

ITEM # _____

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

SUBJECT: Hilltop Drive/Longwood-Lake Mary Large Scale Land Use Amendment from Low Density Residential (LDR) to MDR Medium Density Residential) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) (Allan Goldberg, applicant)

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

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

Agenda Date <u>01/05/05</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. Recommend APPROVAL and TRANSMITTAL of the request for a Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, and approve the attached Preliminary Master Plan subject to the attached development order, (Allan Goldberg, applicant); or
2. Recommend DENIAL of the request for a Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive, and approve the attached Preliminary Master Plan subject to the attached development order, (Allan Goldberg, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 4 – Commissioner Henley Tina Deater, Senior Planner

BACKGROUND:

The applicant, Allan Goldberg, proposes a rezone from A-1 to PUD and a Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for a townhouse development on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive. The proposed development program consists of a maximum 10 dwelling units per net buildable acre.

Reviewed by:	<u>KR</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2004-057</u> <u>055.FLU04</u>

The proposed Land Use amendment to MDR includes an additional one acre over what is included in the rezone request from A-1 to PUD. One of the property owners wishes to preserve, for the time being, the A-1 zoning designation on the one acre lot they are going to continue to use for their single-family residence, but want to have the option of rezoning later under the MDR land use category.

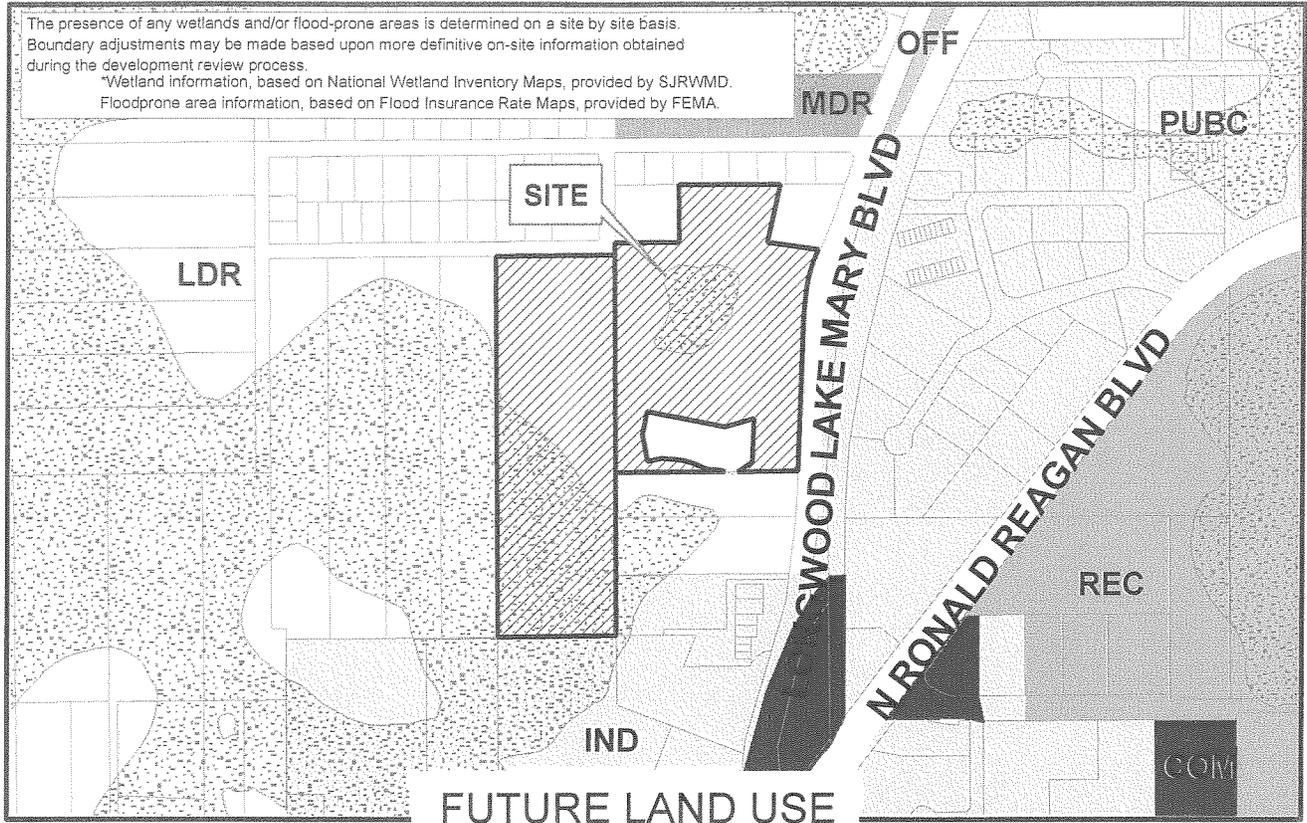
STAFF RECOMMENDATION:

Staff recommends APPROVAL and TRANSMITTAL of the requested Large Scale Land Use Amendment from Low Density Residential to Medium Density Residential and rezone from A-1 to PUD, and approval of the attached Preliminary Master Plan subject to the conditions contained in the attached Development Order, and also subject to a potable water mitigation plan being presented to the Board of County Commissioners at the adoption hearing.

INSERT:

**SITE PLAN
DEVELOPMENT ORDER
ORDINANCE
LETTERS FROM ADJACENT PROPERT OWNERS
COLOR MAPS
AERIAL MAP**

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.

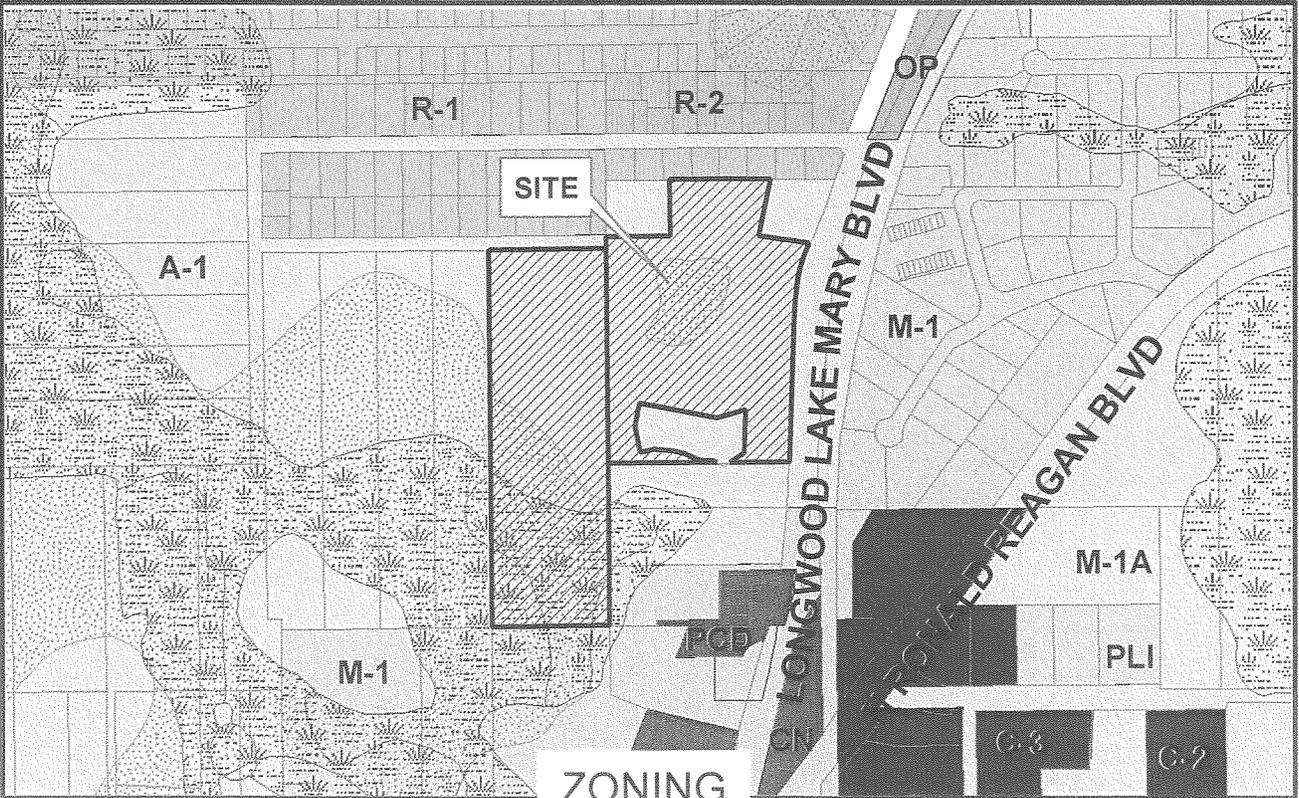


FUTURE LAND USE

- Site
- LDR
- MDR
- OFF
- COM
- IND
- PUB
- REC
- CONS

Applicant: Allan Goldberg / C&G Real Estate Group
 Physical STR: part of 20-20-30 & 29-20-30
 Gross Acres: +/- 21.45 BCC District: 4
 Existing Use: Single Family and Agricultural
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	05S.FLU03	LDR	MDR
Zoning	Z2004-057	--	--



ZONING

- A-1
- R-1
- R-2
- CN
- C-2
- C-3
- M-1A
- M-1
- PCD
- PLI
- OP
- FP-1
- W-1



Amendment No: 05S.FLU03
From: LDR To: MDR

-  Parcel
-  Subject Property



February 1999 Color Aerials

***Hill Top Drive/Longwood-Lake Mary
 Road PUD
 Large Scale Land Use Amendment and
 Rezone Staff Report***

Low Density Residential (LDR) to Medium Density Residential (MDR)		Amendment (Z2004-057, 05S.FLU03)
<i>REQUEST</i>		
APPLICANT	Allan Goldberg, C & G Real Estate Group, Inc.	
PLAN AMENDMENT	Low Density Residential to Medium Density Residential	
REZONING	A-1 (Agriculture District) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	22.45	
LOCATION	West side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive	
BCC DISTRICT	District 4 – Commissioner Henley	
<i>RECOMMENDATIONS AND ACTIONS</i>		
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 and also subject to a potable water mitigation plan being presented to the Board of County Commissioners at the adoption hearing.	

