

ITEM # _____

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

SUBJECT: International Parkway / Westin Rezone and Small Scale Future Land Use
Amendment and Rezoning

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

AUTHORIZED BY: Tina Williamson *TW* **CONTACT:** Ian Sikonia *IS* **EXT.** 7398

Agenda Date <u>6/6/07</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:

- RECOMMEND APPROVAL** of the request for a Small Scale Land Use Amendment from OFF Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings; (YRG Hotel Group II, LLC, applicant); or
- RECOMMEND DENIAL** of the request for a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway; (YRG Hotel Group II, LLC, applicant); or
- CONTINUE** the item to a time and date certain.

District 5 – Carey

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant requests a Small Scale Land Use Amendment from OFF Office (OFF) to Planned Development (PD) and a rezone from OP (Office) to PUD (Planned Unit Development) of approximately 8.15 acres, located on the northwest corner of the intersection of International Parkway and CR 46A. The requested zoning and land

Reviewed by:
Co Atty: <u>KFT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-01</u>

use will allow a maximum 263 unit Hotel or a Target Industry Use as defined in FLU Exhibit 23 and a maximum 25,000 square feet of accessory commercial or office uses with a maximum nonresidential FAR of 1.0 or less.

On the proposed Preliminary Master Plan, the applicant is proposing two access points on International Parkway to serve the development. The Development Review Committee has reviewed the proposed access points and has concluded that it is unable to recommend approval of the two access points on International Parkway due to Land Development Code regulations. Therefore, staff is recommending approval of one access point onto International Parkway to serve the proposed development and this condition of approval is contained in the attached Development Order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, and recommends approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings.

Attachments:

- Staff Report
- Preliminary Master Plan
- Location Map
- Land Use & Zoning Map
- Aerial Map
- Approval Development Order
- Land Use Ordinance
- Rezone Ordinance
- Denial Development Order (applicable if the request is denied)
- Applicant's Justification Statement

International Parkway / Westin SSLUA and Rezone	
APPLICANT	YRG Hotel Group II, LLC
PROPERTY OWNER	YRG Hotel Group II, LLC
REQUEST	SSLUA from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development)
PROPERTY SIZE	8.15 ± acres
HEARING DATE (S)	P&Z: June 6, 2007 BCC: July 24, 2007
PARCEL ID	31-19-30-300-019D-0000, 31-19-30-300-019E-0000, 31-19-30-300-019F-0000, 31-19-30-300-019G-0000
LOCATION	Located at the northwest section of the intersection of CR46A and International Parkway.
FUTURE LAND USE	Office (OFF)
ZONING	OP (Office)
FILE NUMBER	Z2007-01
COMMISSION DISTRICT	#5 – Carey

Proposed Development:

The applicant is proposing a commercial development consisting of a maximum 263 room hotel with conference facilities or a Target Industry Use, and 25,000 square feet of support commercial or office uses.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) for a commercial development on 8.15± acres, located on the north west corner of the intersection of CR 46A and International Parkway. The requested zoning and land use will allow for a maximum 263 room hotel or a Target Industry Use and 25,000 square feet of support uses.

The following tables depict the minimum regulations for the current zoning district of OP (Office) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (OP)
Minimum Lot Size	15,000 sq. ft.
Minimum House Size	N/A
Minimum Width at Building Line	100 feet
Front Yard Setback	25 feet
Side Yard Setback	0 feet
(Street) Side Yard Setback	25 feet
Rear Yard Setback	10 feet
Maximum Building Height	35 feet

DISTRICT REGULATIONS	Proposed Zoning (PUD)
Minimum Lot Size	1 acre
North Property Line Building Setback	45 feet
East Property Line Building Setback	45 feet
South Property Line Building Setback	45 feet
West Property Line Building Setback	See table below*
Maximum Building Height	110 feet

* The west property line building setback varies depending on Building Height.

