

Item # 102

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Florence Arbor PUD, Large Scale Land Use Amendment from Office to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) (Justin Pelloni, applicant)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date 12/14/04 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

- 1. ADOPT an ordinance that includes the proposed map amendment from Office to PD (Planned Development) and ADOPT an ordinance for the proposed rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 27.2 acres, located on the northeast corner of Orange Blvd. and C.R. 46A, subject to the attached Preliminary Master Plan and Development Order, and authorize the Chairman to execute same (Justin Pelloni, applicant) (1); or
- 2. DENY adoption of the proposed Large Scale Land Use Amendment from Office to PD (Planned Development) and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development), on approximately 27.2 acres, located on the northeast corner of Orange Blvd. and C.R. 46A (Justin Pelloni, applicant); or
- 3. CONTINUE the public hearing until a time and date certain.

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

District 5 – Commissioner Carey Tina Deater, Senior Planner

BACKGROUND:

The applicant, Justin Pelloni, proposes a mixed use development on an approximately 27.2-acre site located on the northeast corner of Orange Blvd. and C.R. 46A. The

Reviewed by:	<u>CR</u>
Co Atty:	<u>CR</u>
DFS:	<u> </u>
OTHER:	<u> </u>
DCM:	<u> </u>
CM:	<u> </u>
File No.	<u>ph700pdp03</u>

proposal consists of 19,500 square feet of office/retail uses at a maximum floor area ratio (FAR) of 0.3 and a maximum of 320 condominiums/townhomes at a net density of 20.25 units per net buildable acre. The request is a rezone from A-1 to PUD and a Large Scale Land Use Amendment from Office to Planned Development (PD).

A detailed report of objections, recommendations, and/or comments from the Florida Department of Community Affairs (DCA) will be provided upon availability and in advance of the public hearing.

STAFF RECOMMENDATION:

Staff recommends continuance of this item to the Spring 2005 large scale amendment cycle, in order to give staff and the applicant time to address the water resources, school and economic development issues that have recently been raised. However, should the Board decide to adopt the land use amendment and approve the rezone, staff recommends that it be subject to the attached Preliminary Master Plan and Development Order.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on June 2, 2004 and voted 4-0 to recommend transmittal of the Large Scale Land Use Amendment from Office to PD (Planned Development), and approval of the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order. However, at the time of their meeting, the Board was not aware of the water resources, school, and economic development issues.

BOARD OF COUNTY COMMISSIONERS DECISION:

The Seminole County Board of Commissioners met on September 14, 2004 and voted 5-0 to transmit the Large Scale Land Use Amendment from Office to PD (Planned Development) and the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order, to the Florida Department of Community Affairs.

Florence Arbor PUD Large Scale Land Use Amendment and Rezone Staff Report

Office to Planned Development (PD)		Amendment (Z2004-014, 04F.FLU03)
REQUEST		
APPLICANT	Justin Pelloni	
PLAN AMENDMENT	Office to Planned Development	
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	27.2	
LOCATION	Northeast corner of Orange Blvd. and C.R. 46A	
BCC DISTRICT	District 5 – Commissioner Carey	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends continuance of this item to the Spring 2005 large scale amendment cycle, in order to give staff and the applicant time to address the water resources, school and economic development issues.	
LPA RECOMMENDATION	The Planning and Zoning Commission met on June 2, 2004 and voted 4-0 to recommend transmittal of the Large Scale Land Use Amendment from Office to PD (Planned Development), and approval of the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order.	
BCC ACTION	The Seminole County Board of Commissioners met on September 14, 2004 and voted 5-0 to transmit the Large Scale Land Use Amendment from Office to PD (Planned Development) and the rezone from A-1 to PUD, subject to the attached Preliminary Master Plan and Development Order, to the Florida Department of Community Affairs.	

SITE DESCRIPTION

1. DEVELOPMENT TRENDS AND EXISTING AND PERMITTED USES: The future land use designation of Office, currently assigned to the subject property, permits general office and supporting uses such as schools and day care centers. The proposed higher density residential and office/retail uses are appropriate transitional uses between the single-family residential uses in the PUD to the west and the HIPTI future land use to the east.

Location	Future Land Use*	Zoning*	Existing Use
Subject Property	Office	A-1 (Agriculture District)	Vacant, Single-family residential
North	PD (Planned Development)	PUD	Multi-family
South	PD(Planned Development) , SE (Suburban Estates)	PUD, A-1 (Agriculture District)	Vacant
East	Office, HIP-TI	OP (Office Professional), A-1 (Agriculture District)	Vacant, Grazing Land, Commercial
West	PD (Planned Development)	PUD (Heathrow)	Single-family residential

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

As identified from the Property Appraiser's future land use map, 378 acres of the unincorporated area in Seminole County are designated for Office land use. Approximately 52 acres are within conservation areas and are assessed as unbuildable until field checked. Of the remaining 326 acres, 107 already have a non-residential structure on the property such as office, school, or retirement home. This leaves a total of 219 buildable acres under the Office designation of which a portion are currently built as single family residential, the remaining being vacant acres. In general the parcels are less than 5 acres in size. As a note, office use already approved or built on properties with a land use designation of Planned Development or Higher Intensity Planned Development (HIP) have not been counted as part of these figures.

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 effect 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, Design Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element and adopted Design Element (Transportation Policy 2.1).*

Access to the subject property is via C.R. 46A, which is classified as a collector road with a Level of Service "A". The adopted Level of Service standard on this section of the road is "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

The subject property is located within the Seminole County water and sewer service areas. Water, sewer and reclaimed water services are available to the site, however there may be a problem with potable water capacity based on the restrictions of the consumptive use permit issued by St. Johns River Water Management District. The applicant is proposing

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 2.1).*

The property is served by the Seminole County EMS/Fire Station #36. 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 2020 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 Policies 2.3 and 2.4).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. Staff is recommending continuance of this item to the Spring 2005 large scale amendment cycle, in order to give staff and the applicant time to address the water, school and economic development issues.

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 site contains approximately 3.33 acres of wetlands and a portion of the site is located within the 100-year floodplain. A wetlands mitigation plan shall be required prior to final engineering approval for any proposed development on the subject property.

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 approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describes 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.).

The 27.2 acres that is proposed for rezoning and future land use amendment is part of a 29.2 acre administrative future land use amendment from Suburban Estates to Office that was completed in 1999 (please see the attached staff report). At that time, a group of the property owners had approached the Board of Commissioners and asked them to do an administrative land use amendment, in order to increase the resale value of their properties. Staff ultimately recommended Office future land use, not because the area was lacking office space, but because they felt it was an appropriate transitional use between the adjacent land uses of Planned Development and Office.

Staff believes that the proposed PD land use, with the attendant PUD Preliminary Master Plan, is also a compatible transitional use between the PUD land use designations to the north, west and south, and the Office and HIP-TI land use designations to the east. With a mixture of retail and office uses, and high density residential at 20.25 units per net buildable acre, the request would represent a transition of land use intensity between the properties equivalent to Low Density Residential to the west and large areas of office, commercial and other nonresidential development to the east. High density residential and retail/office are permitted adjacent to existing subdivisions, in order to function as a buffer from existing and future target industry development. The single family development to the west should not be greatly affected by the current proposal if adequate design features, such as architecture, walls, landscaping, setbacks and lighting controls are in place.

The east side of the subject property is adjacent to a strip of properties with Office future land use and OP (Office Professional) zoning. Although the zoning and future lands use are in place, the property is still vacant. Since the applicant is proposing to introduce residential uses into an area that is currently designated for office uses, the burden of providing the active buffer required by the Land Development Code, when office uses are placed next to residential, should be placed on the developer of the residential project. Therefore, staff is recommending as a condition of approval that a 50-foot setback and 25-foot landscape buffer with a 6-foot masonry wall, in compliance with the Land Development Code regulations for active buffers, should be placed along the east property line where the proposed residential tract is adjacent to the Office future land use.

The proposed Florence Arbor PUD would contain a combination of office, retail/commercial, and residential uses. Objective 4 of the Design Element of the Vision 2020 Comprehensive Plan is to encourage mixed-use corridors and centers with stronger connectivity and more attractive physical design. Staff believes that allowing residential uses in close proximity to the large area of HIP-TI future land use to the east will have the positive benefit of reducing sprawl, promoting diverse housing types and prices, and reducing traffic by allowing people to live near where they work. As part of the Evaluation and Appraisal Report (EAR) on the Vision 2020 Comprehensive Plan, completed in 1998, staff completed a residential needs analysis that indicated that by the year 2020, there are a projected 18,000 residents in the unincorporated areas that will need housing not provided by our Future Land Use Map. Due to these reasons, staff is supportive of the future land use amendment from Office to Planned Development.

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

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)*

Although the applicant has requested a Planned Development (PD) land use designation, proposed density and housing types for the subject property are equivalent to High Density Residential (HDR). "Exhibit FLU: Appropriate Transitional Land Uses" indicates that HDR can be an appropriate transitional use adjacent to Low Density Residential (LDR), if the site is designed with appropriate buffers, lot sizes, and other design standards. The proposed retail/office component of this project would be separated and buffered from the single-family residential to the west by the proposed high-density residential development. The proposed retail and office would be compatible with permitted uses on adjacent HIP-TI lands to the east.

Design Principles: *The County will encourage development in corridors and centers based on the following principles (Policy DES 4.2):*

- *Mixed-use centers should be designed with universal blocks, i.e. blocks with standard dimensions that accommodate several different types of uses, to enable re-use over time through infill, redevelopment and intensification.*
- *Mixed-use developments shall have integrated infrastructure, vertical and/or horizontal integration of different land uses and coordinated access.*

- *Mixed-use corridors and centers should promote development planning that encourage site plans to anticipate infill development with future building sites, structured parking, and the flexibility to intensify the site later when the market grows.*

Other applicable plan policies include, but are not limited to:

FLU 2.1 Subdivision Standards.

FLU 4.2 Infill Development

FLU 5.5: Water and Sewer Service Expansion

FLU 2.11 Determination of Compatibility in PUD and PCD Zoning Classifications

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities 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 impacts of 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. SCHOOL IMPACTS – The proposed project will be served by the Northwest Cluster for elementary schools (Wilson, Bentley, Idyllwild, and Wicklow), Sanford Middle School and Seminole High School. The proposed residential units will generate an estimated twelve elementary school students, five middle school students, and six high school students. The Seminole County School Board is opposed to the proposed rezone and land use amendment without the payment of additional fees to fund school capacity improvements. A statement by Dianne Kramer of the Seminole County School System is attached. Seminole County does not have a school concurrency requirement, therefore this is an issue between the applicant and the School Board to resolve.

6. ECONOMIC IMPACTS – Historically, the County has reviewed land use amendments with an emphasis on analyzing the compatibility of the proposed amendment with surrounding land uses. In recent years, the Board has expressed concern regarding the number of multifamily projects that have been proposed in the HIP Land Use District and along the I-4 High Tech Corridor in northwest Seminole County. These areas were intended to provide opportunities for Target Industries to build in Seminole County so that that tax base and employment base would be more diverse. The Board articulated its desire to promote home ownership as opposed to rental residential and to investigate

methods of preserving the HIP/NW I-4 lands for Target Industries. These concerns were first memorialized in the County Economic Strategic Plan adopted in 2003. On June 8, 2004, the Board of County Commissioners approved the update to the Economic Element of the Vision 2020 Comprehensive Plan that incorporated the Board's issues. Subsequent to the adoption of the updated Economic Element, staff began reviewing land use amendments for compliance with the updated Economic Element. This has resulted in the review of land use amendments being broadened to include an emphasis on both compatibility and long-term economic sustainability. The following Objectives and Policies of the Vision 2020 Plan apply to this proposed amendment:

- Objective ECM 3 is to continue to shift property tax dependence from residential to non-residential properties.
- Policy ECM 3.1 states that the County shall continue to take actions to increase the non-residential tax base and reduce dependency on homeowners for local revenues by implementing economic strategies.
- Policy ECM 3.2 states that the County shall continue to monitor the balance of residential and employment opportunities in order to maintain equilibrium between the tax bases.
- Policy ECM 4.1 (D) states that the County will maintain the balance of employment and residential opportunities within targeted areas by supporting the goals of the Future Land Use Element.

