

Item # 83

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: CREEKSIDE PUD MAJOR AMENDMENT

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dori L. DeBord CONTACT: Ian Sikonia EXT. 7398

Agenda Date <u>12/12/06</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>		Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

1. **APPROVE** the PUD Major Amendment, and Addendum #1 to the Creekside PUD Amended and Restated Developer's Commitment Agreement Amending certain provisions as to Tracts C and D therein, and approve the Revised Final Master Plan, for 65.63± acres located on the southwest corner of the intersection of Ronald Reagan Blvd. and SR 417, and authorize the Chairman to execute the aforementioned document (KB Home Orlando, LLC, applicant); or
2. **DENY** the PUD Major Amendment, Addendum #1 to the Creekside PUD Amended and Restated Developer's Commitment Agreement Amending certain provisions as to Tracts C and D therein, and deny the Revised Final Master Plan, for 65.63± acres located on the southwest corner of the intersection of Ronald Reagan Blvd. and SR 417, and authorize the Chairman to execute the Denial Development Order (KB Home Orlando, LLC, applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 5 – Commissioner Carey

Ian Sikonia, Senior Planner

BACKGROUND:

The Creekside PUD Amended and Restated Developer's Commitment Agreement and Final Master Plan were approved by the Board of County Commissioners on November 9, 2004. The approval was for 148 single-family homes and 186 townhouse units on 65.63± acres.

At this time, the applicant is requesting to amend certain setback requirements for the northern and western property lines contained in the town home tracts of C & D in order to construct larger units. The lots that

Reviewed by:	<u>KET</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>ph130pdp07</u>

would be affected by this amendment are 51 through 58 along the western property line, and lots 1 through 8 and 65 through 76 along the northern property line. All of the buffer standards and wall requirements will remain in effect. The following standards are contained in the approved Creekside Amended and Restated Developer's Commitment Agreement:

V. BUILDING AND LOT RESTRICTIONS

Townhomes:

B. Minimum required setbacks for lots 51-64 along the west property line shall be:

- 20' front
- 10' rear

Minimum required setbacks for lots 1-8 & 65-76 along the north property line shall be:

- 20' front
- 10' rear

F. The following shall be required on the west property line adjacent to lots 51-64:

- 1. 50-foot building setback

G. The following shall be required on the north property line adjacent to CR 427;

- 1. 25-foot building setback

The applicant is proposing to amend the Amended and Restated Developer's Commitment Agreement relating to setback requirements along the western and northern property lines which would read:

V. BUILDING AND LOT RESTRICTIONS

Townhomes:

B. Minimum required setbacks for lots 51-64 along the west property line shall be:

- 20' front
- 9' rear

Minimum required setbacks for lots 1-8 & 65-76 along the north property line shall be:

- 20' front
- 9' rear

- F. The following shall be required on the west property line adjacent to lots 51-64:
 - 1. 45-foot building setback

- G. The following shall be required on the north property line adjacent to CR 427;
 - 1. 20-foot building setback

COMPATIBILITY STATEMENT:

The proposed major amendment is consistent with the intent of the Creekside PUD Development Order approved on May 26, 1987, therefore a rezone from PUD to PUD is not required. The proposed amendment to the PUD will not have any effects on wetlands, floodplains, threatened and endangered species, Concurrency, utilities, traffic, public safety, or schools. Staff has reviewed the request for compatibility with the surrounding properties and finds that it is compatible due to the fact that none of the wall or landscape requirements approved in the 2004 Creekside Amended and Restated Developer's Commitment Agreement will be changed. The required 4 canopy trees per 100' having a minimum caliper of 3" as measured 1 foot above the ground will still be required on the west property line adjacent to lots 51-64 and the north property line adjacent to CR-427. The required 6 foot PVC Fence and 6 foot brick wall will still be required along the west and north property lines. Staff is in agreement that the previously approved landscape and buffer requirements will still sufficiently buffer the one single-family home to the west and CR-427 to the north of the property.

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice was provided to the City of Sanford on October 18, 2006.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Creekside PUD Major Amendment and Addendum #1 to the Creekside PUD Amended and Restated Developer's Commitment Agreement Amending certain provisions as to Tracts C and D therein, and approval of the Revised Final Master Plan, for 65.63± acres located on the southwest corner of the intersection of Ronald Reagan Blvd. and SR 417, based on staff findings.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on November 1, 2006 and voted 5 to 0 to recommend APPROVAL of the PUD Major Amendment, Addendum #1 to the Creekside PUD Amended and Restated Developer's Commitment Agreement Amending certain provisions as to Tracts C and D therein, and approval of the Revised Final Master Plan, for 65.63± acres located on the southwest corner of the intersection of Ronald Reagan Blvd. and SR 417, based on staff's findings.

Attachments:

Location Map

FLU/Zoning Map

Aerial Photo

Revised Final Master Plan

Creekside PUD Development Order (PZ(87)-44)

