered as a permanent easement. Maintenance of the Open Space/Lake Tract shall be funded equitably by all property owners within the PUD. Other Open Space within each tract shall be owned and maintained by the individual property owners.

*Open Space Provided:*

Pond – Shoreline landscaped w/5' trees @ 75' on center, lake perimeter with jogging path, four (4) benches along jogging path and access easement from the Seminole County Trail to the lakeshore and lake jogging path..... 7.54 acres

Tract "G" – Trail connector, paved from the Seminole County Trail to SR 426 to provide neighborhood access to the Trail..... 0.34 acres

Tract "I" – Shoreline landscaped w/5' trees @ 75' on center & one (1) bench for a Trail rest stop ..... 0.34 acres

Tract "E" - Shoreline landscaped w/5' trees @ 75' on center & one (1) bench for a Trail rest stop ..... 5.92 acres

Tract "A" – Active/Passive Recreation facilities required for either multi-family or commercial uses within this Tract include: one (1) swimming pool, one (1) clubhouse, (1) tot lot, one (1) swing set, one (1) slide, one (1) grassed sports field, one (1) basketball goal and a landscaped berm along SR 426 ..... 1.9 acres

Tract "F" – Active/Passive Recreation facilities required for either multi-family or commercial uses within this Tract include: a fire break buffer yard, two (2) grassed sports fields, one (1) swing set, one (1) slide and one (1) basketball goal ..... 1.4 acres

Tract "L" – Active/Passive Recreation facilities required for either multi-family or commercial uses within this Tract include: a fire break buffer

yard, two (2) grassed sports fields, one (1) swing set, one (1) slide and one (1) basketball goal

..... 1.0 acres

**VI. BUILDING SETBACKS**

**COMMERCIAL USE:**

Front ..... 25'  
Side External (PUD North & West perimeter) ..... 5'  
Side Internal (PUD internal lot line)..... 0'  
Rear ..... 10'  
Adjacent to A-1 zoned property at the Western perimeter of the PUD ..... 75'  
Adjacent to Aloma Bend MFR on South ..... per Sec 30.1232 LDC  
Adjacent to internal MFR (PUD internal lot line) ..... 25'  
Maximum Building Height ..... 35'

**INDUSTRIAL USE:**

Front ..... 35'  
Side External (PUD North & West perimeter) ..... 20'  
Side Internal (PUD internal lot line)..... 5'  
Adjacent to Aloma Bend MFR on south ..... per Sec 30.1232 LDC  
Rear ..... 20'  
Maximum Building Height ..... 35'

**INSTITUTIONAL USE:**

Front ..... 25'  
Side..... 10'  
Rear ..... 20'  
Adjacent to A-1 zoned property at the Western perimeter of the PUD ..... 75'  
Adjacent to Aloma Bend MFR on south ..... per Sec 30.1232 LDC  
Maximum Building Height ..... 35'

**MULTI-FAMILY USE:**

Front ..... 25'  
Side..... 10'  
Rear ..... 20'  
Adjacent to A-1 zoned property at the Western perimeter of the PUD ..... 75'  
Adjacent to Aloma Bend MFR on south ..... 20'

Maximum Building Height .... 35'

**PERMITTED USES**

**COMMERCIAL TRACTS (B, D, F, & L):**

All permitted and conditional uses allowed in C-1 zoning classification, plus hotels, motels, minor auto/truck repair, personal self-storage, vehicle oil lubrication shops, convenience stores with gas pumps as an accessory use, car washes, auto/truck/trailer rental, schools and colleges.

**INDUSTRIAL TRACTS (B, F, & L):**

All permitted and conditional uses allowed in the C-3 and M-1A zoning classifications.

**INSTITUTIONAL TRACTS (B, F, & L):**

Schools and colleges, nursing homes, adult congregate living facilities, assisted living facilities, fraternities/sororities, day care centers and churches.

**MULTI-FAMILY TRACTS (A, B, F, & L):**

All permitted and conditional uses within the R-4 zoning classification.