The Economic Element also contains issues, objectives and policies related to the Higher Intensity Planned Development (HIP) future land use designation. Although this property is not designated as HIP land use, it is part of the I-4 High Tech Corridor and it is part of the County's Office future land use inventory, therefore Issue ECM 5 has bearing on this proposed amendment. Issue 5 states that what is of concern to the County is that in the HIP land use areas, particularly in the North I-4/Lake Mary Target Area, high or medium density residential development has occurred in greater numbers than anticipated, consuming land for uses other than the intended target industries.

In response to the concerns raised by the Board of County Commissioners, and the issues, goals, objectives and policies articulated in the Vision 2020 Comprehensive Plan, the Planning Division has contracted with a consultant to provide an analysis of the long-term fiscal impacts of converting office land uses to residential land uses. This study is in the beginning stages and will ultimately assist with determining the optimal mix of land uses that will provide Seminole County with long-term fiscal health. A part of the study is an analysis of the how much land should be devoted to residential use, and it may support the requested amendment. However, without completing the study the requested change in uses seems premature. The results of this analysis will not be available for a few months. Therefore, staff is recommending continuance of this item to the Spring 2005 amendment cycle, in order to give the consultant time to complete the analysis.

6. REVIEWING AGENCY COMMENTS –The Objections, Recommendations, and Comments (ORC) Report from the Florida Department of Community Affairs (DCA) is attached. The report is summarized as follows:

- a. **Objection to inadequate information & recommendation:** Determine the effect of the change that development potential will have on the annual growth rate for the service area that is included in the County's consumptive use permit (CUP) application and the St. Johns River Water Management District's (SJRWMD) draft Water Supply Assessment – 2003.
- b. **Objection to inadequate information & recommendation:** Coordinate with SJRWMD staff regarding any changes in service area growth projections to determine whether or not the CUP application needs to be modified based on water supply population and demand projections.
- c. **Comment:** Coordinate with the Seminole County School Board to resolve its objection to the proposed amendment without the payment of additional fees to fund school capacity improvements.

STAFF RECOMMENDATION:

Staff recommends continuance of this item to the Spring 2005 large scale amendment cycle, in order to give staff and the applicant time to address the water resources, school and economic development issues that have recently been raised. However, should the Board decide to adopt the amendment and approve the rezone, staff recommends that it be subject the following conditions, attached Preliminary Master Plan and Development Order:

- a. The residential portion of the project shall be developed at a maximum density of 20.25 units per net buildable acre or a maximum of 320 dwelling units.
- b. The retail/office portion of the project shall be developed with a maximum of 19,500 square feet of retail/office space.
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. The first row of structures adjacent to Orange Boulevard or the structures within the first 120 feet adjacent to Orange Boulevard, whichever constitutes the greater distance from Orange Boulevard, shall be limited to two stories.
- e. The buffer adjacent to Orange Boulevard shall be a minimum of 25 feet in width, with a 6-foot masonry wall and landscaping in compliance with

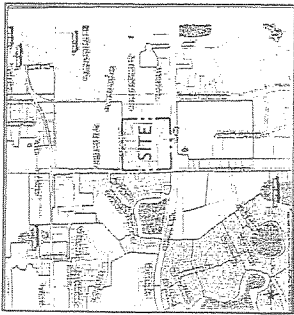
the Seminole County Land Development Code on the Orange Boulevard side of the wall.

- f. Development greater than three (3) stories shall be restricted to the eastern 532.6 feet of the property.
- g. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 - 1. South: 35 foot setback and 25 foot landscape buffer
 - 2. North: 35 foot setback and 15 foot landscape buffer
 - 3. West (adjacent to Orange Boulevard): 35 foot setback and 25 foot landscape buffer.
 - 4. East where the residential tract is adjacent to Office future land use: A 50 foot setback and 25 foot landscape buffer with a 6-foot masonry wall, in compliance with the Land Development Code regulations for active buffers, shall be placed along the east property line where the residential tract is adjacent to Office future land use.
 - 5. East where the office/retail tract is adjacent to Office future land use: 35 foot setback and 15 foot landscape buffer.
- h. A minimum building setback of 15-feet and a minimum landscape buffer of 5-feet with a 6-foot masonry or brick wall shall apply between the retail/office and residential tracts.
- i. Building setbacks for the individual units shall be determined at the time of Final Master Plan.
- j. The following building height limits shall apply:
 - 1. Town homes (1, 2, or 3-story) – maximum height 40 feet
 - 2. Condominiums (maximum 5-story) – maximum height 60 feet
 - 3. Office/Retail Uses – maximum height of 40 feet, including architectural features such as towers, spires, and cupolas. Anything proposed over 40 feet must have architectural renderings provided and must be approved by the Board of County Commissioners.
- k. Permitted uses for the retail portion shall be all permitted uses in the C-1 zoning district; and special exception uses shall be those special exception uses permitted in the C-1 (Retail Commercial) zoning district as outlined in the Seminole County Land Development Code, except that the following uses shall be prohibited: funeral homes, drive-thrus, gasoline pumps, communication towers, hospitals, nursing homes, and flea markets. Alcoholic beverage establishments shall be allowed by special exception only.
- l. Permitted uses for the residential portion shall be townhomes, condominiums, home occupations, and home offices. Rental units shall be prohibited.
- m. The garages shall not be allowed to be converted to living space.
- n. Storage of boats and recreational vehicles on residential lots shall be prohibited.
- o. All signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards.

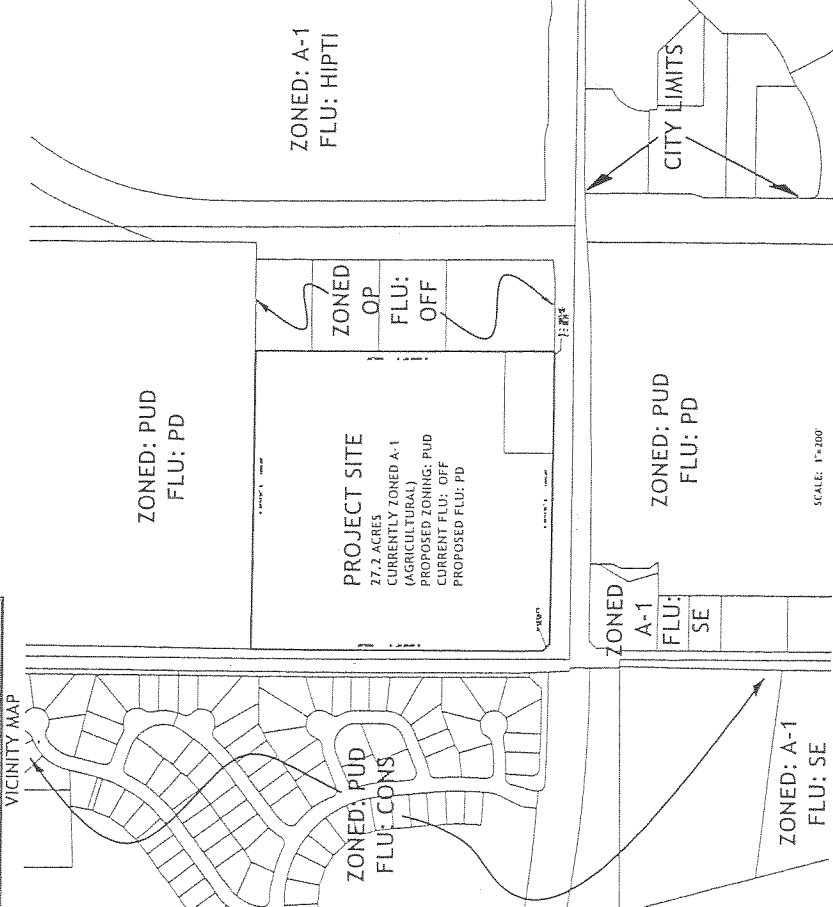
- p. All landscape buffers and common areas shall be maintained by a homeowners association.
- q. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- r. The developer shall construct a 5-foot wide sidewalk along the east side of Orange Boulevard.
- s. Architectural renderings of the buildings shall be provided with the Final Master Plan.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

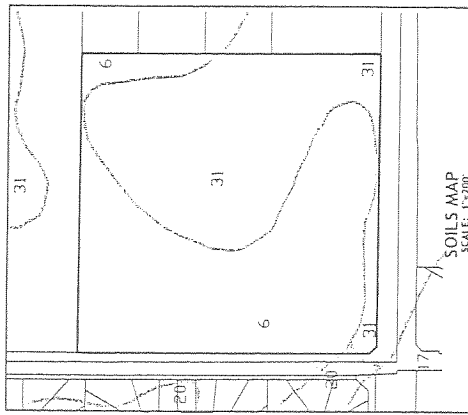
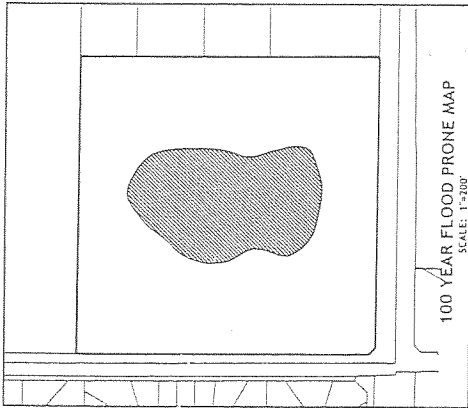
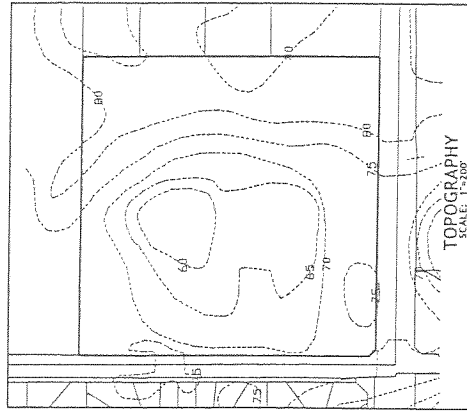
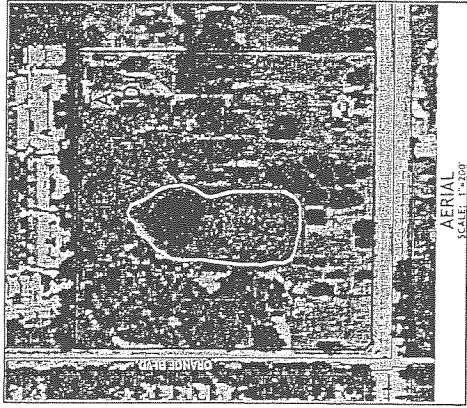
The Planning and Zoning Commission met on June 2, 2004 and voted 4-0 to recommend transmittal of the Large Scale Land Use Amendment from Office to PD (Planned Development), and approval of the rezone from A-1 to PUD, and approval of the attached Preliminary Master Plan subject to the attached Development Order. However, at the time of their meeting, the Board was not aware of the water resources, school, and economic development issues.



