

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Small Scale Land Use Amendment from Office to Planned Development and rezoning from OP (Office-Professional) to PUD (Planned Unit Development). (Thomas Daly, applicant.)

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

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date <u>8/07/02</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. APPROVE the request for a Small Scale Land Use Amendment from Office to Planned Development, and rezoning from OP to PUD, comprising approximately 9.9 acres and located on the west side of Wekiva Springs Road, ½ mile north of SR 434, based on staff findings (Thomas Daly, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from Office to Planned Development, and rezoning from OP to PUD, comprising approximately 9.9 acres and located on the west side of Wekiva Springs Road, ½ mile north of SR 434, based on findings made at the public hearing (Thomas Daly, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 3 – Comm. Van Der Weide)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Thomas Daly of Daly Design Group, requests a Small Scale Land Use Amendment from Office to Planned Development, and rezoning from OP to PUD, to allow either of the following development scenarios:

1. A total of 74 townhouse units at a density not exceeding 10 units per net buildable acre; or
2. Office uses subject to development standards of the OP (Office-Professional) zoning district.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request per the attached Development Order.

Reviewed by:
Co Atty: <u>KZC</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2002-018</u>

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.

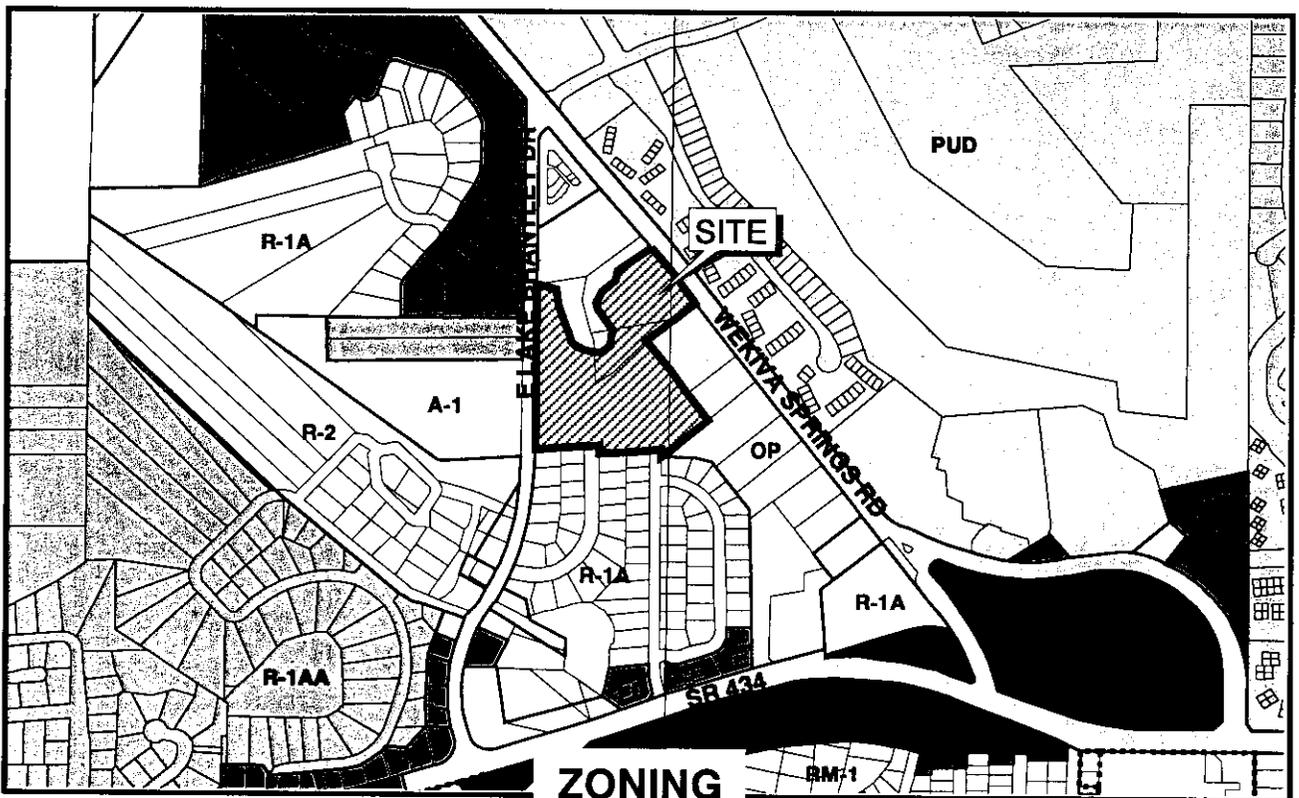


FUTURE LAND USE

Site
 Municipality
 COM
 LDR
 PD
 MDR
 HDR
 PUBS
 OFF

Applicant: Thomas Daly
 Physical STR: part of 04-21-29-300-003A, 003B, & 003D-0000
 Gross Acres: 9.9 BCC District: 3
 Existing Use: Vacant
 Special Notes: _____

	Amend/Rezone#	From	To
FLU	08-02SS.2	OFF	PD
Zoning	Z2002-018	OP	PUD



ZONING

A-1
 C-1
 C-2
 R-1A
 R-1AA
 R-2
 R-3
 RP
 RM-1
 PUD
 OP



Amendment No. 08-02SS.2

From: OFF To: PD

Rezone No. Z2002-018

From: OP To: PUD

 Subject Property

 Parcelbase



February 1999 Color Aerials

East Lake Brantley Townhomes

Staff Report

Office to Planned Development		Amendment 08-02SS.02 & Z2002-018
REQUEST		
APPLICANT	Thomas Daly	
PLAN AMENDMENT	Office to Planned Development	
REZONING	OP (Office Professional) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	9.9	
LOCATION	West side of Wekiva Springs Road approximately ½ mile north of SR 434	
