ITEM #

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

SUBJECT: Greenway Pointe, Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) (William T. Buckley, applicant, on behalf of CCCH Greenway N. Prop. LLC, property owner)

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

AUTHORIZED BY: Matt West **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date 09/01/04 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the requested rezone from A-1 (Agriculture) to PUD (Planned Unit Development), located at the northwest corner of SR 426 and SR 417, per the attached Development Order (William T. Buckley, applicant); or
2. Recommend DENIAL of the requested rezone from A-1 (Agriculture) to PUD (Planned Unit Development), located at the northwest corner of SR 426 and SR 417, (William T. Buckley, applicant); or
3. CONTINUE the item to a time and date certain.

District 1 – Maloy Jeff Hopper-Senior Planner

BACKGROUND:

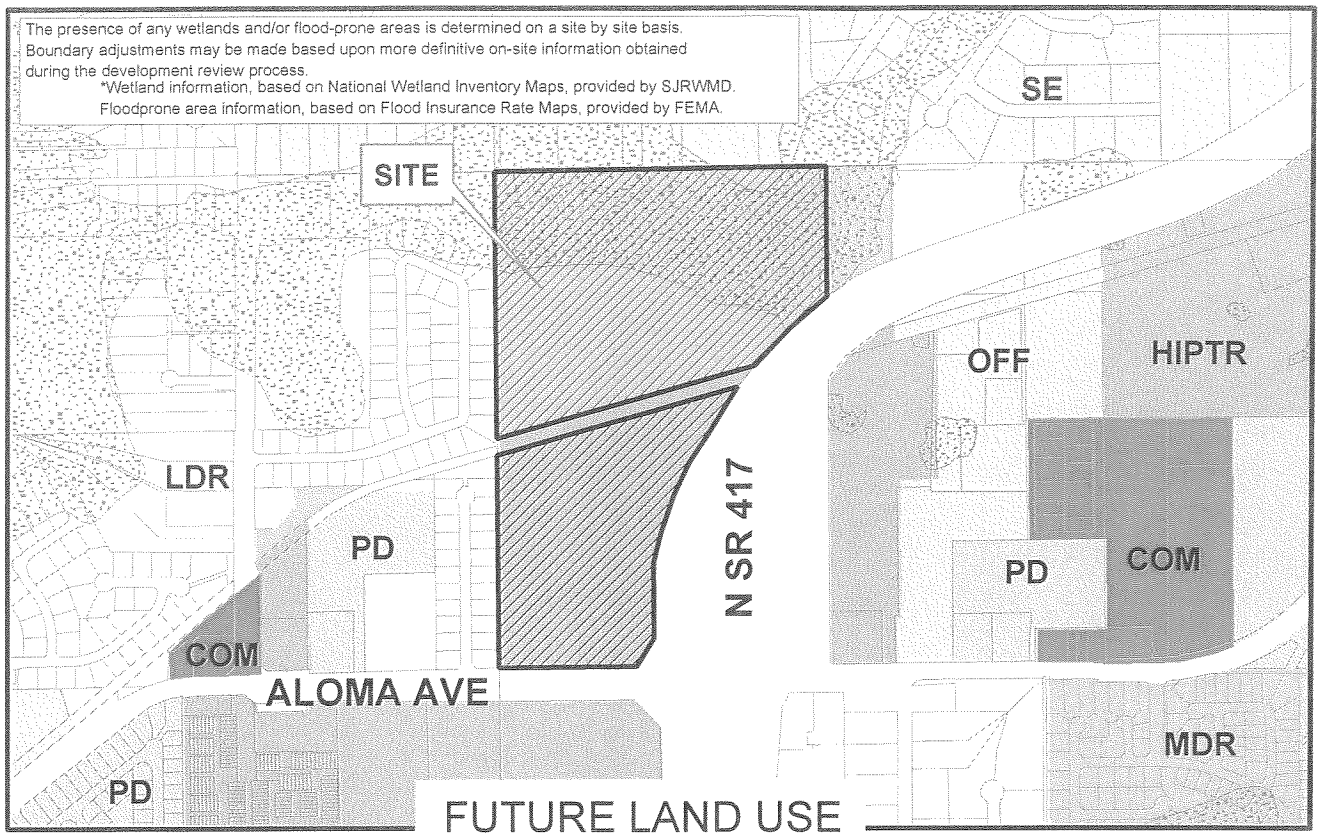
The applicant is proposing a PUD establishing multiple family and commercial uses on a 65-acre site north of SR 426 and west of SR 417. The subject property is bisected by a future segment of the Cross-Seminole Trail, which also serves as a boundary between two different future land use designations on the site. The parcel to the north of the trail is Medium Density Residential (MDR), permitting a maximum density of 10 units per net buildable acre. To the south of the trail, the subject property is in HIP-TR or Higher Intensity Planned Development – Transitional. This designation permits commercial uses and/or residential development to a maximum of 20 units per acre. The preliminary plan submitted for application purposes does not propose specific uses or site layouts.

STAFF RECOMMENDATIONS:

Staff recommends APPROVAL of the request subject to appropriate conditions to ensure compatibility with surrounding properties. Recommended conditions of approval are listed in the attached staff report and Development Order.