DEVELOPMENT SUMMARY			
LAND USE	ACREAGE	UNITS/SF	DENSITY/FAR
TOWNHOMES/	25.7	370	12.5 DU/AC
CONDOMINIUMS	1.5	19,500	.3 FAR
OFFICE/RETAIL			
TOTAL	27.2		



SCALE: 1"=200'



- LEGEND**
- 100 Year Flood Prone Area
 - Topography
 - Soils line

- 6 Astatula-Apopka fine sands, 0 to 5 percent slopes
 - 20 Myakka and Eauagallie fine sands
 - 31 Tavares-Milhopper fine sands, 0 to 5 percent slopes
- Source: Seminole County GIS Data



SHEET NUMBER 1 of 2	PRELIMINARY MASTER PLAN
	DESIGN FIRM FLORENCE ARBOR PUD PELLONI DEVELOPMENT CORP.
	DESIGNER JONATHAN A. MARTIN LICENSE NUMBER 54035
PROJECT NO. 04123002	SECTION 31, TOWNSHIP 19S, RANGE 30E SEMINOLE COUNTY, FLORIDA
DATE 4/20/04	SCALE
PREPARED BY JANINE	PROJECT IIG 04123002
CHECKED BY JAM	SECTION 31, TOWNSHIP 19S, RANGE 30E SEMINOLE COUNTY, FLORIDA
DATE 4/20/04	SCALE
PREPARED BY JANINE	PROJECT IIG 04123002
CHECKED BY JAM	SECTION 31, TOWNSHIP 19S, RANGE 30E SEMINOLE COUNTY, FLORIDA
DATE 4/20/04	SCALE
PREPARED BY JANINE	PROJECT IIG 04123002
CHECKED BY JAM	SECTION 31, TOWNSHIP 19S, RANGE 30E SEMINOLE COUNTY, FLORIDA
DATE 4/20/04	SCALE
PREPARED BY JANINE	PROJECT IIG 04123002
CHECKED BY JAM	SECTION 31, TOWNSHIP 19S, RANGE 30E SEMINOLE COUNTY, FLORIDA

NOTES

- PUBLIC SAFETY, FIRE LOSS:**
 - a) FIRE LINES SHALL BE ON ALL SITE PLANS FOR SPRINKLERED BUILDINGS.
 - b) A CLASS 5 CONTAINER OR EQUIVALENT FIRE LINES DOUBLE DETECTOR CHECK VALVE.
 - c) THE FIRE DEPARTMENT DETECTOR SHALL BE 10 FEET OF THE FIRE INGRANT.
 - d) THE FIRE LINES SHALL BE PROTECTED BY THE FIRE INSPECTION DEPARTMENT BEFORE BEING COVERED.
- STORMWATER:**
 - a) STORMWATER INFRASTRUCTURE SHALL BE REQUIRED TO HOLD THE 100-YEAR STORM EVENT OBTAIN.
 - b) STORMWATER INFRASTRUCTURE SHOWN HEREIN CONCEPTUAL ONLY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
- LANDSCAPING:**
 - a) LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE PROPERTY.
 - b) LIGHTING WILL COMPLY WITH SEMINOLE COUNTY'S HIGH LIGHTING DEVELOPMENT (TR-10) REQUIREMENTS.
 - c) DEVELOPMENT PLAN SHALL BE IN ACCORDANCE WITH THE COUNTY LAND DEVELOPMENT CODE, SUBPARA A.1.5 ALONG ORANGE BOULEVARD RIGHT-OF-WAY.
- UTILITIES:**
 - a) SANITARY, WATER, AND REUSE WATER/INFRASTRUCTURE SHOWN HEREIN CONCEPTUAL ONLY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
 - b) WATER AND FIRE SERVICE DEMANDS AND FIRE SERVICE DEMANDS IN ACCORDANCE WITH APPLICABLE STATE AND LOCAL STATUTES.
- REUSE WATER:**
 - a) REUSE WATER SHALL BE MORE THAN ONE PROJECT CLUBHOUSE AND POOL THAT SHALL SERVE AS THE COMMUNITY'S CENTER, KITCHEN AND LIBRARY.
 - b) REUSE WATER SHALL BE MORE THAN ONE PROJECT CLUBHOUSE AND POOL THAT SHALL SERVE AS THE COMMUNITY'S CENTER, KITCHEN AND LIBRARY.
 - c) REUSE WATER SHALL BE MORE THAN ONE PROJECT CLUBHOUSE AND POOL THAT SHALL SERVE AS THE COMMUNITY'S CENTER, KITCHEN AND LIBRARY.

LANDSCAPING BUFFER

REAR SIDE 15 FT
 SIDE 15 FT
 FRONT SIDE 25 FT
 REAR SIDE 15 FT
 SIDE 15 FT
 FRONT SIDE 25 FT
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WATER DISTRIBUTION

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RECLAIMED WATER

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LANDSCAPING BUFFER

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CONDOMINIUMS 4 TO 5 STORIES

OFFICE/RETAIL 1.5 AC

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WATER DISTRIBUTION

WETLANDS

RECLAIMED WATER

LANDSCAPING BUFFER

SE TRAILS

BUILDING FOOTPRINT

LANDSCAPING BUFFER

REAR SIDE 15 FT

CONDOMINIUMS 4 TO 5 STORIES

OFFICE/RETAIL 1.5 AC

RETAIL/RESTAURANT

WATER DISTRIBUTION

WETLANDS

RECLAIMED WATER

LANDSCAPING BUFFER

PROJECT SIZE: 27.2 ACRES ± 1,184,364 ± 1

OFFICE/RETAIL 1.5 AC

RETAIL/RESTAURANT

WATER DISTRIBUTION

WETLANDS

RECLAIMED WATER

LANDSCAPING BUFFER

CONDOMINIUMS 4 TO 5 STORIES 25.7 AC

OFFICE/RETAIL 1.5 AC

RETAIL/RESTAURANT

WATER DISTRIBUTION

WETLANDS

RECLAIMED WATER

LANDSCAPING BUFFER

NOTE

CONDOMINIUMS 4 TO 5 STORIES

OFFICE/RETAIL 1.5 AC

RETAIL/RESTAURANT

WATER DISTRIBUTION

WETLANDS

RECLAIMED WATER

LANDSCAPING BUFFER

PRELIMINARY MASTER PLAN

GENERAL PURPOSE AND CHARACTER OF DEVELOPMENT

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GENERAL PURPOSE AND CHARACTER OF DEVELOPMENT

DATE	4/10/04
PROJECT NO	04223002
DESIGNER	JONATHAN A. MARTIN
OWNER	PELLONI DEVELOPMENT CORP.
SCALE	AS SHOWN

SCALE	AS SHOWN
DATE	4/10/04
PROJECT NO	04223002
DESIGNER	JONATHAN A. MARTIN
OWNER	PELLONI DEVELOPMENT CORP.

DATE	4/10/04
PROJECT NO	04223002
DESIGNER	JONATHAN A. MARTIN
OWNER	PELLONI DEVELOPMENT CORP.

DATE	4/10/04
PROJECT NO	04223002
DESIGNER	JONATHAN A. MARTIN
OWNER	PELLONI DEVELOPMENT CORP.

DATE	4/10/04
PROJECT NO	04223002
DESIGNER	JONATHAN A. MARTIN
OWNER	PELLONI DEVELOPMENT CORP.



SEMINOLE COUNTY
PUBLIC SCHOOLS

BILL VOGEL, Ed.D.
Superintendent

Educational Support Center
400 E. Lake Mary Boulevard
Sanford, Florida 32773-7127
Phone: (407) 320-0004
Fax: (407) 320-0281
Suncom: 351-0004

SCHOOL BOARD
SANDY ROBINSON
Chairman

DEDE SCHAFFNER
Vice Chairman

DIANE BAUER
Board Member

LARRY FURLONG
Board Member

JEANNE MORRIS
Board Member

RECEIVED

AUG 25 2004

SEMINOLE COUNTY
COUNTY MANAGER

August 23, 2004

Mr. Kevin Grace
County Manager
1101 East First Street
Sanford, Florida 32771-1468

Dear Kevin,

On August 10, 2004, the School Board voted to oppose the Florence Arbor Townhouse and Condominium Project as well as land use changes that convert non-residential properties to residential properties until the School Board, county, and cities have an opportunity to discuss future growth and the impact of those changes on the county and the school district.

The School Board asked that we discuss the possibility of a joint meeting, but after our conversation it would be difficult to schedule such a meeting before September 14, 2004, which is when your Board is rehearing the Florence Arbor Project. It is my understanding that your staff has recommended that all proposed land use changes be continued until the spring.

Therefore, my thoughts would be to proceed as we discussed at the August Mayors and Managers meeting to convene the Planning Technical Advisory Committee to address these matters over the next few months with a joint meeting to follow.

Please contact me if you have any questions.

Sincerely,

Bill Vogel
Superintendent

Cc: Board Members
Dianne Kramer



THE SCHOOL BOARD OF SEMINOLE COUNTY

INFORMATION ITEM:

FLORENCE ARBOR TOWNHOUSE AND
CONDOMINIUM PROJECT: BOARD DIRECTION
REQUESTED

X.D.

Item Number

The Seminole County Board of County Commissioners is currently considering a Large Scale Land Use Amendment on 27 acres at the intersection of Orange Blvd. and C.R. 46A. The proposal would change the future land use from "Office" to "Planned Development" to permit the construction of 320 townhouses/condominiums (Florence Arbor). When the Land Planning Agency reviewed this proposal, the Seminole County Public Schools representative opposed converting additional land from office/commercial to residential because of the adverse impact on already over-crowded schools. This site is served by the Northwest Cluster, Sanford Middle School, and Seminole High School.

Pelloni Development Corporation is the developer of the project and it describes the final product as follows:

- Gated community designed for affluent, older (50+) buyers
- Prices ranging from \$200,000 to mid \$300,000
- Construction to start by early 2005; build-out by 2007

The developer proposes to reduce the impact on schools by pre-paying 100% of the school impact fees on or before 60 days of site plan approval and seeks Board direction prior to the Commission meeting scheduled for the evening of August 10, 2004.

The following information may be helpful to the Board in evaluating this proposal and providing direction to staff regarding the Board of County Commission hearing on the land use amendment:

1. The facility requirements associated with the class size amendment, combined with an increasing rate of growth in school enrollment, have created a sizable need for additional classroom space in the County. There are not enough capital funds to address the needs of the current Comprehensive Plan.
2. In general, owner-occupied multi-family development has less impact on the school system than rental units.
3. Large scale amendments to the Comprehensive Plan are processed only twice a year.
4. The conversion of high quality office and commercial properties to residential development has a double impact to the school system. First, there is a loss to the county economic base and second, there is more potential for rapid enrollment growth in the schools.

The School Board's direction on this proposal has the potential to impact many local government land use decisions, so it is staff's recommendation to request that the amendment decision be postponed. In the next few months the School Board and the County Commission and staffs could have an opportunity to discuss the relationship between land use decisions and the quality of the public school system in Seminole County. If the developer cannot postpone this decision, staff would recommend that the Board of County Commissioners include the following conditions if the amendment is approved:

1. The developer will pre-pay 100% of the school impact fees on or before final approval of the comprehensive plan amendment. Said amount would be \$204,480. This pre-payment helps address the additional capacity needs generated by this project.
2. The residential units must be owner-occupied units; not rental apartments. This provision will help address the impacts on the school system associated with the student mobility of rental multi-family development.