SPECIAL ISSUES	N/A	
BOARD DISTRICT	3- Comm. Van Der Weide	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION August 7, 2002	<p>PLAN AMENDMENT: Recommend APPROVAL of Planned Development land use with findings that the requested land use designation, in conjunction with the proposed development plan, would be:</p> <ol style="list-style-type: none"> 1. Consistent with Plan policies related to the Planned Development land use designation; 2. Consistent with adjacent Planned Development, Office, Commercial and High Density Residential land uses; 3. Consistent with development within the Sabal Point PUD to the east; and 4. Consistent with Plan policies identified at this time. <p>REZONE: Based on the above analysis, staff recommends APPROVAL of the request subject to appropriate design criteria, as noted in the Development Order, to ensure compatibility with surrounding development.</p>	

STAFF ANALYSIS

Office to Planned Development

Amendment
08-02SS.02
& Z2002-018

1. **Property Owner:** Max F. Morris
2. **Tax Parcel Numbers:** 04-21-29-300-003A-0000
04-21-29-300-003B-0000
04-21-29-300-003D-0000
3. **Development Trends:** Development in this area is characterized by medium- and high-density residential uses along both sides of Wekiva Springs Road, and professional office uses between Wekiva Springs Road and E. Lake Brantley Drive. Commercial uses are situated nearby, centering on the intersection of Wekiva Springs Road and SR 434. Property immediately north of the subject site is designated commercial, and zoned for office uses. The proposed townhouse development is compatible with these uses, potentially affording many opportunities to live and work within a small, walkable area. Adjacent areas to the west and south are in the Low Density Residential (LDR) future land use designation. Despite the difference in densities, these areas should not be adversely affected if sensitive site design principles, such as appropriate buffering, lighting and architectural standards, are applied to the proposed development.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

- a. The current Office future land use designation permits a variety of office uses as a transition between high intensity nonresidential and residential uses of all intensities. The existing OP zoning permits general office uses, including medical and other professional services, as well as churches and day care facilities, as permitted uses. Special Exception uses include banks, hospitals, nursing homes and funeral homes.
- b. The site consists of three vacant parcels and is well-wooded.

