

ITEM # _____

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

SUBJECT: PremierTrade/West Lake Mary Blvd. Property (A.K.A. L&L Acres) Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); (Canin Associates, applicant).

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

AUTHORIZED BY: April Boswell *AB* **CONTACT:** Tina Williamson *TW* EXT. 7353

Agenda Date <u>02/7/2007</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"/>	

- RECOMMEND TRANSMITTAL** of the requested Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and approval of the rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, and recommend approval of the Preliminary Master Plan and Development Order, based on staff findings (Canin Associates, Ronald Manley, applicant); or
- RECOMMEND DENIAL** of the requested Large Scale Future Land Use Amendment and rezone of 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, from Suburban Estates (SE) to Planned Development (PD); and from A-1 (Agriculture) to PUD (Planned Unit Development), (Canin Associates, Ronald Manley, applicant); or
- CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey

Tina Williamson, Asst. Planning Manager

BACKGROUND:

The applicant is requesting a Large Scale Future Land Use Amendment and rezoning of 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, from Suburban Estates (SE) to Planned Development (PD); and from A-1 (Agriculture) to PUD (Planned Unit Development). The proposed use is 130 single-family lots at a

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2006-75</u>

maximum density of 1.4 dwelling units per net buildable acre. The proposed Preliminary Master Plan indicates that the lots will be divided among five tracts with lot sizes ranging from a maximum of 1-acre adjacent to the A-1 zoning along the west property line to a minimum of 8,400 square feet adjacent to the retail and condominiums in the Oakmonte PUD along the east property line. The property is proposed to be developed in a maximum of three phases.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and approval of the rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, and recommends approval of the Preliminary Master Plan and Development Order.

Attachments:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Preliminary Master Plan
Approval Development Order
Denial Development Order (applicable if the request is denied)
Applicant's Justification Statement
School District Capacity Analysis
Letters of support and opposition

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PremierTrade/West Lake Mary Blvd. Property (A.K.A. L&L Acres) Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

APPLICANT	Canin Associates, Ronald Manley, applicant	
PROPERTY OWNER	Lois Mae Paulucci Revocable Trust	
REQUEST	LSLUA from SE to PD and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)	
PROPERTY SIZE	116.74 ± acres	
HEARING DATE (S)	P&Z: February 7, 2007	BCC: March 13, 2007 (Transmittal) June 12, 2007 (Adoption)
PARCEL ID	13-20-29-300-0020-0000, 13-20-29-300-002A-0000, 11-20-29-300-007A-0000	
LOCATION	Located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-75	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing 130 single-family lots at a maximum density of 1.4 dwelling units per net buildable acre.

ANALYSIS OVERVIEW:

The applicant is proposing a Large Scale Future Land Use Amendment from Suburban Estates (1 dwelling unit per net buildable acre) to Planned Development. The Planned Development land use designation provides for a variety of land uses and intensities within a development site to: preserve conservation areas above and beyond Land Development Code requirements, reduce public investment in provision of services, to encourage flexible and creative site design and provide sites for schools, recreation and other public facilities which provide an areawide benefit to the community. The specific uses defined in the Vision 2020 Comprehensive Plan include residential developments with a range of unit types and densities, which the proposed project is consistent with.

The Comprehensive Plan also requires that PUD (Planned Unit Development) and PCD (Planned Commercial Development) zonings within the Planned Development land use designation must be accompanied by a site/master plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting and building heights, to ensure compatibility with adjacent uses.

Staff has reviewed the proposed Preliminary Master Plan and has determined that it is consistent with the provisions of the Comprehensive Plan and the Land Development Code, if subject to the conditions in the attached Development Order.

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	PUD (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single-family residential, home office, home occupation.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	N/A
Minimum Lot Size	1-Acre	8,400 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The subject property is located in a transitional area between existing subdivisions with a minimum lot size of 1-acre to the west and the retail and condominium uses in the Oakmonte PUD to the east. The Vision 2020 Comprehensive Plan Objective FLU 2 requires the County to ensure the long term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses. The proposed Preliminary Master Plan demonstrates appropriate transition between the existing land uses by providing 1-acre lots along the west property line, adjacent to existing 1-acre lots, and smaller lot sizes along the east property line.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM maps 12117C0020E and 12117C0040E, with an effective date of April 17, 1995, there appears to be 18± acres of floodzone AE (100 year floodplain) and 15± acres of floodzone A (100 year floodplain) on the subject property. A larger area is floodprone per preliminary updated DFIRMs. There is a recently submitted LOMC (letter of map change) for the vicinity of this property that may reduce the amount of floodplain for portions of the site. The developer will have to comply with the Seminole County land development regulations for floodprone areas at the time of Final Engineering.

Wetland Impacts:

Based on the Preliminary Master Plan submitted and Seminole County wetland map analysis, a portion of the property (15 ± acres) contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required at the time of Final Engineering.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to Final Engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)*	Proposed Development (130 Lot PUD)	Net Impact
Water (GPD)	40,600	45,500	4,900
Sewer (GPD)	34,800	39,000	4,200
Traffic (ADT)	1,604	1,738	134

Utilities:

The site is located in the Northwest utility service area, and will be required to connect to public utilities. There is a 16-inch water main on the north side of Lake Mary Boulevard and a 10-inch force main on the north side of Lake Mary Boulevard. There is also a 16-inch reclaimed water main on the north side of Lake Mary Boulevard that the project will be required to connect to. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property proposes access onto Lake Mary Boulevard which is classified as a collector roadway. Lake Mary Boulevard is currently operating at a level-of-service "A" and does not have any improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in the school capacity numbers. This analysis is included as an attachment to this report.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #36, which is located at 6200 Lake Mary Boulevard. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Little Wekiva and Soldiers Creek drainage basins, and has limited downstream capacity. Based on preliminary review, the site will have to be designed to hold the 100 year/24 hour storm event. A detailed drainage analysis will be required at the time of Final Engineering.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in useable open space (29.19± acres). Per Section 30.1344 (e), the useable open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources. Section 30.451 (e) requires 25% usable open space and recreation areas dedicated to the homeowner association. The applicant is proposing a clubhouse/pool area as a recreational amenity on the east side of the property. The location and amenities associated with the common useable open space will be determined at the time of Final Master Plan approval.

Buffers and Sidewalks:

At time of development, a 5-foot wide sidewalk is required to be installed along the property frontage on Lake Mary Boulevard and a pedestrian access must be provided to the Seminole Wekiva Trail.

The following buffer and setback requirements, contained in the attached Development Order, shall apply to the external property boundaries:

1. North Property Line (adjacent to Lake Mary Boulevard): Shall contain a 6' brick wall and a 20' landscape buffer and must comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards, which includes the following:
 - a. a minimum 50' building setback from the Lake Mary Boulevard ROW line, and
 - b. a landscape buffer of at least 20' in width planted with live oaks, of four (4) inch diameter at breast height (dbh) at planting, along a line ten (10) feet back from the right-of-way line. The trees shall be planted every forty (40) feet and staggered so as to be midway between the live oaks planted in the adjacent right-of-way. A minimum of four (4) sub-canopy trees per one hundred (100) feet of road frontage shall be planted in and abut access points and intersections.
2. West Property Line (adjacent to existing 1-acre lots): Minimum 25' building setback with a 15' landscape buffer in a tract, containing at a minimum 4 canopy trees (minimum 2.5" caliper with an average of 3") per 100 linear feet of buffer.
3. East/South Property Lines (adjacent to the Seminole Wekiva Trail and commercial): An Active Buffer/Setback in compliance with Section 30.1232 SCLDC shall apply, which will include the following:
 - c. A minimum 50' building setback
 - d. A 25' landscape buffer containing a 6' brick wall (the wall must be made of the same material as the wall along the north property line) and a minimum of 8 canopy trees (minimum 2.5" caliper with an average of 3") and 4 sub-canopy trees per 100 linear feet of buffer. The wall is required to be staggered and placed on the inner edge of the 25' buffer adjacent to the proposed lots and the

landscaping is required to be planted on the outer edge of the buffer, adjacent to the trail, in order to provide a visual amenity for the trail and buffer the proposed lots from the adjacent commercial uses. A break in the wall shall be provided in the clubhouse tract to allow pedestrian access from the proposed development to the trail.

The internal setbacks for the individual subdivision phases will be determined at the time of Final Master Plan approval.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is located within the Lake Mary Boulevard Gateway Corridor Overlay District and the Wekiva Study Area. Demonstration of Compliance with the requirements of both of these districts will be required at the time of Final Master Plan approval.