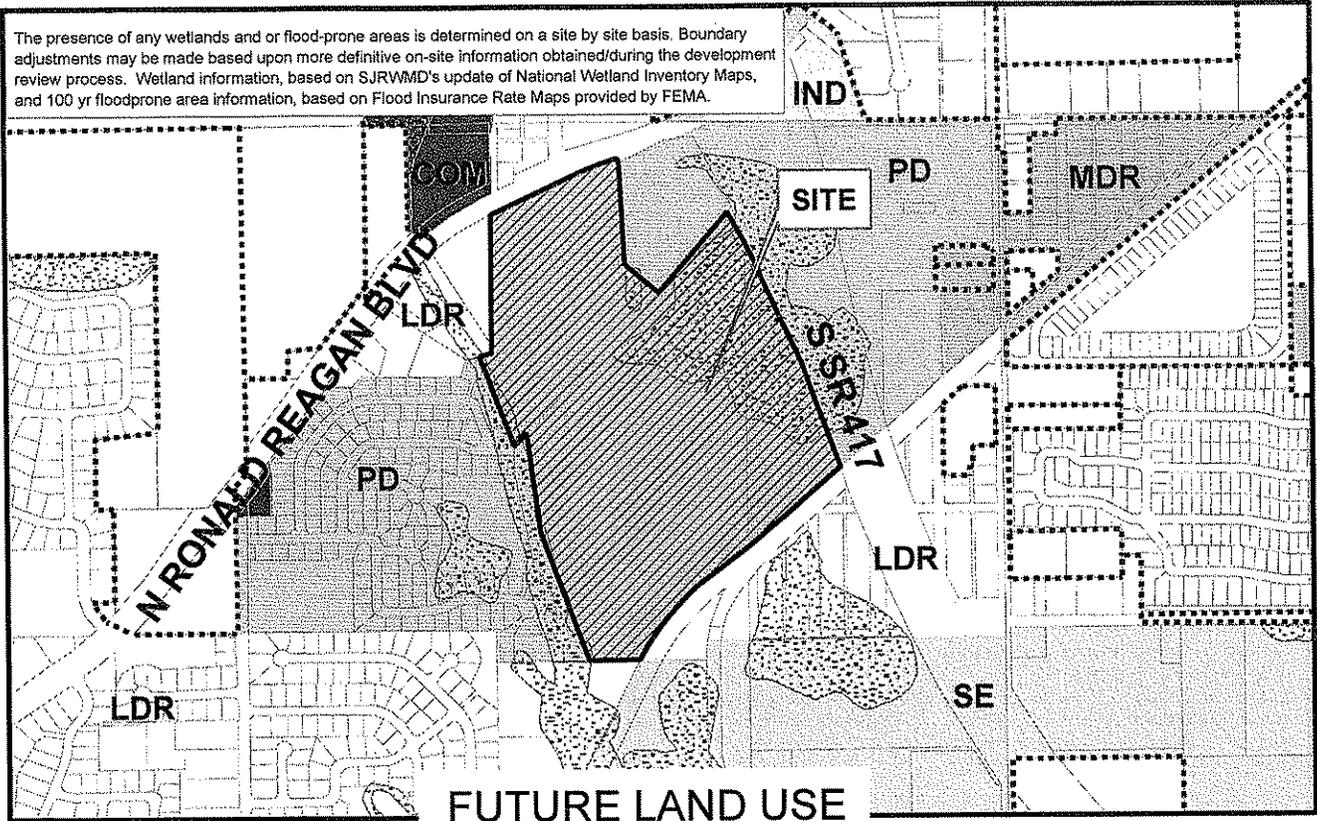
Approved DCA and Final Master Plan

Addendum #1 to the Creekside PUD Amended and Restated Developer's Commitment Agreement

Denial Development Order (applicable if the request is denied)

11/1/06 Planning and Zoning Commission Minutes

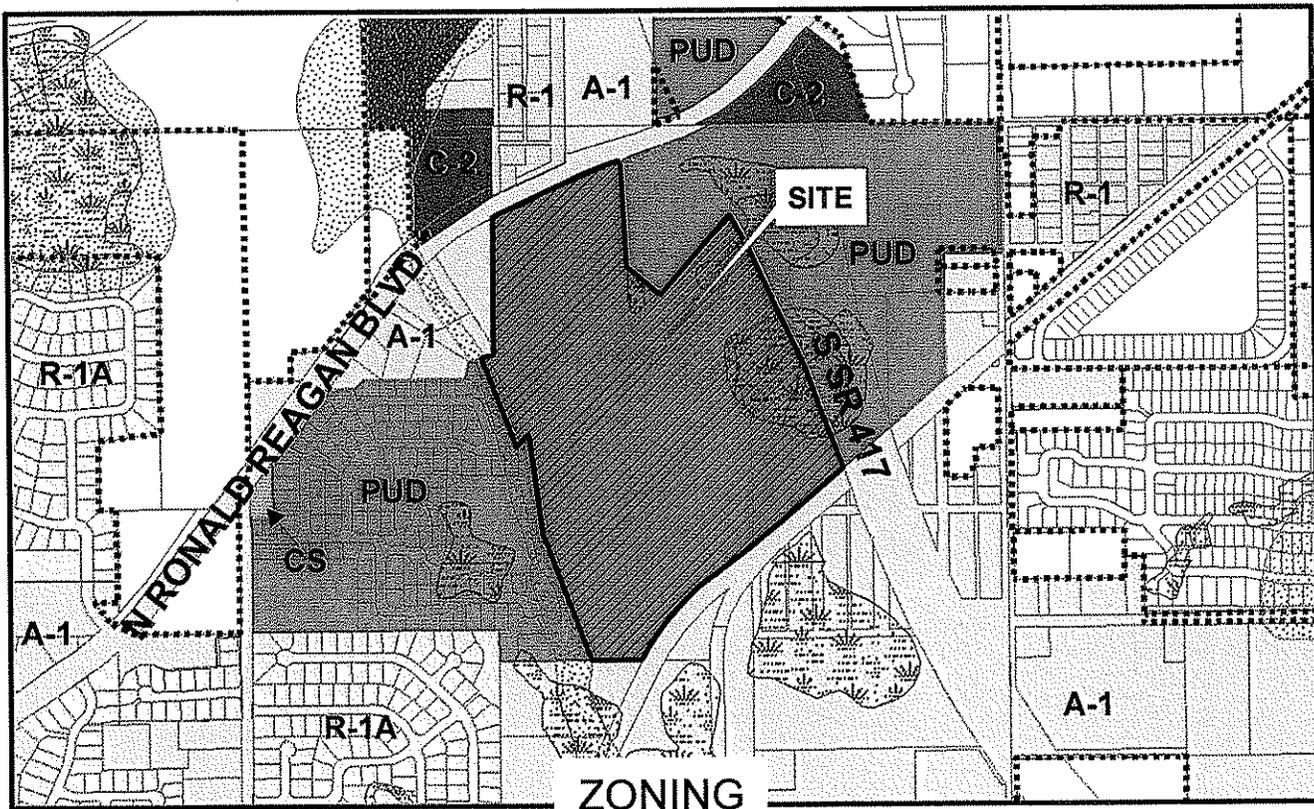
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR SE PD MDR COM IND Site Municipality CONS

Applicant: KB Home Orlando LLC
 Physical STR: 13-20-30-300-0030, 003D, & 0490-0000
 Gross Acres: 65.63 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	---	---	---
Zoning	Z2006-065	PUD	PUD



A-1 R-1A R-1 CS C-2 PUD FP-1 W-1



Rezone No: Z2006-065
From: PUD To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