Location	Future Land Use*	Zoning*	Existing Use
Site	Office	OP	vacant
North	Commercial	OP	vacant
South	Low Density Residential	R-1A	single family residential
East	Planned Development	PUD	multi-family residential
West	Low Density Residential	A-1, R-1AA, R-3	single-family residential and vacant

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

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the 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 and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via Wekiva Springs Road, an Arterial road. The existing Level of Service (LOS) on this portion of Wekiva Springs Road is "B", with an adopted LOS standard of "E".

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

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

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

The property is served by the Seminole County EMS/Fire Station # 16, located east of Wekiva Springs Road at Sabal Palm Drive. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

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

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

The applicant has submitted an application to defer full concurrency review. A preliminary review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

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 less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code. Lake Pat is adjacent to the site, but not included within the development.

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 the subject property.

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

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

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

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

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

The applicant proposes to develop a PUD which would consist of townhouse units at a maximum of 10 units per net buildable acre. As an alternative, the PUD would provide for office uses subject to development standards of the OP zoning district (however, no mixing of residential and office uses would be allowed). Either use could serve as an appropriate transition between the commercial use to the north and lower intensity residential uses to the south and west.

2. **Determination of Compatibility in the PUD Zoning Classification:** *The County shall consider uses or structures proposed within the Planned Unit Development (PUD) and Planned Commercial Development (PCD) zoning classifications on a case by case basis evaluating the compatibility of the proposed use or structure with surrounding neighborhoods and uses. Compatibility may be achieved by application of development standards such as, but not limited to, lot size, setbacks, buffering, landscaping, hours of operation, lighting, and building heights. The Board of County Commissioners shall have discretion as to the uses and structures approved with a PUD or PCD zoning classification. (Policy FLU 2.11)*

The medium density nature of the proposal is consistent with established development patterns in the area. With appropriate design features such as landscaping, buffering and setbacks, compatibility with nearby single family neighborhoods can be achieved. Staff recommendations related to compatibility include the following:

- building setback of 50 feet and landscaped buffer of 25 feet along the south property line

- brick or masonry wall 6 feet in height along the south property line
- landscape buffers along Wekiva Springs Road and East Lake Brantley Drive a minimum of 25 feet in width, containing at least 4 canopy trees per 100 feet
- rear side of units shall not face Wekiva Springs Road

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLU 2.2: Regulation of Active Uses.

FLU 5.5: Water and Sewer Service Expansion

Planned Development Future Land Use Definition

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 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.

Legal Description: As provided by client.