COMPREHENSIVE PLAN (VISION 2020)

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The following policies are applicable with the proposed project (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 1.2: Flood Plain Protection
- Policy FLU 1.3: Wetlands Protection
- Policy FLU 2.1: Subdivision Standards
- Policy FLU 2.11: Determination of Compatibility in the Planned Unit Development District
- Policy CON 3.7: Open Space Regulations
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

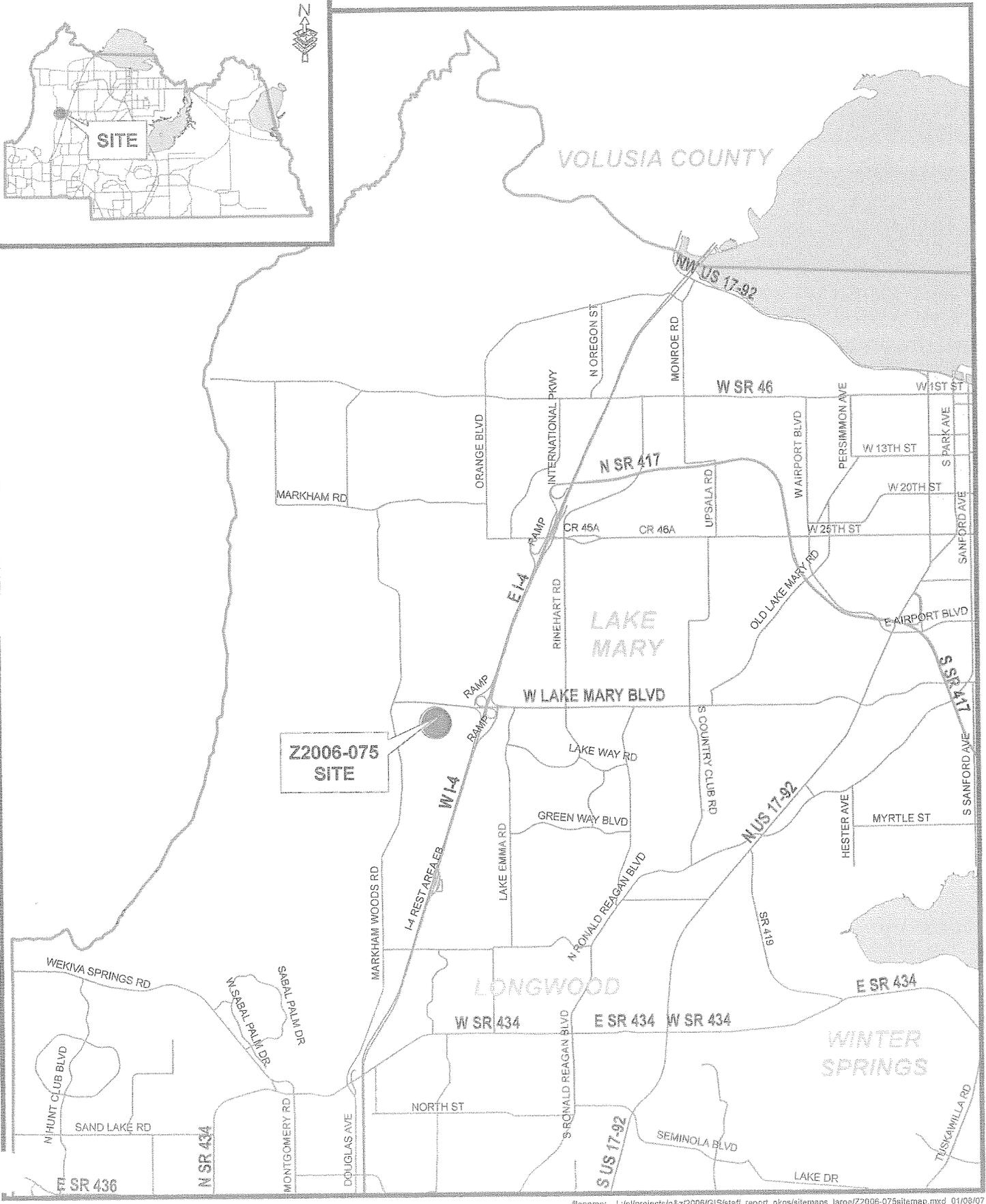
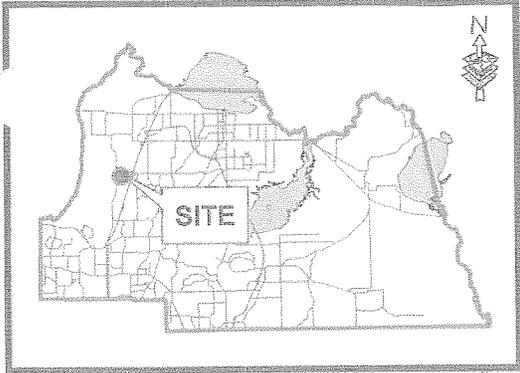
Intergovernmental notice was sent to the Seminole County School District and the City of Lake Mary on January 16, 2007. The School District has provided a School Capacity Report, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

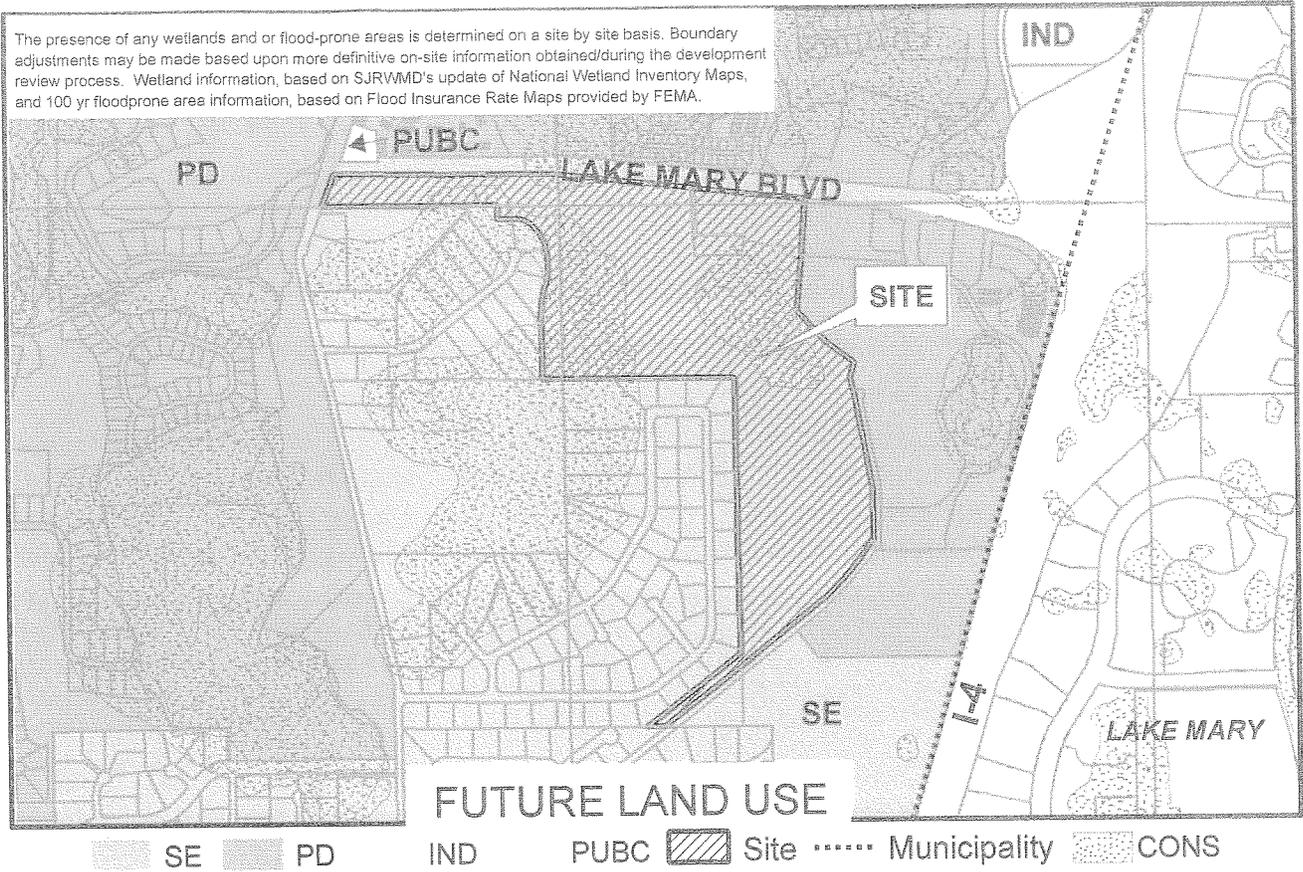
At this time, Staff has received letters of support and opposition, which are attached.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and approval of the rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, and recommends approval of the Preliminary Master Plan and Development Order.