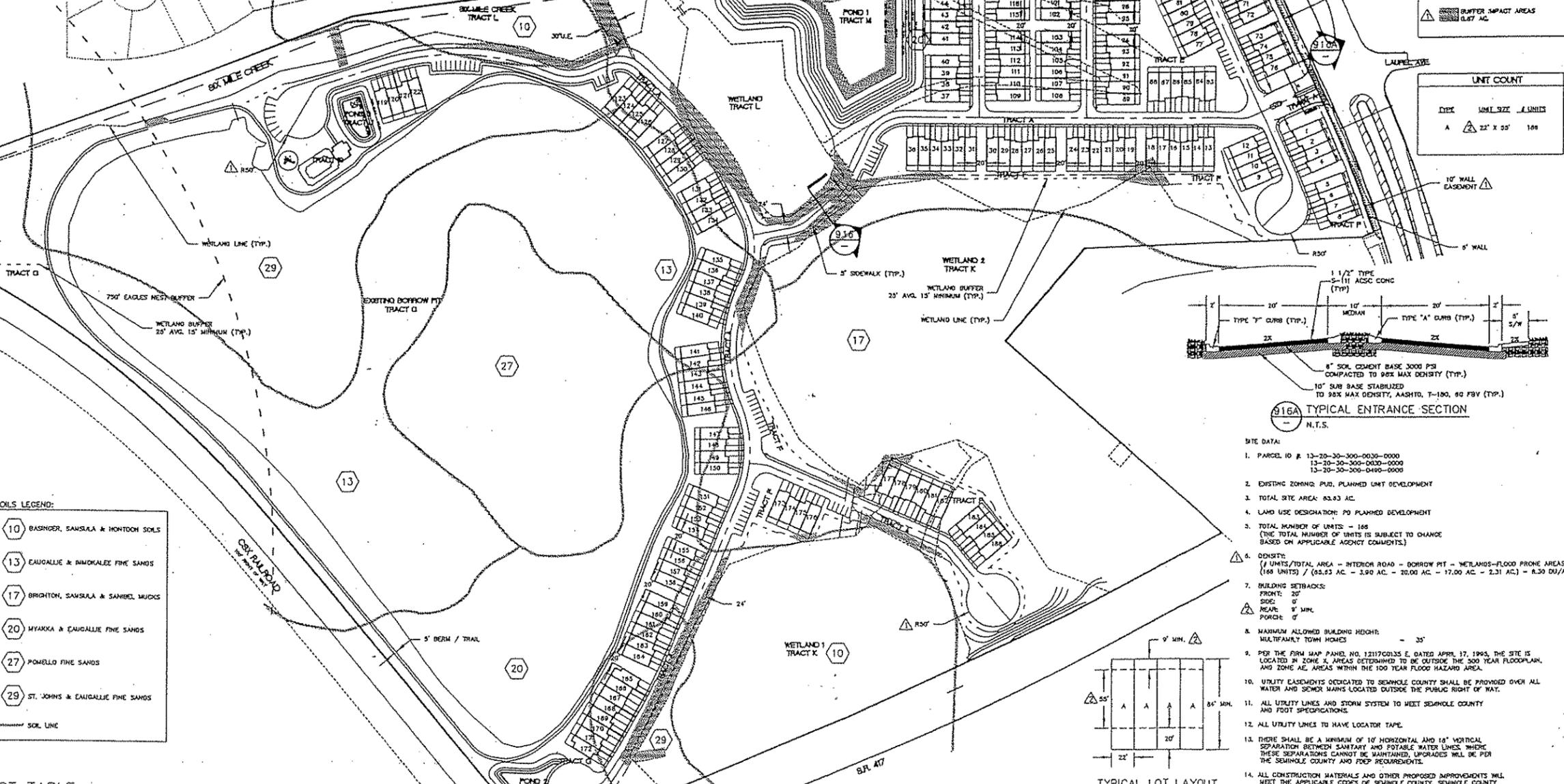
OPEN SPACE

REQUIRED OPEN SPACE = 25% OF TOTAL SITE AREA.
 TOTAL SITE AREA = 65.63 AC.
 TOTAL OPEN SPACE REQUIRED FOR TOWNHOMES = 16.41 AC.

OPEN SPACE PROVIDED:
 - TOTAL SITE AREA = 65.63 AC.
 - INTERNAL ROADWAY AND PARKING (3.98 AC.)
 - REQUIRED BUFFER AREAS (0.41 AC.)
 - 75' EAGLES NEST BUFFER (0.43 AC.)
 - UPLAND COMMON AREAS LESS THAN 15' IN WIDTH (0.43 AC.)
 - PER SECTION 30.1344(1)(C) NO MORE THAN 25% OF THE TOTAL OPEN SPACE REQUIRED MAY BE CLASSIFIED AS CONSERVATION AREAS.
 CONSERVATION AREA ALLOWED TO BE USED AS OPEN SPACE = (14.41 AC. X 0.25) = 3.60 AC.
 CONSERVATION AREA NOT ALLOWED TO BE USED AS OPEN SPACE = 20.88 AC. - 3.60 AC. = 17.28 AC.

USABLE OPEN SPACE:
 65.63 AC. - 3.98 AC. - 0.41 AC. - 7.89 AC. - 0.43 AC. - 16.79 AC. = 36.21 AC. (55.2%)

RECREATIONAL AMENITY INCLUDED AS OPEN SPACE IS THE EX. BORROW PIT WITH LANDSCAPING AND A TRAIL.



SOILS LEGEND:

- 10 BASINOR, SANSULA & HORTON SOILS
- 13 EAUGALLIE & INMOKALEE FINE SANDS
- 17 BRIGHTON, SANSULA & SANIBEL MUCKS
- 20 MYAKKA & EAUGALLIE FINE SANDS
- 27 POMELLO FINE SANDS
- 29 ST. JOHN'S & EAUGALLIE FINE SANDS

SOIL LINE

TRACT TABLE

TRACT	TRACT USE	ACREAGE	PERCENT
A	PAVEMENT / SIDEWALK	4.34 AC.	6.63%
B	OPEN SPACE / COMMON AREA	0.26 AC.	0.40%
C	OPEN SPACE / COMMON AREA	0.81 AC.	1.23%
D	OPEN SPACE / COMMON AREA	0.26 AC.	0.40%
E	OPEN SPACE / COMMON AREA	0.37 AC.	0.56%
F	OPEN SPACE / COMMON AREA	2.02 AC.	3.08%
G	OPEN SPACE / PARK / EX. BORROW PIT	25.89 AC.	39.45%
H	RETENTION	2.03 AC.	3.09%
I	RETENTION	0.23 AC.	0.35%
J	RETENTION	0.17 AC.	0.26%
K	WETLANDS / CONSERVATION	14.27 AC.	21.74%
L	WETLANDS / CONSERVATION	6.82 AC.	10.39%
M	TOWNHOMES	7.95 AC.	12.11%
TOTAL SITE AREA:		65.63 AC.	100%