West Property Line Setback	
Building Height (feet)	Building Setback (feet)
35	10
45	15
55	20
65	25
75	30
85	35
90	40
95	45
105	55
110	60

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	OP (existing)	PUD (proposed)
Permitted Uses	Dental and medical clinics, dental and medical laboratories, General office buildings, Insurance, real estate, architects, engineering, attorneys, and other professional business services, Accounting, auditing and bookkeeping services, finance offices, Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings, Churches and attendant educational buildings, Day care facilities, kindergartens, Public and private elementary schools, middle schools and high schools, Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.	263 room hotel or a Target Industry Uses (FLU Exhibit-23) and 25,000 sq. ft. of C-1 or OP uses

Uses	OP (existing)	PUD (proposed)
Special Exception Uses	Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted and no residence shall occupy ground-floor frontage, Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted, Public utility and service structures, Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet, Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required, Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required, Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet, Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet, Communication towers.	N/A
Minimum Lot Size	15,000 sq. ft.	1 acre

COMPATIBILITY WITH SURROUNDING PROPERTIES

Staff has reviewed the requested uses to determine compatibility with surrounding developments, and has determined the request is compatible. The subject site is unique due to its adjacency to the employment centers located along I-4 from Lake Mary Boulevard to SR 46. The surrounding properties consist of the Colonial Town Park PUD, Colonial Center Heathrow PUD (F.K.A. Heathrow International Business Center) and a daycare facility. The recently approved Gunter Village PUD is located approximately 1/4 mile to the north. The three PUDs in the immediate area all allow hotels and a mixture of office and commercial uses, such as those proposed on the subject property. The proposed project will also provide support commercial services to the existing businesses and residential subdivisions in the surrounding area.

Staff has also reviewed the proposed maximum building height of 110' to determine if it is compatible with surrounding developments. In May of 2005, the property to the west of

the subject property (Grande Oaks Townhomes, F.K.A. Florence Arbor) received approval of a Future Land Use Amendment from Office to Planned Development and a rezone from A-1 to PUD. The Development Order for the Grande Oaks project required the development to provide an Active Buffer, including a 50 foot setback and 25 foot landscape buffer with a 6-foot masonry wall, along the east property line where residential uses were being proposed next to existing Office Future Land Use. The Grande Oaks Development Order also allowed 5-story condominium units with a maximum building height of 60 feet on the eastern half of the property and a small commercial/office outparcel adjacent to the subject property. At the time of Final Master Plan, however, the developers of Grande Oaks limited the development to two- and three-story townhomes.

The proposed maximum building height of 110 feet is not unusual for the surrounding area. There are three County approved projects within a quarter mile radius of the subject site that allow for a maximum building height from 70 feet to 110 feet. The three approved projects are the Gunter Village PUD to the north, Colonial Town Park PUD to the east, and the recently annexed portion of the Colonial Center Heathrow PUD to the south. These PUDs allow for residential, office, and hotel uses to achieve the maximum building heights of 70 feet to 110 feet.

Staff is proposing conditions within the attached Development Order which are sensitive to the residents to the west, while being compatible with the developing areas to the east, north and south. The proposed setbacks along the west property line increase as the height of the buildings increase. Structuring the condition this way allows for the bulk of the building height to be concentrated on the eastern portion of the subject property, away from the townhome development to the west.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map 12117C0040E, with an effective date of April 17, 1995, as well as preliminary DFIRMs, there appears to be no 100 year floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

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 (OP)*	Proposed Development (PUD) ¹	Net Impact
Water (GPD)	10,240	68,250	+58,010
Sewer (GPD)	10,240	51,813	+41,573
Traffic (ADT)	1,059	2,189	+1,130

* Numbers are based on the previously approved OP zoning (PZ89-14) on the property.

¹ Proposed PUD Development is based on 263 room hotel and 25,000 sq. ft. of commercial uses.

Utilities:

The site is located in the Northwest utility service area, and will be required to connect to public utilities. There is an 8-inch water main on the west side of International Pkwy. and a manhole with an 8-inch gravity sanitary sewer stub-out on the west side of International Parkway. There is a 20-inch reclaimed water main on the west side of International Parkway.