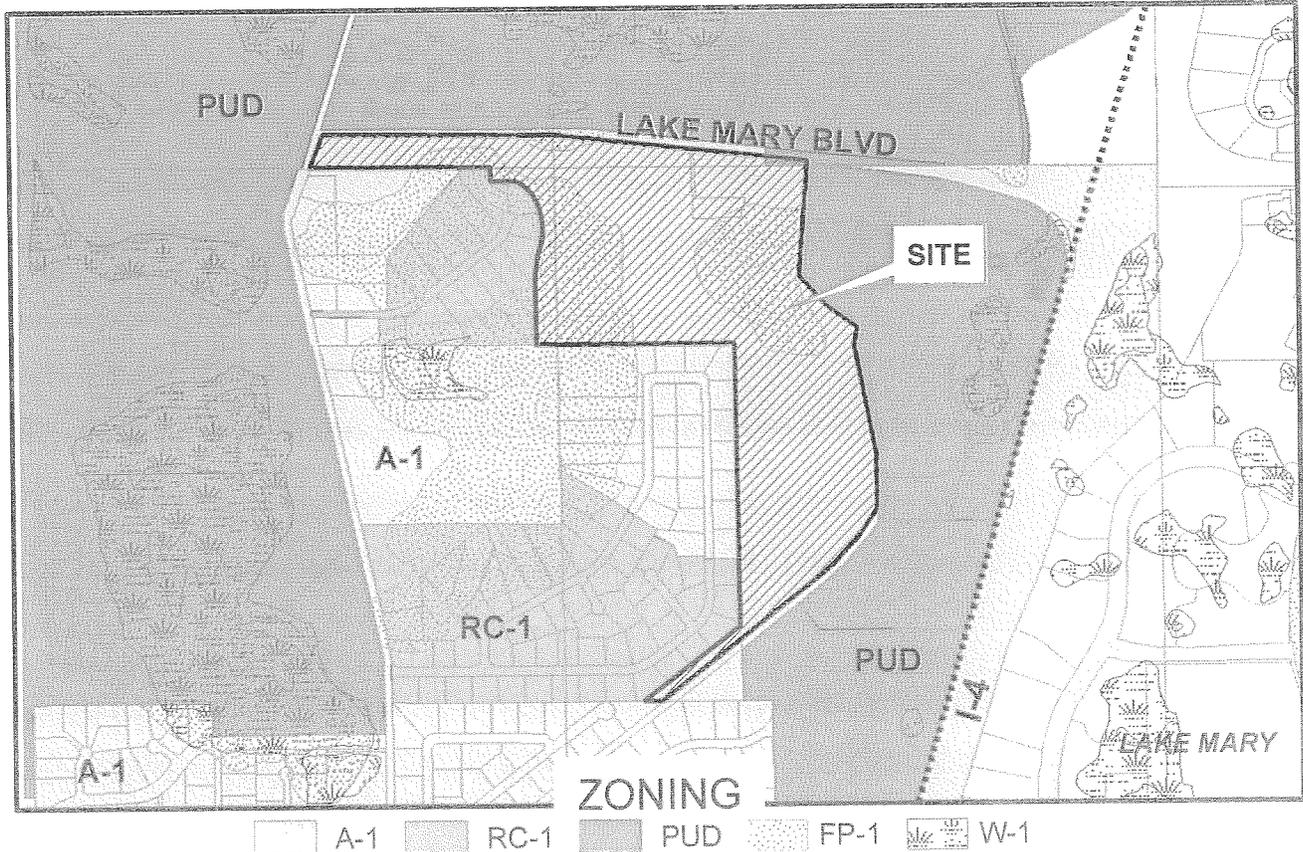


The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Applicant: Ronald Manley
 Physical STR: 11-20-29 & 13-20-29
 Gross Acres: 116.74 +/- BCC District: 5
 Existing Use: Agricultural Grazing Land and Single-Family
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	07S.FLU01	SE	PD
Zoning	Z2006-075	A-1	PUD





FLU No: 07S.FLU01
From: SE To: PD
Rezone No: Z2006-075
From: A-1 To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On June 12, 2007, 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: Lois Mae Paulucci Revocable Trust
201 W. First Street
Sanford, FL 32771

Project Name: PremierTrade/West Lake Mary Blvd. Property (A.K.A. L&L Acres) PUD

Requested Development Approval:

Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone 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 aforescribed property.

Prepared by:
Tina Williamson, Assistant Planning Manager
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. All development shall comply with the Preliminary Master Plan attached as Exhibit B, except that the access to the site shall be relocated to line up with the traffic light at Heathrow Boulevard, unless the developer provides a traffic study prior to Final Master Plan approval demonstrating that it is safe, as determined by the Development Review Manager, to have it located where shown on the plan.
- b. The maximum density shall not exceed 1.4 dwelling units per net buildable acre, up to a maximum of 130 dwelling units.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. The minimum lot size shall be 8,400 square feet.
- e. Permitted uses shall be single-family detached dwellings, home offices, home occupations and customary recreational facilities for the use of the residents.
- f. All landscape buffers and common areas shall be maintained by a homeowners association.
- g. 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, including the Seminole Wekiva Trail.
- h. The project is allowed to be developed in a maximum of three phases. A minimum of 25% useable open space shall be provided for the entire PUD. The location of and the amenities associated with the open space shall be provided at the time of Final Master Plan, however, the developer is required to provide a pool/clubhouse facility as part of the open space amenities.
- i. Upon assuming title to the property, the developer (and the Homeowner Association as successor in interest) shall be responsible for the installation, irrigation and maintenance of any landscaping south of the curb of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.
- j. Upon assuming title to the property, the developer (and the Homeowner Association as successor in interest) shall equally share the cost with the Heathrow Master Association, for the installation, irrigation and maintenance of any landscaping in the median of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.

- k. The developer shall be responsible for the cost and construction of the left turn lane in the median of westbound Lake Mary Boulevard at the entrance to the property and any repair to the landscaping and irrigation at that site.
- l. The internal lot setbacks (principal and accessory structures) for each individual subdivision phase shall be determined at the time of Final Master Plan.
- m. The following setback and buffer standards shall apply to the external property boundary of the entire PUD:
 - 1. North Property Line (adjacent to Lake Mary Boulevard): Shall contain a 6' brick wall and a 20' landscape buffer and must otherwise comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards of the Seminole County Land Development Code.
 - 2. West Property Line (adjacent to existing 1-acre lots): Minimum 25' building setback with a 15' landscape buffer in a tract, containing at a minimum 4 canopy trees (minimum 2.5" caliper with an average of 3") per 100 linear feet of buffer.
 - 3. East/South Property Lines (adjacent to Seminole Wekiva Trail and commercial): An Active Buffer/Setback in compliance with Section 30.1232 SCLDC shall apply, which will include the following:
 - i. A minimum 50' building setback
 - ii. A 25' landscape buffer containing a 6' brick wall (the wall must be made of the same material as the wall along the north property line) and a minimum of 8 canopy trees (minimum 2.5" caliper with an average of 3") and 4 sub-canopy trees per 100 linear feet of buffer. The wall must be staggered and placed on the inner edge of the 25' buffer adjacent to the proposed lots and the landscaping is required to be planted on the outer edge of the buffer, adjacent to the trail, in order to provide a visual amenity for the trail and buffer the proposed lots from the adjacent commercial uses. A break in the wall shall be provided in the clubhouse tract to allow pedestrian access from the proposed development to the trail as depicted on the Preliminary Master Plan.
 - iii. If the existing lakes adjacent to the east property line remain post-development, a break may be provided in the wall to allow the lakes to serve as a buffer and a visual amenity for the trail.