PROJECT TEAM MEMBERS:

OWNER / DEVELOPER:
 KB HOMES
 8403 S. PARK CIRCLE, STE. 870
 ORLANDO, FL 32819
 PHONE: (321) 354-2309

ENGINEER:
 MADDEN ENGINEERING, INC.
 431 E. HEREDIA AVENUE, SUITE 260
 WELLSBORO, FLORIDA 32791
 PHONE: (407) 622-6330

GEOTECHNICAL:
 YOVANISH ENGINEERING SCIENCES, INC.
 953 SUNSHINE LANE
 ALTAMONTE SPRINGS, FL 32714
 PHONE: (407) 774-9363

ENVIRONMENTAL:
 MORGAN ENVIRONMENTAL CONSULTING, INC.
 740 FLORIDA CENTRAL PARKWAY, STE. 2004
 LONGWOOD, FLORIDA 32750
 PHONE: (407) 280-0440

SURVEYOR:
 LEADING EDGE LAND SERVICES, INC.
 8750 FORUM DRIVE, SUITE 310
 ORLANDO, FL 32831
 PHONE: (407) 351-8730

UTILITY PROVIDERS:

ELECTRIC:
 FLORIDA POWER & LIGHT
 P.O. BOX 2149
 SANFORD, FL 32771
 PH: 407-320-1922

CABLE:
 TIME WARNER CABLE
 844 MADRID ROAD
 DOODLE, FL 34701
 PH: 407-532-0511

GAS:
 FLORIDA PUBLIC UTILITIES
 430 WEST 8TH STREET
 SANFORD, FL 32771
 PH: 407-322-5733

WATER & WASTE WATER:
 SEMINOLE COUNTY
 300 W. LAKE HART BLVD.
 SANFORD, FL 32773
 PH: 407-665-2026

PHONE:
 BELL SOUTH
 132 COMMERCIAL WAY
 SANFORD, FL 32771
 PH: 407-327-0447

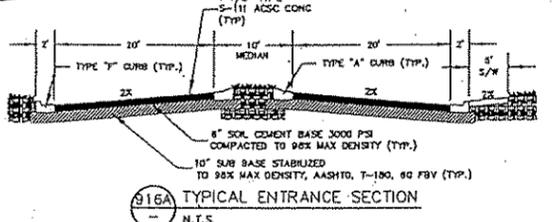


LEGEND

- WETLAND AREAS (PRE 17.81 AC.) (POST 17.00 AC.)
- WETLAND IMPACT AREAS (0.81 AC.)
- BUFFER IMPACT AREAS (0.87 AC.)

UNIT COUNT

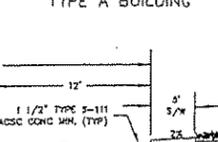
TYPE	UNIT SIZE	# UNITS
A	22' X 25'	108



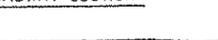
916 TYPICAL ENTRANCE SECTION - N.T.S.

- NOTE DATA:**
- PARCEL ID # 13-20-30-300-0030-0000
 13-20-30-300-0030-0000
 13-20-30-300-0490-0000
 - EXISTING ZONING: PUD, PLANNED UNIT DEVELOPMENT
 - TOTAL SITE AREA: 65.63 AC.
 - LAND USE DESIGNATION: PD PLANNED DEVELOPMENT
 - TOTAL NUMBER OF UNITS = 108
 (THE TOTAL NUMBER OF UNITS IS SUBJECT TO CHANGE BASED ON APPLICABLE AGENCY COMMENTS.)
 - DENSITY:
 (# UNITS/TOTAL AREA - INTERIOR ROAD - BORROW PIT - WETLANDS-FLOOD PRONE AREAS):
 (108 UNITS) / (65.63 AC. - 3.90 AC. - 20.00 AC. - 17.00 AC. - 2.31 AC.) = 6.30 DU/AC.
 - BUILDING SETBACKS:
 FRONT: 20'
 SIDE: 5'
 REAR: 5' MIN.
 PORCH: 0'
 - MAXIMUM ALLOWED BUILDING HEIGHT:
 MULTIFAMILY TOWN HOMES - 35'
 - PER THE FIRM MAP PANEL NO. 1211700335 E. DATED APRIL 17, 1995, THE SITE IS LOCATED IN ZONE X AREAS DETERMINED TO BE OUTSIDE THE 300 YEAR FLOODPLAIN AND ZONE AE AREAS WITHIN THE 100 YEAR FLOOD HAZARD AREA.
 - UTILITY EASEMENTS DEDICATED TO SEMINOLE COUNTY SHALL BE PROVIDED OVER ALL WATER AND SEWER MAINS LOCATED OUTSIDE THE PUBLIC RIGHT OF WAY.
 - ALL UTILITY LINES AND STORM SYSTEM TO MEET SEMINOLE COUNTY AND FOOT SPECIFICATIONS.
 - ALL UTILITY LINES TO HAVE LOCATOR TAPE.
 - THERE SHALL BE A MINIMUM OF 10' HORIZONTAL AND 18" VERTICAL SEPARATION BETWEEN SANITARY AND POTABLE WATER LINES, WHERE THESE SEPARATIONS CANNOT BE MAINTAINED, UPGRADES WILL BE PER THE SEMINOLE COUNTY AND FDCP REQUIREMENTS.
 - ALL CONSTRUCTION MATERIALS AND OTHER PROPOSED IMPROVEMENTS WILL MEET THE APPLICABLE CODES OF SEMINOLE COUNTY, SEMINOLE COUNTY DETAILS WILL BE UTILIZED ON THE FINAL ENGINEERING PLANS.
 - LANDSCAPE PLANS SHALL BE SUBMITTED WITH FINAL CONSTRUCTION PLANS.
 - PLAN ASSUMES THAT THE 50' SETBACK FROM THE HWY. FOR LAKES WILL NOT BE REQUIRED ALONG THE BORROW PIT SHORELINE.
 - SOME MITIGATION WILL BE REQUIRED FOR WETLAND / BUFFER IMPACTS.
 - WETLANDS BY DR. RICHARDS: EAGLES NEST LOCATION PONDING.
 - TOTAL NUMBER OF RESIDUAL PARKING = 138 SINGLE CAR GARAGES + 100 STACK SPACES
 TOTAL NUMBER OF GUEST PARKING = 43 SPACES
 TOTAL NUMBER OF SPACES PROVIDED = 480 SPACES
 - WETLAND AND BUFFER IMPACTS WILL BE MITIGATED IN FINAL LAYOUT IN ACCORDANCE WITH S.E.R.W.M.S. CRITERIA.
 - A LEFT TURN LANE ON C.R. 427 WILL BE MITIGATED AT FINAL ENGINEERING IN ACCORDANCE WITH SEMINOLE COUNTY STANDARDS.
 - THE SLOPES ALONG THE EXISTING BORROW PIT WILL BE REGRADED TO A 4:1 SLOPE TO 2' BELOW THE HWY. WHERE NECESSARY.
 - THE COMMUNITY WILL BE GATED AND THE STREETS WILL BE OWNED AND MAINTAINED BY THE HOA.