Transportation / Traffic:

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

School Impacts:

The proposed project will not generate any school impacts.

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 #34, which is located at 4905 Wayside Drive. 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 Yankee Lake Drainage Basin, and does not appear to have limited downstream capacity. As an area of most effective recharge, at a minimum, the site will have to be designed to hold the pre-post volume difference for the 25 year/24 hour event and 3" over directly connected impervious area.

Parks, Recreation and Open Space:

The applicant will need to designate 2.04 acres of open space, per Section 30.451 (e) of the Land Development Code. The 2.04 acres of open space was calculated using the entire site and not calculated using individual parcels. The specific locations of open space will be designated at the time of Final Master Plan approval.

Buffers and Sidewalks:

The following are the proposed buffers which were adapted to the site and derived from the proposed Land Development Code buffer requirements.

North Buffer:

The buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive isles or parking stalls. The buffer shall consist of 3 Canopy Trees, 6 Understory trees, and 45 shrubs per 100 feet.

West Buffer:

The buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive isles or parking stalls. The buffer shall consist of tall plantings such as "Queen Palms, with 2 Canopy Trees, 2 Understory Trees, and 17 shrubs per 100 feet.

South Buffer:

The buffer shall be a minimum of 15 feet wide, which may go down to 10 feet when adjacent to internal drives or parking stalls. The buffer shall consist of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.

East Buffer:

The buffer shall be a minimum of 10 feet wide consisting of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.

The internal buffers between parcels shall be a minimum of 10 feet wide and shall meet the Seminole County Landscape Code. The south and east buffers were designed to accommodate and encourage pedestrian interaction with the physical environment and the Seminole Wekiva Trail. The required number of plantings may be modified to accommodate these pedestrian amenities upon approval by the Planning Manager.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy FLU 4.2: Infill Development
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

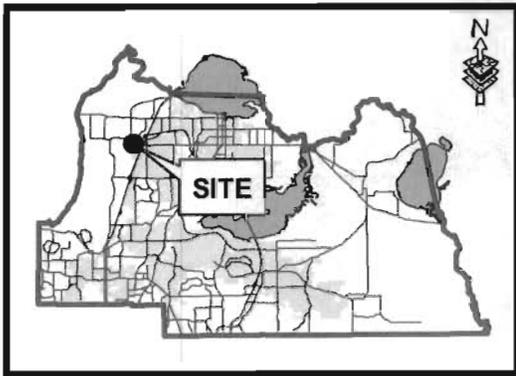
Intergovernmental notice was sent to the City of Lake Mary on May 7, 2007.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a Small Scale Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) on 8.15± acres, located on the northwest corner of the intersection of CR 46A and International Parkway, and recommends approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings.