(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

FILE # Z2006-075

DEVELOPMENT ORDER # 06-23000002

covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Lois Mae Paulucci Revocable Trust, on behalf of itself and its 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

Larry W. Nelson, Co-Managing Trustee

Witness

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 Larry W. Nelson who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

DESCRIPTION

SUBJECT PROPERTY ALSO DESCRIBED AS:

A tract of land being a portion of Sections 11, 12, 13 and 14, Township 20 South, Range 29 East, Seminole County, Florida being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 20 South, Range 29 East; thence North 89°36' 50" East along the North line of Section 13 for a distance of 194.68 feet; thence North 00°23' 10" West for a distance of 187.67 feet to a point on the South Right-of-Way of Lake Mary Boulevard and the POINT OF BEGINNING; thence South 84°05'23" East, along the South Right-of-Way of Lake Mary Boulevard a distance of 1677.21 feet to a point on the West boundary of Oakmonte Park, Plat Book 53, Page 75, Public Records of Seminole County, Florida; thence along said boundary South 04°45'41" West, a distance of 841.14 feet; thence South 42°22'34" East, a distance of 302.61 feet; thence South 54°17'27" East, a distance of 285.07 feet; thence South 14°33'59" West, a distance of 120.94 feet; thence South 11°05'27" East, a distance of 834.68 feet; thence South 00°18'48" East, a distance of 409.04 feet to a point on the Northwesterly Right-of-Way of the S.C.L. Railroad (Tribly Branch) and a point on a curve concave northwesterly having a tangent bearing of South 29°41'21" West and a radius of 1,884.80 feet; thence run southwesterly along the arc of said curve through a central angle of 22°31'39" for a distance of 741.07 feet to the Point of tangency; thence South 52°13'55" West, a distance of 676.10 feet; thence South 52°12' 07" West a distance of 695.77 feet; thence South 89°07'19" West, a distance of 133.05 feet; thence North 52°14'22" East, along the Southeasterly boundary of Ravensbrook First Addition, Plat Book 16, Page 30, Public Records of Seminole County, Florida a distance of 861.34 feet; thence continuing along said plat boundary North 00°10'31" West, a distance of 529.80 feet to the Northeast corner of said Plat; thence North 00°26'21" West along the East line of Ravensbrook Second Addition, Plat Book 25, Page 55, Public Records of Seminole County, Florida a distance of 258.15 feet to a point on the North line of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 20 South, Range 29 East; thence North 00°13'47" West, a distance of 1,325.05 feet; to the Northeast corner of the aforesaid plat thence South 89°56'58" West, a distance of 1,322.70 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 20, Range 29 East; thence North 89°36'19" West, a distance of 124.70 feet to the Southeast corner of Isle of Windsor, Plat Book 15, Page 91, Public Records of Seminole County, Florida; thence along the East line of said plat North 00°25'55" West, a distance of 528.96 feet; thence North 07°11'07" East, a distance of 129.27 feet to the centerline of an existing canal; thence along the centerline of said canal the following eight (8) meandered courses: North 20°43'58" East, a distance of 83.73 feet; thence North 11°35'00" East, a distance of 126.59 feet; thence North 11°03'53" West, a distance of 126.16 feet; thence North 18°07'51" West, a distance of 104.80 feet; thence North 37°06'49" West, a distance of 100.50 feet; thence North 54°21'37" West, a distance of 65.61 feet; thence North 71°53'38" West, a distance of 65.61 feet; thence North 89°46'38" West, a distance of 150.00 feet; thence departing said canal North 00°18'47" West, a distance of 95.00 feet to a point on the North line of Section 11, Township 20 South, Range 29 East; thence North 89°46'38" West along said Section line to the East Right-of-Way of Markham Road a distance of 1,419.10 feet; thence North 17°46'24" East along said Right-of-Way a distance of 208.67 feet to the South Right-of- Way of Lake Mary Boulevard; thence North 89°53'23" East along said Right-of- Way a distance of 1,586.53 feet to a Point of Curvature of a curve concave Southerly having a radius of 3,758.33 feet; thence run Easterly along the arc of said curve through a central angle of 06°01'14" for a distance of 394.92 feet to the POINT OF BEGINNING

Containing 116.74 acres, more or less.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 12, 2007, 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: Lois Mae Paulucci Revocable Trust
201 W. First Street
Sanford, FL 32771

Project Name: PremierTrade/West Lake Mary Blvd. Property (A.K.A. L&L Acres) PUD

Requested Development Approval:

Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "PremierTrade/West Lake Mary Blvd. Property (A.K.A. L&L Acres) Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on June 12, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is **DENIED**.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

EXHIBIT A

DESCRIPTION

SUBJECT PROPERTY ALSO DESCRIBED AS:

A tract of land being a portion of Sections 11, 12, 13 and 14, Township 20 South, Range 29 East, Seminole County, Florida being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 20 South, Range 29 East; thence North 89°36' 50" East along the North line of Section 13 for a distance of 194.68 feet; thence North 00°23' 10" West for a distance of 187.67 feet to a point on the South Right-of-Way of Lake Mary Boulevard and the POINT OF BEGINNING; thence South 84°05'23" East, along the South Right-of-Way of Lake Mary Boulevard a distance of 1677.21 feet to a point on the West boundary of Oakmonte Park, Plat Book 53, Page 75, Public Records of Seminole County, Florida; thence along said boundary South 04°45'41" West, a distance of 841.14 feet; thence South 42°22'34" East, a distance of 302.61 feet; thence South 54°17'27" East, a distance of 285.07 feet; thence South 14°33'59" West, a distance of 120.94 feet; thence South 11°05'27" East, a distance of 834.68 feet; thence South 00°18'48" East, a distance of 409.04 feet to a point on the Northwesterly Right-of-Way of the S.C.L. Railroad (Tribly Branch) and a point on a curve concave northwesterly having a tangent bearing of South 29°41'21" West and a radius of 1,884.80 feet; thence run southwesterly along the arc of said curve through a central angle of 22°31'39" for a distance of 741.07 feet to the Point of tangency; thence South 52°13'55" West, a distance of 676.10 feet; thence South 52°12' 07" West a distance of 695.77 feet; thence South 89°07'19" West, a distance of 133.05 feet; thence North 52°14'22" East, along the Southeasterly boundary of Ravensbrook First Addition, Plat Book 16, Page 30, Public Records of Seminole County, Florida a distance of 861.34 feet; thence continuing along said plat boundary North 00°10'31" West, a distance of 529.80 feet to the Northeast corner of said Plat; thence North 00°26'21" West along the East line of Ravensbrook Second Addition, Plat Book 25, Page 55, Public Records of Seminole County, Florida a distance of 258.15 feet to a point on the North line of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 20 South, Range 29 East; thence North 00°13'47" West, a distance of 1,325.05 feet; to the Northeast corner of the aforesaid plat thence South 89°56'58" West, a distance of 1,322.70 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 20, Range 29 East; thence North 89°36'19" West, a distance of 124.70 feet to the Southeast corner of Isle of Windsor, Plat Book 15, Page 91, Public Records of Seminole County, Florida; thence along the East line of said plat North 00°25'55" West, a distance of 528.96 feet; thence North 07°11'07" East, a distance of 129.27 feet to the centerline of an existing canal; thence along the centerline of said canal the following eight (8) meandered courses: North 20°43'58" East, a distance of 83.73 feet; thence North 11°35'00" East, a distance of 126.59 feet; thence North 11°03'53" West, a distance of 126.16 feet; thence North 18°07'51" West, a distance of 104.80 feet; thence North 37°06'49" West, a distance of 100.50 feet; thence North 54°21'37" West, a distance of 65.61 feet; thence North 71°53'38" West, a distance of 65.61 feet; thence North 89°46'38" West, a distance of 150.00 feet; thence departing said canal North 00°18'47" West, a distance of 95.00 feet to a point on the North line of Section 11, Township 20 South, Range 29 East; thence North 89°46'38" West along said Section line to the East Right-of-Way of Markham Road a distance of 1,419.10 feet; thence North 17°46'24" East along said Right-of-Way a distance of 208.67 feet to the South Right-of- Way of Lake Mary Boulevard; thence North 89°53'23" East along said Right-of- Way a distance of 1,586.53 feet to a Point of Curvature of a curve concave Southerly having a radius of 3,758.33 feet; thence run Easterly along the arc of said curve through a central angle of 06°01'14" for a distance of 394.92 feet to the POINT OF BEGINNING

Containing 116.74 acres, more or less.

LARGE-SCALE FUTURE LAND USE AMENDMENT & REZONING AMENDMENT JUSTIFICATION STATEMENT

SEMINOLE COUNTY APPLICATION

PremiereTrade Lake Mary Boulevard Property

CA Job No. 206068

Parcel ID Nos. 13-20-29-300-0020-0000 & 13-20-29-300-002A-0000

INTRODUCTION

This application is for a large-scale future land use map amendment (LSFLUA) and associated rezoning amendment to respectively change the future land use (FLU) and zoning designations of the ±116.74-acre subject property from SE (Suburban Estates) to PD (Planned Development) and A-1 (Agriculture District) to PUD (Planned Unit Development District). With the following Project Justification Narrative, we submit the request is consistent with the Seminole County Vision 2020 Comprehensive Plan and compatible with the surrounding development patterns.

