

ITEM # _____

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

SUBJECT: Celery Estates South, 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) (Suncor Properties and Robert Horian, applicants)

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

AUTHORIZED BY: Matthew West **CONTACT:** Tina Deater **EXT** 7440

Agenda Date 06/02/04 Regular Work Session Briefing
Special Hearing – 6:00 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Recommend APPROVAL and TRANSMITTAL 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, located on the southeast corner of Celery Avenue and Brisson Avenue, and approve the attached Preliminary Master Plan subject to the attached development order (Suncor Properties and Robert Horian, applicants); or
2. Recommend DENIAL 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, located on the southeast corner of Celery Avenue and Brisson Avenue, and deny the attached Preliminary Master Plan subject to the attached development order (Suncor Properties and Robert Horian, applicants); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

Tina Deater, Senior Planner

BACKGROUND:

The applicants, Suncor Properties and Robert Horian, propose a single-family residential development on an approximately 14.27-acre site located on the southeast corner of Celery Avenue and Brisson Avenue. The request is for a single-family residential development at a maximum density of four units per net buildable acre. The proposal includes a rezone

Reviewed by: _____
Co Atty: KJC
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2004-012,
04F.FLU01

from A-1 to PUD and a Large Scale Land Use Amendment from Suburban Estates to Low Density Residential.

STAFF RECOMMENDATION:

Staff recommends APPROVAL and TRANSMITTAL of the requested Large Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, subject to the following conditions and the attached Development Order:

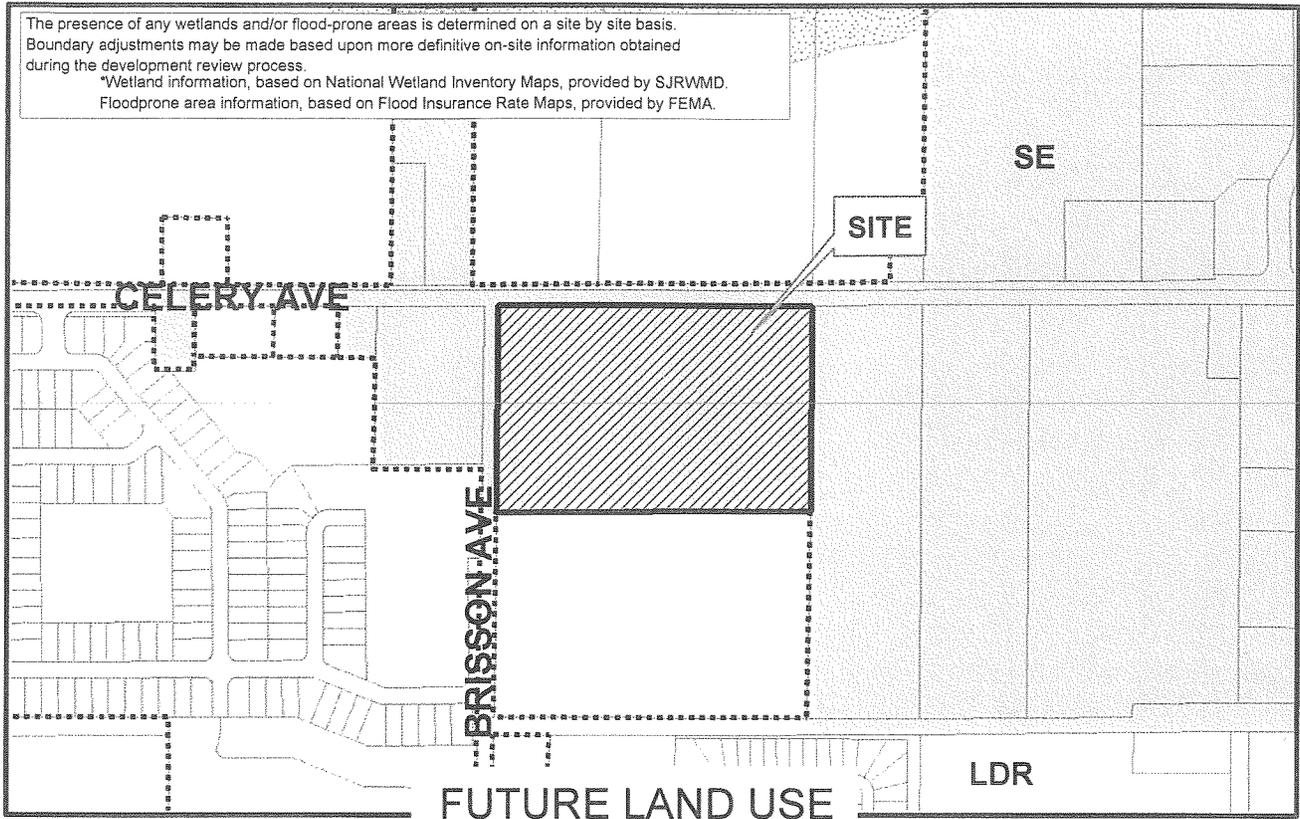
- a. The project shall be developed at a maximum density of 4 units per net buildable acre.
- b. Open space amenities shall include a tot lot, picnic tables, and a pavilion. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code and shall include a landscaped walking path. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- c. The buffer adjacent to Celery Avenue shall be a minimum of 25 feet in width and shall contain a six-foot high clay brick wall, within the five feet of the buffer furthest from the post-development Celery Avenue right-of-way line. A landscaped earthen berm/wall combination shall be allowed to be substituted for the six-foot clay brick wall if an earthen berm/wall combination is approved by the City of Sanford for the Celery Avenue buffer associated with the Celery Estates North project. The buffer shall be landscaped (on the Celery Avenue side of the berm/wall) to include at a minimum, the following per every 100 linear feet along Celery Avenue:
 1. Two canopy trees of a minimum 4-inch caliper
 2. Four understory/sub-canopy trees of a minimum 1.5 inch caliper
 3. A continuous hedge line of at least 30 inches in height and 30 inches on center (as measured at the time of planting) located behind the required landscape trees. The hedge may be interrupted for ingress or egress
- d. The residential lots shall have a minimum width of 50 feet at the building line and shall contain a minimum of 5,000 square feet. Corner lots shall have a minimum width of 60 feet at the building line and shall contain a minimum of 6,000 square feet.
- e. The following minimum building setbacks shall apply to the single-family homes:
 1. Front: 20 foot
 2. Rear: 20 foot
 3. Side: 5 foot
 4. Side Street: 20 foot
- f. The following setbacks shall apply for accessory structures, pools, and pool screen enclosures:

1. Pools and other accessory structures: Rear – 7.5 foot, Side – 7.5 foot
 2. Screen enclosures: Rear – 5 foot, Side – 5 foot
- g. Building heights shall not exceed a maximum of 35-feet.
 - h. Permitted uses for the residential portion of the project shall be single-family homes and customary accessory uses, home occupations, and home offices.
 - i. All landscape buffers and common areas shall be maintained by a homeowners association.
 - j. The developer shall provide a pedestrian circulation system giving access to all public portions of the development as well as connecting to existing sidewalks outside the development.
 - k. The developer shall construct a 5-foot wide sidewalk along the south side of Celery Avenue.
 - l. The developer shall provide a bus stop for the use of school children. The location and details shall be provided with the Final Master Plan.
 - m. Architectural renderings of the buildings shall be provided with the Final Master Plan.
 - n. A subdivision entrance sign plan shall be included with the Final Master Plan.
 - o. Construction activity shall be permitted only between the hours of 7:00 am to 9:00 pm, Monday through Saturday. Exceptions may be granted by the County Engineer or the Development Review Manager.
 - p. The developer shall dedicate a 5 feet strip of Right-of-Way along Brisson Avenue and a 30 feet strip of Right-of-Way along Celery Avenue to Seminole County. Appropriate turnlanes, tapers, and traffic improvements to accommodate the development will be identified at the time of Final Master Plan.

INSERT:

**COLOR MAPS
AERIAL MAP
SITE PLAN**

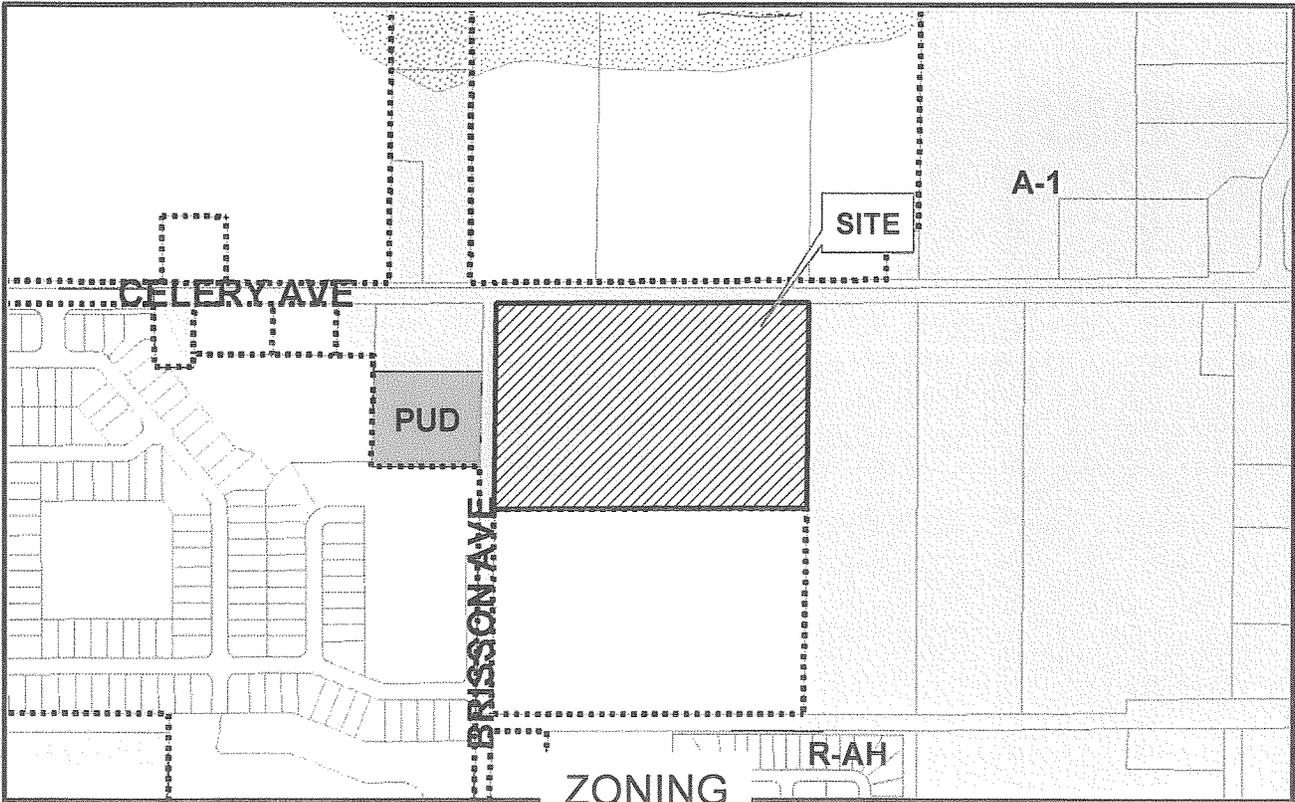
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 SE
 LDR
 CONS

Applicant: Suncor Properties, Inc.
 Physical STR: 32-19-31-300-0140-0000
 Gross Acres: +/- 14 BCC District: 5
 Existing Use: Miscellaneous Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	04F.FLU01	SE	LDR
Zoning	Z2004-012	A-1	PUD



A-1
 R-AH
 PUD
 FP-1
 W-1



Amendment No: 04F.FLU01
From: SE To: LDR
Rezone No: Z2004-012
From: A-1 To: PUD

- Parcel
- Subject Property



February 1999 Color Aerials

***Celery Estates South
 Large Scale Land Use Amendment and
 Rezone Staff Report***

Office to Planned Development (PD)		Amendment (Z2004-012, 04F.FLU01)
REQUEST		
APPLICANT	Suncor Properties and Robert Horian	
PLAN AMENDMENT	Suburban Estates to Low Density Residential	
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	14.27	
LOCATION	Southeast corner of Celery Avenue and Brisson Avenue	
BCC DISTRICT	District 5 – Commissioner McLain	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends APPROVAL and TRANSMITTAL of the requested Large Scale Land Use Amendment, rezone, and Preliminary Master Plan, subject to the attached Development Order.	