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 31 SOUTH, RANGE 28 EAST, RUN THENCE N 88°16'34" W A DISTANCE OF 685.40 FEET TO A POINT ON THE EAST FRONT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N 00°10'34" E ALONG SAID EAST FRONT OF WAY LINE A DISTANCE OF 28.98 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A" OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 70, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA FOR A POINT OF BEGINNING, RUN THENCE N 00°10'34" E ALONG THE EAST FRONT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.18 FEET, THENCE DEPARTING SAID EAST FRONT OF WAY LINE, RUN S 75°52'00" E 89.55 FEET, THENCE S 10°18'10" E, 74.86 FEET, THENCE S 18°45'00" E, 84.42 FEET, THENCE S 22°41'22" E, 83.73 FEET, THENCE S 13°11'10" E, 30.40 FEET, THENCE S 61°11'22" E, 29.18 FEET, THENCE S 60°13'30" E, 42.37 FEET, THENCE S 75°29'58" E, 41.84 FEET, THENCE S 60°29'00" E, 34.12 FEET, THENCE N 60°12'31" E, 61.26 FEET, THENCE N 00°07'27" E, 74.23 FEET, THENCE N 04°28'29" W, 108.07 FEET, THENCE N 17°40'00" W, 31.28 FEET, THENCE N 01°10'10" E, 84.28 FEET, THENCE N 60°21'30" E, 81.70 FEET, THENCE N 13°12'00" E, 44.44 FEET, THENCE N 60°30'00" E, 188.70 TO A POINT ON THE WESTERLY FRONT OF WAY LINE OF THE MEYERS SPRINGS ROAD, THENCE S 38°11'09" E ALONG THE WESTERLY FRONT OF WAY LINE OF SAID MEYERS SPRINGS ROAD A DISTANCE OF 523.11 FEET, THENCE S 59°18'58" W, 15.43 FEET, THENCE S 30°11'00" E, 15.00 FEET, THENCE S 60°18'58" W, 286.15 FEET, THENCE S 30°11'00" E A DISTANCE OF 400.00 FEET, THENCE S 60°18'58" W A DISTANCE OF 28.14 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 1, BLOCK "D" OF SAID GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT 1, THENCE RUN ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES, THENCE N 60°18'58" W A DISTANCE OF 23.78 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK "D", THENCE N 01°58'01" E A DISTANCE OF 41.80 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF BRANCLIFF DRIVE, THENCE N 60°18'58" W A DISTANCE OF 198.88 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK "B", THENCE S 01°58'01" E A DISTANCE OF 16.80 FEET TO THE NORTHEAST CORNER OF LOT 12, BLOCK "B", THENCE N 60°18'58" W A DISTANCE OF 110.80 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 12, BLOCK "B", THENCE N 01°58'01" E A DISTANCE OF 43.00 FEET TO A POINT ON THE EAST LINE OF LAKE GENE DRIVE, THENCE N 60°18'58" W A DISTANCE OF 178.00 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK "A", THENCE N 60°18'58" W A DISTANCE OF 110.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.887 ACRES MORE OR LESS

Conditions of Approval

- A. No building shall exceed five (5) stories in height to the main elevation.
- B. All buffer and setbacks unless noted on the preliminary master plan shall adhere to the provisions of the Seminole County land development code.
- C. All utilities will be provided by Seminole County and individually maintained to each unit.
- D. The project will be designed in conformance with the Seminole County Land Development Code.
- E. This project will not be reworked or designed to accommodate student housing.
- F. Solid waste will be collected on an individual basis, no dumpsters will be installed.
- G. No accessory building, screen enclosure, or swimming pools will be allowed on individual lots within the residential portions of this project.
- H. Townhomes will be developed and sold on individual lots. All landscape areas within an individual lot will be maintained by the homeowners association.
- I. Recreation areas will be privately owned and maintained by The Homeowners Association.
- J. Professional office and townhomes will be approved uses for this development. However, the project will not be a mixed use development. Both uses may not be constructed simultaneously on the site.
- K. Project street lighting adjacent to the existing single family homes will be limited to decorative lighting attached to the first floor of the residential buildings.
- L. All landscape buffers and common areas will be owned and maintained by the Homeowners Association.
- M. No balconies from the second floor of residential buildings will be allowed along the South property boundary adjacent to existing single family homes.
- N. Pedestrian access will be provided from the site to Welles Springs Park.

East Lake Brantley Townhomes

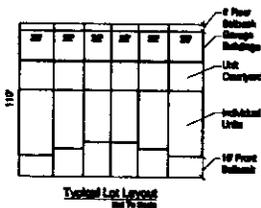
Planned Development Preliminary Master Plan Seminole County, Florida

June, 2002

Prepared for:
Centex Homes

385 Douglas Avenue, Suite 2000
Altamonte Springs, FL 32714

Revisions
07/18/02 Revised per DRC comments 07/17/02



Owner:
Max F. Morris
P.O. Box 2609
Orlando, FL 32802

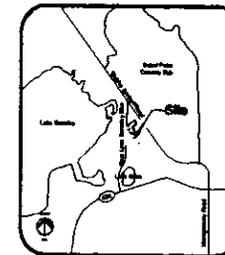
Contact: Cleotus Simmons,
Esquire

Developer:
Centex Homes
385 Douglas Ave., Suite 2000
Altamonte Springs, FL 32714
(407) 961-2199