Reviewed by:
Co Atty:
DFS:
OTHER:
DCM:
CM:

File No. Z2004-035

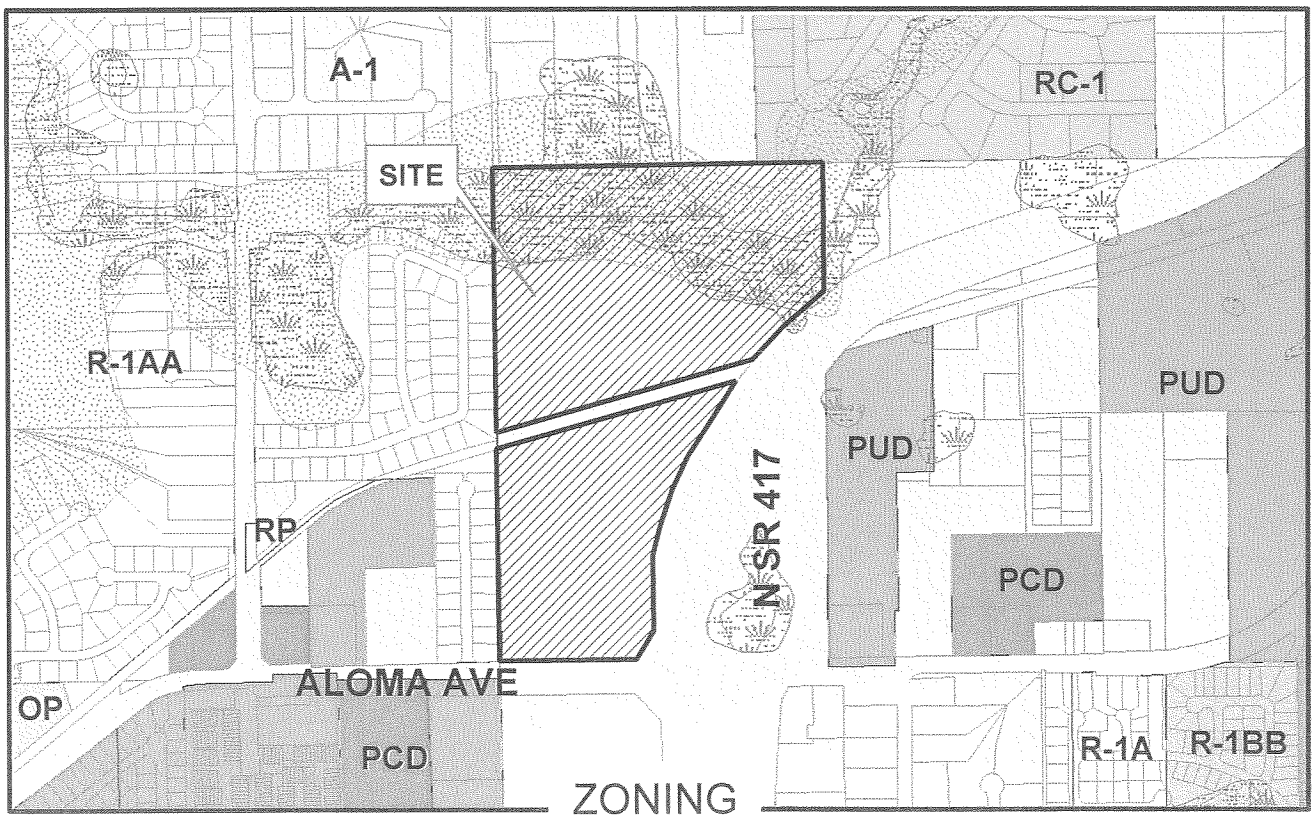


Site SE LDR MDR PD OFF COM HIPTR CONS

Applicant: Greenway N. Prop. LLC
Physical STR: 31-21-31-300-0240 & 024A-0000
Gross Acres: +/- 65.1 BCC District: 1
Existing Use: Agricultural
Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-035	A-1	PUD

N



Site R-1AA R-1A R-1BB RP OP PUD A-1 RC-1 PCD
FP-1 W-1

filename: L:/pl/projects/p&z/2004/staff_report_pkgs/amendments/z2004-035.mxd 07/12/04

Rezone No: Z2004-035
From: A-1 To: PUD

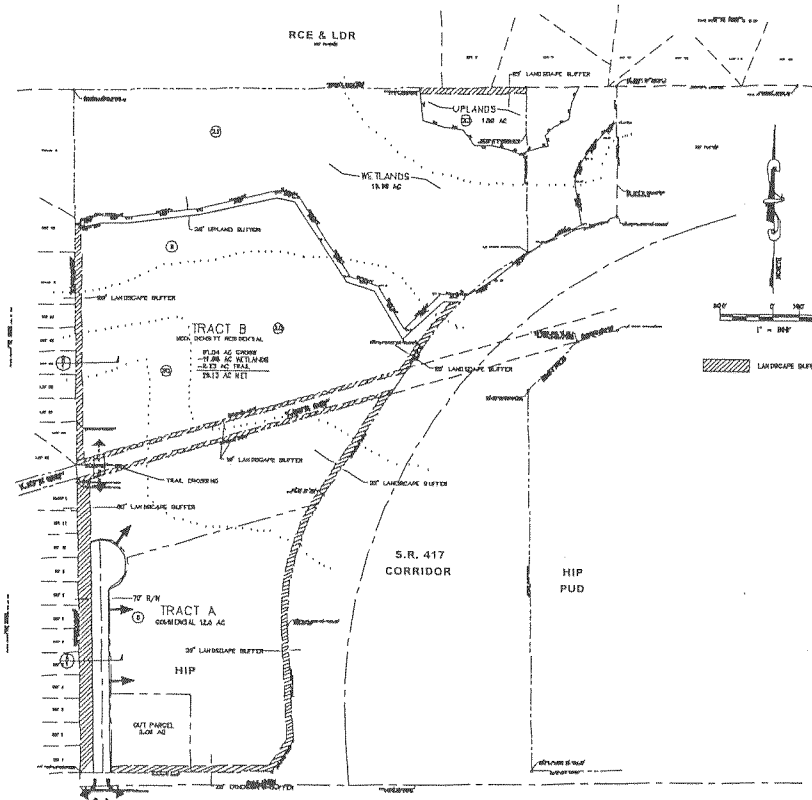
Parcel

Subject Property

N

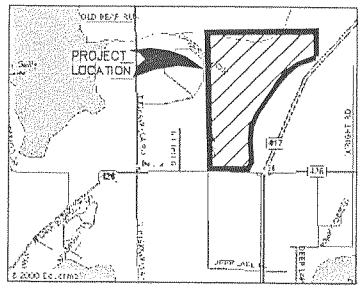
February 1999 Color Aerials

filename: L:/pl/projects/p&z/2004/staff_report_pkgs/site_aerials/z2004-035adaer 07/12/04