SITE DESCRIPTION

1. DEVELOPMENT TRENDS AND EXISTING AND PERMITTED USES:

Location	Future Land Use*	Zoning*	Existing Use
Subject Property	Low Density Residential, Conservation	A-1 (Agriculture District)	Single-family Residential, Commercial Nursery
North	Low Density Residential, Medium Density Residential	R-1 (Single-family Dwelling District), R-2 (One and Two-family Dwelling District)	Single-family Residential
South	Industrial	M-1 (Industrial District), PCD (Planned Commercial Development District)	Warehouse, Light industrial
East	Industrial	M-1 (Industrial District)	Mini-warehouses, Light Manufacturing
West	Low Density Residential	A-1 (Agriculture District)	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, Design Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element and adopted Design Element (Transportation Policy 2.1).*

Access to the subject property is via Longwood-Lake Mary Road, which is classified as a collector road with a Level of Service "B". The adopted Level of Service standard on this section of the road is "E". Before a final development order is approved, which leads to a construction permit, the project will be required to undergo concurrency testing to ensure adequate facility capacity.

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

The subject property is located within the Seminole County water and sewer service areas. Water and sewer services are available to the site. The proposed land use amendment would increase the estimated potable water demand for the subject property from 25,200 gpd to 45,600 gpd. This results in a difference of 20,400 gpd. Since this increase was not factored into the permitted capacity for the water system serving the site, staff is recommending that a mitigation plan to offset the difference in potable water usage be created and brought back before the Board of County Commissioners at the adoption hearing.