VOLUSIA COUNTY

Lake Monroe

NW US 17-92

W SR 46

W 1ST ST

W I-4

INTERNATIONAL PKWY

MONROE RD

S SR 417

PERSIMMON AVE

W 13TH ST

S PARK AVE

MARKHAM RD

ORANGE BLVD

RAMP

CR 46A

CR 46A

UPSALA RD

W AIRPORT BLVD

W 20TH ST

W 25TH ST

SANFORD AVE

Z2007-001
SITE

RINEHART RD

LAKE MARY

OLD LAKE MARY RD

E AIRPORT BLVD

W LAKE MARY BLVD

RAMP

E I-4

S COUNTRY CLUB RD

N US 17-92

N RONALD REAGAN BLVD

MARKHAM WOODS RD

I-4 REST AREA

LAKE EMMA RD

LONGWOOD LAKE MARY RD

SR 419

HESTER AVE

MYRTLE ST

S SANFORD AVE

Lake Jesup

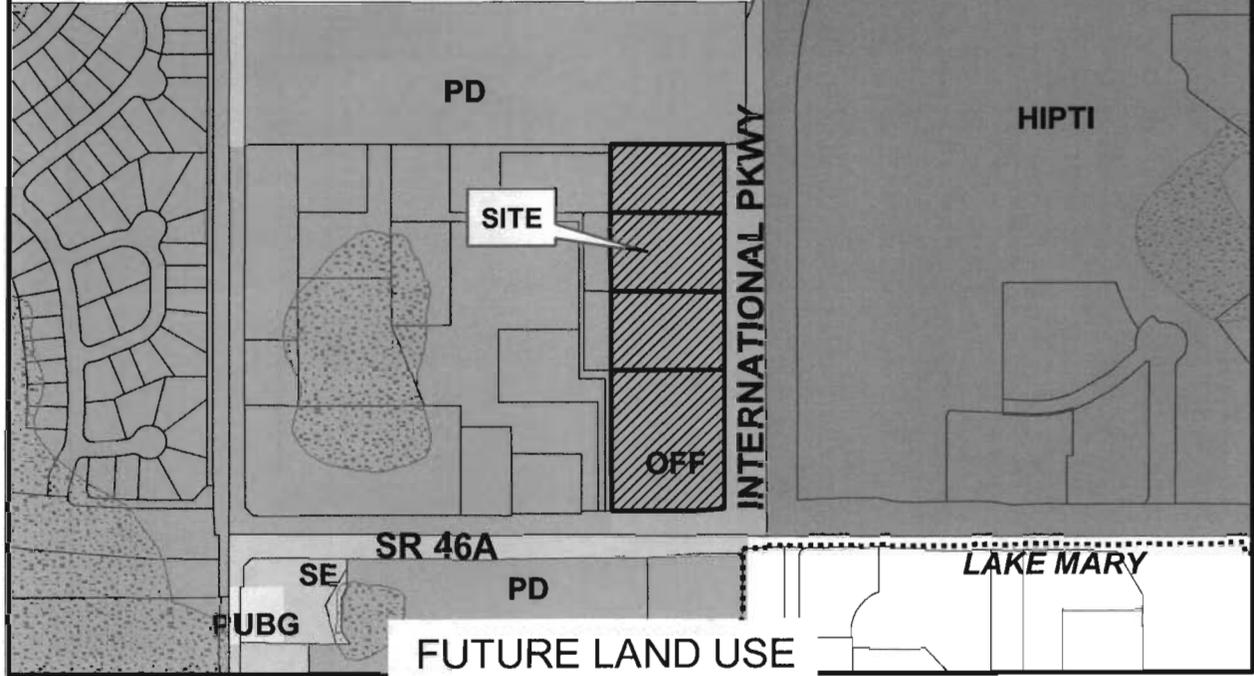
GENERAL HUTCHISON PKWY

E SR 434

LONGWOOD

WEKIVA SPRINGS RD

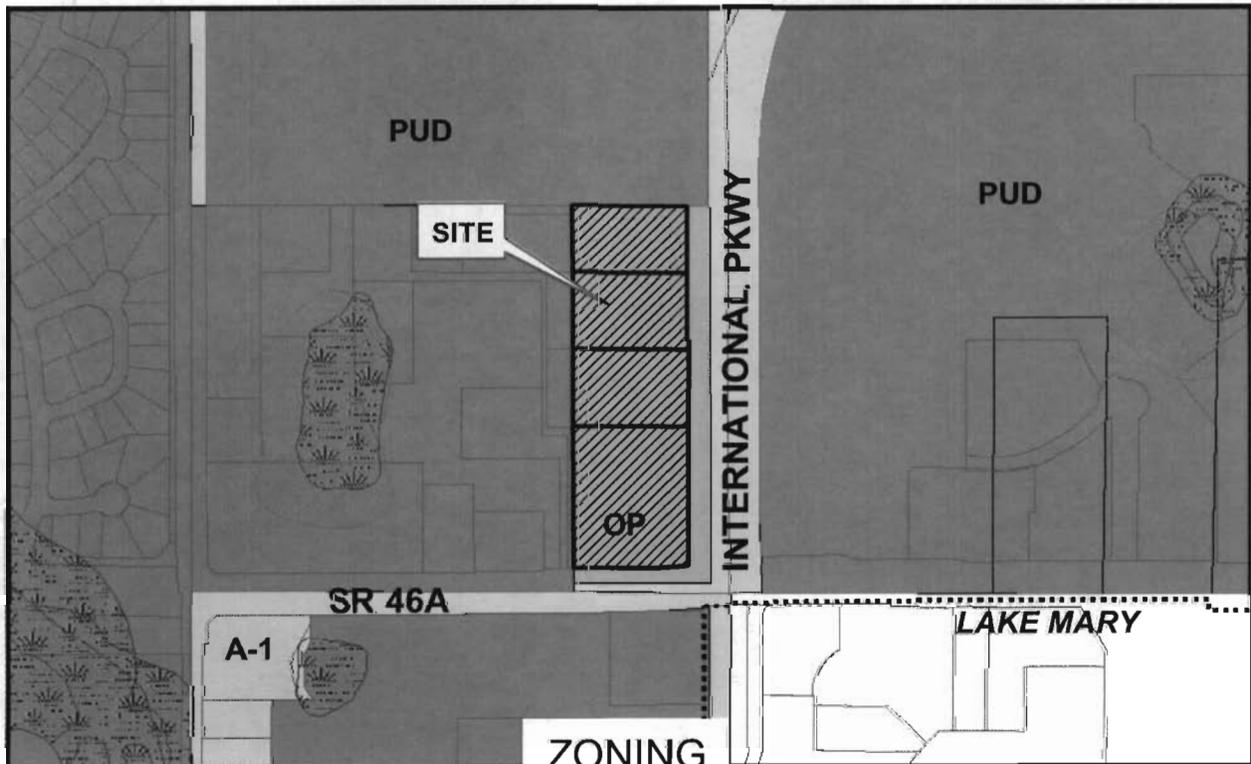
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