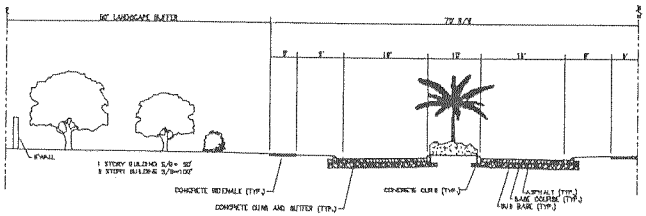


LEGAL DESCRIPTION

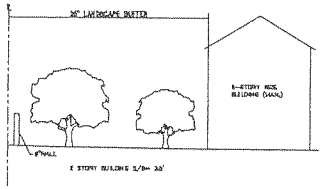
Commence at the Northwest corner of Section 21, Township 21 South, Range 31 East for POINT OF BEGINNING; thence run South 00°11'11" East 1324.24 feet; thence run South 00°57'00" East 489.98 feet; thence run South 73°41'20" West 187.48 feet to the point of curvature of a curve concave Southeasterly and having a radius 1145.92 feet and a central angle of 12°34'52"; thence from a chord bearing South 66°39'04" West, 251 along said curve 252.07 feet to point of tangency of said curve; thence continue along said curve at curvature of a curve concave Southeasterly and having radius of 1145.92 feet and a central angle of 12°12'40" thence from a chord bearing South 48°34'20" West, run along said curve 248.52 feet to point of tangency of said curve; thence run South 00°00'00" West 874.86 feet to point of curvature of a curve concave Easterly and having a radius of 874.51 feet and a central angle of 26°47'27", thence run a chord bearing South 13°13'18" West, 251 along said curve 245.07 feet to point of tangency; thence run South 26°17'17" East 445.04 feet; thence run South 23°17'11" West 143.25 feet; thence run South 00°14'32" West 318.12 feet; thence run North 89°45'33" West 1320.00 feet to the POINT OF BEGINNING.



LOCATION MAP
SCALE 1" = 1000'



SECTION "A"
SCALE 1" = 10'



SECTION "B"
NOT

Owner: E. G. Barbe
CEO/ GREENWAY
NORTH PARK, LLC
613 Wymore Road
Winter Park, Florida 32789
(407) 644-8100

Planning Consultants: Florida Land Design, Inc.
232 South Westmonte Drive, Suite 201
Altamonte Springs, Florida 32714
(407)788-1971

A. TRACT "A" DATA

Total Area including Wetlands	11.06 acres
Total Developable Area	11.06 acres
Existing Zoning	A-1 - Seminole County
Proposed Zoning	PUD - SEMINOLE COUNTY - CONVENIENCE
Existing Land Use Designation	Higher Intensity Planned Development
* Proposed Use	Mixed Uses Based on Seminole County Zoning (Classifications C-1, C-3, C-4 & OP, Commercial Agriculture, Building Tree Farms, Plantation grading, etc. as specified for any exception)
Maximum Building Height	35 feet (3 story)
Minimum Impervious	70% (344,908 s.f.)
Minimum Green Space	30% (147,122 s.f.)
Maximum FAR	0.30
Maximum D.U.	10 per acre (ref)

*The proposed site development criteria shall conform to the most of the allowed uses identified herein. The development standards shall be as per the Seminole County Development Code.

B. TRACT "B" DATA

Total Area including Wetlands	21.04 acres
Total Developable Area	20.13 acres
Existing Zoning	A-1 - Seminole County
Proposed Zoning	PUD - SEMINOLE COUNTY - RESIDENTIAL/CONDO. CONVERTIBLE
Existing Land Use Designation	Medium Density Residential @ 10
* Proposed Use	Mixed Uses Based on Seminole County Zoning (Classifications R-4, Private Schools X-1, Religious Commercial Agriculture, Building Tree Farms, Plantation grading, etc. as specified for any exception)
Maximum Building Height	35 feet (3 story)
Minimum Impervious	70% (765,792 s.f.)
Minimum Green Space	30% (328,625 s.f.)
Maximum FAR	0.30
Maximum D.U.	10 per acre (ref)

*The proposed site development criteria shall conform to the most of the allowed uses identified herein. The development standards shall be as per the Seminole County Development Code.

DEVELOPMENT PLAN - LAND USE BREAKDOWN

TRACT	TYPE	PROJECT AREA	DEVELOPED AREA	% OF DEVELOPMENT
A	Commercial	214,209 s.f.	11.06 ac.	21.8%
B	Mid-Density Residential	290 D.U.	29.12 ac.	44.7%
TRAIL	RECREATION	–	2.03 ac.	3.13%
WETLANDS	CONSERVATION	–	19.58 ac.	30.3%
			65.10 ac.	