**MULTIPLE LAND USE RESTRICTIONS**

1. If any portion of Tract "B", "F" or "L" is used for commercial uses, then the remainder of such Tract may only be used for commercial uses.
2. If any portion of Tract "B", "F" or "L" is used for multi-family or industrial purposes, then the remainder of such Tract may only be used for multi-family or institutional purposes.

**IX. LANDSCAPE & BUFFER CRITERIA**

1. Landscape Buffers shall comply with the following:

COMMERCIAL USES:	Front.....	5' min., 10' avg.
	SR 426.....	5' min., 10' avg.
	Side .....	5'
	Rear.....	5'

LDC	Adjacent to A-1 zoned property at perimeter of the PUD	per Sec 30.1232
LDC	Adjacent to Aloma Bend MFR on South	per Sec 30.1232
	Adjacent to internal MFR	10' with 6' masonry wall
INDUSTRIAL USES:	Front .....	.....5' mid., 10' avg.
	SR 426.....	.....5' min., 10' avg.
	Side .....	.....10'
	Rear.....	.....10'
INSTITUTIONAL USES:	Front .....	.....5' mid., 10' avg.
	SR 426.....	.....5' min., 10' avg.
	Side .....	.....10'
	Rear.....	.....10'
	Adjacent to A-1 zoned property at perimeter of the PUD ..	per Sec 30.1232 LDC
	Adjacent to Aloma Bend MFR on South.....	per Sec 30.1232 LDC
MULTI-FAMILY USES:	Front .....	5' min., 10' avg.
	SR 426.....	5' min., 10' avg.
	Side .....	5'
	Rear.....	5'
	Adjacent to A-1 zoned property at the perimeter of the PUD .....	.....15' buffer w/ 6' masonry wall
	Adjacent to Aloma Bend MFR on South.....	5', two (2) rows of trees at 25' on center, 30" high hedge at 36" on center, no screenwall is required

2. A fire-break fifteen feet (15') in width along the West property line.
3. Any outside storage or mechanical repair facilities shall be screened from view from adjacent properties and rights of ways.
4. Landscape materials type and size shall conform to Seminole County Land Development Code specifications.

## **X. DEVELOPMENT COMMITMENT**

The following conditions shall be met by the owners prior to certificate of occupancy being issued:

1. The Owners shall dedicate by warranty deed right-of-way to provide a 50' one-half right-of-way along SR 426.
2. Internal roadway section of Street "A" shall be at least fifty feet (50') wide with a curb and gutter section.
3. The Owners shall fund a pro-rata share of cost of design, permit & construction for signalization at SR 426 and Street "A", when warranted, as determined by the County Engineer.
4. Design of the intersection at SR 426 and Street "A" shall comply with Seminole County Transportation Standards. Right-of-way needed for the improvement shall be dedicated by the Owners.
5. Parking spaces in industrial or commercial Tracts shall be a minimum of ten feet (10') wide by eighteen feet (18') deep, provided an overhang of two feet (2') is added to the abutting sidewalk or buffer. Parking spaces in multi-family and institutional Tracts shall be a minimum of nine feet (9') wide by eighteen feet (18') deep, provided an overhang of two feet (2') is added to the abutting sidewalk or buffer.
6. A sidewalk of five feet (5') in width shall be constructed along SR 426 adjacent to the site.
7. A sidewalk four feet (4') in width shall be constructed along the South side of internal Street "A" to provide internal pedestrian access between multi-family and non-residential Tracts.
8. A concrete or asphalt Trail connector six feet (6') in width shall be provided along the North side of internal Street "A" (via Loma Place) and provide external pedestrian access between SR 426 and the Cross Seminole Trail (CST).
9. The Owners shall grant an easement to Seminole County between the CST and Tract "G" to allow mutually acceptable recreational trail amenities consistent, however, with the plans for the CST as determined by the Planning Manager.
10. The crossing of Street "A" (via Loma Place) at the Seminole County Trail shall comply with trail crossing standards. Final details to be determined by the County Engineer at time of roadway construction plan review and approval.
11. Covered picnic area shall include components or replicas of historic structure and brass plaque providing historical information and shall be placed within the Seminole County Trail right-of-way prior to completion of the trail.
12. Owners shall dedicate a sixty foot (60') wide access easement over Tract "G" from the old CSX right-of-way (the CST) to the lake.