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 #17. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a*

determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policies 2.3 and 2.4).

A review of the availability of public facilities to serve this property indicates that adequate public facilities either exist or could be made available. By virtue of this determination, 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 approximately 4.8 acres of wetlands and a portion of the site is located within the 100-year floodplain. A wetlands mitigation plan shall be required prior to final engineering approval for any proposed development on the subject property and the developer will also have to provide compensating storage for any impacts to the floodplain.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

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

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

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

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

The applicant is requesting a land use amendment to Medium Density Residential (MDR). According to Exhibit FLU-Appropriate Transitional Land Uses of the Vision 2020 Comprehensive Plan, MDR can be an appropriate transitional land use with the Low Density Residential future land use to the north, east, and west, and the Industrial future land use to the south, if appropriate buffers, building heights, and architectural controls are in place. Staff believes that the proposed Medium Density Residential future land is compatible with the surrounding land uses, if it is subject to the conditions contained within the attached development order.

The applicant has submitted letters from the adjacent single-family homeowners to the north (Ms. Rita Manny and Ms. Cathy Akers) and south (Ms. Dorothea Clack) and east (Mr. Jeff Clack) of the proposed development, stating that they approve of the proposed 10' landscape buffer with a 6' masonry wall and 25' building setback adjacent to their properties. Therefore staff is recommending as a condition of approval, that 10' landscape buffer with a 6' masonry wall and 25' building setback apply adjacent to those four properties and also adjacent to the Low Density Residential property to the east that is being used as a church. The west side of the proposed development is adjacent to property with Low Density Residential future land use also. Staff has not received any approval letters from this property owner, and therefore, staff is recommending as a condition of approval that along the west property line adjacent to the property with Low Density Residential future land use, a minimum 15' landscape buffer with a 6' masonry wall and 50' building setback apply. The building setback may be reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.

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

FLU 2.1 Subdivision Standards.

FLU 4.2 Infill Development

FLU 5.5: Water and Sewer Service Expansion

FLU 2.11 Determination of Compatibility in PUD and PCD Zoning Classifications

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the impacts of development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

5. SCHOOL IMPACTS –The proposed residential units will generate an estimated eighteen elementary school students, eight middle school students, and nine high school students. At the time of this writing, staff has not yet received a statement from the Seminole County School Board regarding this project. If staff receives one before the meeting, it will be provided to the Board.

STAFF RECOMMENDATION:

Staff recommends APPROVAL and TRANSMITTAL of the requested Large Scale Land Use Amendment from Office to Planned Development and rezone from A-1 to PUD, and approval of the attached Preliminary Master Plan subject to the following conditions and the attached Development Order:

- a. A potable water mitigation plan shall be presented to the Board of County Commissioners at the adoption hearing.
- b. The residential portion of the project shall be developed at a maximum density of 10 units per net buildable acre.
- c. All townhouse units shall be located on individual platted lots.
- d. 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.
- e. The maximum building height shall be 35 feet.
- f. The landscape buffer adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny, Ms. Cathy Akers, Ms. Dorothea Clack, and Mr. Jeff Clack shall be a minimum of 10 feet in width, with a 6-foot masonry wall.
- g. A 25' building setback shall apply adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny, Ms. Cathy Akers, Ms. Dorothea Clack, and Mr. Jeff Clack.
- h. A 20' building setback shall apply along the Hill Top Drive right-of-way.
- i. The landscape buffer adjacent to Hill Top Drive shall be a minimum of 10 feet in width, with a 6-foot PVC fence.