1. SOILS INFORMATION IS BASED ON THE SOIL CONSERVATION SERVICE SOIL SURVEY FOR SEMINOLE COUNTY WHICH INDICATES THAT THE FOLLOWING SOILS ARE FOUND ON-SITE:
   - SOIL BOUNDARY
   - 22 Basinger-Bayvew-Oakley
   - 23 Myakka and Eaudemie fine sands
   - 33 Wilson, Zolfo and Immokalee Sands-Frequently Flooded
   - 63 Sanford fine Sand
2. TOPOGRAPHY IS BASED ON THE MOST RECENT U.S.G.S. TOPOGRAPHY SURVEY.
3. UTILITIES TO THE SITE WILL BE FURNISHED BY THE FOLLOWING PROVIDERS:
   - WATER: SEMINOLE COUNTY UTILITIES
   - SEWER: SEMINOLE COUNTY UTILITIES
   - ELECTRIC: FLORIDA POWER CORPORATION
   - SOLID WASTE: LOCAL FRANCHISE
   - TELEPHONE: UNITED TELEPHONE
4. AN ON-SITE LIFT STATION SHALL PROVIDE SANITARY SEWER TRANSMISSION. CONVEYANCE SHALL BE BY WAY OF A FORCE MAIN TO CONNECT TO COUNTY MAIN AT CLOSEST ACCEPTABLE POINT.
5. PUBLIC WATER MAINS SHALL MEET THE REQUIREMENTS OF THE MICHIGAN WATERWORKS ASSN.(AWWA) AND SEMINOLE COUNTY.
6. FIRE PROTECTION IS TO BE PROVIDED BY SEMINOLE COUNTY. ALL UTILITY REGULATIONS TO THE LOCATION AND REQUIRED FLOWS OF FIRE HYDRANTS WILL BE MET.
7. STORMWATER DRAINAGE TO BE DESIGNED FOR SEMINOLE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REQUIREMENTS.
8. THE SITE IS PRESENTLY IN FLOOD ZONE "C", WITH SOME AREAS IN FLOOD ZONE "A" PER FLOOD INSURANCE RATE MAP OF SEMINOLE COUNTY, FLORIDA, COMMUNITY PANEL NO.165 DATE OF RMM - 4/17/85.
9. LANDSCAPE BUFFERS WILL BE PROVIDED IN ACCORDANCE WITH SEMINOLE COUNTY REGULATIONS. A LANDSCAPE PLAN SHOWING BERMS, LANDMOUNDS, CONCRETE IS ATTACHED.
10. THE OWNER PROPOSES TO CROSS THE CROSS-SEMINOLE TRAIL AS SHOWN ON PLAN PER STATE OF FLORIDA REQUIREMENTS.
11. WETLAND LAND PLANNED BY WEGDA AND ASSOCIATES. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT APPROVAL PENDING.
12. IMPACT ANALYSIS IS PROJECTED AS FOLLOWS:

Mid-Density TRACT B:

Generated	290 Units x 8.00 Persons/DAA = 1,892.0 = PCR = 360
	Based Lane Ch/Ave.
Roadway	360 x 4.37 ADT/D.U. = 1,576 ADT
Water	290 x 300 GPD/D.U. = 87,000 GPD
Sewer	290 x 200 GPD/D.U. = 58,000 GPD

Commercial TRACT A:

Generated	Hours
Roadway	214.2k x 78.9 ADT/1,000 s.f. = 16,484 ADT
Water	214.2k x 117 GPD/1,000 s.f. = 25,050 GPD
Sewer	214.2k x 103 GPD/1,000 s.f. = 22,063 GPD

14. BILLBOARDS (OFF-SITE SIGNS) SHALL BE REGULATED BY PREVAILING REQUIREMENTS FOR SUCH USE AT THE TIME OF FINAL DEVELOPMENT PLAN.
15. PER DOA, NO EIS DESIGNATION IS REQUIRED PRIOR TO DEVELOPMENT PLAN SUBMITTAL.
16. A LISTED SPECIES SURVEY REPORT AND GOPHER TORTOISE MANAGEMENT PERMIT PRIOR TO FENCE WILL BE REQUIRED PRIOR TO APPROVAL OF FINAL DRAINAGE PLANS.
17. THERE ARE NO PROPOSED WETLANDS IMPACTS.
18. RECREATIONAL AREAS
    A. MULTI-FAMILY:
    RECREATION AREAS FOR MULTI-FAMILY PROJECTS SHALL BE PROVIDED PURSUANT TO SCD. 30-40 AND SHALL CONSIST OF ONE OR MORE OF THE FOLLOWING:
    - Exercise equipment facilities
    - Ball fields
    - Tot lots
    - Jogger's or Cross Seminole Trail
    - Tennis
    - Basketball
    - Volleyball
    - Picnic facilities
    - Pools

    DETERMINATION OF MULTI-FAMILY FACILITIES TO BE MADE AT THE TIME OF DEVELOPMENT PLAN SUBMITTAL.
    B. NON-RESIDENTIAL:
    RECREATION FACILITIES FOR NON-RESIDENTIAL DEVELOPMENTS SHALL CONSIST OF BICYCLE AND PEDESTRIAN FACILITIES CONNECTING TO THE CROSS SEMINOLE TRAIL AND ADJACENT NEIGHBORHOODS.
19. OPEN SPACE CALCULATIONS WILL EMPLOY A BOX CREDIT FOR WETLANDS TO BE APPLIED TO TRACTS A & B ON A PRO-RATA BASIS AS FOLLOWS:
    - 19.58 AC WETLANDS x 0.5 = 9.79 AC AREA AVAILABLE
    - FOR OPEN-SPACE AS FOLLOWS:
      - TRACT A - 3.24 AC
      - TRACT B - 6.55 AC
20. DEVELOPMENT WILL COMPLY WITH ALL BUILDING CODE & PUBLIC SAFETY REQUIREMENTS.
21. SMITH FACING & FRONTING NORTH & WEST PROPERTY LINE SHALL NOT HAVE BALCONIES.