PROPERTY AND SURROUNDING LAND USE DESCRIPTION

The property is located on the south side of Lake Mary Boulevard near the convergence of Lake Mary Boulevard and Markham Woods Road, as shown in Exhibit 1, Neighborhood Aerial) and Exhibit 2, Site Aerial. As previously stated, the site has a current FLU designation of SE, which allows up to one unit per acre and is compatibly zoned A-1, which allows agricultural uses, as well as residential units at a maximum density of one unit per acre. Exhibit 3, Future Land Use, and Exhibit 4, Existing Zoning, respectively depict the site's existing FLU and zoning by comparison to the surrounding area, as shown below in Table 1, Surrounding FLU & Zoning. By contrast, Exhibit 6, Proposed Future Land Use and Exhibit 7, Proposed Zoning, respectively depict the proposed future land use and zoning designations that formulate the basis of this request.

**Table 1
Surrounding FLU & Zoning**

Direction	Future Land Use	Zoning	Existing Land Use
North	Public/PD	PUD	Fire Station, Multi-Family, Single-Family & Conservation Area
South	SE	A-1/PUD	Single-Family & Vacant
East	PD	PUD	Vacant, Shoppes At Oakmont Commercial
West	SE/PD	A-1/PUD/RC-1	Single-Family, Vacant & Conservation Area

The current SE and A-1 designations are incompatible with the intended development program of the L&L Acres Property, which proposes single-family detached units on lot sizes ranging from 8,400 square feet to one acre. To achieve this program, the site's future land use and zoning must be amended to allow the establishment of a synergistic development that will effectively assimilate into the surrounding community of established single-family and commercial uses. Exhibit 8, Existing Land Use, presents the distribution of uses surrounding the property.

The following text details the intent and purpose of the requested PD FLU and PUD zoning, as respectively described in the Seminole County Vision 2020 Comprehensive Plan and Land Development Code. Based on these policy and code definitions, it is our contention that the proposed development program would be consistent with the Vision 2020 Comprehensive Plan and ultimately comply with the Land Development Code.

SITE DATUM

GENERAL INFORMATION

Location:	South side of Lake Mary Boulevard near the convergence of Lake Mary Boulevard and Markham Woods Road
Parcel ID No:	13-20-29-300-0020-0000
Future Land Use:	SE (Suburban Estates)
Current Zoning:	A-1 (Agriculture District)
Proposed Future Land Use:	PD (Planned Development)
Proposed Zoning:	PUD (Planned Unit Development District)
Existing Use:	Agricultural Grazing Land & Single-Family
Proposed Land Use:	Single-Family Residential
Proposed Housing Type:	Single-Family Detached
Proposed Phasing:	Multiple
Proposed Net Density:	1.4 dwelling units/acre
Proposed # of Units:	130
Proposed Height:	Not to exceed 35 feet
Lot Standards:	Following the PUD rezoning process, a Final Master Plan will be submitted to establish specific development standards.

ACREAGE

Gross Acreage:	±116.74 Acres
Conceptual Wetlands:	± 24.18 Acres
Existing Uplands:	± 92.56 Acres

OPEN SPACE, LANDSCAPED BUFFERS, & GREENWAYS

Percentage of Open Space:	25% or ±29.19 acres, including amenitized storm water management areas
Environmental Areas:	± 24.18 Acres
PD Buffer Width:	25-ft.
Buffers/Greenways:	Peripheral buffers will be provided along the edge of the site and observe the Lake Mary Boulevard Gateway Corridor Overlay Standards; internal sidewalks and trails will connect to adjoining off-site facilities.
Soils:	Exhibit 2, <u>Soils</u> , depicts the soils found on the subject property and arranges the soils according to this infiltration. Group A soils, which comprise the majority of the site, are those that have a high infiltration rate and, when thoroughly wet, have low runoff. Often these soils are deep,

well drained and sandy or gravelly. Group B/D soils, by contrast, have a very slow infiltration rate and high runoff. Group C soils have a permeability that exists between Groups A and D.

PERMITTED USES

Permitted uses for the proposed PUD will include 130 detached single-family residential units.

TRANSPORTATION, ACCESS & PARKING

Average Daily Trips (ADTs):	1,737.9 trips
Single-Family:	130 units (x) 6.02 (ITE, 210) = 783 trips
From Lake Mary Boulevard:	One (1) full access point
Parking Ratios:	2 spaces per single-family unit = 260 spaces

SIGNAGE

Project signage shall conform to the standards listed in Part 65 (Sign Regulations) and Part 56 (Lake Mary Boulevard Gateway Corridor Overlay Standards) of the Seminole County Land Development Code.

UTILITIES & SERVICES

Utility Installation: All utilities shall be installed underground. The developer shall provide landscaping to screen permitted aboveground utility facilities, if necessary.

Water Provision:	Seminole County Utilities
Water Rate:	350 GPD/unit x 130 units = 45,500 GPD
Sanitary Sewer Provision:	Seminole County Utilities
Wastewater Rate:	300 GPD/unit x 130 units = 39,000 GPD
Electric:	Progress Energy
Solid Waste Collection:	Waste Pro

**RELATIONSHIP TO THE GOALS, OBJECTIVES AND POLICIES OF THE
SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN**

Planned Development Intent & Purpose

Planned Development FLU provides for a variety of land uses and intensities within a development site to preserve conservation areas above and beyond Land Development Code requirements, reduce public investment in provision of services, to encourage flexible and creative site design and provide sites for schools, recreation and other public facilities which provide an area-wide benefit to the community.

PUD (Planned Unit Development) and PCD (Planned Commercial Development) zonings within the Planned Development land use designation must be accompanied by a site/master plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting and building heights, to ensure compatibility with adjacent uses. Standard zoning provisions will apply, in addition to the Lake Mary Boulevard Gateway Corridor Overlay standards.

Additionally, architectural details may be considered by the Board of County Commissioners (Board) when determining if a planned development is compatible with the character of the area. Such standards shall include, but not be limited to, building style, design and scale; exterior building materials; roof design and construction; building size and placement; site furnishings; fences and entrance features; and the size and location of service areas. If the proposed plan does not or cannot achieve the desired level of compatibility, as determined by the Board, the Board may deny the rezoning request.

Uses

- a. Mixed use developments (residential and nonresidential uses on the development site);
- b. Residential developments with a range of unit types and densities;
- c. Nonresidential developments (office, commercial, industrial, etc.);
- d. Public elementary schools, public middle schools and public high schools; and
- e. Attendant on-site facilities such as utilities and recreation areas.

Zoning

Zoning classifications allowed in this land use designation are presented in Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications. PUD is an allowable zoning category in PD FLU.

Services and Facilities

Service and facility requirements will vary according to development intensity. Services and facilities are to be at a minimum, consistent with the requirements of comparable individual land use designations (residential, office, commercial, industrial, etc.) for uses on the development site (see Exhibit FLU: Services and Facilities By Classification).

Special Provisions

- a. Future Land Use Designation Requires Rezoning: Plan amendments to Planned Development must be accompanied by a rezoning request and preliminary master plan/site plan as provided for in the Land Development Code.
- b. Conservation/Open Space: Planned developments are required to provide protection of conservation areas and open space, and provide recreation and pedestrian circulation as a component of site design.
- c. Minimum Open Space: A minimum of 25 percent (%) of the site must be designated as recreation and common open space areas.