2. Prepared by: Dianne L. Kramer
Deputy Superintendent/Operations
Attachment(s): None
Back-up not in agenda book: None

3. Board Meeting Date 8/10/04

Minutes

Seminole County School Board Meeting – August 10, 2004

SUPERINTENDENT'S
REPORT

X. SUPERINTENDENT'S REPORT

- A. Seminole County Public Schools – School Report Cards
- B. School Recognition (A+) Funds Meeting
- C. Student Progression Plan 2004/2005
- D. Florence Arbor Townhouse and Condominium Project: **Board Direction Requested** – Member Furlong moved to oppose the development and, if the county does approve the land use change, that it do so with the caveats described in the agenda book with the noted revision that impact fees would be payable upon site plan approval. Member Morris seconded the motion. *Justin Pelloni, Pelloni Development, addressed the Board regarding this issue.* The motion passed unanimously.

Member Furlong then moved that the School Board oppose land use or zoning changes that convert non-residential properties to residential until the school board, county and cities have an opportunity to discuss addressing future growth and the impact of those changes on the county and the school system. Vice Chairman Schaffner seconded the motion. The motion passed unanimously.

- E. Elementary School Highlights
- F. Other – Dr. Vogel discussed school visits. He discussed Math Camp at Sanford Middle School. He discussed the ratification of the bargaining unit contracts. He discussed the upcoming Central Florida Public School Boards Coalition meeting.

BOARD MEMBER
COMMENTS

XI. BOARD MEMBER COMMENTS

There were no additional Board Member comments.

The meeting adjourned at 6:02 p.m.

William Vogel, Superintendent

Sandra Robinson, Chairman



Dianne_Kramer@scps.k12.fl.us

05/18/2004 09:46 AM

To: TDeater@seminolecountyfl.gov
cc: Board-Members_DL/scps_esc@mail.scps.k12.fl.us
Subject: RE: Large Scale Land Use Amendments

Even though there are only 320 condos/townhomes, we are very much opposed to any change of land use that converts office, commercial, or industrial land use designations to designations that include residential land uses. The area that you have described for Florence Arbor is served by the Northwest Cluster for elementary schools (Wilson, Bentley, Idyllwilde, and Wicklow); Sanford Middle School; and Seminole High School. All of these schools are currently over capacity. Classroom additions at Wilson and Bentley will open in August 2005 and a new middle school next to Heathrow Elementary will open in August 2006. High School attendance zones will be revised this year to create an attendance zone for Hagerty High School that opens in the Oviedo area in August 2005. Additions and renovations at Seminole High School are currently in progress. No other improvements are planned for the area surrounding Florence Arbor, and the current plans will accommodate only the current population and the previously approved residential development.

The Celery Estates South project will have minimal impact, but it is also located in an area where all of the schools are over capacity. It would be served by the Northeast Cluster (Midway, Hamilton, and Pine Crest) for elementary schools; Millennium Middle School; and Seminole High School. A new Midway Elementary School will be built on 20th Street between Brisson and Sipes Ave. That school should be open by August 2006.

Please let me know if you need additional information. Thanks.

Dianne L. Kramer, Deputy Supt./Operations
Seminole County Public Schools
407.320.0060 direct line
407.320.0292 FAX

mailto:dianne_kramer@scps.k12.fl.us

-----Original Message-----

From: TDeater [mailto:TDeater@seminolecountyfl.gov]
Sent: Tuesday, May 18, 2004 9:15 AM
To: Dianne Kramer
Subject: Large Scale Land Use Amendments

Hello,

I am working on staff reports for two Large Scale Land Use Amendments and rezones that will be heard by the Planning and Zoning Board on 6/2/04 and the BCC on 7/13/04. I wanted to get some information about school impacts prior to finishing the reports. Here is the information about the two cases:

Florence Arbor Rezone; Justin Pelloni, applicant; approximately 27.2 acres; Large Scale Land Use Amendment from Office to Planned Development and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for a



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

November 24, 2004

The Honorable Daryl G. McLain, Chairman
Seminole County
Board of County Commissioners
1101 E. First Street
Sanford, FL 32771

Dear Chairman McLain:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA 04-2), which was received on September 29, 2004. Based on Chapter 163, F.S., we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of three (3) Future Land Use Map (FLUM) amendments and one (1) text amendment. The Department has identified objections to two of the proposed FLUM amendments related to inadequate data and analysis regarding potable water capacity based on the restrictions of the consumptive use permit issued by the St. Johns Water Management District (SJRWMD). The Department has also identified a comment in regards to a FLUM amendment due to the fact that the Seminole County School Board opposed the proposed FLUM amendment without the payment of additional fees to fund school capacity improvements. The Department strongly recommends that the County coordinate with the Seminole County School Board in order to resolve this issue.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7556

The Honorable Daryl G. McLain, Chairman
November 24, 2004
Page Two

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Marina Pennington, Regional Planning Administrator or Jana Williams, Senior Planner, at (850) 922-1827.

Sincerely yours,



Charles Gauthier, AICP
Chief of Comprehensive Planning

CG/jw

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Sandra Glenn, Executive Director, ECFRPC
Don Fisher, Seminole County Planning Director
Matt West, Seminole County Planning Manager

TRANSMITTAL PROCEDURES

Upon receipt of this letter, Seminole County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes (F.S.), and Rule 9J-11.011, F.A.C. The County must ensure that all ordinances adopting comprehensive plan amendments are consistent with the provisions of Chapter 163.3189(2)(a), F.S.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Ms. Sandra Glenn, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR SEMINOLE COUNTY
COMPREHENSIVE PLAN AMENDMENT 04-2

November 24, 2004
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed amendment to their comprehensive plan (DCA number 04-2) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, Florida Statutes (F.S.). Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS
SEMINOLE COUNTY
PROPOSED AMENDMENT 04-2

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S. AND RULE 9J-5, F.A.C.

The Seminole County proposed Amendment 04-2 consists of three (3) Future Land Use Map (FLUM) amendments and one (1) text amendment.

A. The Department raises the following objection to FLUM Amendment 04F.FLU02 (Mikler Shoppes), which proposes to redesignate ±44 acres from Low Density Residential to Planned Development; and FLUM Amendment 04F.FLU03 (Florence Arbor), which proposes to redesignate ±27.2 acres from Office to Planned Development:

1. Objection: The County has not provided adequate and relevant data and analysis regarding potable water capacity based on the restrictions of the consumptive use permit issued by the St. Johns Water Management District (SJRWMD). As such, the County has not adequately demonstrated that it has coordinated with the District on land use and water supply planning issues.

[Rules 9J-5.005(2)(a); 9J-5.006(2)(a); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.011(1), F.A.C.; Sections 163.3177(4); Sections 163.3177(6)(c and h) and 163.3177(8), F.S.]

Recommendation: The County should address the following items before adopting the proposed FLUM changes:

- (1) Determine the effect the change in development potential will have on the annual growth rate for the service area that is included in the County's consumptive use permit (CUP) application and the District's draft Water Supply Assessment—2003; and
- (2) Coordinate with District staff regarding any changes in service area growth projections to determine whether or not the CUP application and water supply population and demand projections need to be modified.

B. The Department raises the following comment to FLUM Amendment 04F.FLU03 (Florence Arbor), which proposes to redesignate ±27.2 acres from Office to Planned Development:

2. Comment: According to the amendment package, the proposed 320 multi-family residential units will generate an estimated twelve elementary students, five middle school students, and six high school students. The Seminole County School Board has submitted a statement to the County opposing the proposed FLUM amendment without the payment of additional fees to fund school capacity improvements. The Department strongly recommends that the County coordinate with the Seminole County School Board in order to resolve this issue.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

1. **Objection:** The proposed plan amendments are not consistent with and do not further the following goals and policies of the State Comprehensive Plan [Section 163.3177(10), F.S.]:

Goal (7), Water Resources, and Policies (b) 10;
Goal (15), Land Use, and Policy (b) 6; and
Goal (25), Plan Implementation, and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goals and policies of the State Comprehensive Plan. Specific recommendations can be found following the objections cited previously in this report.



St. Johns River Water Management District

Jawa

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

October 29, 2004

6MP

D. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

11/4/04

Subject: Proposed Comprehensive Plan Amendment
DCA Amendment # Seminole County 04-2

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment. The proposed amendment consists of three changes to the County's future land use map and the annual update to the County's five-year capital facilities program. The District staff review focuses on water supply availability and related water resource issues in an effort to link land use planning and water supply planning. In the review of water supply availability, District staff consider infrastructure, permitted allocation under consumptive use permits, and source. District staff comments are provided below.

Capital Facilities Program Update

District staff have no comments regarding the capital facilities program update because no substantial water supply availability and related water resource issues were identified.

Future Land Use Change 04F.FLU01 (Celery Estates)

The County's staff report indicates that the site is within the City of Sanford's water service area and water service is available to the site. Based on information in the County's submittal package and information in District records, District staff have no comments regarding this future land use change because no substantial water supply availability and related water resource issues were identified.

Future Land Use Change 04F.FLU02 (Mikler Shoppes)

Table 1A in the County's submittal package indicates that the site is in the County's southeast service area and that the County anticipates sufficient water capacity and availability through 2008. The County's submittal package also includes a table that assesses the growth impact of this future land use change. The table indicates that development of this site is part of the background growth anticipated by the County for the period from 1998 to 2020 and that no adjustments to the County's 2020 growth projections are necessary. In order to link the County's land use planning and the

GOVERNING BOARD

Omelias D. Long, CHAIRMAN APOPKA	David G. Graham, VICE CHAIRMAN JACKSONVILLE	R. Clay Albright, SECRETARY OCALA	Duane Ottenstroer, TREASURER JACKSONVILLE
W. Michael Branch FERNAADINA BEACH	John G. Sowinski ORLANDO	William Kerr MELBOURNE BEACH	Anni T. Moore BUNNELL
			Susan N. Hughes JACKSONVILLE

District's water supply planning and permitting processes, the County should address the following items before adopting this future land use change:

- Determine the effect the change in development potential will have on the annual growth rate for the service area that is included in the County's consumptive use permit (CUP) application and the District's draft Water Supply Assessment—2003.
- Coordinate with District staff regarding any changes in service area growth projections to determine whether or not the CUP application and the water supply population and demand projections need to be modified.

Future Land Use Change 04F.FLU03 (Florence Arbor)

Table 1A in the submittal package indicates that the site is in the County's northwest service area, that the County anticipates a capacity deficit in 2008, and that the County is taking action to ensure capacity is available. The County's actions are supported by the updated capital facilities program submitted to DCA as part of this amendment. The capital facilities program includes expenditures for development of alternative water supply, CUP renewals, and expansion of the reclaimed water system. The County's submittal package also includes a table that assesses the growth impact of this future land use change. The table indicates that development of this site requires adjustments to the County's 2020 growth projections. In order to link the County's land use planning and the District's water supply planning and permitting processes, the County should address the following items before adopting this future land use change:

- Determine the effect the change in development potential will have on the annual growth rate for the service area that is included in the County's CUP application and the District's draft Water Supply Assessment—2003.
- Coordinate with District staff regarding any changes in service area growth projections to determine whether or not the CUP application and the water supply population and demand projections need to be modified.

We appreciate the opportunity to provide comments. If you have any questions, please contact District Policy Analyst Peter Brown at 386-329-4311/Suncom 860-4311 or pbrown@sjrwmd.com.