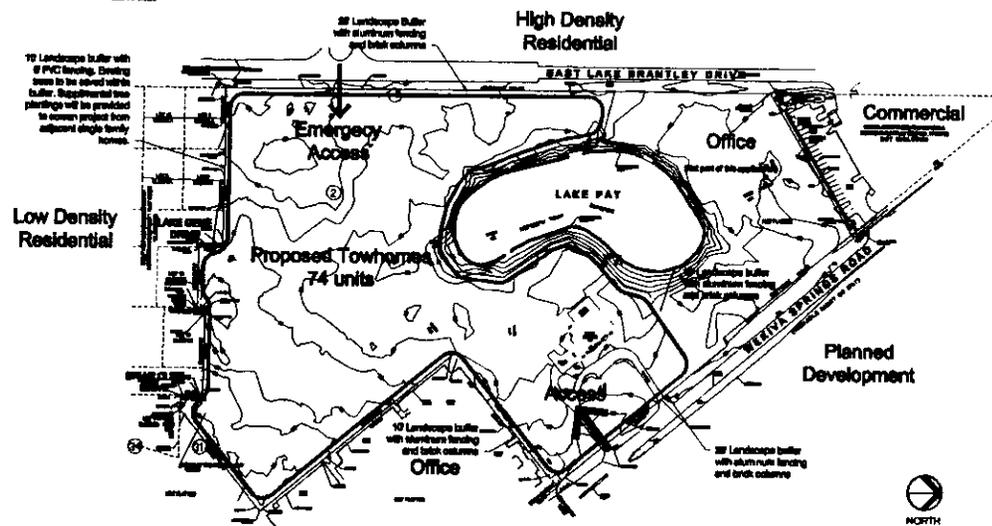
Contact: Michael Oliver, PE

Applicant/Agent:
Daly Design Group
861 West Morse Blvd., Suite 125
Winter Park, FL 32789
(407) 740-7373

Contact: Thomas Daly, ASLA



Location Map



Soils Legend

②	Adamsville-Span fine sands
③	Taverec-Nilfoppas fine sands
④	Urban Land, 0 to 12 percent slopes

Soils Boundary
Information by SCS Seminole County
Soil Survey

Site Data

Overall Site	
Subtotal Area	9.88 Ac.
Subtotal Area Group	1.28 Ac.
City-Setback Area	1.00 Ac.
Impervious Area	0.00 Ac.
Impervious Area by Use	0.00 Ac.
Impervious Area by Type	0.00 Ac.
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**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On _____, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: MAX F. MORRIS

Project Name: EAST LAKE BRANTLEY TOWNHOMES

Requested Development Approval: Small Scale Land Use Amendment from Office to Planned Development; and rezoning from (OP) Office 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: JEFF HOPPER
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:

Option A: Townhouses

1. All townhouse units will be located on individual platted lots.
2. The development will not be designed or marketed as student housing.
3. Balconies shall be prohibited on units closest to the south property line. These units shall be specified on the Final Master Plan.
4. There shall be a 50-foot building setback and a 25-foot buffer along the south property line. Existing trees shall be preserved in the required buffer. Supplemental vegetation will be provided if minimum Code requirements for active/passive buffers are not met by existing vegetation.
5. A 6-foot brick or masonry wall shall be constructed and maintained along the south property line.
6. Landscape buffers a minimum of 25 feet in width shall be provided along East Lake Brantley Drive and Wekiva Springs Road. A minimum of 4 canopy trees per 100 feet shall be planted in said buffers.
7. Front walls of townhouse units shall be staggered.
8. Dumpsters and mechanical units shall be located and/or screened so as not to be visible from Wekiva Springs Road, East Lake Brantley Drive or Golfview Estates to the south.
9. 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.
10. All landscape buffers and common areas within the residential portion of the development shall be maintained by a homeowners association.
11. No accessory buildings shall be allowed on individual townhouse lots.
12. 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.
13. Outdoor lighting shall be cutoff/shoebox style fixtures a maximum of 16 feet in height.
14. The project street lighting adjacent to the south property boundary will be limited to decorative lighting affixed to the fronts of the units.
15. Window openings on the second floor of units facing the south property boundary shall be frosted-opaque.