TYPICAL LOT LAYOUT TYPE A BUILDING



TYPICAL ROADWAY SECTION



916 TYPICAL ROADWAY SECTION - N.T.S.

MADDEN ENGINEERING, INC.
 CIVIL ENGINEERS
 431 E. Heredia Avenue
 Suite 260
 Wellsboro, Florida 32791
 (407) 622-6330

MASTER LAND USE / PSP FOR C.R. 427 PROPERTY SEMINOLE COUNTY FLORIDA

KB HOMES
 8403 S. PARK CIRCLE, STE. 870
 ORLANDO, FL 32819
 PH: (321) 354-2309

ENGINEER IN CHARGE:
 PHILIP VICK H. NOBBERHEAD, P.E. #61281
 CERTIFICATE OF AUTHORIZATION NO. 08-000783

REVISIONS

NO.	DATE	DESCRIPTION

JOB / 24139
 DATE: 07/01/04
 SCALE: 1"=100'
 DESIGNED BY: LAN
 DRAWN BY: SEW
 APPROVED BY: CHM

ML-1

DEVELOPMENT ORDER

PZ(87)-44

D.O. # 87-0245

PROJECT NAME: CREEKSIDE PUD
APPLICANT: JOE BAKER PROPERTY OWNER: JOE BAKER
SEC 12/13 TWP 20 RNG 30 SUF PARCEL
SUBDIVISION PB PG BLOCK LOT
TRAFFIC ZONE 55/59 JURISDICTION

PROJECT DESCRIPTION

- [x] REZONING FROM RM-1/PUD TO PUD
[] APPROVAL OF SUBDIVISION PLAT. NUMBER OF LOTS
[] APPROVAL OF SITE PLAN/BUILDING PERMIT-SQUARE FOOTAGE/DWELLING UNITS
[] CONSTRUCTION OF SINGLE FAMILY/DUPLEX DWELLING BUILDING PERMIT #
[] OTHER

APPROVAL/DENIAL (BCC APPROVAL REQUIRED YES [x] NO [])

[x] THE DEVELOPMENT ORDER FOR THE ABOVE REFERENCED PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. PAYMENT OF THE FOLLOWING IMPACT FEES PRIOR TO FINAL C.O.:
ROADS IN ACCORDANCE WITH ORDINANCE 87-04
FIRE AS APPLICABLE AT TIME OF BUILDING PERMIT
LIBRARIES
LAW ENFORCEMENT
SCHOOLS
OTHER PARKS:

- 2. OTHER CONDITIONS:
A) FUND TOTAL COST OF SIGNALIZATION AT MAIN ENTRANCE AND PAY PRO RATA SHARE OF ALL OTHERS SERVING THE PROJECT THAT MAY BE WARRANTED
SEE CONTINUATION SHEET FOR ADDITIONAL CONDITIONS [x]

[] THE ABOVE REFERENCED PROJECT DOES NOT COMPLY WITH THE LAND DEVELOPMENT CODE AND IS DENIED FOR THE FOLLOWING REASON:

CERTIFIED COPY
DAVID N. BERRIEN
CLERK OF THE CIRCUIT COURT
SEMI-NOLE COUNTY, FLORIDA

By: [Signature] Deputy Clerk

Date: 6-2-87

MAY 26, 1987

DATE

[Signature]

APPROVAL AUTHORITY

OTHER CONDITIONS (CONT.)

- B) MAINTAIN a 660' SPACING BETWEEN ALL ACCESS ROADS ON CR-427 AND THE LAKE MARY BOULEVARD EXTENSION.
- C) INSTALL LEFT AND RIGHT RUN LANES ON ALL ENTRANCES ON CR-427
- D) DEDICATION OF THE FLOOD PRONE AREAS AND WETLANDS AS CONSERVATION EASEMENTS
- E) ENTER INTO A UTILITY AGREEMENT WITH SEMINOLE COUNTY FOR WATER AND SEWER SERVICE
- F) MAINTAIN A 50' BUFFER AND INSTALL A 6' MASONRY WALL ALONG THE WESTERN BOUNDARY OF THE INDUSTRIAL TRACT AND MAINTAIN A 50' BUFFER ALONG THE WESTERN BOUNDARY OF THE MULTI-FAMILY TRACT
- G) INSTALL A 5' WIDE SIDEWALK ALONG CR-427 FRONTAGE
- H) DEDICATION OF A 50' HALF RIGHT-OF-WAY ALONG SOUTH SANFORD AVENUE AND DEDICATION OF RIGHT-OF-WAY ALONG CR-427 AS DETERMINED DURING FINAL MASTER PLAN APPROVAL
- I) ENTER INTO AN AGREEMENT WITH SEMINOLE COUNTY FOR THE SALE OF RIGHT-OF-WAY NEEDED FOR THE LAKE MARY BOULEVARD EXTENSION. PURCHASE PRICE PROPOSED TO BE AVERAGE BETWEEN APPRAISAL PROVIDED BY APPLICANT AND THAT OBTAINED BY SEMINOLE COUNTY
- J) ENTER INTO AN AGREEMENT WITH SEMINOLE COUNTY TO PURCHASE EXISTING SEWAGE TREATMENT PLANT SITE.

**CREEKSIDE
AMENDED AND RESTATED DEVELOPER'S AGREEMENT**

Approved by the Board of County Commissioners
November 9, 2004

This revision to the Final Master Plan replaces the Final Master Plan
approved on October 13th 1987, as subsequently amended on September, 22, 1992.

RETURN TO SANDY MCCANN

I. Legal Description

The legal description of the PUD is attached hereto as Exhibit "A".