-
- d. Compatibility with Adjacent Uses: Due to the ability to cluster units and provide for a mixture of uses onsite, planned developments require special consideration of the location, type and size of buffer yards to maximize compatibility with adjacent land uses.
 - e. Nonresidential Use Locations: Commercial and other nonresidential uses within mixed use developments are encouraged to be placed in locations that will provide convenient vehicular, pedestrian and bicycle access for residents of the planned development community and will minimize the impact of commercial uses on adjacent and surrounding communities.
 - f. Nonresidential Uses in Excess of 10 Percent (%) Discouraged: Nonresidential uses in excess of 10 percent (%) of the site's net acreage are discouraged unless greater nonresidential uses are justified to serve the area. If nonresidential uses are determined to serve a larger area, these uses may be located on external tracts of the site along collector or arterial roadways.
 - g. Minimum Size: Mixed use planned developments are required to be a minimum of 10 acres in size in order to effectively design the site for residential and nonresidential uses.
 - h. Planned Developments in Sensitive Areas: Planned developments adjacent to the Wekiva and Econlockhatchee Rivers and adjacent wetlands, as well as within the Rural Area of Seminole County, shall be designed to maintain the rural density, intensity and character of these areas, and where permitted, concentrate allowable units on those portions of the development site which are farthest from the surface waters and wetlands, and restrict required open space areas to passive recreational uses.
 - i. Development Phasing: Development of the phases of a mixed use development must be timed concurrent with facility capacity to ensure the provision of adequate public services according to adopted standards (see Exhibit FLU: Services and Facilities By Classification) and facility plans. Each phase must be self-sufficient on a cumulative basis in case subsequent phases are delayed or abandoned.
 - j. Access Within the Development: Planned developments shall be designed to have safe and plentiful ways for vehicles, bicycles and pedestrians to travel between and among the several uses and activities if developed as a mixed- use development. Sidewalks, cross access easement, connected parking lots, and other similar means of providing full internal access are typical components.
 - k. Access to Adjacent Developments: If developed as a mixed use development, planned developments shall provide access for vehicles, bicycles and pedestrians from the mixed use development to adjacent activities for ease of travel and reduction of trips on main thoroughfares. Access to residential neighborhoods shall be designed to prevent cut-through traffic and intrusion of adverse impacts. Design concepts shall include a roadway design for mixed-use areas that does not adversely impact established residential areas.
 - l. Shared Facilities: Planned developments are intended to offer advantages of integrated infrastructure (e.g., shared parking, stormwater facilities and signage, etc.) to reduce costs, reduce the provision of excess facilities and improve visual appearance.
 - m. Special Services: Higher intensity development may require special services such as aerial fire equipment, transit facilities and effluent re-use to meet public safety needs and to offset facility capacity impacts.

Applicable Comprehensive Plan FLU Policies

Vision 20/20—Future Land Use Element- Issue FLU 2 (page FLU-3)

The Exhibit FLU: Future Land Use and Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications defines types, densities and intensities and allowable zoning classifications for all conventional land uses in the County. The Mixed Development, Planned Development and Higher Intensity Planned Development future land use designations (i.e., Target Industry, Core and Transitional and Airport areas) allow for both single use and mixed-use developments. These future land use designations are implemented through numerous Plan policies and land development regulations that address uses, location, timing, services and facilities, density/intensity, phasing, compatibility, and represent one of the County's techniques for discouraging urban sprawl.

The development proposed on the PremiereTrade West Lake Mary Boulevard site discourages Urban Sprawl as it will be processed as a PUD with concentrated development on an infill parcel located between existing neighborhood commercial, multifamily and single-family developments.

Vision 20/20—Future Land Use Element- Issue FLU 3 (page FLU-3)

Future Land Use Map Based On Growth Needs/Build-out The Exhibit FLU: Future Land Use Map is based on the amount of land use by type needed to accommodate the County's projected growth over the planning period.

In Seminole County both private and publicly owned properties are designated as one of the several future land use designations on the adopted Exhibit FLU: Future Land Use Map. The Exhibit FLU: Future Land Use Map is based on the amount of land use by type needed to accommodate the County's projected growth over the planning period.

Based on the currently adopted Exhibit FLU: Future Land Use Map, it is projected that between 2015 and 2020 the County will experience a shortage of vacant developable land for single family and multi-family development. Among the options available to address this shortage includes amending the Plan to allow increased densities within existing residential designation and creating infill parcels where a mix of residential and nonresidential uses would be allowed. Subsequent to adoption of the 2001 Plan Update, this issue should be fully assessed and recommended options prepared as part of the next Evaluation and Appraisal Report of the Plan scheduled for 2005.

The proposed development program includes single-family residential lots at an overall net density of 1.4 dwelling unit per acre, which is consistent with the current Suburban Estates FLU. Providing unit diversity will assist Seminole County in dealing with the "shortage of vacant developable land for single-family development, including a source of housing for the aging population segment. The property is an infill tract surrounded by high-density residential, low-density residential and neighborhood-scale commercial developments with a comparable site density to surrounding single-family development. While a percentage of lots will be less than a typical one-acre lot in size, the creation of a planned community that adheres to sensitive site design, transitional buffers and green space, tree preservation, reduced intensities and building heights along the periphery of the development and concentrated development toward the center of the parcel will ensure neighborhood compatibility. As shown in Exhibit 10, Proposed Entry Details, the entrance to the development will be designed and located to preserve a robust stand of mature oaks, as well as comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards to further compatibility of the development with surrounding uses.

Vision 20/20—Future Land Use Element- Issue FLU 4-Urban Sprawl (page FLU-4)

Rule 9J-5.006, FAC, requires that plans of local government's contain specific provisions to discourage urban sprawl. Urban sprawl can be defined as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important for natural resource protection. Types of urban sprawl land

uses include leapfrog development, strip development along a roadway and large expanses of low density, single dimensional development.

Between Plan adoption in 1991 and completion of the County's Evaluation and Appraisal Report (EAR) in 1999, urban sprawl, as historically defined by the Florida Department of Community Affairs (Department) and repeated in the Plan, has not occurred in unincorporated Seminole County.

This absence of sprawl is due to extensive revisions to the County's Exhibit FLU: Future Land Use Map in 1987 to re-designate vacant, infill and urban fringe areas for urban development intensities. This major update, along with the long standing Conservation Land Use policies and regulations help to meet Department's sprawl tests. In 1991, the Plan was amended to establish the East Rural Area and adoption of an urban/rural boundary. Additional steps such as creation of the Higher Intensity Planned Development future land use series, (i.e., Target Industry, Core and Transitional and Airport areas), purchase of natural lands, limiting commercial development to major roadway intersections, and providing for mixed use developments, joined with land development regulations, have effectively served as tools to address urban sprawl. The County's EAR fully addressed the sprawl indicators cited in Rule 9J-5.006(5), FAC. For a list of these indicators and the County's response, please refer to the EAR document.

The PremiereTrade West Lake Mary Boulevard property has remained primarily pastureland with only a small portion utilized for large-lot single-family homes. Although the majority of the site remains agricultural, this is an uncharacteristic use of property in an area comprised mostly of Suburban Estates neighborhoods that are built at a density of one dwelling unit per acre. Immediately east of the site are the Shoppes at Oakmont, a neighborhood-scale shopping center, located along Lake Mary Boulevard.

Developing the West Lake Mary Boulevard site as a Single-Family Planned Unit Development with a range of residential densities, would not contribute to sprawl for the following reasons:

- As almost all of the surrounding land is already built-out, development of the site would occur in a responsible manner to ensure adequate transitioning of densities between surrounding and proposed uses.*
- The proposed residential uses on the site would allow for the diversification of densities to compliment lower densities to the west and south, as well as higher densities to the north and east.*
- Development of the property would provide an opportunity for interconnected, pedestrian and user-friendly community consistent with the PD FLU's definition of providing multi-modal access within the development.*

Vision 20/20—Future Land Use Element- Issue FLU 10-Trends in Comprehensive Planning (page FLU-7)

Since the 1991 Plan Update, two popular themes have emerged that have a direct relationship to comprehensive planning. The first of these, "sustainability", suggests the idea of the responsible use of resources to meet current needs without jeopardizing the needs of future residents. The second theme, "smart growth" involves the basic ideas of environmental protection, livable communities and efficient use of public funds. Both themes have in common the idea of community, economic opportunities and protection of the environment. In Seminole County "sustainability" and "smart growth" in land use are achieved through, but not limited to, application of the following planning techniques:

- Economic planning to create target industry areas;
- Acquisition of sensitive natural lands;

- Creation of an urban/rural boundary and Plan policies regarding protection of the Rural Area;
- Restricting densities and intensities within the Wekiva River and Econlockhatchee River areas;
- Applying a tiered level of service to encourage infill development and discourage sprawl; and
- Joint planning agreements.

These two themes are clearly evident in the goal of the Future Land Use Element, which is to achieve an appropriate balance between public and private interests in the protection of the environment, creation of favorable economic conditions and maintenance of established residential neighborhoods. The County's Plan and land development regulations set forth policies and provisions to ensure that these areas development in a manner to provide compatibility, accommodate necessary facilities and services and protect the natural environment.

Development will be concentrated on the upland portions of the site to avoid impacts to identified wetland areas shown in Exhibit 5, Environmental Conditions. As an infill site, the property will be developed in a planned, harmonious manner to eliminate sprawl, as explained elsewhere in this justification statement. Accordingly, a range of single-family lot sizes will be provided to meet the future housing and service needs of Seminole County's projected population.