- 16. Building height shall be limited to 35 feet. Height shall be measured from the mean elevation between roof ridge and eaves, as specified in the Land Development Code.
- 17. Right- and left-turn lanes shall be provided for access from Wekiva Springs Road.

Option B: Office Uses:

Any uses permitted in the OP (Office) zoning district, subject to development standards of said district.

Option C: Combination

Options A and C above may be combined only upon approval by the Board of County Commissioners of a Final Master Plan indicating such combination.

(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: _____
Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Max F. Morris, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

By: _____
Max F. Morris
Property Owner

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 MAX F. MORRIS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

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

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N 89°48'34" W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N 00°02'34" E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. FOR A POINT OF BEGINNING. RUN THENCE N 00°02'34" E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N13°42'48"E, 44.44 FEET; THENCE N54°37'37"E, 166.70 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE S 39°11'05" E ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 323.11 FEET, THENCE S50°48'55"W, 15.03 FEET; THENCE S39°11'05"E, 15.00 FEET; THENCE S50°48'55"W, 285.15 FEET; THENCE S39°11'05"E A DISTANCE OF 450.00 FEET THENCE S50°48'55"W A DISTANCE OF 236.14 FEET TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK "D" OF SAID GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I, THENCE RUN ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES: THENCE N88°54'59"W A DISTANCE OF 23.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK "D", THENCE N01°05'01"E A DISTANCE OF 41.00 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF BRIARCLIFF DRIVE; THENCE N88°54'51"W A DISTANCE OF 159.99 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK "B"; THENCE S01°05'09"W A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF LOT 12, BLOCK "B"; THENCE N88°54'51"W A DISTANCE OF 110.00 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 12, BLOCK "B"; THENCE N01°04'19"E A DISTANCE OF 43.00 FEET TO A POINT ON THE EAST LINE OF LAKE GENE DRIVE; THENCE N88°55'41"W A DISTANCE OF 176.06 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK "A"; THENCE N89°56'11"W A DISTANCE OF 110.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.987 ACRES MORE OR LESS

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM OP (OFFICE) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "East Lake Brantley Townhomes 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. REZONING.

The zoning classification assigned to the following described property is changed from OP (Office) to PUD (Planned Unit Development):

Legal Description Attached as Exhibit A

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

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

Section 5. EFFECTIVE DATE.

A 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 the date of recording of Development Order #2-22000005 in the official land records of Seminole County.

ENACTED this ____ day of _____, 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N 89°48'34" W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N 00°02'34" E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. FOR A POINT OF BEGINNING. RUN THENCE N 00°02'34" E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N13°42'48"E, 44.44 FEET; THENCE N54°37'37"E, 166.70 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE S 39°11'05" E ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 323.11 FEET, THENCE S50°48'55"W, 15.03 FEET; THENCE S39°11'05"E, 15.00 FEET; THENCE S50°48'55"W, 285.15 FEET; THENCE S39°11'05"E A DISTANCE OF 450.00 FEET THENCE S50°48'55"W A DISTANCE OF 236.14 FEET TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK "D" OF SAID GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I, THENCE RUN ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES: THENCE N88°54'59"W A DISTANCE OF 23.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK "D", THENCE N01°05'01"E A DISTANCE OF 41.00 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF BRIARCLIFF DRIVE; THENCE N88°54'51"W A DISTANCE OF 159.99 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK "B"; THENCE S01°05'09"W A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF LOT 12, BLOCK "B"; THENCE N88°54'51"W A DISTANCE OF 110.00 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 12, BLOCK "B"; THENCE N01°04'19"E A DISTANCE OF 43.00 FEET TO A POINT ON THE EAST LINE OF LAKE GENE DRIVE; THENCE N88°55'41"W A DISTANCE OF 176.06 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK "A"; THENCE N89°56'11"W A DISTANCE OF 110.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.987 ACRES MORE OR LESS

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

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

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

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

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on August 7, 2002, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

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

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

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

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

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS APPENDIX "A"

<u>Amendment Number</u>	<u>Amendment</u>
08-02SS.2	Amendment from Office to Planned Development

- (b) The associated rezoning request was completed by means of Ordinance Number 2002-___.