13. The Owners shall dedicate a twenty (20') wide access easement over Tract "J" adjacent to the CST.
14. The developers of the Loma Vista Apartments shall pay a total of \$159,677.50, in lieu of the following conditions:
  - a. Developer shall install two (2) benches at the lake shore. Installation shall occur prior to completion of the Seminole County Trail.
  - b. Owners shall furnish two (2) air pumps, three (3) bike racks, and two (2) picnic tables adjacent to the covered picnic area. Installation shall occur prior to completion of the Seminole County Trail.
  - c. Developer shall install two (2) benches at the lake shore. Installation shall occur upon completion of the Cross Seminole Trail crossing by Street "A" or completion of the Trail, whichever occurs first.
  - d. The Owners shall install one (1) bench for Seminole County trail users. Installation shall occur upon completion of the Seminole County Trail.
  - e. The Owners shall provide water and sewer stub-outs at the intersection of CST and Street "A" at time of construction of the Seminole County Trail crossing by Street "A".
  - f. A drinking fountain and water service for irrigation along the CST.
15. The Owners shall reserve a fifty (50') foot one-half (½) right-of-way along SR 426 adjacent to Tract A and A-1 as shown on the approved Master Plan.
16. Internal roadway section of Street "A" shall be at least fifty feet (50') wide with a curb and gutter section.
17. Provide an easement to Seminole County between Seminole County Trail and ~~Tract "G"~~ Lot "5B" to allow mutually acceptable recreational Trail amenities consistent, however, with the plans for the Seminole County Trail as determined by the Comprehensive Planning Manager.
18. The crossing of Street "A" (via Loma Place) at the Seminole County Trail shall comply with County Trail Crossing Standards. Final details to be determined by the County Engineer at time of roadway construction plan review and approval.
19. Owners shall dedicate a twenty foot (20') wide access easement over Tract "A" adjacent to the CST and install one (1) bench for Seminole County Trail users. Installation shall occur upon completion of the Seminole County Trail.
20. Owners shall provide a potable water service and drinking water fountain at the covered picnic area. Installation shall occur prior to the completion of the Seminole County Trail.
21. Owners shall provide a Landscape Buffer adjacent to CSX right-of-way. Installation shall occur upon completion of the Seminole County Trail.

22. Owners shall provide water and sewer stub-outs at the intersection of CST and Street "A" at time of construction of the Seminole County Trail crossing by Street "A" (Via Loma Place).

## **XI. PUBLIC FACILITIES**

The Owners have submitted the property for a concurrency review. Among conditions relating to concurrency public facilities are the following:

### **WATER:**

Water service will be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

### **SANITARY SEWER:**

Central sanitary sewer will be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

### **STORM DRAINAGE:**

Stormwater drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District's stormwater regulations.

### **FIRE PROTECTION:**

The Owners shall install a fire hydrant at the Southwest corner of the site, accessible to the adjacent properties prior to December 24, 2002. Fire protection will be provided by Seminole County. Fire flow will be a minimum of 1,250 G.P.M. with 20 P.S.I. Fire hydrant shall be located according to Seminole County regulations.

## **XII. STANDARD PROVISIONS**

- 1 All development shall fully comply with all of the codes and ordinances in effect in Seminole County (unless stated otherwise herein) at the time of issuance of permits including all impact fee ordinances.
2. This development order touches and concerns the aforescribed property and the conditions, commitments and provisions of the development order shall perpetually burden, run with and follow the said property and be servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.



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

**DONE AND ORDERED ON THE 10<sup>th</sup> OF DECEMBER 2002.**

BY: \_\_\_\_\_  
Daryl G. McLain  
Chairman of Seminole County  
Board of County Commissioners

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the Owner, Charles W. Clayton, Jr., on behalf of his heirs, successors, assigns and 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.