Vision 20/20—Future Land Use Element- Objective 2-Protection of Residential Neighborhoods (page FLU-16)

The County shall ensure the long-term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses.

In order achieve compatibility with surrounding neighborhoods, planning on the PremiereTrade West Lake Mary Boulevard site will involve transitioning development intensities from higher density residential development at the north, east and center of the site to lower residential densities along the southern and western periphery.

Vision 20/20—Future Land Use Element- Policy 2.1-Subdivision Standards (page FLU-16)

The County shall maintain the viability of established and future residential neighborhoods by continuing to enforce Land Development Code provisions relating to:

- a. Development within flood prone areas;
- b. Building setbacks and heights;
- c. Roadway buffers;
- d. Landscaping;
- e. Tree preservation;
- f. Signage;
- g. On-site traffic circulation and parking;
- h. Drainage and stormwater management;
- i. Fences, walls and entrance features; and
- j. Maintenance and use of common open space areas through homeowners associations.

The proposed preliminary master plan will comply with all aspects of the Seminole County Land Development Code, including the above stated provisions.

Vision 20/20—Future Land Use Element- Policy 2.3 Roadway Compatibility (page FLU-16)

A The County shall encourage the viability of future residential neighborhoods adjacent to collector and arterial roadways by:

1. Requiring additional setbacks and buffers for residential development adjacent to future major collector and arterial roadways to minimize the impacts of future roadway improvements;
2. Requiring development plans to transition residential and nonresidential land use intensities at major intersections to maximize compatibility with existing residential neighborhoods;
3. Discouraging through traffic on local residential roadways; and
4. Enforcing Land Development Code standards providing when and where pedestrian, bicycle and vehicular linkages between abutting residential areas are required to provide convenient access to recreation, schools, libraries, and shopping. Vehicular connections between subdivisions shall be designed to serve local residents and discourage through traffic.

Concurrent with the LSFLUA application, Canin Associates is submitting a PD rezoning application and associated Preliminary Master Plan. The aforementioned concerns are addressed in this plan and consequently comply with the Seminole County Land Development Code.

Vision 20/20—Future Land Use Element- Policy 2.11 Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications (page FLU-19)

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

As previously stated, the Preliminary Master Plan is included in this concurrent LSFLUA and rezoning request to demonstrate buffering, setbacks, density, and ensure compatibility with adjacent uses. Specific development standards will be established in the Final Master Plan to achieve compatibility with surrounding development.

Vision 20/20—Future Land Use Element- Objective 5: Future Land Use Map Foundation: Growth Management Policies for Compatibility, Mixed Use Development and Urban Sprawl (page FLU-22)

The County shall continue to develop and enforce innovative planning techniques and land development regulations designed to protect residential neighborhoods, enhance the economic viability of the community, promote the efficient use of infrastructure, and preserve natural resources. The Future Land Use Map series embodies strategies designed to build long-term community value, discourage urban sprawl and ensure that public facilities and services are provided in the most cost-effective and efficient manner.

Proposed development on the PremiereTrade West Lake Mary Boulevard site will create a “sense of place”. Careful consideration has been taken to preserve the environmentally sensitive areas of the site. There are no planned wetland impacts and the lakefront will be largely unobstructed. Walking/hiking trails will be implemented to passive provide pedestrian access to the open space areas. Planned residential uses would be located adjacent to the existing trail system and, active recreational facilities and neighborhood commercial. To maintain compatibility with abutting low-density residential developments, buffers and comparably sized lots will abut the surrounding one-acre estate lots.

Vision 20/20—Future Land Use Element- Objective 6: Public Facilities and Services (page FLU-33)

The County shall require that all development be consistent with the approved Capital Improvements Element or facility and service plans in order to discourage urban sprawl, meet adopted level of service standards and thereby minimize attendant public costs through the implementation of the following policies:

Vision 20/20—Future Land Use Element- Policy 6.1 Development Orders, Permits and Agreements (page FLU 33)

The County shall ensure that all development orders, permits and agreements are consistent with the adopted level of service standards and provisions of the Capital Improvements Element and the appropriate facility element as well as all other provisions of this Plan.

A Development Order that outlines the future development parameters of the site and developer obligations will be drafted between the property owner and Seminole County, to implement the proposed PUD zoning.

Vision 20/20—Future Land Use Element- Policy 6.2 Concurrency Requirements (page FLU 33)

The County shall ensure that all development orders, permits and agreements are subject to the adopted Concurrency Management System standards and provisions to ensure that facilities and services needed to serve the development are available at the adopted level of service consistent with the Implementation Element of this Plan.

There is sufficient infrastructure in place to adequately serve the PremiereTrade West Lake Mary Boulevard site. Any additional impact issues will be addressed in the Development Order.

Vision 20/20—Future Land Use Element- Policy 6.3 Infrastructure and Phasing Requirements (page FLU 33)

The County shall require that all development provide services and facilities or phase the development as a condition of approval if development needs precede adopted service and facility plans and Capital Improvements Program and adopted levels of service can be maintained.

Development on the site is expected to occur in several phases. Concurrency issues will be assessed as each separate phase develops.

Vision 20/20—Future Land Use Element- Policy 6.4 Priority for Water and Sewer Services (page FLU 33)

The County shall evaluate the impact on delivering adequate service to residents within the established service area prior to the expansion of a potable water or sewer service area outside the adopted service area boundaries. The County will not expand a service area if the adopted level of service cannot be maintained.

Seminole County Utilities currently serves the existing structures on the site and has sufficient capacity to support future development consistent with the proposed program. If it is determined that an additional lift station is needed for the future mixed-use development, the Development Order will address the issue.

Vision 20/20—Future Land Use Element- Policy 6.5 Private Investment Above Land Development Code Regulations (page FLU 33)

The County shall require private investment in infrastructure improvements above and beyond Land Development Code requirements (e.g., feeder roads, aerial fire apparatus, right-of-way, signalization, access improvements, transit facilities, stormwater, etc.) where improvements are needed to accommodate the development and to minimize attendant public costs associated with growth.

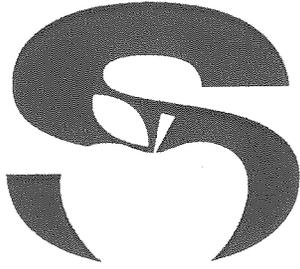
The developer will comply with this policy and address these issues as necessary in the Development Order with the County.

JUSTIFICATION STATEMENT - REZONING

As stated elsewhere in this report, the subject property is believed to be best suited for residential uses of varying densities, due to its location on Lake Mary Boulevard and surrounding land use patterns. We believe that amending the future land use of the property from Suburban Estates to Planned Development in combination with rezoning it from A-1 to PUD would be consistent and compatible with the aforementioned policies established by the Seminole County Vision 2020 Comprehensive Plan. In addition, a combination PD/PUD application would have a positive effect on the surrounding land use as it would permit creative designs standards and a superior development program that couldn't otherwise be achieved within the base or conventional zoning districts.

CONCLUSION

The requested LSFLUA and zoning amendments are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. The County has a desire to "maintain the established residential character" of this location, and there is a continuing demand for residential housing of varying types as proposed. In conclusion, we believe this request would be compatible in the described location and thereby consistent with applicable Seminole County planning policies and applicable regulations.



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

From: George Kosmac, Deputy Superintendent, Seminole County Public Schools

Date: January 17, 2007

RE: **Premiere Trade (AKA L & L Acres) Large Scale Land Use Amendment and PUD Rezone**

Seminole County Public Schools (SCPS), in reviewing the above rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

Description – 108+/- acres located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard. The applicant is proposing the construction of 130 single-family dwelling units at a density of approximately 1.4 dwelling units per net buildable acre. Parcel ID #'s 13-20-29-300-0020-0000, 13-20-29-300-002A-0000, 13-20-29-300-007A-0000.

Based on information received from Seminole County Planning and from the Intergovernmental Notice Report for the request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
130		130		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Heathrow	33	862	1119	129.8	2
Middle Markham Woods	15	1251	852	68.1	0
High Lake Mary	16	2831	2589	91.5	19

Terms and Definitions:

Florida Inventory of School Houses (FISH): The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

Student Stations: The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

Current Enrollment: The number of students reported on October 10, 2006 (Second FTE reporting date).