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

- (a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

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

Section 5. EFFECTIVE DATE:

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

(b) This Ordinance shall take effect upon:

(1) Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be

provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners; and,

- (2) The recording date of Development Order #2-22000005 in the Official Land Records of Seminole County.

ENACTED this ____ day of _____, 2002.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

FROM THE EAST 1/4 CORNER OF SECTION 4, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN THENCE N 89°48'34" W A DISTANCE OF 586.40 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF EAST LAKE BRANTLEY DRIVE, RUN THENCE N 00°02'34" E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 28.06 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 1, BLOCK "A", OF GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, ON PAGE 20, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. FOR A POINT OF BEGINNING. RUN THENCE N 00°02'34" E ALONG THE EAST RIGHT OF WAY LINE OF SAID EAST LAKE BRANTLEY DRIVE A DISTANCE OF 710.19 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE, RUN S75°52'46"E, 86.55 FEET; THENCE S10°16'10"E, 74.95 FEET; THENCE S18°40'50"E, 84.62 FEET; THENCE S22°48'22"E, 53.73 FEET; THENCE S13°41'19"E, 33.40 FEET; THENCE S51°21'22"E, 26.16 FEET; THENCE S61°53'24"E, 43.37 FEET; THENCE S75°28'56"E, 41.94 FEET; THENCE S85°26'07"E, 36.12 FEET; THENCE N49°12'31"E, 51.35 FEET; THENCE N06°08'27"E, 74.23 FEET; THENCE N34°25'43"W, 108.07 FEET; THENCE N17°40'03"W, 31.29 FEET; THENCE N26°42'19"E, 54.25 FEET; THENCE N48°21'05"E, 81.70 FEET; THENCE N13°42'48"E, 44.44 FEET; THENCE N54°37'37"E, 166.70 TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE WEKIVA SPRINGS ROAD, THENCE S 39°11'05" E ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID WEKIVA SPRINGS ROAD A DISTANCE OF 323.11 FEET, THENCE S50°48'55"W, 15.03 FEET; THENCE S39°11'05"E, 15.00 FEET; THENCE S50°48'55"W, 285.15 FEET; THENCE S39°11'05"E A DISTANCE OF 450.00 FEET THENCE S50°48'55"W A DISTANCE OF 236.14 FEET TO A POINT ON THE NORTH LINE OF LOT 1, BLOCK "D" OF SAID GOLF VIEW ESTATES SECTION OF MEREDITH MANOR UNIT I, THENCE RUN ALONG THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING COURSES AND DISTANCES: THENCE N88°54'59"W A DISTANCE OF 23.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK "D", THENCE N01°05'01"E A DISTANCE OF 41.00 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF BRIARCLIFF DRIVE; THENCE N88°54'51"W A DISTANCE OF 159.99 FEET TO THE NORTHWEST CORNER OF LOT 13, BLOCK "B"; THENCE S01°05'09"W A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF LOT 12, BLOCK "B"; THENCE N88°54'51"W A DISTANCE OF 110.00 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 12, BLOCK "B"; THENCE N01°04'19"E A DISTANCE OF 43.00 FEET TO A POINT ON THE EAST LINE OF LAKE GENE DRIVE; THENCE N88°55'41"W A DISTANCE OF 176.06 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK "A"; THENCE N89°56'11"W A DISTANCE OF 110.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.987 ACRES MORE OR LESS