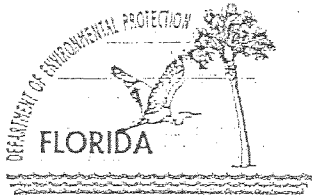
Sincerely,



Linda Burnette, Director
Office of Communications and Governmental Affairs

LB/PB

cc: Grant Maloy, Seminole County Commission
Randy Morris, Seminole County Commission
Carlton Henley, Seminole County Commission
Matt West, Seminole County
Dick Boyer, Seminole County
Sandra Glenn, FCFRPC
Lindy McDowell, FDEP
Jeff Cole, SJRWMD
Nancy Christman, SJRWMD
Beth Wilder, SJRWMD
Peter Brown, SJRWMD



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, MS 47
Tallahassee, Florida 32399-3000

6 MP
11/4/04
Colleen M. Castille
Secretary

November 3, 2004

Mr. D. Ray Eubanks
Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Seminole County 04-2, Comprehensive Plan Amendment ORC Review

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed comprehensive plan amendment in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the proposed amendment, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the amendment pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850)245-2172.

Sincerely,

SER

Suzanne E. Ray
Office of Intergovernmental Programs

/ser



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSE ABREU
SECRETARY

Planning & Public Transportation
133 South Semoran Boulevard
Orlando, FL 32807-3230

November 4, 2004

Mr. Ray Eubanks, Community Program Administrator
Department of Community Affairs, State of Florida
Plan Review & DRI Processing Section
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENTS
LOCAL GOVERNMENT: SEMINOLE COUNTY
DCA #: 04-2

Dear Mr. Eubanks:

The Department of Transportation has completed its review of the above proposed comprehensive plan amendments as requested in your memorandum dated, September 30, 2004.

We appreciate the opportunity to participate in this review process and we offer our comments with this letter. If you have any questions, please contact me at 407-482-7856 (Suncom: 335-7856) or e-mail me at betty.mckee@dot.state.fl.us.

Sincerely,

A handwritten signature in cursive script that reads "Betty McKee".

Betty McKee
Systems Planner

BMcK
attachment

cc: Don Fisher, Seminole County
Alice Gilmartin, Seminole County
Rob Magee, FDOT-C/O
Marina Pennington, DCA
Bob Romig, FDOT-C/O

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: 04-2
Date of DCA's Request Memo: September 30, 2004
Review Comments Deadline: October 29, 2004
Today's Date: November 4, 2004

ELEMENT: Future Land Use Element: FLUM Amendments
RULE REFERENCE: 9J-5.006 Future Land Use Element
9J-5.019 Transportation Element
9J-11.006 Submittal Requirements
9J-11.007 Data and Analysis Requirements

BACKGROUND INFORMATION:

Celery Estates South: 14.27 acres (11.6 net); current future land use: Suburban Estates (1 unit/ acre); proposed future land use: Low Density Residential (4 units/ acre); affected state roads: SR 46 and SR 415

Florence Arbor: 27.2 acres (15.8 net); current future land use: Office (0.35 FAR); proposed future land use: Planned Development (per PUD: 320 multi-family units and 19,500 square feet of retail and office); affected state roads: SR 46 and SR 400 (I-4)

Mikler Shoppes: 44 acres (24.6 net); current future land use: Low Density Residential (4 units/ acre); proposed future land use: Planned Development (per PUD: 50 multi-family units, 140,000 square feet of Retail, 54,000 square feet of Office); affected state roads: SR 417, SR 419, SR 426, SR 434 and SR 436

REVIEW COMMENTS/RECOMMENDATIONS:

The County uses a method whereby facility demand (including transportation-related) is determined in each established Traffic Analysis Zone (TAZ). Demand estimates are comprised of those generated by existing development, approved but un-built development, and projected development. As comprehensive plan amendments are submitted, the County compares the service demand (impacts) of the proposed amendment to that of the TAZ. If the proposed service demand is less than the available capacity in the TAZ, sufficient facility capacity has already been planned for. If the proposed service demand exceeds the available capacity in the TAZ, then additional capacity must be provided for, the amendment request must be scaled back to within the available capacity, or the proposed amendment must be phased to conform to the availability of future planned capacity.

Using the described methodology, the County has demonstrated that sufficient capacity exists for the proposed amendments. While the methodology differs from that provided by the Department, and the model has produced lower average daily trip projections, the Department has determined that the methodology is reasonable and will be accepted for these amendment requests. Therefore, the Department has no objection to the requests.

FDOT Contact: Betty McKee, Systems Planner
FDOT
Telephone: 407-482-7856 (Suncom: 335-7856)
Fax: 407-275-4188
E-mail: betty.mckee@dot.state.fl.us
File: C:\tmp\notes\FFF6921-9192127.doc

Reviewed by: Ellen Bertoni, AICP
Genesis Group
904-730-9360
904-730-7165
ebertoni@genesisgroup.com

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: 04-2
Date of DCA's Request Memo: September 30, 2004
Review Comments Deadline: October 29, 2004
Today's Date: November 4, 2004

ELEMENT: Capital improvements Element: CIE Update
RULE REFERENCE: 9J-5.016 Capital improvements Element
9J-5.019 Transportation Element

BACKGROUND INFORMATION:

04F.TXT01: Annual CIP Update

REVIEW COMMENTS/ RECOMMENDATIONS:

The table entitled "FDOT Adopted Five Year Improvement Plan, Major Capital Projects, Orlando -- Sanford International Airport" (CIE Exhibit 47) does not directly correspond to the aviation-related projects listed in FDOT's 2005-2009 Adopted Five-Year Work Program. Conversely, several projects listed in the County's exhibit do not appear in FDOT's 2005-2009 Adopted Five-Year Work Program. The following projects found in the Adopted Work Program are not included in the exhibit:

- Rehab/ Upgrade: Runway lighting installation
- Runway Overlay, Runway 9C/27C: reconstruct/ repair/ overlay runway
- Security and Access Control System

County staff has agreed to revise this information accordingly. Therefore, the Department has no objections to the proposed amendment.

FDOT Contact: Betty McKee, Systems Planner
FDOT
Telephone: 407-482-7856 (Suncom: 335-7856)
Fax: 407-275-4188
E-mail: betty.mckee@dot.state.fl.us
File: C:\tmp\notes\FFF6921-9192127.doc

Reviewed by: Ellen Bertoni, AICP
Genesis Group
904-730-9360
904-730-7165
ebertoni@genesisgroup.com

6 MP
10/19/04

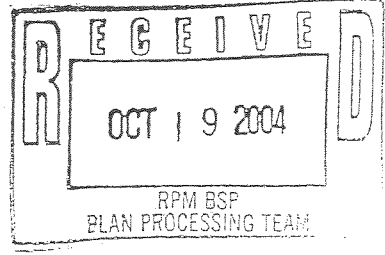


Jawa

FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

October 15, 2004

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100



Re: Historic Preservation Review of the Seminole County (04-2) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Seminole County Comprehensive Plan.

We reviewed three proposed amendments to the Future Land Use Map, in addition to updates to the Capital Improvements Element, to consider the potential effects of these actions on historic resources. While our cursory review suggests that some of the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Seminole County.

However, for the Mikler Shoppes PCD and the Florence Arbor PD, we have some concerns. Both parcels appear to have at least moderate archaeological site probability. The Mikler Shoppes Amendment tract is located nearby a "general vicinity" archaeological site which may extend onto this property. "General vicinity" sites are normally sites which were recorded decades ago with little location information. The Florence Arbor Amendment property appears to have a sinkhole on the property. It is not unusual to find archaeological sites around or nearby sinkholes. The most effective way to guarantee that such sites are not damaged is for the county to sponsor or require historic resource surveys so that it can ensure its archaeological resources and historic structures 50 or more years old will be considered when substantive changes in land use are proposed.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

- Director's Office (850) 245-6300 • FAX: 245-6435
- Archaeological Research (850) 245-6444 • FAX: 245-6436
- Historic Preservation (850) 245-6333 • FAX: 245-6437
- Historical Museums (850) 245-6400 • FAX: 245-6433
- Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476
- St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044
- Tampa Regional Office (813) 272-3843 • FAX: 272-2340

Mr. Eubanks
October 15, 2004
Page 2

The county should take into account the effect these four amendments would have on known and potential historic resources—both structures and archaeological sites. If these concerns are addressed and appropriate actions are taken by the county to protect these resources, then any resulting changes should be acceptable.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura A. Kammerer

for

Frederick Gaske, Director

East Central Florida
**REGIONAL
PLANNING
COUNCIL**

M E M O R A N D U M

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Lake County

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32751

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Fax 407.623.1084

Suncom 334-1075
Suncom Fax
334.1084

Website:
www.ecfrpc.org

TO: D. Ray Eubanks, FDCA, Community Program Administrator
Marina Pennington, FDCA

FROM: Kimberly Neal

DATE: October 29, 2004

SUBJECT: Comprehensive Plan Amendment Review

LOCAL GOVERNMENT: Seminole County
LOCAL AMENDMENT #:
DCA AMENDMENT #: 04-2

Council staff has completed a technical review of the above referenced comprehensive plan amendment. The review was conducted in accordance with the provisions of the East Central Florida Regional Planning Council's current contract with the Florida Department of Community Affairs for Plan and Plan Amendment Reviews.

We have not identified any significant and adverse effects on regional resources or facilities, nor have any extrajurisdictional impacts been identified that would adversely effect the ability of neighboring jurisdictions to implement their comprehensive plans.

The East Central Florida Regional Planning Council is available to assist in the resolution of any issues that should arise in the course of your review. If you should have any questions, please contact me at SunCom 334-1075 x327. Thank you.

cc: Local Government Contact: Mr. Matt West, Planning Manager
File

ITEM # 41

SEMINOLE COUNTY
PUBLIC SCHOOLSBILL VOGEL, Ed.D.
*Superintendent*Educational Support Center
400 E. Lake Mary Boulevard
Sanford, Florida 32773-7127
Phone: (407) 320-0004
Fax: (407) 320-0281
Suncom: 351-0004SCHOOL BOARD
SANDY ROBINSON
*Chairman*DEDE SCHAFFNER
*Vice Chairman*DIANE BAUER
*Board Member*LARRY FURLONG
*Board Member*JEANNE MORRIS
Board Member

August 23, 2004

Mr. Kevin Grace
County Manager
1101 East First Street
Sanford, Florida 32771-1468

RECEIVED

AUG 25 2004

SEMINOLE COUNTY
COUNTY MANAGER

Dear Kevin,

On August 10, 2004, the School Board voted to oppose the Florence Arbor Townhouse and Condominium Project as well as land use changes that convert non-residential properties to residential properties until the School Board, county, and cities have an opportunity to discuss future growth and the impact of those changes on the county and the school district.

The School Board asked that we discuss the possibility of a joint meeting, but after our conversation it would be difficult to schedule such a meeting before September 14, 2004, which is when your Board is rehearing the Florence Arbor Project. It is my understanding that your staff has recommended that all proposed land use changes be continued until the spring.

Therefore, my thoughts would be to proceed as we discussed at the August Mayors and Managers meeting to convene the Planning Technical Advisory Committee to address these matters over the next few months with a joint meeting to follow.

Please contact me if you have any questions.

Sincerely,


Bill Vogel
SuperintendentCc: Board Members
Dianne Kramer



THE SCHOOL BOARD OF SEMINOLE COUNTY

INFORMATION ITEM:

FLORENCE ARBOR TOWNHOUSE AND
CONDOMINIUM PROJECT: BOARD DIRECTION
REQUESTED

X.D.

Item Number

The Seminole County Board of County Commissioners is currently considering a Large Scale Land Use Amendment on 27 acres at the intersection of Orange Blvd. and C.R. 46A. The proposal would change the future land use from "Office" to "Planned Development" to permit the construction of 320 townhouses/condominiums (Florence Arbor). When the Land Planning Agency reviewed this proposal, the Seminole County Public Schools representative opposed converting additional land from office/commercial to residential because of the adverse impact on already over-crowded schools. This site is served by the Northwest Cluster, Sanford Middle School, and Seminole High School.