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

Capacity: The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the "Utilization Factor". The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Class Size Reduction (CSR): Article IX of the Florida Constitution requires the legislature to "make adequate provision" to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

- i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
- ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established

the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

Projected Number of Additional Students is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Full Time Equivalent (FTE) - A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments:

The students generated at the middle and high school level resulting from the proposed development would at this point be able to be absorbed into the zoned schools without adverse affect. However, the students generated from the new residential dwelling units could not be absorbed into the elementary, without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. While there are no planned expansions/additions at Heathrow Elementary to relieve their overcrowding, a rezoning of Heathrow Elementary students to Lake Mary Elementary is under consideration. A target of moving 300 students from Heathrow to Lake Mary Elementary beginning in the 2008-09 school year has been established.

Williamson, Tina

From: Blaine Darrah [bdarrah3@cfl.rr.com]
Sent: Tuesday, January 30, 2007 10:28 AM
To: Lockhart, Amy; Williamson, Tina
Subject: Request from Heathrow HOA icw proposed L&L Acres Development

Brenda and Tina-

The following positions are hereby sent to you for your consideration as the L&L Acres Development moves through the Seminole County Approval Process. It is going to the Planning and Zoning Commission on 2/7/07 and then to the BCC.

Rezoning of L&L Acres Property for single family home development - A developer is requesting rezoning of the property (south of Lake Mary Blvd, west of Kinko's, and east of Markham Woods Road) to build 130 single family homes. This would increase the approved residential density from 1 unit per acre to 1.4 units per acre. The preliminary sketches from the developer show homes being constructed facing Lake Mary Blvd and the Shoppes at Oakmonte in the NE portion of the property - moving the "lake" directly across from Heathrow Blvd south and west of the current location.

The Heathrow Town Advisory Council (the elected representatives from our 28 neighborhoods) and the Heathrow Master Board have approved the following:

- a) The entrance to the property should be located where it is proposed by the developer - at the first break in the median WEST of Heathrow Blvd - at the grove of Oak trees where the residential driveway currently exists. The entry should NOT be at the signal intersection of Heathrow Blvd (as suggested by some County Engineers).
- b) If homes are to be constructed next to the Shoppes at Oakmonte east of the water or along Lake Mary Blvd east of the proposed entrance there should be significant screening like shown below (c) east of the entrance. If the "lake" is not moved and homes are not constructed along Lake Mary Blvd east of the entrance then minimal landscaping needs to be added between Lake Mary Blvd and the "lake".
- c) A berm, with hedge, trees, shrubs and a wall similar to the berms near the Heathrow Entrance should be placed along Lake Mary Blvd west of the proposed entrance to Markham Woods Road.

With previous direction of the Master Board, Heathrow Government Affairs has already communicated with Tina Williamson the request for the following sample language to be included in the development order for this project:

- 1) Upon assuming title to the property the developer (and any subsequent Homeowner Association) shall be responsible for the installation, irrigation and maintenance of any landscaping south of the curb of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.
- 2) Upon assuming title to the property the developer (and any subsequent Homeowner Association) shall share the cost (50/50), with the Heathrow Master Association, for the installation, irrigation and maintenance of any landscaping in the median of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.
- 3) The developer shall be responsible for the construction of the left turn lane in the median of westbound Lake Mary Boulevard at the entrance to the property and any repair to the landscaping and irrigation at that site.

FYI - in that request we also provided the County Planners the following background information:

The current contract with Girard Environmental Services is \$3800 per year for the maintenance of the south side of Lake Mary Blvd west of Kinko's and \$25,150 per year for the maintenance of the median in this same area. In addition there are irrigation inspection and repair costs of about \$3600 per year for the median. Bottom line split for the median would be about \$14,400 per year or \$1200 per month. Girard also maintains the property on the south side of Lake Mary Blvd for CNL Bank and for the Shoppes at Oakmonte. Subject to mutual agreement between the L&L developer, The Shoppes at Oakmonte and Heathrow there is a bid under consideration for the installation of Crepe Myrtle or Ligustrum trees all along the median from I-4 to Markham Woods Road. The developer's share of that project would be about \$12,000 (depending upon the quantity, type and size of trees installed).

Based upon the information we have recently received about the potential traffic flow arrangements during the

proposed potential trail underpass at Lake Mary Blvd and International Parkway the plan to consider the addition of trees in the median needs to wait until after the underpass and the new turn lane for the L&L development are both complete.

Amy Lockhart - please share these positions with all of the Seminole County Commissioners and with the County Staff.

Keep Smiling,
Blaine Darrah
Heathrow Government Affairs Committee Chairman

Williamson, Tina

From: JPDP1701@aol.com
Sent: Wednesday, January 31, 2007 1:17 PM
To: Williamson, Tina
Subject: Rezone of L&L acres

Good morning,

I would like to send my views on the proposed rezoning of the L&L acres. I would not be opposed to homes in this area as long as they remain one per acre as has long been established for that area near Markham Woods. The homes directly behind this area are all at least 1 home per acre and would suffer economically and visually if this were to change to smaller lots. I am a member of the Markham Woods Road Association and live nearby, so I would very much like this requirement (1 home per acre) to be inserted in the rezoning if necessary. Actually, it can still be kept as A-1 and build subdivisions that keep in step with the rest of our corridor.

Thank you for your attention.

Dee Pacha

Williamson, Tina

From: Charlotte Bedsole [shalee@vol.com]
Sent: Wednesday, January 31, 2007 3:48 PM
To: Williamson, Tina
Subject: Land use L&L Acres

From: William Bedsole

Subject: P&Z 2/7/07

CONSIDERATION OF LAND USE FOR L&L ACRES

(PREMIERE TRADE)

Tina,

I live on Rice Lake very near the L&L acres property as do many of my neighbors. Our day-to-day lifestyles will be greatly affected by the restrictions or lack of restrictions that are placed on this development. Some of this cannot be avoided, some can be if P&Z members and the commission take reasonable action to protect existing residents. The attachment describes one such action that we believe deserves consideration.

Since a pending medical procedure may prevent my presentation of this request at your meeting on Feb 7, I would appreciate your distribution of this request to the P&Z board members prior to that meeting. Perhaps one of them will introduce this request during the discussion of considerations for granting Premiere Trade's rezoning request.

Thank you for placing it in the proper hands.

William Bedsole

There is an issue of great concern for all Rice Lake property owners in regard to James Dicks planned development of the L & L Acres property. The concern is the possibility of multiple families from that development gaining access to Rice Lake for recreational use. This topic was mentioned briefly during the meeting between the Markham Woods Assoc., County Representatives and James Dicks on Dec. 4, 2006. At that time Mr. Dicks promised that access to the lake would be restricted to only his family. The assurance he provided was that he plans to build a home for his family on the only part of this property that has frontage on the lake (approx. 200ft).

I trust after almost forty years of activity by Markham Woods residents and County officials to prevent development disasters from occurring within our neighborhood, we clearly understand that something much more binding than a verbal promise is required to assure this protection.

There needs to be a properly- worded agreement prepared by the county attorney's office that addresses this restriction as a condition of the county's approval for the development. It should state specifically that only one family would have access to Rice Lake and identify that to be the family residing on the lakefront parcel. This agreement should explicitly prohibit lake access to the property owners of all other parcels in L&L acres as well as future assigns of those parcels. The reason this is needed is as follows:

Rice Lake varies in size, depending upon the annual rainfall amount, from approximately 40 acres to 60 acres. There is no public access to the lake and the entire lake bottom is platted and owned by the lakefront property owners. No part of it is owned by the county, state, the St. John's Water Management authority, or the public. The state EPA office in Orlando does have regulatory authority regarding permits and control of lake maintenance procedures related to shoreline cleanup and water quality. The

state Game and Fish office in Leesburg has authority regarding activities affecting water quality for fish and wildlife in the lake. I live on the lake and have been serving as the point of contact between lakefront residents and those offices for the last twenty years for the purposes of lake inspections and obtaining permits for weed eradication and lakefront cleanups.

Ravensbrook currently has sixteen lakefront and canal front homes with five additional lake and canalfront lots that have not been built on. Isle of Windsor has six lakefront homes on Rice Lake and when Lake Club's construction is completed there will be six lakefronts there. Counting the existing and under-construction lakefront homes, there are currently twenty-five total with eight more that will have homes in the future.

That population creates thirty-three families that share small Rice Lake for canoeing, fishing and jet-skiing. Residents already find it necessary to take turns sharing the lake for some of the activities. The concern is that allowing more access will create an unmanageable situation making the lake a nuisance for those of us who own it.

It must be emphasized that this is a lake sitting on private property, not just a lake with no public access.

Thank you for taking this concern into account and assuring that the current lake owner's rights are protected in this process.

William Bedsole
Ravensbrook 407-333-9015