- j. The landscape buffer adjacent to the property to the west designated as Low Density Residential shall be a minimum 15', with a 6-foot masonry wall.
- k. A minimum 50' building setback shall apply adjacent to the property to the west designated as Low Density Residential, except that building setback may be reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.
- l. The following minimum building setbacks shall apply to the individual townhouse units:
 - 1. Front: 20 foot setback from back of sidewalk
 - 2. Rear: 10 foot setback
 - 3. Side: 0 foot setback, except for 20' between blocks of units
- m. Accessory structures shall be prohibited on the individual townhouse lots.
- n. Permitted uses for the residential portion shall be single-family townhouse units, home offices, and home occupations.
- o. All landscape buffers and common areas shall be maintained by a homeowners association.
- p. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- q. Sidewalks shall be required on both sides of the internal streets, except that the Board of Commissioners may choose to allow sidewalks on only one side of the internal streets at the time of Final Master Plan approval.
- r. Front walls of townhouse units shall be staggered.
- s. Converting garages to living space shall be prohibited.
- t. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units.
- u. Balconies shall be prohibited overlooking adjacent single-family homes which are not buffered by a 50' right of way or a 50' buffer including building setback.
- v. Architectural renderings of the buildings shall be provided with the Final Master Plan.

SEMINOLE COUNTY DEVELOPMENT ORDER

On _____, 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: Dorothea M. Clack
1876 Longwood Lake Mary Road
Longwood, FL 32752

Raymond T. and Sharon C. Huegel
245 Hilltop Drive
Longwood, FL 32750

Project Name: Hilltop Drive/Longwood Lake Mary Road Large Scale Land Use
Amendment

Requested Development Approval:

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 owners 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
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's approval, all of which have been accepted by and agreed to by the owner of the property are as follows;

- a. The residential portion of the project shall be developed at a maximum density of 10 units per net buildable acre.
- b. All townhouse units shall be located on individual platted lots.
- c. A minimum of twenty-five (25) percent of the project area must be designated as open space per the requirements of the Land Development Code. Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.
- d. The maximum building height shall be 35 feet.
- e. The landscape buffer adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny, Ms. Cathy Akers, Ms. Dorothea Clack, and Mr. Jeff Clack shall be a minimum of 10 feet in width, with a 6-foot masonry wall.
- f. A 25' building setback shall apply adjacent to Longwood-Lake Mary Road (SR 427) and the existing single-family homes owned by Ms. Rita Manny, Ms. Cathy Akers, Ms. Dorothea Clack, and Mr. Jeff Clack.
- g. A 20' building setback shall apply along the Hill Top Drive right-of-way.
- h. The landscape buffer adjacent to Hill Top Drive shall be a minimum of 10 feet in width, with a 6-foot PVC fence.
- i. The landscape buffer adjacent to the property to the west designated as Low Density Residential shall be a minimum 15', with a 6-foot masonry wall.
- j. A minimum 50' building setback shall apply adjacent to the property to the west designated as Low Density Residential, except that building setback may be reduced to 40' if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.
- k. The following minimum building setbacks shall apply to the individual townhouse units:
 1. Front: 20 foot setback from back of sidewalk
 2. Rear: 10 foot setback
 3. Side: 0 foot setback, except for 20' between blocks of units
- l. Accessory structures shall be prohibited on the individual townhouse lots.

- m. Permitted uses for the residential portion shall be single-family townhouse units, home offices, and home occupations.
- n. All landscape buffers and common areas shall be maintained by a homeowners association.
- o. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- p. Sidewalks shall be required on both sides of the internal streets, except that the Board of Commissioners may choose to allow sidewalks on only one side of the internal streets at the time of Final Master Plan approval.
- q. Front walls of townhouse units shall be staggered.
- r. Converting garages to living space shall be prohibited.
- s. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units.
- t. Balconies shall be prohibited overlooking adjacent single-family homes which are not buffered by a 50' right of way or a 50' buffer including building setback.
- u. Architectural renderings of the buildings shall be provided with the Final Master Plan.

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

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

Done and Ordered on the date first written above.