STAFF ANALYSIS

Suburban Estates to Low Density Residential	Amendment (Z2004-012, 04F.FLU01)
--	--

- Property Owner: Legacy Investment, LLC

2. **Tax Parcel Number:** 32-19-31-300-0140-0000

3. **Development Trends:** The subject property is the second phase of a single-family residential project that is being developed in the City of Sanford, immediately north of the subject property across Celery Avenue, known as Celery Estates North. Both projects are proposed at a maximum density of 4 dwelling units per net buildable acre. The Celery Estates South project is designed in accordance with the draft Celery Avenue Overlay Standards, except that in lieu of the six-foot clay brick wall required as part of the twenty-five foot buffer along Celery Avenue, the applicant is requesting a landscaped earthen berm and wall combination. Staff believes that an earthen berm/wall combination would be acceptable if the City of Sanford approves such a combination for the Celery Estates North project, in order to provide continuity between the landscaping concepts of both developments.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The current future land use designation of the subject property is Suburban Estates, which permits single-family homes at a density of 1 unit per acre.

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	Vacant
North	City of Sanford RLD	SF-1 (Celery Estates North)	Vacant
South	City of Sanford, Low Density Residential	AG (Agriculture), R-AH (Affordable Housing Subdivision)	Vacant
East	Suburban Estates	A-1	Vacant
West	Suburban Estates	A-1, PUD	Single-family Residential

❖ 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 Celery Avenue, which is classified as a collector and has an adopted Level of Service standard of "E". The roadway is currently operating at a Level of Service standard of "C".

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

The subject property is within the City of Sanford water and sewer service areas and water and sewer service are available to the site.

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 #41. 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 Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, 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.

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 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, the proposed Low Density Residential land use, with the attendant PUD zoning and Preliminary Master Plan, would be compatible with the LDR (Low Density Residential) and SE (Suburban Estates) land use designations on adjoining properties. It is proposed to be developed at the same density (4 units per

acre) as the residential project that has been approved by the City of Sanford immediately across the street (Celery Estates North).

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

FLU 2.1 Subdivision Standards.

FLU 2.11 Determination of Compatibility in the PUD Zoning Classification

FLU 5.5: Water and Sewer Service Expansion

LDR 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. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

5. SCHOOL IMPACTS – The proposed project would be served by the Northeast Cluster for elementary schools, Millennium Middle School and Seminole High School. The proposed residential units will generate an estimated thirty-seven elementary school students, seventeen middle school students, and nineteen high school students. A statement by Dianne Kramer of the Seminole County School System is attached.

STAFF RECOMMENDATION:

Staff recommends APPROVAL and TRANSMITTAL of the requested Large Scale Land Use Amendment, rezone, and the attached Preliminary Master Plan, subject to the following conditions and the attached Development Order:

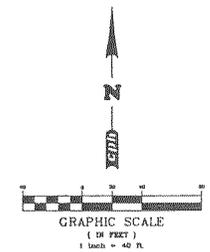
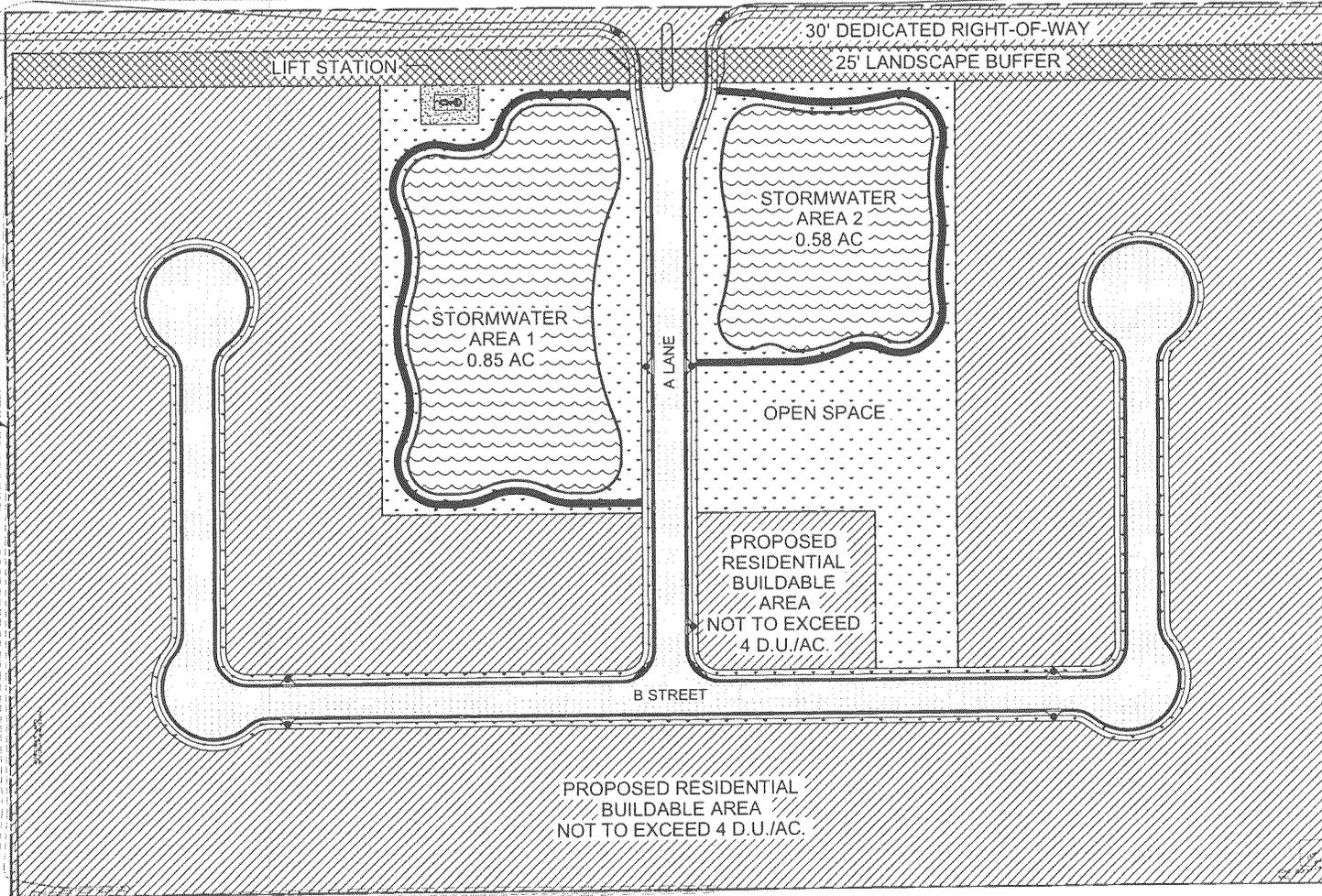
- a. The project shall be developed at a maximum density of 4 units per net buildable acre.
- b. Open space amenities shall include a tot lot, picnic tables, and a pavilion. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code and shall include a landscaped walking path. The

- applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- c. The buffer adjacent to Celery Avenue shall be a minimum of 25 feet in width and shall contain a six-foot high clay brick wall, within the five feet of the buffer furthest from the post-development Celery Avenue right-of-way line. A landscaped earthen berm/wall combination shall be allowed to be substituted for the six-foot clay brick wall if an earthen berm/wall combination is approved by the City of Sanford for the Celery Avenue buffer associated with the Celery Estates North project. The buffer shall be landscaped (on the Celery Avenue side of the berm/wall) to include at a minimum, the following per every 100 linear feet along Celery Avenue:
 1. Two canopy trees of a minimum 4-inch caliper
 2. Four understory/sub-canopy trees of a minimum 1.5 inch caliper
 3. A continuous hedge line of at least 30 inches in height and 30 inches on center (as measured at the time of planting) located behind the required landscape trees. The hedge may be interrupted for ingress or egress
 - d. The residential lots shall have a minimum width of 50 feet at the building line and shall contain a minimum of 5,000 square feet. Corner lots shall have a minimum width of 60 feet at the building line and shall contain a minimum of 6,000 square feet.
 - e. The following minimum building setbacks shall apply to the single-family homes:
 1. Front: 20 foot
 2. Rear: 20 foot
 3. Side: 5 foot
 4. Side Street: 20 foot
 - f. The following setbacks shall apply for accessory structures, pools, and pool screen enclosures:
 1. Pools and other accessory structures: Rear – 7.5 foot, Side – 7.5 foot
 2. Screen enclosures: Rear – 5 foot, Side – 5 foot
 - g. Building heights shall not exceed a maximum of 35-feet.
 - h. Permitted uses for the residential portion of the project shall be single-family homes and customary accessory uses, home occupations, and home offices.
 - i. All landscape buffers and common areas shall be maintained by a homeowners association.
 - j. The developer shall provide a pedestrian circulation system giving access to all public portions of the development as well as connecting to existing sidewalks outside the development.
 - k. The developer shall construct a 5-foot wide sidewalk along the south side of Celery Avenue.
 - l. The developer shall provide a bus stop for the use of school children. The location and details shall be provided with the Final Master Plan.