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1	8/22/04	RAD	REVISED PER SITE
2	8/24/04	RAD	REVISED PER DRC COMMENTS
3	8/27/04	RAD	REVISED PER DRC COMMENTS
4	08/31/04	RAD	REVISED PER DRC COMMENTS

SHEET 1 OF 3

FLORIDA LAND DESIGN, INC.
SIGNS, MAPS & PERSPECTIVES, SURVEYS, CONTOURS & ENGINEERING, INC.
ALTAMONTE SPRINGS, FLORIDA 32714 (407) 788-1971

232 SOUTH WESTMONTE DRIVE

DRAWN BY: RAD
DESIGNED BY: JPB
CHECKED BY: J.C. JAC
DATE: 7-28-04
SCALE: AS SHOWN
JOB NO.: 2004-1

GREENWAY POINTE
IN SEMINOLE COUNTY, FLORIDA
PRELIMINARY PUD PLAN

THIS PLAN IS THE PROPRIETARY PROPERTY OF FLORIDA LAND DESIGN, INC. AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OR USE WITHOUT WRITTEN PERMISSION IS PROHIBITED.

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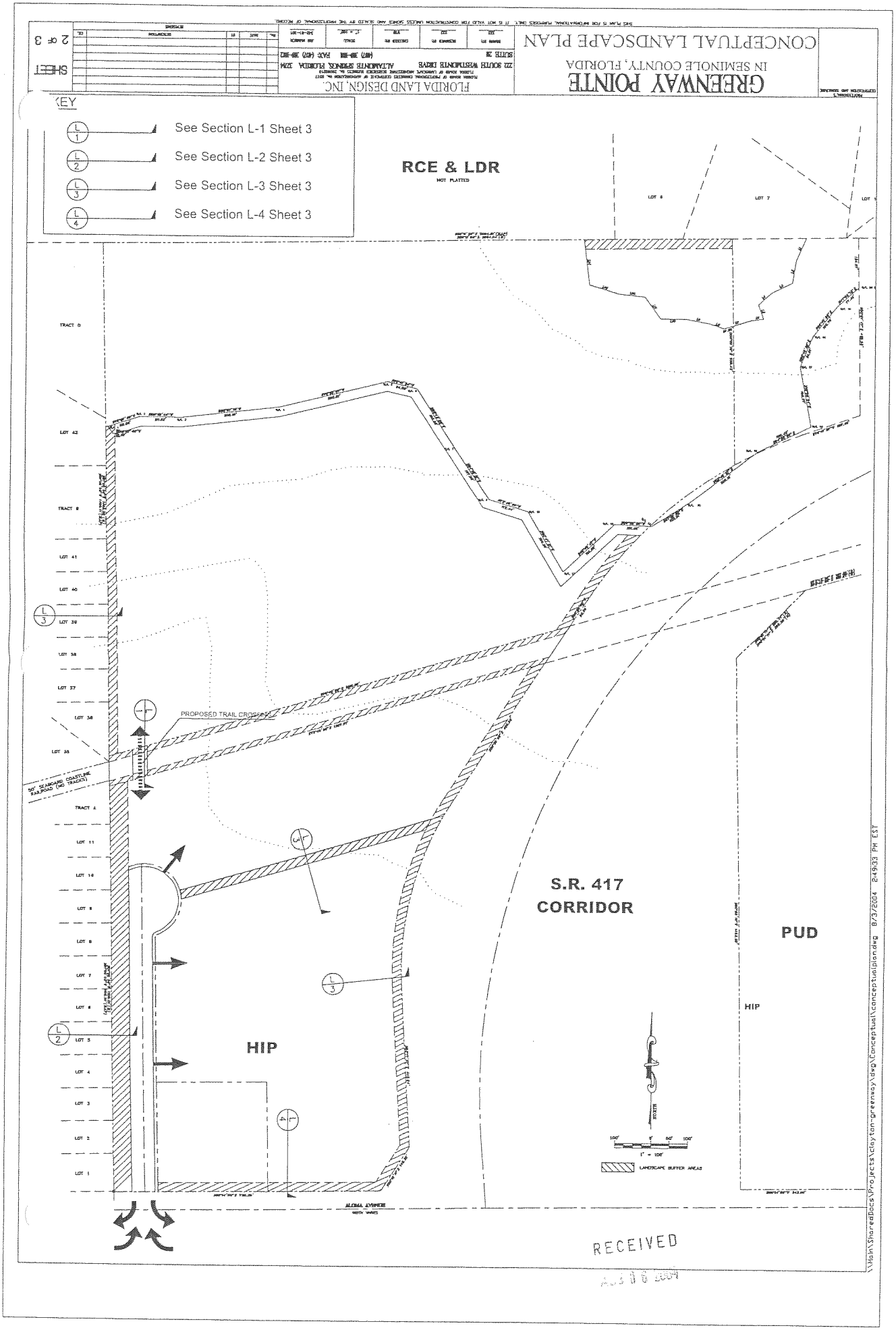
GREENWAY POINTE
IN SEMINOLE COUNTY, FLORIDA
CONCEPTUAL LANDSCAPE PLAN
FLORIDA LAND DESIGN, INC.
SHEET 2 OF 3
KEY
See Section L-1 Sheet 3
See Section L-2 Sheet 3
See Section L-3 Sheet 3
See Section L-4 Sheet 3
RCE & LDR
NOT PLATTED
PROPOSED TRAIL CROSSING
S.R. 417
CORRIDOR
PUD
HIP
HIP
LANDSCAPE BUFFER AREAS
ALOMA AVENUE
RECEIVED
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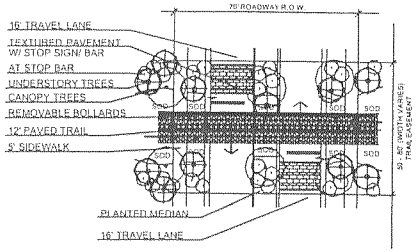
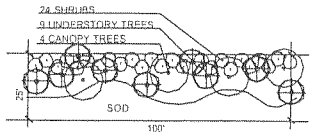


NOTE: ALL SHRUBS & TREES TO BE LOCATED OUTSIDE STOP BAR MUST BE PLANTED OUTSIDE THE SITE VISIBILITY TRIANGLE.