II. Statement of Basic Facts

Total Acreage	155.2
Total Dwelling Units	334
Gross Density	2.15 dwelling units per acre

III. <u>Land Use</u>	<u>Acres</u>	<u>Units</u>	<u>Density</u>
Single Family	33.00	148	4.5
Townhomes	65.63	186	2.83
Borrow Pit / Lake	19.82	--	--
FDOT retention facility ¹	7.19	--	--
SR 417 R/W ¹	29.56	--	--
TOTAL	155.2²	334	2.15

IV. Tract Breakdown

<u>Tract</u>	<u>Use</u>	<u>Acres</u>	<u>Units</u>	<u>Density Units/AC</u>
A, B	Single Family	33	148	4.48
C, D	Townhomes	65.63	186	2.83
E	Borrow Pit/ Lake	19.82	-	-

NOTE: Some tracts combined from original PUD approval

¹ Part of original PUD property, now dedicated for public use.
² Includes public lands no longer part of the PUD.

Creekside PUD Amended & Restated Developer's Commitment Agreement
November 9, 2004

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMIWOLE COUNTY, FLORIDA
BY *Carlyon Cole*

BK 0318 PG 1733

MARYANNE MORSE, CLERK OF CIRCUIT COURT
 SEMIWOLE COUNTY
 BK 05558 PGS 0493-0502
 CLERK'S # 2004198190
 RECORDED 12/27/2004 08:25:52 AM
 RECORDING FEES 86.50
 RECORDED BY J Eckenroth

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE PUBLIC RECORDS OF SEMIWOLE COUNTY, FLORIDA.

V. Building and Lot Restrictions

Townhomes:

- A. Permitted uses shall be single family homes, townhouses, home occupations, home offices, and appropriate accessory uses.
- B. Minimum required setbacks shall be:
 - 20' front
 - 10' rear
 - 5' side (single family only)
 - 15' side street (single family only)
- C. No accessory buildings shall be permitted on platted townhouse lots.
- D. Front setbacks shall be 20 feet from the nearest edge of the sidewalk or the front property line, whichever distance is less.
- E. Balconies and similar appurtenances shall be prohibited on units facing the west property line.
- F. The following shall be required on the west property line adjacent to lots 51-64:
 - 1. 50-foot building setback
 - 2. 25-foot buffer with 4 canopy trees per 100' having a minimum caliper of 3" as measured 1 foot above ground
 - 3. 6-foot PVC fence
- G. The following shall be required on the north property line adjacent to CR 427:
 - 1. 25-foot building setback
 - 2. 6-foot brick or masonry wall
 - 3. 10-foot wall easement and buffer dedicated to the homeowners association
 - 4. 4 canopy trees per 100' having a minimum caliper of 3" as measured 1 foot above ground
- H. Outdoor lighting along the west boundary of the site shall be restricted to decorative lighting on the fronts of the units. However, motion sensitive security lighting shall be permitted in all parts of the development. Also, decorative porch lights attached to the buildings shall be permitted on the rear walls of individual units.
- I. Front walls of the units shall be staggered.
- J. Conversion of garages to living area shall be prohibited.
- K. Architectural design of the units shall be equivalent to those presented at the hearing. Elevations shall be presented to and approved by the Board of County Commissioners prior to Final Engineering approval.

Single Family:

Minimum Square Ft. (Unit) 600
Minimum Square Ft. (Lot) 5,000
Minimum Bldg. Line (Ft.) 50

Minimum Setbacks:

Front	15 feet
Side	0 & 10 feet
Rear	20 feet
Accessory	5 feet

VI. Vehicle and Pedestrian Circulation System:

- A. Sidewalk Systems – Within the single family tract, 4' sidewalks will be installed on both sides of roads. Within the townhouse tract, 5' sidewalks shall be provided adjacent to all dwelling units, with the exception that sidewalks shall be required on only one side of the road in locations where the fronts of units face each other. Crosswalks shall be designated to establish continuous pedestrian access to all parts of the development. Connections shall also be provided to public sidewalks along CR 427.
- B. All roads will be constructed to County standards within single family tracts. Within the townhouse tract, roads shall be constructed as shown on the Final Master Plan.
- C. Within the townhouse tract, at least 1 visitor parking space shall be provided per 3 dwelling units, and parking of recreational vehicles and boats on trailers shall be prohibited.

VIII. Recreation and Open Space

A recreation area will be developed within the townhouse tract and will serve the townhouse residents only. The recreation area shall be shown on Final Engineering plans and shall be located to the south of Lots 119-122. It shall include a pool, cabana, and playground facilities. Other open space will be preserved as wetlands and buffers.

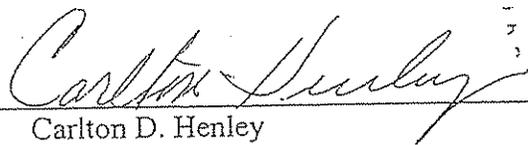
IX. Facility Commitments

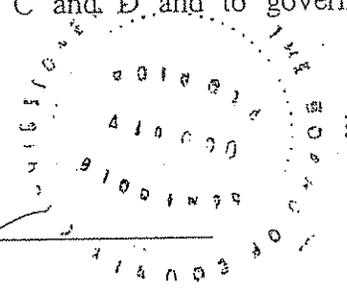
- A. Drainage, Recharge and Water Quality Commitments: All areas below the (post development) 100 year flood prone elevation, as established by FEMA maps, shall be dedicated to Seminole County by legal document (Conservation Easement).
- B. Water and Sewer: Will be provided by Seminole County.
- C. No building permits shall be issued for Tracts C, D or E until the Master Drainage Plan for those tracts have been approved by the County Engineer.

X. Other Commitments

- A. Maintenance: Separate homeowners/property owners associations will be established to maintain common areas within the single family, townhouse, and other tracts of the development, including private road rights-of way, open space and recreational facilities. The borrow pit within the townhouse tract shall be dedicated to the homeowners association for that tract.
- B. Land Development Code Contingency: Unless specifically addressed in this agreement, this development shall fully comply with all Seminole County codes and ordinances, including impact fee ordinances, in effect at the time of issuance of any building permits.
- C. Developer Definition: When the term "Developer" is used herein same shall be taken or construed to mean Baker Farms, Inc. All obligations, liabilities, and responsibilities incurred by or implied by the Developer of this Agreement shall be assumed by any successors in interest as the overall developer of the Planned Unit Development. A developer of tracts C and D (townhouse area) shall be responsible for the commitments undertaken herein as they relate to Tracts C and D only.
- D. Effect of Amendment: This Amended and Restated Developer's Agreement is being made in connection with certain approvals for tracts C and D. Tracts C and D contain the land described in Exhibit "B" hereto, which is owned by BLR Investments, Inc. This Amended and Restated Developer's Agreement is consistent with the terms of the original Developer's Agreement approved on September 5, 1989, as amended on September 22, 1992 as to all of those properties not contained in Tracts C and D, and is made to combine certain undeveloped portions of the PUD into Tracts C and D and to govern the development of Tracts C and D.