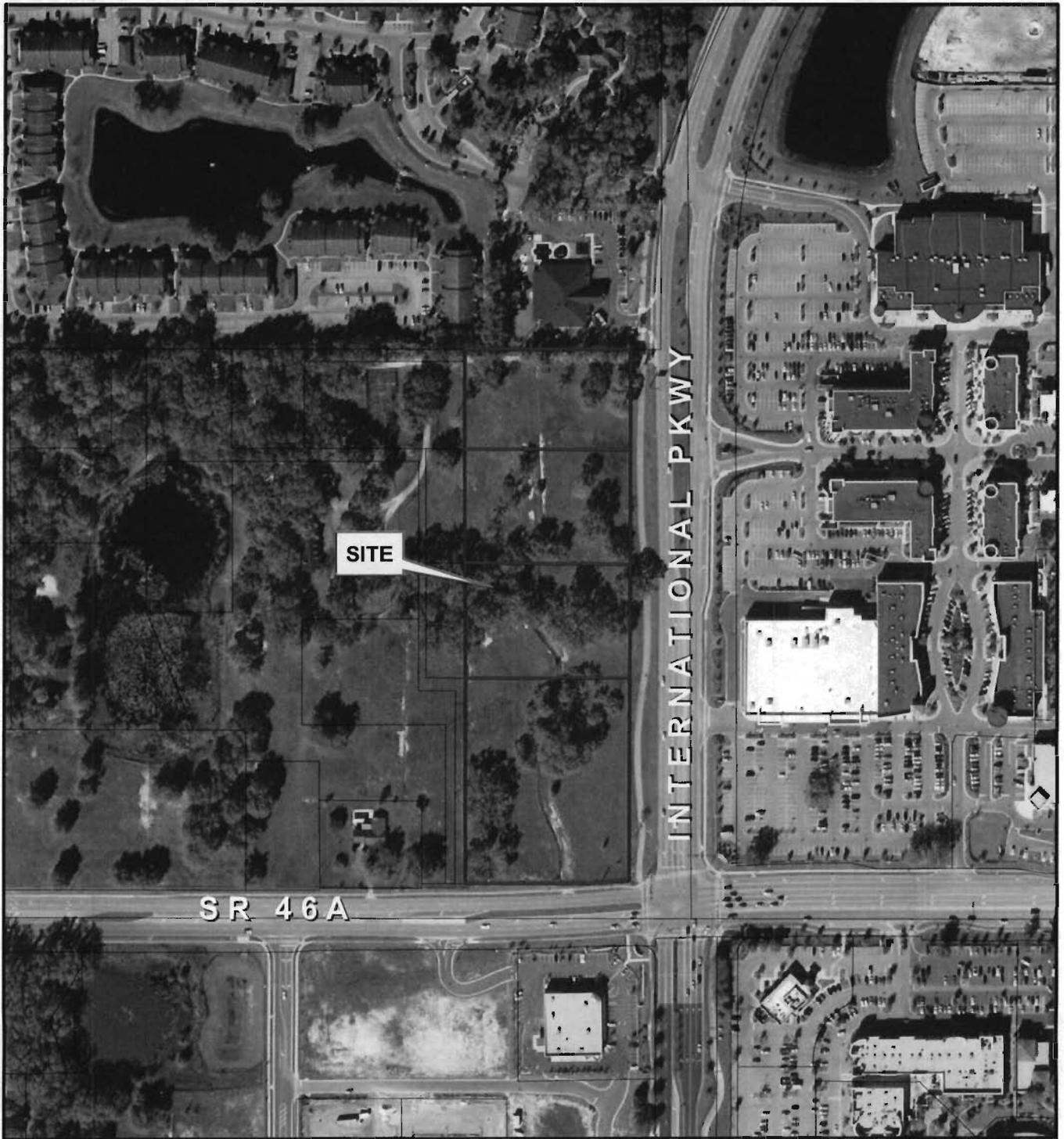
SE PD OFF HIPTI PUBG Site Municipality CONS

Applicant: Rick Blackburn, YRG Hotel.Grp II
 Physical STR: 31-19-30
 Gross Acres: 8.34 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	01-07SS.01	OFF	PD
Zoning	Z2007-001	OP	PUD



A-1 OP PUD FP-1 W-1



SITE

INTERNATIONAL PKWY

SR 46A

FLU No: 01-07SS.01
 From: OFF To: PD
 Rezone No: Z2007-001
 From: OP To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On July 24, 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: YRG Hotel Group II, LLC
6000 Memorial Parkway
Huntsville, AL 35801

Project Name: International Parkway Westin PUD

Requested Development Approval:

Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by:
Ian Sikonia, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
 - b. Permitted Uses shall consist of the following;
 - Parcels A and B shall consist of a combined maximum 25,000 square feet of those uses permitted in the OP (Office Professional) and C-1(Retail Commercial) zoning districts, Special Exception uses within those districts shall remain Special Exceptions. The following uses are prohibited: funeral homes, laundromats, plant nurseries, multi-family housing, dry cleaners and communication towers.
 - Parcel C shall consist of a maximum 263-room hotel with conference facilities and other customary in-building facilities such as a restaurant, bar with alcoholic beverage sales, and retail gift shop, or a Target Industry use as indicated in the Comprehensive Plan FLU Exhibit-23. Any proposed Target Industry Use must have the same or fewer impacts to public facilities (water, sewer, traffic) as the proposed hotel. Any use that will have greater impacts to public facilities is considered a Major Amendment to the PUD. If a Target Industry use other than a hotel is proposed on Parcel C, the developer is required to submit public facility impact calculations acceptable to the Planning Manager, to determine if a Major Amendment is required.
 - c. Maximum allowable building height shall be 110 feet.

d. The Building Setback along the west property line shall be as follows:

<u>Building Height</u>	<u>Building Setback</u>
35	10
45	15
55	20
65	25
75	30
85	35
90	40
95	45
105	55
110	60