- m. Architectural renderings of the buildings shall be provided with the Final Master Plan.
- n. A subdivision entrance sign plan shall be included with the Final Master Plan.
- o. Construction activity shall be permitted only between the hours of 7:00 am to 9:00 pm, Monday through Saturday. Exceptions may be granted by the County Engineer or the Development Review Manager.
- p. The developer shall dedicate a 5 feet strip of Right-of-Way along Brisson Avenue and a 30 feet strip of Right-of-Way along Celery Avenue to Seminole County. Appropriate turnlanes, tapers, and traffic improvements to accommodate the development will be identified at the time of Final Master Plan.

CELERY AVENUE (COUNTY ROAD 415)

BRISSON AVE. 5' DEDICATED RIGHT-OF-WAY



SITE DATA

PROJECT SITE AREA:	886,367.00 S.F. (13.53 AC.)
CURRENT FUTURE LAND USE DESIGNATION:	SE (SUBURBAN ESTATES)
PROPOSED FUTURE LAND USE DESIGNATION:	LDR (LOW DENSITY RESIDENTIAL)
CURRENT ZONING:	A-1 (AGRICULTURE)
PROPOSED ZONING:	RUD
PROPOSED DENSITY:	4 D.U./AC.
MINIMUM LOT SIZE:	5,000 S.F.
SETBACKS:	
FRONT:	20 FEET
SIDE:	5 FEET
SIDE STREET:	20 FEET
REAR:	20 FEET

NET BUILDABLE ACREAGE CALCULATION

GROSS SITE AREA:	14.27 AC.
EXTERNAL R/W DEDICATIONS:	-0.74 AC.
PRIVATE ROAD R/W:	-1.92 AC.
NET BUILDABLE AREA:	11.61 AC.

COMMON USABLE OPEN SPACE CALCULATION

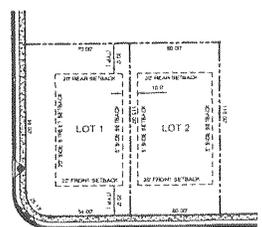
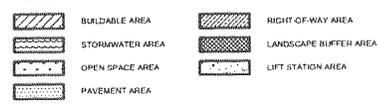
GROSS SITE AREA:	14.27 AC.
EXTERNAL R/W DEDICATIONS:	-0.74 AC.
PRIVATE R/W:	-1.92 AC.
RESIDENTIAL LOTS:	-7.74 AC.
DEFENTION AREAS (AMENITIZED 100%):	-0.06 AC.
REQUIRED BUFFER AREAS:	-0.06 AC.
TRANSMISSION LINE EASEMENTS:	-0.28 AC.
LIFT STATION EASEMENT:	-0.02 AC.
USABLE OPEN SPACE:	3.97 AC. = 28 %

PROPOSED RESIDENTIAL BUILDABLE AREA NOT TO EXCEED 4 D.U./AC.

NOTES

- NO RIGHT OF WAY VACATING REQUESTED.
- NO SHORE LINE VEGETATION ALTERATION PROPOSED.
- OPEN AREAS AND DRAINAGE EASEMENTS SHALL BE MAINTAINED BY HOMEOWNERS ASSOCIATION UNLESS SPECIFICALLY DEDICATED TO SEMINOLE COUNTY.
- DRAINAGE RETENTION PONDS SHALL BE MAINTAINED BY HOMEOWNERS ASSOCIATION.
- NO MATERIAL FROM A BORROW OPERATION IS PLANNED FOR EXPORT OFFSITE.
- DETAIL FOR PEDESTRIAN TRAIL FEATURES ARE PROVIDED ON LANDSCAPE PLAN.
- PARK AMENITIES SHALL INCLUDE TOT LOT, PICNIC TABLES AND PAVILION. SEE LANDSCAPE PLAN.
- ALL PROPOSED STREETS WILL BE PRIVATELY OWNED.
- ALL STREET SIGNAGE IS REQUIRED TO BE INSTALLED PRIOR TO OCCUPANCY OF ANY STRUCTURE.
- STORMWATER AREA WILL INCORPORATE AN AMENITIZED, MEANDERING LANDSCAPED SOG PATH.