Done and Ordered this 9th day of November, 2004.

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



OWNER'S CONSENT AND COVENANT

COMES NOW, the Owner, BLR INVESTMENTS INC., on behalf of itself, its agents, 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 second addendum.

ATTEST: OWNER: BLR Investments LLC

By: [Signature]
Title: Vijay K. Luthra
Pres

By: [Signature]
Bobby Luthra
President
Date: _____
(corporate seal)

Acknowledgement

STATE OF Florida }
COUNTY OF Seminole

The foregoing instrument was acknowledged before me this 6 day of December, 2004, by Bobby Luthra, the President of BLR Investments Inc., who is personally known to me or who has produced his Driver's License as identification and did take an oath.

[Signature]
Notary Public

Print Name:

My Commission expires



George R. Hollingsworth, II
MY COMMISSION # 00015346 EXPIRES
JULY 29, 2005
BONDED THIRD PARTY LIABILITY INSURANCE, INC.

EXHIBIT A

LEGAL DESCRIPTION FOR CREEKSIDE PUD

West ½ of NE ¼ South of Old Orlando Highway; and begin at the SE corner of NE ¼ of NW ¼ of Section 13, Township 20 South, Range 30 East, run S. 86 W, 166.2 feet, thence run N. 19 22' E. 90.28 feet, thence run N. 76 06' E, 137.87 feet, thence run S. 1 14' E. 90.38 feet to the point of Beginning; and North 1/8 of NW ¼ of SE ¼ . (Less parts South & East of the A.C.L. Railroad right-of-ways).

AND:

Parcel 1: Lots 1-42, 44, 46, 48-65, 67-152, 193-216, 216-A, 216-B, 217-231, and 233 of PINECREST as recorded in Plat Book 5, Page 78, of the Public Records of Seminole County, Florida, Section 13, Township 20 South, Range 30 East; Also, West 315 feet of East 615 feet of NE ¼ of Section 13, Township 20 South, Range 30 East, North of Railroad (less North 888 feet).

AND:

Parcel 2: SE ¼ of NW ¼ (Less part North of Highway and Lot described in Deed Book 139, Page 189, and West 25 feet for road), Section 13, Township 20 South, Range 30 East; less Parcel 3A.

EXHIBIT B

LEGAL DESCRIPTION FOR TOWNHOUSE DEVELOPMENT (TRACTS C AND D)

PARCEL 1:

A PARCEL OF LAND LOCATED IN SECTION 13, T20S, R30E, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF SAID SECTION 13; THENCE S00°32'17"E, ALONG THE WEST LINE OF THE NE 1/4 OF SAID SECTION 13, A DISTANCE OF 473.36 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 427 (VARIABLE RIGHT OF WAY) AND THE POINT OF BEGINNING;

THENCE LEAVING THE WEST LINE OF THE NE 1/4 OF SAID SECTION 13 ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 427 THE FOLLOWING THREE COURSES AND DISTANCES: THENCE N64°41'43"E, , A DISTANCE OF 457.84 FEET TO A POINT; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 1968.10', A DELTA ANGLE OF 7°25'55" AND A CHORD BEARING AND DISTANCE OF N68°24'05"E, 255.11 FEET) FOR AN ARC DISTANCE OF 255.29 FEET TO A POINT; THENCE S25°13'00"E, A DISTANCE OF 23.51 FEET TO A POINT; THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 427, S02°23'28"E, A DISTANCE OF 532.01 FEET TO A POINT; THENCE S49°07'06"E, A DISTANCE OF 230.17 FEET TO A POINT; THENCE S41°50'43"W, A DISTANCE OF 1084.79 FEET TO A POINT ON THE EAST LINE OF THE PLAT OF SANFORD PLACE AS RECORDED IN PLAT BOOK 33, PAGES 33-35 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N22°17'34"W, ALONG THE EAST LINE OF SAID SANFORD PLACE, A DISTANCE OF 499.90 FEET TO A POINT; THENCE LEAVING THE EAST LINE OF SAID SANFORD PLACE, N74°57'26"E, A DISTANCE OF 65.18 FEET TO A POINT ON THE WEST LINE OF THE NE 1/4 OF SAID SECTION 13; THENCE N00°32'17"W, ALONG THE WEST LINE OF THE NE 1/4 OF SAID SECTION 13, A DISTANCE OF 742.57 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17.8559 ACRES OF LAND, MORE OR LESS.

PARCEL 2:

A PARCEL OF LAND LOCATED IN SECTION 13, T20S, R30E, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE N40°59'52"E, A DISTANCE OF 551.92 FEET TO A POINT ON THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF STATE ROAD 417 (VARIABLE RIGHT OF WAY); THENCE ALONG THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD 417 THE FOLLOWING THREE COURSES AND DISTANCES: THENCE S27°23'21"E, A DISTANCE OF 330.59 FEET TO A POINT; THENCE S25°04'30"E, A DISTANCE OF 454.45 FEET TO A POINT; THENCE S22°05'36"E, A DISTANCE OF 643.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE CSX RAILROAD (100-FOOT RIGHT OF WAY); THENCE LEAVING THE WESTERLY LIMITED ACCESS RIGHT-OF-WAY LINE OF SAID STATE ROAD 417 THE FOLLOWING TWO COURSES AND DISTANCES ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CSX RAILROAD: THENCE S49°52'44"W, A DISTANCE OF 801.89 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1959.70 FEET, A DELTA ANGLE OF 20°24'31" AND A CHORD BEARING AND DISTANCE OF S39°40'28"W, 694.36 FEET) FOR AN ARC DISTANCE OF 698.04 FEET TO A POINT; THENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CSX RAILROAD, S89°29'24"W, A DISTANCE OF 247.89 FEET TO A POINT; THENCE N20°12'25"W, A DISTANCE OF 730.43 FEET TO A POINT; THENCE N07°45'56"W, A DISTANCE OF 311.97 FEET TO A POINT; THENCE N08°11'07"W, A DISTANCE OF 189.45 FEET TO A POINT; THENCE N41°50'43"E, A DISTANCE OF 1014.87 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 47.7681 ACRES OF LAND, MORE OR LESS.