WITNESSES:

OWNER:

\_\_\_\_\_  
Witness (Sign and print name)

\_\_\_\_\_  
Charles W. Clayton, Jr.

\_\_\_\_\_  
Witness (Sign and print name)

**Acknowledgement**

STATE OF FLORIDA                    }  
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by Charles W. Clayton, Jr., who is personally known to me or who have produced their Florida Driver's License as identification.

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the Owner, W. Malcolm Clayton, on behalf of his heirs, successors, assigns and 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.

WITNESSES:

OWNER:

\_\_\_\_\_  
Witness (Sign and print name)

\_\_\_\_\_  
W. Malcolm Clayton

\_\_\_\_\_  
Witness (Sign and print name)

**Acknowledgement**

STATE OF FLORIDA                    }  
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by W. Malcolm Clayton, who is personally known to me or who have produced their Florida Driver's License as identification.

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the Owner, Seminole Co. Loma Vista Partners, Ltd. on behalf of their heirs, successors, assigns and 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.

WITNESSES:

OWNERS:

\_\_\_\_\_  
Witness (Sign and print name)

\_\_\_\_\_  
James P. Brock, Vice President  
Seminole County Loma Vista  
Partners, Ltd.

**Seminole Co. Loma Vista Partners, Ltd.**, a FL limited partnership  
By: CED Capital Holdings XIII, Ltd., a FL limited partnership,  
its general partner

\_\_\_\_\_  
Witness (Sign and print name)

By: CED Capital Holdings XIII, Inc., a FL corporation,  
its managing general partner

**Acknowledgement**

STATE OF FLORIDA    }  
COUNTY OF SEMINOLE }

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by Jay P. Brock Vice President Seminole County Loma Vista Partners, Ltd. who is personally known to me or who have produced their Florida Driver's License as identification.

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT), BY ASSIGNING NEW ZONING CLASSIFICATIONS TO THE SUBJECT PROPERTIES; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; 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.**

The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Loma Vista".

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. REZONING.**

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

Legal Description Attached as 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) 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. This Ordinance shall be come effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

(b) Section 2 of this Ordinance shall take effect on the date that Amendment 02S.FLU1 to the Seminole County Vision 2020 Plan becomes effective.

ENACTED this 10th day of December, 2002.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

**EXHIBIT "A"**

THE WEST ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 30,  
TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA LYING  
SOUTHERLY OF THE EASTERN BELTWAY AND NORTHERLY OF THE FLORIDA  
RAILS TO TRAILS.

Containing approximately 4.07 acres, more or less

**AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A LARGE SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM INDUSTRIAL TO HIGHER INTENSITY PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

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

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

**WHEREAS**, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on February 20, 2002, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and



**WHEREAS**, the Board of County Commissioners held Public Hearings on March 26, 2002, and December 10, 2002, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

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

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

**Section 1. RECITALS/LEGISLATIVE FINDINGS:**

The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.

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

**Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:**

The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by changing the future land use designation assigned to the property described in attached Appendix "A" as follows:

**LEGAL DESCRIPTION**

THE WEST ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA LYING SOUTHERLY OF THE EASTERN BELTWAY AND NORTHERLY OF THE FLORIDA RAILS TO TRAILS.  
Containing 4.07 acres, more or less

<u>Amendment Number</u>	<u>Amendment</u>
02S.FLU01	Amendment from Industrial to Higher Intensity Planned Development

**Section 3. SEVERABILITY:**

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

**Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

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

**Section 5. EFFECTIVE DATE:**

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

This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be twenty-two (22) days after the date of enactment by the Board of County Commissioners or, if challenged within twenty-one (21) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective

status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

**ENACTED this 10th day of December  
2002.**

**BOARD OF COUNTY  
COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA**

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

## **APPENDIX A**

### **LEGAL DESCRIPTION**

THE WEST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 30, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA LYING SOUTHERLY OF THE EASTERN BELTWAY AND NORTHERLY OF THE FLORIDA RAILS TO TRAILS.

Containing 4.07 acres, more or less