Attest: _____
Maryanne Morse
Clerk to the Board of County Commissioners

By: _____
Board of County Commissioners
Carlton Henley, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, Dorothea M. Clack, on behalf of herself and her 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

Dorothea M. Clack

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 Dorothea M. Clack, who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A
Legal Description

Lots 1 and 2 ,block "D", Henson's Acres, as recorded in Plat Book 9, page 99 of the Public Records of Seminole County, Florida.

TOGETHER WITH:

The North 1325.4 feet of the West 1/2 of the NE 1/4 West of the Longwood-Lake Mary Road (LESS the North 165 feet thereof) and the East 165 feet of the South 1160.4 feet of the North 1325.4 feet of the East 1/2 of the NW 1/4, all in Section 29, Township 20 South, Range 30 East, Seminole County, Florida, LESS the following described property:

Commence at the intersection of the Westerly right-of-way line of Longwood Lake Mary Road with the South line of the North 165.0 feet of the Northeast 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida; thence run S 22°44'17" E along said Westerly right-of-way line 70.32 feet to the P.C. of a curve concave Southeasterly and having a radius of 1507.98 feet; thence run Southwesterly along said curve and right-of-way line through a central angle of 06°04'01" an arc distance of 159.68; thence leaving said right-of-way line, run N 82°01'24" W 200.00 feet; thence run N 14°13'35" E 200.00 feet to said South line of the North 165.0 feet of the NE 1/4; thence run along said South line S 88°22'43" E 230.00 feet to the Point of Beginning.

AND LESS:

Commence at the North 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida, and run South 01°10'21" West along the North-South center section line 165.00 feet to the point of beginning, thence run North 89°21'42" West 165.00 feet; thence run South 01°10'21" West 200.00 feet, thence run South 89°21'42" East 220.00 feet, thence run North 01°10'21" East 199.06 feet, thence run North 88°22'43" West 55.00 feet to the point of beginning.

AND ALSO LESS:

The South 150 feet of the North 1325.4 feet of the NE 1/4 West of Longwood-Lake Mary Road and the South 150 feet of the North 1325.4 feet of the East 165 feet of the NW 1/4.

ALSO LESS lands conveyed to Seminole County by deed recorded in Official Records Book 3087, page 1153, Public Records of Seminole County, Florida.

AND ALSO LESS:

A portion of land lying in Section 29, Township 20 South, Range 30 East, Seminole County, Florida. Being more particularly described as follows:

BEGIN at the Northeast corner of Seminole County retention pond per Official Records Book 3087, page 1153, Public Records of Seminole County, Florida; thence run South 73°50'23" West along the Northerly line of said Seminole County Retention pond for a distance of 83.08 feet; thence departing said Northwesterly line run North 01°56'23" East for a distance of 173.32 feet; thence run South 88°00'10" East for a distance of 235.57 feet to a point on the Westerly right of way line of Longwood – Lake Mary Road; thence run South 01°51'22" West along said Westerly right of way for a distance of 196.96 feet; thence departing said Westerly right of way line run North 88°08'38" West for a distance of 156.67 feet to a point one the Easterly line of said Seminole County retention pond; thence run North 01°41'45" East along said Easterly line for a distance of 49.91 feet to aforesaid POINT OF BEGINNING.

Contains 1.0 acres more or less.

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

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Hill Top Drive/Longwood-Lake Mary Road PUD Large Scale Land Use Amendment and Rezone Staff Report"

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

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

SEE ATTACHED EXHIBIT A

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

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

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing this order by the Department and recording of Development Order #04-23000007 in the official land records of Seminole County.

ENACTED this _____, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley, Chairman

EXHIBIT A LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Lots 1 and 2 ,block "D", Henson's Acres, as recorded in Plat Book 9, page 99 of the Public Records of Seminole County, Florida.