Pelloni Development Corporation is the developer of the project and it describes the final product as follows:

- Gated community designed for affluent, older (50+) buyers
- Prices ranging from \$200,000 to mid \$300,000
- Construction to start by early 2005; build-out by 2007

The developer proposes to reduce the impact on schools by pre-paying 100% of the school impact fees on or before 60 days of site plan approval and seeks Board direction prior to the Commission meeting scheduled for the evening of August 10, 2004.

The following information may be helpful to the Board in evaluating this proposal and providing direction to staff regarding the Board of County Commission hearing on the land use amendment:

1. The facility requirements associated with the class size amendment, combined with an increasing rate of growth in school enrollment, have created a sizable need for additional classroom space in the County. There are not enough capital funds to address the needs of the current Comprehensive Plan.
2. In general, owner-occupied multi-family development has less impact on the school system than rental units.
3. Large scale amendments to the Comprehensive Plan are processed only twice a year.
4. The conversion of high quality office and commercial properties to residential development has a double impact to the school system. First, there is a loss to the county economic base and second, there is more potential for rapid enrollment growth in the schools.

The School Board's direction on this proposal has the potential to impact many local government land use decisions, so it is staff's recommendation to request that the amendment decision be postponed. In the next few months the School Board and the County Commission and staffs could have an opportunity to discuss the relationship between land use decisions and the quality of the public school system in Seminole County. If the developer cannot postpone this decision, staff would recommend that the Board of County Commissioners include the following conditions if the amendment is approved:

1. The developer will pre-pay 100% of the school impact fees on or before final approval of the comprehensive plan amendment. Said amount would be \$204,480. This pre-payment helps address the additional capacity needs generated by this project.
 2. The residential units must be owner-occupied units; not rental apartments. This provision will help address the impacts on the school system associated with the student mobility of rental multi-family development.
2. Prepared by: Dianna L. Kramer
Deputy Superintendent/Operations
Attachment(s): None
Back-up not in agenda book: None

3. Board Meeting Date 8/10/04

Minutes

Seminole County School Board Meeting – August 10, 2004

SUPERINTENDENTS
REPORT

X. SUPERINTENDENT'S REPORT

- A. Seminole County Public Schools – School Report Cards
- B. School Recognition (A+) Funds Meeting
- C. Student Progression Plan 2004/2005
- D. Florence Arbor Townhouse and Condominium Project: **Board Direction Requested** – Member Furlong moved to oppose the development and, if the county does approve the land use change, that it do so with the caveats described in the agenda book with the noted revision that impact fees would be payable upon site plan approval. Member Morris seconded the motion. *Justin Pelloni, Pelloni Development, addressed the Board regarding this issue.* The motion passed unanimously.

Member Furlong then moved that the School Board oppose land use or zoning changes that convert non-residential properties to residential until the school board, county and cities have an opportunity to discuss addressing future growth and the impact of those changes on the county and the school system. Vice Chairman Schaffner seconded the motion. The motion passed unanimously.

- E. Elementary School Highlights
- F. Other – Dr. Vogel discussed school visits. He discussed Math Camp at Sanford Middle School. He discussed the ratification of the bargaining unit contracts. He discussed the upcoming Central Florida Public School Boards Coalition meeting.

BOARD MEMBER
COMMENTS

XI. BOARD MEMBER COMMENTS

There were no additional Board Member comments.

The meeting adjourned at 6:02 p.m.

 William Vogel, Superintendent

 Sandra Robinson, Chairman

NOTICE OF AMENDMENT ORDINANCE

Adoption of the 2004 Fall Cycle Large Scale Amendment Ordinance

Should the Board of County Commissioners ("the Board") move to adopt an amendment ordinance for this hearing item, a single ordinance will be presented to the Board for enactment following the last large scale amendment hearing of this cycle. The ordinance presented to the Board for enactment will include all the previously approved hearing items, if any, for this large scale amendment cycle. The proposed ordinance title is:

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF CERTAIN PROPERTIES BY VIRTUE OF LARGE SCALE DEVELOPMENT AMENDMENTS; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS, CONSERVATION, FUTURE LAND USE AND POTABLE WATER ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Florence Arbor PUD Large Scale Land Use Amendment and Rezone Staff Report"

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

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

SEE ATTACHED EXHIBIT A

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

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

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #04-23000002 in the official land records of Seminole County.

ENACTED this 14th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley
Chairman

EXHIBIT A LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31; THENCE RUN S89°44'51"E ALONG THE SOUTH LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 31 A DISTANCE OF 40.00 FEET; THENCE RUN N00°02'42"W A DISTANCE OF 85.04 FEET TO THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD (STATE ROAD 46A) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3162, PAGE 893 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AND THE EAST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, S44°55'03"E A DISTANCE OF 35.49; THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, S89°44'51"E A DISTANCE OF 1005.28 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 4523.66 FEET, THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE AND THE SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, THROUGH A CENTRAL ANGLE OF 00°44'40", AN ARC DISTANCE OF 58.77 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD, RUN N00°02'42"W, A DISTANCE OF 1086.70 FEET TO THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE AFORESAID SOUTHWEST 1/4 OF SECTION 31; THENCE RUN ALONG SAID NORTH LINE N89°44'51"W A DISTANCE OF 1089.80 FEET TO THE EAST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, SAID EAST RIGHT-OF-WAY LINE BEING 40.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF THE AFORESAID SOUTHWEST 1/4 OF SECTION 31; THENCE RUN S00°02'42"E ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1062.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 27.19 ACRES MORE OR LESS.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On December 14, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Pelloni Development Corporation
725 Primera Boulevard, Suite 130
Lake Mary, FL 32746

Project Name: Florence Arbor PUD

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

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

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

Prepared by: Tina Deater, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

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

- a. The residential portion of the project shall be developed at a maximum density of 20.25 units per net buildable acre or a maximum of 320 dwelling units.
- b. The retail/office portion of the project shall be developed with a maximum of 19,500 square feet of retail/office space.
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. The first row of structures adjacent to Orange Boulevard or the structures within the first 120 feet adjacent to Orange Boulevard, whichever constitutes the greater distance from Orange Boulevard, shall be limited to two stories.
- e. The buffer adjacent to Orange Boulevard shall be a minimum of 25 feet in width, with a 6-foot masonry wall and landscaping in compliance with the Seminole County Land Development Code on the Orange Boulevard side of the wall.
- f. Development greater than three (3) stories shall be restricted to the eastern 532.6 feet of the property.
- g. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. South: 35 foot setback and 25 foot landscape buffer
 2. North: 35 foot setback and 15 foot landscape buffer
 3. West (adjacent to Orange Boulevard): 35 foot setback and 25 foot landscape buffer.
 4. East where the residential tract is adjacent to Office future land use: A 50 foot setback and 25 foot landscape buffer with a 6-foot masonry wall, in compliance with the Land Development Code regulations for active buffers, shall be placed along the east property line where the residential tract is adjacent to Office future land use.

5. East where the office/retail tract is adjacent to Office future land use: 35 foot setback and 15 foot landscape buffer.
- h. A minimum building setback of 15-feet and a minimum landscape buffer of 5-feet with a 6-foot masonry or brick wall shall apply between the retail/office and residential tracts.
- i. Building setbacks for the individual units shall be determined at the time of Final Master Plan.
- j. The following building height limits shall apply:
 1. Town homes (1, 2, or 3-story) – maximum height 40 feet
 2. Condominiums (maximum 5-story) – maximum height 60 feet
 3. Office/Retail Uses – maximum height of 40 feet, including architectural features such as towers, spires, and cupolas. Anything proposed over 40 feet must have architectural renderings provided and must be approved by the Board of County Commissioners.
- k. Permitted uses for the retail portion shall be all permitted uses in the C-1 zoning district; and special exception uses shall be those special exception uses permitted in the C-1 (Retail Commercial) zoning district as outlined in the Seminole County Land Development Code, except that the following uses shall be prohibited: funeral homes, drive-thrus, gasoline pumps, communication towers, hospitals, nursing homes, and flea markets. Alcoholic beverage establishments shall be allowed by special exception only.
- l. Permitted uses for the residential portion shall be townhomes, condominiums, home occupations, and home offices. Rental units shall be prohibited.
- m. The garages shall not be allowed to be converted to living space.
- n. Storage of boats and recreational vehicles on residential lots shall be prohibited.
- o. All signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards.
- p. All landscape buffers and common areas shall be maintained by a homeowners association.
- q. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- r. The developer shall construct a 5-foot wide sidewalk along the east side of Orange Boulevard.
- s. Architectural renderings of the buildings shall be provided with the Final Master Plan.

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

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

Done and Ordered on the date first written above.

By: _____
Carlton Henley
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Pelloni Development Corporation, on behalf of itself and its heirs 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 Development Order.

Witness

James Pelloni, President of Pelloni
Development Corporation

Print Name

Witness

Print Name

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared James Pelloni, President of Pelloni Development Corporation, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

The motion passed unanimously (4 – 0).

Florence Arbor PD; Justin Pelloni, applicant; 27.2 acres Large Scale Land Use Amendment from Office to PD (Planned Development) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the northeast corner of Orange Blvd. and CR 46A (04F.FLU03 and Z2004-014)

Commissioner McLain – District 5 -
Tina Deater, Senior Planner

Tina Deater introduced the location and request for the Florence Arbor project. It encompasses 27.2 acres on the northeast corner of Orange Boulevard and CR 46A. It will be a mixed-use development. The Vision 2020 Plan says that it can be appropriate for such uses with adequate buffering. Staff recommends approval and transmittal of the request for a Large Scale Land Use Amendment from Office to PD (Planned Development) and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) and approval of the attached Preliminary Master Plan with the conditions stated in the staff report. These include:

- a. The residential portion of the project shall be developed at a maximum density of 20.25 units per net buildable acre or a maximum of 320 dwelling units.
- b. The retail/office portion of the project shall be developed with a maximum of 19,500 square feet of retail/office space
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. The first row of structures adjacent to Orange Boulevard or the structures within the first 120 feet adjacent to Orange Boulevard, whichever is greater, shall be limited to two stories.
- e. The buffer adjacent to Orange Boulevard shall be a minimum of 25 feet in width, with a 6-foot masonry wall and a coordinated repetition of trees in compliance with the Seminole County Land Development Code on the Orange Boulevard side of the wall.
- f. Development greater than three (3) stories shall be restricted to the eastern half of the property.
- g. The following minimum building setbacks and landscape buffers shall apply from the exterior boundaries of the development:
 1. Front: 35 foot setback and 25 foot landscape buffer
 2. Rear: 35 foot setback and 15 foot landscape buffer
 3. Side: 35 foot setback and 15 foot landscape buffer
- h. A minimum building setback of 15 feet and a minimum landscape buffer of 5 feet with a 6-foot masonry or brick wall shall apply between the retail/office and residential tracts.
- i. The following minimum building setbacks shall apply to the individual townhouse buildings:
 1. Front: 20 foot
 2. Rear: 20 foot

- j. The following minimum building setbacks shall apply to accessory structures associated with the townhouse units:
 - 1. Pools and other accessory structures: Side: 5 foot, Rear: 5 foot
 - 2. Screen enclosures: Side: 3 foot, Rear: 3 foot
- k. The following minimum building setbacks shall apply to the individual condominium buildings:
 - 1. Front 20 foot
 - 2. Rear: 10 foot
- l. The following building height limits shall apply:
 - 1. Town homes (1,2, or 3-story) – maximum height 40 feet
 - 2. Condominiums (maximum 5 story) – maximum height 60 feet
 - 3. Office/Retail Uses – maximum height of 40 feet, including architectural features such as towers, spires, and cupolas. Anything proposed over 40 feet must have architectural renderings provided and must be approved by the Board of County Commissioners.
- m. Permitted uses for the retail portion shall be all permitted uses in the C-1 zoning district and special exception uses shall be those special exception uses in the C-1 (Retail Commercial) zoning district as outlined in the Seminole County Land Development Code, except that the following uses shall be prohibited: funeral homes, drive throughs, gasoline pumps, communication towers, hospitals, nursing homes, and flea markets. Alcoholic beverage establishments shall be allowed by special exception only.
- n. Permitted uses for the residential portion shall be townhomes, condominiums and home occupations.
- o. All signage shall comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards.
- p. All landscape buffers and common areas shall be maintained by a homeowners association.
- q. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- r. The developer shall construct a 5-foot wide sidewalk along the east side of Orange Boulevard.
- s. Architectural renderings of the buildings shall be provided with the Final Master Plan.