KEY



No.	Date	Revision	Approved	Date	Revision	Approved	Designed by	N.D.E.	SKA	Scale	1" = 40'
1							Drawn by	N.N.N.	SKA		
							Checked by	N.D.E.	SKA	Date:	MAY 2024
							Approved by	J.E.M.	SKA	Job No.	S11004
										File:	REZONING

CELERY ESTATES SOUTH
SEMINOLE COUNTY, FLORIDA



JAMES E. McMILLAN, P.E.
6010

PROPOSED FUTURE LAND USE PLAN

Sheet No. **C-1**

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On October 26, 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: Legacy Investment, LLC
160 International Parkway, Suite 250
Heathrow, FL 32746

Project Name: Celery Estates South

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 project shall be developed at a maximum density of 4 units per net buildable acre.
- b. Open space amenities shall include a tot lot, picnic tables, and a pavilion. 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 and shall include a landscaped walking path. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- c. The buffer adjacent to Celery Avenue shall be a minimum of 25 feet in width and shall contain a six-foot high clay brick wall, within the five feet of the buffer furthest from the post-development Celery Avenue right-of-way line. A landscaped earthen berm/wall combination shall be allowed to be substituted for the six-foot clay brick wall if an earthen berm/wall combination is approved by the City of Sanford for the Celery Avenue buffer associated with the Celery Estates North project. The buffer shall be landscaped (on the Celery Avenue side of the berm/wall) to include at a minimum, the following per every 100 linear feet along Celery Avenue:
 1. Two canopy trees of a minimum 4-inch caliper
 2. Four understory/sub-canopy trees of a minimum 1.5 inch caliper
 3. A continuous hedge line of at least 30 inches in height and 30 inches on center (as measured at the time of planting) located behind the required landscape trees. The hedge may be interrupted for ingress or egress
- d. The residential lots shall have a minimum width of 50 feet at the building line and shall contain a minimum of 5,000 square feet. Corner lots shall have a minimum width of 60 feet at the building line and shall contain a minimum of 6,000 square feet.
- e. The following minimum building setbacks shall apply to the single-family homes:
 1. Front: 20 foot
 2. Rear: 20 foot
 3. Side: 5 foot

4. Side Street: 20 foot
- f. The following setbacks shall apply for accessory structures, pools, and pool screen enclosures:
 1. Pools and other accessory structures: Rear – 7.5 foot, Side – 7.5 foot
 2. Screen enclosures: Rear – 5 foot, Side – 5 foot
- g. Building heights shall not exceed a maximum of 35-feet.
- h. Permitted uses for the residential portion of the project shall be single-family homes and customary accessory uses, home occupations, and home offices.
- i. All landscape buffers and common areas shall be maintained by a homeowners association.
- j. The developer shall provide a pedestrian circulation system giving access to all public portions of the development as well as connecting to existing sidewalks outside the development.
- k. The developer shall construct a 5-foot wide sidewalk along the south side of Celery Avenue.
- l. The developer shall provide a bus stop for the use of school children. The location and details shall be provided with the Final Master Plan.
- m. Architectural renderings of the buildings shall be provided with the Final Master Plan.
- n. A subdivision entrance sign plan shall be included with the Final Master Plan.
- o. Construction activity shall be permitted only between the hours of 7:00 am to 9:00 pm, Monday through Saturday. Exceptions may be granted by the County Engineer or the Development Review Manager.
- p. The developer shall dedicate a 5 feet strip of Right-of-Way along Brisson Avenue and a 30 feet strip of Right-of-Way along Celery Avenue to Seminole County. Appropriate turnlanes, tapers, and traffic improvements to accommodate the development will be identified at the time of 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: _____
Daryl G. McLain
Chairman, Board of County Commissioners

**EXHIBIT A
LEGAL DESCRIPTION**

**LEG SEC 32 TWP 19S RGE 31E W $\frac{3}{4}$ OF N $\frac{1}{2}$ OF NW $\frac{1}{4}$ OF NE $\frac{1}{4}$, ALL LYING IN
SEMINOLE COUNTY, FL, LESS ROADS ROW'S**

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 ZONING CLASSIFICATION THE PUD 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, "Celery Estates South 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 #04-10000001 in the official land records of Seminole County.

ENACTED this 26th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

**LEG SEC 32 TWP 19S RGE 31E W $\frac{3}{4}$ OF N $\frac{1}{2}$ OF NW $\frac{1}{4}$ OF NE $\frac{1}{4}$, ALL LYING IN
SEMINOLE COUNTY, FL, LESS ROADS ROW'S**



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>](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