- e. Building setbacks along the North, South, and East external property lines shall be 45'.
- f. Internal building setbacks from internal lot lines shall be a minimum of 10 feet.
- g. Buffers adjacent to internal lot lines shall be a minimum of 10 feet and meet Seminole County Land Development Code requirements.
- h. Nonresidential FAR shall be a maximum of 1.0 or less.
- i. A pedestrian, bicycle, and linkage plan shall be provided at time of Final Master Plan.
- j. The north buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive isles or parking stalls. The buffer shall consist of 3 Canopy Trees, 6 Understory trees, and 45 shrubs per 100 feet.
- k. The west buffer shall be a minimum average of 10 feet wide, which may go down to 5 feet wide when adjacent to internal drive isles or parking stalls. The buffer shall consist of tall plantings such as "Queen Palms, with 2 Canopy Trees, 2 Understory Trees, and 17 shrubs per 100 feet.
- l. The south buffer shall be a minimum of 15 feet wide, which may go down to 10 feet when adjacent to internal drives or parking stalls. The buffer shall consist of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.
- m. The east buffer shall be a minimum of 10 feet wide consisting of 2 Canopy Trees, 10 Understory Trees, and 40 shrubs per 100 feet.
- n. There shall only be one access point located on International Parkway which shall meet Seminole County requirements unless otherwise approved by the County Engineer.
- o. The south and east buffers were designed to accommodate and encourage pedestrian interaction with the physical environment and the Seminole Wekiva Trail. The required number of plantings for the south and east buffers may be modified to accommodate these pedestrian amenities upon approval by the Planning Manager.

(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

Z2007-01

Development Order # 07 22000001

property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

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

EXHIBIT A

DESCRIPTION

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31; THENCE NORTH 00°02'42" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 31 FOR 25.00 FEET; THENCE SOUTH 89°44'51" EAST ALONG THE NORTH RIGHT-OF-WAY OF STATE ROAD 46A (PAOLA ROAD) AND ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 31 FOR 1129.80 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°02'42" WEST, 1122.74 FEET; THENCE SOUTH 89°44'51" EAST, ALONG THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST AND ALONG THE SOUTHERLY LIMITS OF THE TOWN OF PAOLA, PER PLATS THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4, PLAT BOOK 2, PAGE 73 AND PLAT BOOK 2, PAGE 98, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, FOR A DISTANCE OF 391.94 FEET; THENCE SOUTH 00°06'26" WEST, ALONG THE CENTERLINE OF THE ABANDONED RIGHT-OF-WAY OF THE SCL/ACL RAILROAD FOR 1122.74 FEET; THENCE NORTH 89°44'51" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD FOR 388.96 FEET TO THE POINT OF BEGINNING.