THE

EXHIBIT C

Final Master Plan

FILE # Z2006-65

**Addendum #1 to the Creekside PUD
Amended and Restated Developer's Commitment Agreement**

This Addendum is relative to and Amends that document entitled, "Creekside PUD Developer's Agreement" (hereinafter, the "Agreement") executed on November 9, 2004; and recorded in the Official Records of Seminole County, Florida, on December 27, 2004 at Book 05558, Pages 0493-0502.

This Addendum augments the Agreement in its current form, and all terms and definitions of said Agreement are binding hereto. Where this Addendum otherwise may materially conflict with the Agreement, the terms and definitions of the Agreement shall prevail and be applied. This addendum pertains solely to that parcel described in the Agreement as "Tract C & D" (Legal Description Attached as Exhibit A). Specifically, the Agreement is amended as follows: (Strikethroughs are deletions, underlines are additions)

V. BUILDING AND LOT RESTRICTIONS

Townhomes:

B. Minimum required setbacks for lots 51-64 along the west property line shall be:

20' front
~~40'~~ 9' rear

Minimum required setbacks for lots 1-8 & 65-76 along the north property line shall be:

20' front
~~40'~~ 9' rear

F. The following shall be required on the west property line adjacent to lots 51-64:

1. ~~50~~ 45-foot building setback

G. The following shall be required on the north property line adjacent to CR 427;

1. ~~25~~ 20-foot building setback

DONE AND ORDERED ON
THIS 12th DAY OF DECEMBER, 2006

By: _____

Carlton D. Henley, Chairman
Seminole County Board of Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW the owner, the KB Home Orlando, LLC, on behalf of itself and its agents, 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 Addendum.

KB Home Orlando, LLC

Witness

By:

Witness

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this ____ day of _____ 2006 by _____ of the _____, who is personally known to me or who presented a Florida Drivers License as identification and who took an oath.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION:

LEGAL DESCRIPTION FOR TOWNHOUSE DEVELOPMENT (TRACTS C AND D)

PARCEL 1:

A PARCEL OF LAND LOCATED IN SECTION 13, T20S, R30E, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE LEAVING THE WEST LINE OF THE NE 1/4 OF SAID SECTION 13 ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 427 THE FOLLOWING THREE COURSES AND DISTANCES: THENCE N64°41'43"E, , A DISTANCE OF 457.84 FEET TO A POINT; THENCE NORTHEASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 1968.10', A DELTA ANGLE OF 7°25'55" AND A CHORD BEARING AND DISTANCE OF N68°24'05"E, 255.11 FEET) FOR AN ARC DISTANCE OF 255.29 FEET TO A POINT; THENCE S25°13'00"E, A DISTANCE OF 23.51 FEET TO A POINT; THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 427, S02°23'28"E, A DISTANCE OF 532.01 FEET TO A POINT; THENCE S49°07'06"E, A DISTANCE OF 230.17 FEET TO A POINT; THENCE S41°50'43"W, A DISTANCE OF 1084.79 FEET TO A POINT ON THE EAST LINE OF THE PLAT OF SANFORD PLACE AS RECORDED IN PLAT BOOK 33, PAGES 33-35 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N22°17'34"W, ALONG THE EAST LINE OF SAID SANFORD PLACE, A DISTANCE OF 499.90 FEET TO A POINT; THENCE LEAVING THE EAST LINE OF SAID SANFORD PLACE, N74°57'26"E, A DISTANCE OF 65.18 FEET TO A POINT ON THE WEST LINE OF THE NE 1/4 OF SAID SECTION 13; THENCE N00°32'17"W, ALONG THE WEST LINE OF THE NE 1/4 OF SAID SECTION 13, A DISTANCE OF 742.57 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 17.8559 ACRES OF LAND, MORE OR LESS.

PARCEL 2:

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SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 12, 2006, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): KB Home Orlando, LLC

Project Name: Creekside PUD Major Amendment

Requested Development Approval: The applicant is requesting a Major Amendment to the Creekside PUD Amended and Restated Developers Agreement.

The Board of County Commissioners has determined that the request for a Major Amendment to the Creekside PUD setback requirements are not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Creekside PUD Major Amendment" and all evidence submitted at the public hearing on December 12, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested PUD Major Amendment should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

FILE # Z2006-65

PROJECT # 06-21700006

EXHIBIT A

LEGAL DESCRIPTION:

LEGAL DESCRIPTION FOR TOWNHOUSE DEVELOPMENT (TRACTS C AND D)

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**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
NOVEMBER 1, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Jason Brodeur, and Dudley Bates

Members absent: Rob Wolf and Walt Eismann

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Ian Sikonia, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Brett Blackadar, Principal Engineer; Dr. Kelly Brock, Senior Engineer; Austin Watkins, Planner; and Candace Lindlaw-Hudson, Clerk to the Commission.

Creekside PUD Major Amendment; KB Home Orlando, LLC, applicant; 65.63± acres; Major Amendment to a PUD (Planned Unit Development) Final Master Plan; located on the southwest corner of the intersection of Ronald Reagan Blvd. and SR 417. (Z2006-65)

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Ian Sikonia stated that the master plan was originally approved by the BCC on November 9, 2004. Approval was for 148 single family residences and 186 townhouse units. The applicant is asking to amend setbacks on the north and west property lines contained in the townhome tracts of "C" and "D" in order to build larger units. The lots being impacted are lots 51 to 58 along the west property line and lots 1 through 8 and 65 to 76 along the north boundary. On the western property line the applicant would like to amend the rear yard setback from 10 feet to 9 feet and change the 50-foot building setback to 45 feet. Along the northern property line adjacent to CR 427 the applicant would like to change the rear yard setback from 10 feet to 9 feet and change the 25 foot building setback from 25 feet to 20 feet. Staff has reviewed the request for compatibility and finds that the previously approved landscape and buffer requirements will remain unchanged and will be sufficient for the project. Staff recommendation is for approval.

Charles Madden was present to answer any questions. He said that the new townhomes were 55 feet deep.

There were no comments from the audience.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed unanimously.