L1 RECREATIONAL TRAIL CROSSING & PLANTED BUFFER (15' WIDTH)

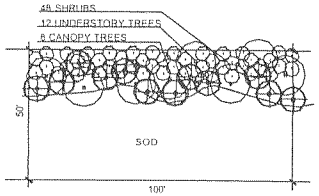
Scale: 1" = 20'



TYPICAL 100' PLAN SECTION

L3 PASSIVE BUFFER - 25' WIDTH

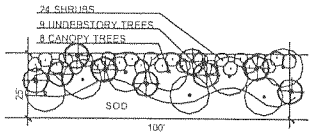
Scale: 1" = 20'



TYPICAL 100' PLAN SECTION

L2 ACTIVE BUFFER - 50' WIDTH

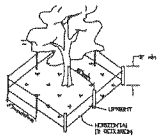
Scale: 1" = 30'



TYPICAL 100' PLAN SECTION

L4 ACTIVE BUFFER - 25' WIDTH

Scale: 1" = 30'



TREE BARRICADES ARE REQUIRED AROUND ALL TREES WHICH HAVE BEEN DESIGNATED ON THE SITE PLAN TO BE RETAINED AND PROTECTED. PRIOR TO ANY CLEARING OR CONSTRUCTION ACTIVITY OCCURING ON THE SITE, TREE BARRICADES SHALL BE CONSTRUCTED. TREE BARRICADES SHALL BE PLACED AT THE EDGE OF THE DRIPLINE OR AT A MINIMUM OF 10' FROM THE TRUNK OF THE TREE.

L5 TREE PROTECTION

Not to Scale

TYPICAL PLANT MATERIAL PALETTE

Symbol Key Common Name Botanical Name Min. Size

Note: These plants are representative of typical plants that will be used in the final landscape construction plans.

Symbol	Key	Common Name	Botanical Name	Min. Size
	Shrubs			
⊙	JC	Juniper	Juniperus chinensis (various species)	3 gal., 24" min. ht.
	WV	Walter Viburnum	Viburnum obovatum	3 gal., 24" min. ht.
	RI	Indian Hawthorne	Raphiolepis indica	3 gal., 24" min. ht.
	GG	Thryallis	Galphima glauca	3 gal., 24" min. ht.
	EP	Eleagnus	Eleagnus pungens	3 gal., 24" min. ht.
	Trees - Ornamental			
⊕	LI	Crape Myrtle	Lagerstroemia indica 'Watermelon'	45 gal., min. 8' ht., multi-trunk, 2" combined cal.
	SP	Sabal Palm	Sabal palmetto	12' min. height, B&B
	MV	Sweetbay Magnolia	Magnolia virginiana	45 gal., min. 8' height, 2" cal.
	IO	American Holly	Ilex opaca	45 gal., min. 8' height, 2" cal.
	Trees - Shade			
•	UA	Chinese Elm	Ulmus parvifolia	Min. 12' ht., 2-1/2 to 3" cal. @ 12" a.g.
	QV	Live Oak	Quercus virginiana	Min. 12' ht., 2-1/2 to 3" cal. @ 12" a.g.
	MG	Southern Magnolia	Magnolia grandiflora	Min. 12' ht., 2-1/2 to 3" cal. @ 12" a.g.

GENERAL NOTES

1. ALL PROPOSED LANDSCAPE SHALL COMPLY WITH ALL APPLICABLE SEMINOLE COUNTY ZONING REQUIREMENTS.

2. All plant materials shall be Florida No. 1 grade, or better, according to the current "Grades and Standards for Nursery Plants," published by the State of Florida, Department of Agriculture, except when the Planning Manager finds that, the existing native vegetation will provide the necessary visual screening. Existing trees situated in the required buffer may be used to satisfy the buffer tree requirement.

3. Trees shall have a minimum height of eight (8) feet and minimum caliper of two and one-half (2 1/2) inches with an overall average of three (3) inches, measured one (1) foot above ground, immediately after planting.

4. Shrubs shall be a minimum of two feet (2') in height immediately after planting.

5. Grass areas shall be Argentine Bahia. Grass areas may be sodded or seeded, provided, however, that solid sod shall be used in swales or other areas that are subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.

6. Mulch shall be installed and maintained at a minimum depth of two (2) inches on all planting areas except annual beds. Organic mulches shall be used.

7. All landscaping shall be installed in accordance with professionally and generally accepted commercial planting procedures. Soil which is free of livestock, pebbles and other construction debris shall be used. Installation of landscape materials shall be accomplished in accordance with the approved Landscape Plan.

8. Trail buffer plantings shall be & maintained by the Homeowner's Association.

9. Buffer planting between the Commercial and Multi-family parcels shall be planted within the Commercial parcel.

10. Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. Preserved trees shall be protected (see detail) with tree barricades during construction operations.

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FLORIDA LAND DESIGN, INC.