Justin Pelloni spoke next. He stated that he has developed in Lake Mary, including the Shoppes at Oakmonte and now Park Place at Heathrow. He stated that he is interested in the community. He lives within a mile of the proposed project being considered. His company does high end townhomes and condos. Empty nesters are looking for this type of easier living.

Public comment

Linda Welker stated that she was a 30 year resident of the area. She knows change is coming and feels that this is a nice transitional use. It is consistent with the area. She is in favor of this request.

Efrem Her stated that changes had to come to the area eventually and that this concept was good.

Cindy Crane of 820 Banana Lake Road spoke in opposition. She is concerned with the density of the project. The height of the condominiums should be restricted to 2 stories. She is also concerned about the impact this project will have on the schools. The intersection near this project will be a nightmare.

In rebuttal, John Gilmartin stated that the proposed use will not be as intense as it would be at the current office use.

Commissioner Hattaway read the comments of Dianne Kramer, representing the Seminole County School Board.

Commissioner Tucker asked if the existing single-family homes on the property would be demolished.

Mr. Pelloni stated that they would be.

Commissioner Tucker made a motion to recommend approval of the rezone and transmittal of the Large Scale Land Use Amendment and attached Master Plan.

Commissioner Hattaway seconded the motion.

The motion passed by a vote of 4 – 1.

G. Celery Estates South; Suncor Properties, Inc. / Robert Horian, applicants; approximately 14.27 acres; Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southeast corner of the intersection of Celery Ave. and Brisson Ave. (04F.FLU01 and Z2004-012)

Commissioner McLain – District 5
Tina Deater - Senior Planner

Ms. Deater stated that this is the second phase of Celery Estates. The applicants are proposing a single-family residential subdivision with a maximum density of 4 dwelling units per net buildable acre. The applicant is requesting an earthen berm/wall combination to be substituted for the 6 foot clay brick wall, pending approval by the City of Sanford for the Celery Avenue buffer associated with the Celery Estates North project. Staff recommends approval of the request for a Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) on approximately 14.27 acres, and approval of the associated Preliminary Master Plan.

Scott Phillips of CPH Engineers, Sanford, stated that he agreed with the terms stated in the staff report and that he asked for approval of the request.

No one spoke from the audience concerning the request.

LARGE SCALE LAND USE AMENDMENT AND REZONE/PELLONI

Continuation of a public hearing from August 10, 2004, to consider approving transmittal of a Large Scale Land Use Amendment from Office to PD (Planned Development) to the Florida Department of Community Affairs, and rezoning from A-1 (Agriculture) to Planned Unit Development (PUD) on approximately 27.2 acres, located on the northeast corner of Orange Boulevard and CR 46A, Justin Pelloni, received and filed.

Ms. Deater presented the request, stating staff has it and based upon the findings, they believe it is compatible with the surrounding land uses, subject to the proposed development order. However, staff received a formal objection from the School Board based upon capacity issues. They have also received objections from the Regional Planning Council and the Department of Community Affairs related to school capacity and consumptive use permit capacity on a similar project to the north in the Heathrow International Business Center. Staff is anticipating that these same issues will arise with this proposed project at the time it is transmitted to the Department of Community Affairs.

Since submittal of the staff report, there has been some progress made with regard to the water issues. The applicant met with the St. Johns River Water Management District and the County Environmental Services Department and they have developed potential options for addressing the evidence for additional water capacity. A final solution has not been agreed upon at this time. A memo from the project engineer to the St. Johns River Water Management District and the District's response have been distributed to the Board (not received and filed).

Ms. Deater said the applicant met with the School Board on August 10 and the School Board voted to oppose the project with the provision that if the County chooses to approve it, it should be conditioned upon the developer prepaying impact fees upon site plan approval and the restriction prohibiting the operation of a rental community.

Based upon the existing uncertainties, staff is recommending the continuance of the proposed

rezoning and large scale use amendment and preliminary master plan to the Spring 2005 amendment cycle in order to allow the applicant time to address the school and water capacity issues. Staff is also recommending a continuance to allow them time to complete the study of the long-term fiscal impacts of converting office land use to residential. She stated if the Board wishes to transmit the amendment at this time, staff recommends it be subject to the Preliminary Master Plan and Development Order in the staff report. She advised the applicant submitted a letter (copy received and filed), previously distributed to the Board, stating three additional conditions of approval as follows: (1) issuance of a consumptive use permit by St. Johns River Water Management District enabling the construction of an on-site water treatment plant; (2) prepayment of school impact fees prior to the issuance of a site plan construction permit; and (3) a restriction prohibiting the development or operation of a rental apartment community.

Upon inquiry by Commissioner Henley, Liz Blackburn, Environmental Services, addressed the Board to state they don't have a request from the applicant for consumptive use, but they have a demand estimate that would be about 86,000 gallons a day.

Upon inquiry by Commissioner Morris, Matt West, Planning Manager, addressed the Board to state if this is transmitted, he expects the St. Johns District will raise questions and possibly objections over the net increase in potable water consumption and ask how the County proposes to resolve that and ask not to adopt until they have the answer. They could also anticipate the same thing with the School Board issue. He is not sure what would happen with the economic element as it is a voluntary one. He advised whether DCA objects or not, the BCC still has the option to deny the request.

Jim Pelloni, applicant, 300 Spalding Cove, Pelloni Development Corp., addressed the Board to show a photograph (received and filed) of the property in question, adjacent properties, and several of their other projects in the area. He explained they decided the perfect use of the property would be an upscale multi-family that provided people the chance to own. He described their plans and market for the project. He said they have a time constraint and don't know if they can keep the same assemblage if they have to wait until next spring. He made a PowerPoint presentation (copies received and filed) first

discussing the HIP District and stated this property does not fall within that district. He showed a graphic map (received and filed) from Seminole County's Vision 2020 Comprehensive Plan showing the site is not in the HIP District. He discussed the water availability issue. He stated John Martin of his office had written a letter to St. Johns and St. Johns responded that the proposal of a package plant is acceptable. He also understands that according to conversations Mr. Martin had with the County's Water and Sewer Department, this is an acceptable concept at this time. Regarding the traffic issue, Mr. Pelloni said there is 50% less traffic impact with this project. He said they do not expect the School Board's support, and it is likely the School Board will reject this project as well as any others like it. They are aware of the request for them to pay school impact fees at the time of site plan approval, and that they restrict rental apartment development. He said they agree to those conditions and he sent a letter (copy received and filed) to Mr. West advising that. On the economic affect, Mr. Pelloni said the County would collect more taxes if this were a residential project. He further discussed the topics of "Jobs/Homes Ratio"; "Intangible Effect"; "Additional Points of Neighborhood Support, Contingencies, and Precedent." He said he is unaware of anyone who has not supported this project. He advised the Board that they would also accept the contingency that the St. Johns District approves a more advanced plan. He said his family members live within two miles of this property and it matters to them how this works out. He likes this proposed project better than what could be some of the alternatives if they don't proceed with this kind of development. Given the sequence of events and timing of the issues and timing of DCA, he would appreciate if the Board could find a way for them to proceed.

Commissioner Henley stated he met with Mr. Pelloni and his sons the other day and he has no doubt they would build a quality product in that area. At that time, he discussed his concerns for the water issue, density, and impact upon the schools. He said it concerns him that St. Johns would not increase the CUP for Seminole County when requested about a year ago, and now they are willing to allow additional CUP's to be allocated to a developer in the same aquifer. The other thing that concerns him regarding the job/home ratio mentioned of 1.83 jobs per family is that if they go with 320 units, that's about 585 jobs that would need to be created. He is sure that no one would buy into the project who doesn't already have a job.

In response, Mr. Pelloni stated Seminole County has established the requirement that when they have capacity, he would be required to use that. He said that is acceptable to them also.

John Martin, Kimley Horn, addressed the Board to respond to the water issue. He summarized his meeting with the St. Johns District, at which time they said the Consumptive Use Permit would be an acceptable alternate source of water for the project.

Justin Pelloni addressed the Board to state Mr. West had advised them that the package plants were high maintenance, especially after the hurricanes. He said no matter what they do, they will have to pay for the infrastructure to support the development. At any time the County requests them to hook up to County water, they will do that and abandon the package plants and maybe donate that to the County for the rural area.

Bob Adolphe, Environmental Services Director, addressed the Board to answer the question by Commissioner Henley concerning the balance of the reserves in that quadrant. Discussion ensued.

Commissioner Morris disclosed he also met with the Pellonies and discussed the proposed project. He asked Mr. Pelloni to discuss the nature of the development. Mr. Pelloni explained there will probably be some condominiums and some townhouses.

Commissioner Morris stated precedent setting has been of great concern to him.

Attorney Randy Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, representing the applicant, addressed the Board to state the County's economic element did not address this parcel because it is outside of the HIP area. She read an excerpt from the Economic Element of the Vision 2020 Plan and said this isn't setting a precedent. She said the project in Heathrow International Business Center and the Colonial properties are all in the target industry area, in the HIP district. She further read from the staff report that staff completed a residential needs analysis that indicated that by the Year 2020, there is a projected 18,000 residents in the unincorporated areas that will need housing not provided for by the Comprehensive Future Land Use Map. She stated they are saying don't let the conversion of residential

uses happen in the HIP district, but allow it to happen in other areas where it is appropriate, such as this. Discussion ensued with Commissioner Morris.

Ms. Fitzgerald explained that if the units are restricted by age with the potential of not having children, you cannot collect school impact fees from those units. They are proposing a compromise where they would prepay the impact fees to the schools as if they were going to have 76 children, but the reality is they will probably have far fewer.

Diane Kramer, Deputy Superintendent of Schools, 400 E. Lake Mary Boulevard, addressed the Board to state at their August 10, 2004, meeting in addition to the Board unanimously voting to oppose this development, they also unanimously voted to oppose any land use or zoning changes that convert non-residential properties to residential; and to postpone those until the School Board, the County, and the Cities can address the future growth and impact of these changes on the County and the school system.

John Simes, 642 Lakeworth Circle, Co-Chairman of the Heathrow Government Affairs Committee, addressed the Board to state they have met with the applicants and they have tried very hard to address the concerns of the Heathrow residents. He asked that any buildings adjacent to Heathrow be restricted to two stories. He also asked that the access be through CR 46A only and this be included in the development order issued. They feel the project, as proposed, is a good transition.