TOGETHER WITH:

The North 1325.4 feet of the West 1/2 of the NE 1/4 West of the Longwood-Lake Mary Road (LESS the North 165 feet thereof) and the East 165 feet of the South 1160.4 feet of the North 1325.4 feet of the East 1/2 of the NW 1/4, all in Section 29, Township 20 South, Range 30 East, Seminole County, Florida, LESS the following described property:

Commence at the intersection of the Westerly right-of-way line of Longwood Lake Mary Road with the South line of the North 165.0 feet of the Northeast 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida; thence run S 22°44'17" E along said Westerly right-of-way line 70.32 feet to the P.C. of a curve concave Southeasterly and having a radius of 1507.98 feet; thence run Southwesterly along said curve and right-of-way line through a central angle of 06°04'01" an arc distance of 159.68; thence leaving said right-of-way line, run N 82°01'24" W 200.00 feet; thence run N 14°13'35" E 200.00 feet to said South line of the North 165.0 feet of the NE 1/4; thence run along said South line S 88°22'43" E 230.00 feet to the Point of Beginning.

AND LESS:

Commence at the North 1/4 of Section 29, Township 20 South, Range 30 East, Seminole County, Florida, and run South 01°10'21" West along the North-South center section line 165.00 feet to the point of beginning, thence run North 89°21'42" West 165.00 feet; thence run South 01°10'21" West 200.00 feet, thence run South 89°21'42" East 220.00 feet, thence run North 01°10'21" East 199.06 feet, thence run North 88°22'43" West 55.00 feet to the point of beginning.

AND ALSO LESS:

The South 150 feet of the North 1325.4 feet of the NE 1/4 West of Longwood-Lake Mary Road and the South 150 feet of the North 1325.4 feet of the East 165 feet of the NW 1/4.

ALSO LESS lands conveyed to Seminole County by deed recorded in Official Records Book 3087, page 1153, Public Records of Seminole County, Florida.

AND ALSO LESS:

A portion of land lying in Section 29, Township 20 South, Range 30 East, Seminole County, Florida. Being more particularly described as follows:

BEGIN at the Northeast corner of Seminole County retention pond per Official Records Book 3087, page 1153, Public Records of Seminole County, Florida; thence run South 73°50'23" West along the Northerly line of said Seminole County Retention pond for a distance of 83.08 feet; thence departing said Northwesterly line run North 01°56'23" East for a distance of 173.32 feet; thence run South 88°00'10" East for a distance of 235.57 feet to a point on the Westerly right of way line of Longwood – Lake Mary Road; thence run South 01°51'22" West along said Westerly right of way for a distance of 196.96 feet; thence departing said Westerly right of way line run North 88°08'38" West for a distance of 156.67 feet to a point on the Easterly line of said Seminole County retention pond; thence run North 01°41'45" East along said Easterly line for a distance of 49.91 feet to aforesaid POINT OF BEGINNING.

Contains 1.0 acres more or less.

November 15, 2004

To: Seminole County Zoning Department

Re: C & G Longwood Property

To Whom It May Concern:

Please accept this letter as our approval of C&G Real Estate Group, Inc. change in Future Land Use to Medium Density and zoning to PUD for their Longwood Property (Clack). We also approve of a 25' building setback from our property lines, and a 10' wall and landscape buffer along our property line. In addition we agree with the builders commitment to build a 6' masonry wall within the wall and landscape easement noted along our abutting property lines.



Jeff Clack
1866 Longwood Lake Mary Road

November 15, 2004

To: Seminole County Zoning Department

Re: C & G Longwood Property

To Whom It May Concern:

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Dorothea Clack
1876 Longwood Lake Mary Road

A handwritten signature in cursive script that reads "Dorothea Clack". The signature is written in dark ink and is positioned below the typed name and address.

November 15, 2004

To: Seminole County Zoning Department

Re: C & G Longwood Property

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Address:

*Cathy Akers 1886 Longwood Dr. Mary Rd
Longwood, FL 32750*

November 15, 2004

To: Seminole County Zoning Department

Re: C & G Longwood Property

To Whom It May Concern:

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Address:

Rita Masny
1699 Hillside LN.
Longwood, FL 32750