GREENWAY POINTE

IN SEMINOLE COUNTY, FLORIDA

LANDSCAPE DETAILS & NOTES

SHEET 3 OF 3

GREENWAY POINTE

REQUEST INFORMATION		
APPLICANT	William T. Buckley / Florida Land Design Inc.	
PROPERTY OWNER	CCCH Greenway N. Prop. LLC	
REQUEST	Rezone from A-1 to PUD	
HEARING DATE (S)	P&Z: Sept. 1, 2004	BCC: Oct. 12, 2004
PARCEL NUMBERS	31-21-31-0240-0000 31-21-31-024A-0000	
LOCATION	North of SR 426 and west of SR 417	
FUTURE LAND USE	MDR and HIP-TR	
FILE NUMBER	Z2004-035	
COMMISSION DISTRICT	1 – Maloy	

OVERVIEW

Zoning Request: The applicant is proposing a PUD establishing multiple family and commercial uses on a 65-acre site north of SR 426 and west of SR 417. The subject property is bisected by a future segment of the Cross-Seminole Trail, which also serves as a boundary between two different future land use designations on the site. The parcel to the north of the trail is Medium Density Residential (MDR), permitting a maximum density of 10 units per net buildable acre. To the south of the trail, the subject property is in HIP-TR or Higher Intensity Planned Development – Transitional. This designation permits commercial uses and/or residential development to a maximum of 20 units per acre. The preliminary plan submitted for application purposes does not propose specific uses or site layouts.

Access to the site will be through a planned intersection approved by the Florida Department of Transportation. Having obtained this approval, the intersection's designers have already addressed relevant safety and engineering concerns, particularly in regard to SR 417 approximately 800 feet to the east. The new intersection will also serve future residential and commercial development to the south of SR 426. One potential user would be Deep Lake PUD, a mixed use development consisting of townhouses and commercial uses, located south of the subject site and west of Deep Lake Road.

Adjacent to Greenway Pointe on the west is Bear Creek, a single family subdivision in R-1AA zoning. To maintain compatibility with this development, the applicant proposes a buffer of 50 feet in width to the south of the Cross-Seminole Trail and 25 feet in width north of the Trail. Both buffers would include a 6-foot brick or masonry wall and 8 canopy trees per 100 linear feet. Building setbacks from the west, within the HIP area, would be 50 feet for 1-story buildings and 100 feet for 2-story buildings. Residential units adjacent to the west property line would be prohibited from having balconies facing westward.

Also being proposed are landscaped buffers of 25 feet adjacent to SR 426 and SR 417, and 15 feet adjacent to both sides of the Trail right-of-way. Additionally, a 25-foot buffer would be provided on a portion of the north property line, where a 1.59-acre upland area of the site abuts Roann Subdivision in the RC-1 zoning classification.

Common usable open space within the project, as required for a PUD, cannot be fully assessed through the conceptual Preliminary Master Plan submitted by the applicant. Compliance with this requirement will be evaluated at the Final Master Plan stage of review. However, a 19.68 acre wetland area will count toward a substantial portion of the required 25% open space.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Existing Zoning	Future Land Use	Existing Use
North	A-1 / RC-1	SE	single family
South	A-1	HIP - TR	vacant
East	NA	NA	SR 417
West	R-1AA	LDR	single family

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.

2. The proposed rezoning is consistent with the adopted future land use designations assigned to the property, and 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.

3. Water and sewer service will be provided by Seminole County.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations. Prior to Final Master Plan approval, wetland areas must be delineated and approved by the St. Johns River Water Management District. Also, a threatened and endangered species report must be submitted.

Compatibility with surrounding development: Currently, the surrounding properties have LDR, HIP and SE future land use designations. The proposed development would be limited to uses consistent with the policies of the Vision 2020 Plan. With adequate buffering along site boundaries, the proposed PUD would be compatible with surrounding development.

STAFF RECOMMENDATIONS:

Staff recommends APPROVAL subject to the following conditions:

a. Permitted and special exception uses in Tract A shall be in accordance with the provisions of C-2 and R-4, except that the following uses shall be prohibited:
   - communications towers
   - lumber yards
   - mechanical garages
   - paint and body shops
   - auto repair

b. Residential density within the portion of Tract B lying north of the Cross-Seminole Trail shall be limited to a maximum of 10 units per net buildable acre. Permitted uses shall be fee simple townhouses, condominiums, single family homes, home occupations and home offices.

c. Residential portions of the development shall not be designed or marketed as student housing.

d. Balconies shall be prohibited on the sides of residential units that face the west or north property lines.

e. Use of common areas shall be limited to open space, recreational amenities, and utility facilities serving all residents of the development.

f. There shall be a 25-foot setback and landscaped buffer on upland areas adjacent to the west property line north of the Cross-Seminole Trail. The buffer shall contain a 6-foot brick or masonry wall and the following landscape plantings per 100 linear feet:
   - 8 canopy trees (min. 3" diameter measured 1 foot above ground)
   - 9 understory trees (min. 6' in height, 1½" diameter measured 1 foot above ground)
   - 24 shrubs

g. There shall be a 50-foot setback and landscaped buffer adjacent to the west property line south of the Cross-Seminole Trail. The buffer shall contain a 6-foot brick or masonry wall and the following landscape plantings per 100 linear feet:
   - 8 canopy trees (min. 3" diameter measured 1 foot above ground)
   - 12 understory trees (min. 6' in height, 1½" diameter measured 1 foot above ground)
   - 48 shrubs

h. There shall be a 25-foot buffer adjacent to SR 417 and a 15-foot buffer adjacent to the Cross-Seminole Trail. Landscape planting requirements shall be determined at Final Master Plan.