Richard and Charlotte Gauss, 1000 Terrace Bono Ct., addressed the Board. Mr. Gauss stated he and his wife have seen the changes that have come and they favor the changes. They feel the development plan by Mr. Pelloni is a much better solution than what staff proposed. He asked why not have a first-class development that even the Heathrow residents have ok'd. He said apparently the School Board doesn't want any more school children in this area due to overcrowding, but the Pellonies have offered to pay upfront the impact fees. The school needs can be improved as the project is developed, and if that is not enough, increase the impact fees for all developers.

Linda and Jeff Welker, 1129 Orange Boulevard, addressed the Board to state they are asking for the Board's support for the Pelloni project for the reasons they believe it is the perfect use of this land and

they would also be a desirable neighbor to the Colonial Apartment Complex. They believe the Pelloni family is the right developer for this land and they have a vested interest in the land's future. They have proven themselves to the community in the quality of work they have produced.

Cindy Crain, 820 Banana Lake Road, addressed the Board to state she has seen this area grow into a very, very busy area. This area has changed tremendously. Her main concern is the amount of water that is requested for this project with the commercial, residential or mixed land use. She agrees the County and School Board should meet with Mr. Pelloni. She would also like to be invited to this meeting. She said if her concerns on all sections could be resolved, she might be in favor of this project.

No one else spoke in support or in opposition.

Speaker Request Forms were received and filed.

Upon inquiry by Commissioner Morris, DCM Don Fisher addressed the Board to state the history of the property as he recalled. He said he doesn't truly understand what type of precedence is being talked about. The concern from staff is if this is a good design to make. He believes there is more quality and investment in home ownership. If the Board decides to transmit this, staff will do everything they can to get the issues resolved between now and December. He doubts staff will have 100% of the evaluation done by that time.

Commissioner Morris stated he thinks the applicant would be at an extreme risk if the Board moves forward, but it does give the opportunity to resolve these issues.

District Commissioner McLain stated on the economic viability, when you have a large commercial/office development, you have to have the infrastructure and residential community to support it. They have tried to make the transportation element one that will allow people to work near and around their home to enjoy the recreational and entertainment amenities there. He thinks they need to think about all the jobs they are creating in the HIP area. If the jobs continue to come, where will the people live and will they now have to move to another community farther away and exacerbate the

problem on I-4. When you look at the map, it is clear to him that residential use on that parcel is much more compatible than office would be. He thinks residential use is probably the best use. It is a quality developer that lives in the community. Regarding water, he thinks the developer is doing all he can to make sure they can obtain the extra 40,000 gallons a day. He thinks prepayment of the school fees is important, if that could be done. He thinks they need to take a more global look as to how this will develop. He also thinks the two issues spoken to by the Heathrow residents should be included in the development order (that is, no access onto Orange Boulevard and any buildings along Orange Boulevard will be restricted to two stories). He does not have a problem with giving this developer the opportunity to pursue the project and solving these problems between now and December. He thinks this is a quality project. He asked for a motion to transmit to DCA with the knowledge that these issues will have to be addressed when the project comes back in December.

Motion by Commissioner Van Der Weide, seconded by Commissioner Maloy, to transmit to the Department of Community Affairs the request for a Large Scale Land Use Amendment from Office to PD (Planned Development), and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 27.2 acres, located on the northeast corner of Orange Boulevard and C.R. 46A; as described in the proof of publication, Justin Pelloni, with conditions in the Development Order, as shown on page _____, and the contingencies brought up by Mr. Pelloni; namely, the conditions on the Consumptive Use Permit, prepayment of school impact fees, no rental units, no CR 46 accessibility, and no more than two-story buildings fronting on Orange Boulevard.

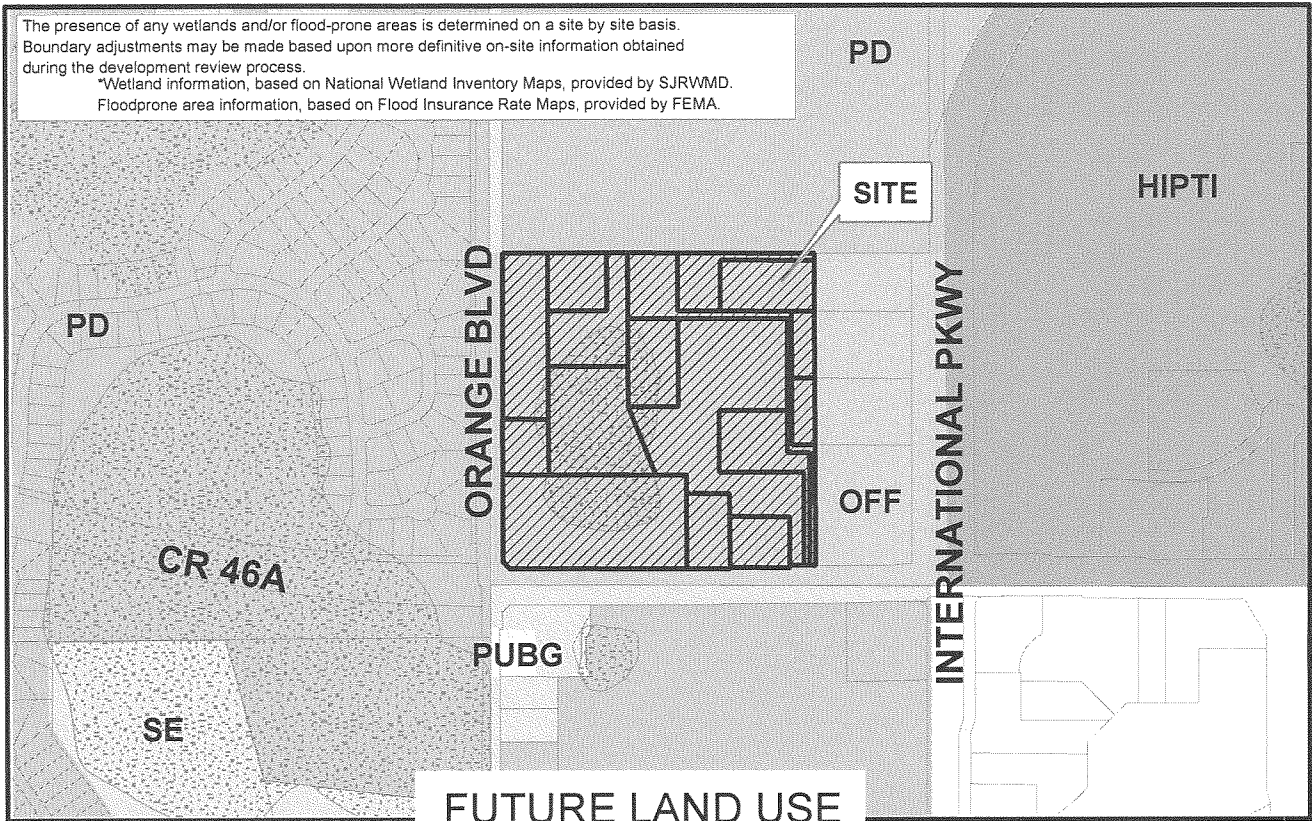
Commissioner Morris said all things being equal, he thinks this would have been better if all the information had been explored prior to going to P&Z. He asked staff to move forward very promptly on the items they discussed. He stated he is concerned about the School Board's concern. With respect to the package plan and St. Johns, the risk is in the developer's hands. In December when this comes back, the Board will consider these issues. He said he would support the motion under those qualifications.

Commissioner Henley said he supports transmitting to DCA, but he will have difficulty supporting a package plan as a solution. He hopes the developer can work something else out.

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

Chairman McLain recessed the meeting at 9:32 p.m. and reconvened it at 9:43 p.m.

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.

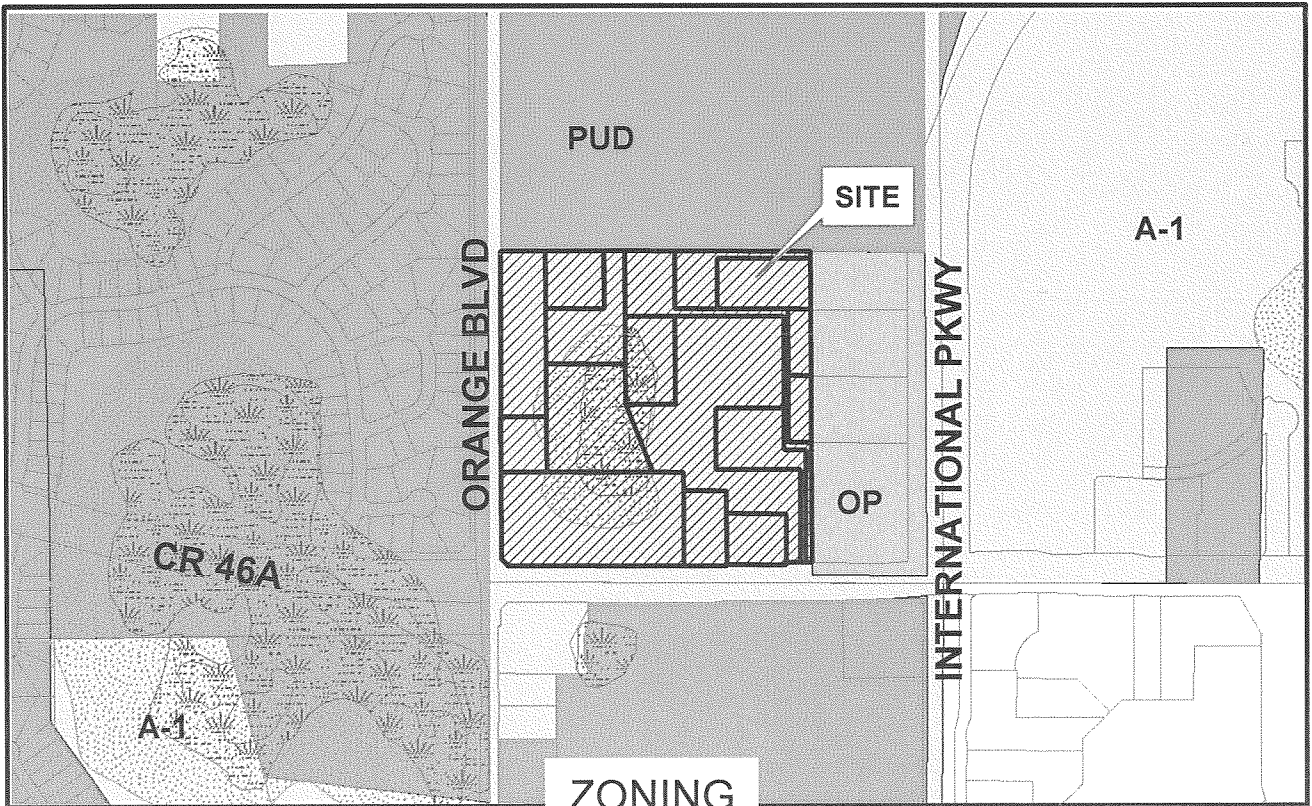


FUTURE LAND USE

Site
 Municipality
 SE
 PD
 OFF
 HIPTI
 PUBG
 CONS

Applicant: Justin Pelloni
 Physical STR: part of 31-19-30
 Gross Acres: 27.2 BCC District: 5
 Existing Use: Vacant, Single Family, and Grazing Land
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	04F.FLU03	OFF	PD
Zoning	Z2004-014	A-1	PUD





ZONING

Site
 Municipality
 A-1
 OP
 PUD
 FP-1
 W-1



Amendment No: 04F.FLU03
 From: OFF To: PD
 Rezone No: Z2004-014
 From: A-1 To: PUD

-  Parcel
-  Subject Property



February 1999 Color Aerials