i. Existing vegetation of appropriate type, size and location may count toward buffer requirements stated herein.

j. Nonresidential building height shall be limited to 35 feet. Setbacks from the west property line within the HIP area shall be as follows:
   - 50 feet for 1-story buildings
   - 100 feet for 2-story buildings

k. Residential units shall be set back a minimum of 20 feet from front lot lines (if applicable) or nearest edge of the sidewalk, whichever distance is less.
l. Front walls of townhouse units shall be staggered.
m. Mechanical units shall be located and/or screened so as not to be visible from SR 426 or adjoining single family development.
n. A minimum of twenty-five (25) percent of the project area must be designated as usable common 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.
o. All landscape buffers and common areas shall be maintained by a homeowners association.
p. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
q. Outdoor lighting adjacent to the west and north property boundaries will be limited to decorative lighting affixed to the fronts of buildings. Security lighting with motion sensors shall be permitted on any part of the site.
r. At Final Master Plan, the applicant shall demonstrate that 25 percent of trees on the site are being preserved.
s. Active recreational uses shall be set back 200 feet from the north and west property lines.

FILE #Z2004-035 DEVELOPMENT ORDER #04-20500004

SEMINOLE COUNTY DEVELOPMENT ORDER

On October 12, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: CCCH Greenway N. Prop. LLC, et al

Project Name: GREENWAY POINTE

Requested Development Approval: Rezoning from A-1 (Agriculture) 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 aforedescribed 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:

a. Permitted and special exception uses in Tract A shall be in accordance with the provisions of C-2 and R-4, except that the following uses shall be prohibited:
   - communications towers
   - lumber yards
   - mechanical garages
   - paint and body shops
   - auto repair

b. Residential density within the portion of Tract B lying north of the Cross-Seminole Trail shall be limited to a maximum of 10 units per net buildable acre. Permitted uses shall be fee simple townhouses, condominiums, single family homes, home occupations and home offices.

c. Residential portions of the development shall not be designed or marketed as student housing.

d. Balconies shall be prohibited on the sides of residential units that face the west or north property lines.

e. Use of common areas shall be limited to open space, recreational amenities, and utility facilities serving all residents of the development.

f. There shall be a 25-foot setback and landscaped buffer on upland areas adjacent to the west property line north of the Cross-Seminole Trail. The buffer shall contain a 6-foot brick or masonry wall and the following landscape plantings per 100 linear feet:
   - 8 canopy trees (min. 3" diameter measured 1 foot above ground)
   - 9 understory trees (min. 6' in height, 1½" diameter measured 1 foot above ground)
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   - 8 canopy trees (min. 3" diameter measured 1 foot above ground)
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h. There shall be a 25-foot buffer adjacent to SR 417 and a 15-foot buffer adjacent to the Cross-Seminole Trail. Landscape planting requirements shall be determined at Final Master Plan.

i. Existing vegetation of appropriate type, size and location may count toward buffer requirements stated herein.
j. Nonresidential building height shall be limited to 35 feet. Setbacks from the west property line within the HIP area shall be as follows:
    - 50 feet for 1-story buildings
    - 100 feet for 2-story buildings
k. Residential units shall be set back a minimum of 20 feet from front lot lines (if applicable) or nearest edge of the sidewalk, whichever distance is less.
l. Front walls of townhouse units shall be staggered.
m. Mechanical units shall be located and/or screened so as not to be visible from SR 426 or adjoining single family development.
n. A minimum of twenty-five (25) percent of the project area must be designated as usable common 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.
o. All landscape buffers and common areas shall be maintained by a homeowners association.
p. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
q. Outdoor lighting adjacent to the west and north property boundaries will be limited to decorative lighting affixed to the fronts of buildings. Security lighting with motion sensors shall be permitted on any part of the site.
r. At Final Master Plan, the applicant shall demonstrate that 25 percent of trees on the site are being preserved.
s. Active recreational uses shall be set back 200 feet from the north and west property lines.

(4) This Development Order touches and concerns the aforedescribed 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.

FILE #Z2004-035 DEVELOPMENT ORDER #04-20500004

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

FILE #Z2004-035 DEVELOPMENT ORDER #04-20500004

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CCCH Greenway N. Prop. LLC, on behalf of itself and its 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

_____
Charles W. Clayton Jr.
Managing Partner

_____
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 CHARLES W. CLAYTON JR., 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 _____, 2004.

_____

Notary Public, in and for the County and State Aforementioned

My Commission Expires:

FILE #Z2004-035 DEVELOPMENT ORDER #04-20500004

EXHIBIT A

LEGAL DESCRIPTION:

LEG SEC 31 TWP 21S RGE 31E W 5/8 OF NW 1/4 LYING N OF RR (LESS EXPRESSWAY)

AND

LEG SEC 31 TWP 21S RGE 31E THAT PT OF NW 1/4 LYING S OF RR & WLY OF EXPRESSWAY

ORDINANCE NO. 2004- SEMINOLE COUNTY, FLORIDA

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT) 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 "Greenway Pointe 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. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development) in accordance with the contents of the document titled "Greenway Pointe Rezone Staff Report" and Development Order #04-20500004:

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 #04-20500004 in the official land records of Seminole County.

ENACTED this 12th day of October, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Daryl G. McLain
Chairman

FILE # Z2004-035

EXHIBIT "A"

LEGAL DESCRIPTION:

LEG SEC 31 TWP 21S RGE 31E W 5/8 OF NW 1/4 LYING N OF RR (LESS EXPRESSWAY)

AND

LEG SEC 31 TWP 21S RGE 31E THAT PT OF NW 1/4 LYING S OF RR & WLY OF EXPRESSWAY