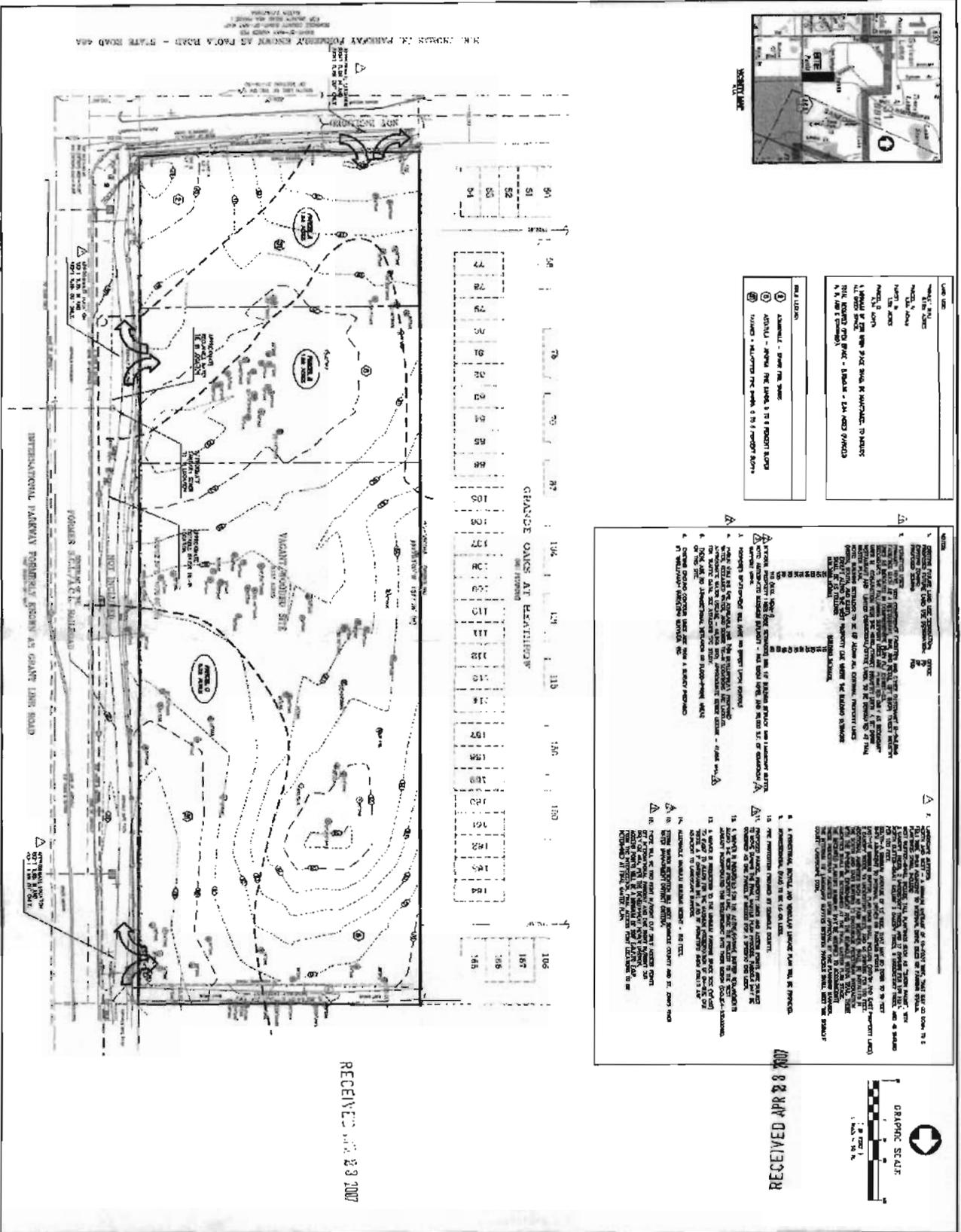
LESS AND EXCEPT THAT PART DEEDED TO SEMINOLE COUNTY IN OFFICIAL RECORDS BOOK 3708, PAGE 579 (GRANTLINE ROAD FROM C.R. 46-A TO S.R. 46; OWNER: TOWN CENTER COMMERCIAL DEVELOPMENT ASSOC.; PARCEL #141), CONSTITUTING A PORTION OF THOSE CERTAIN PARCELS OF LAND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2014, PAGES 1291, 1293 AND 1295 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31 (A) TINKLEPAUGH NAIL & DISK), THENCE RUN S 89°48'38" E ALONG THE SOUTH LINE OF SAID SECTION 31 FOR A DISTANCE OF 1517.96 FEET; THENCE RUN N 00°02'39" E ALONG THE CENTERLINE OF THE ABANDONED S.C.L. RAILROAD FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N 89°48'38" W ALONG THE NORTH RIGHT-OF-WAY LINE OF C.R. 46-A FOR A DISTANCE OF 388.96 FEET; THENCE RUN N 00°05'32" W ALONG THE EAST LINE OF WEST 1129.80 FEET OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 31 FOR A DISTANCE OF 45.00 FEET; THENCE RUN S 89°48'38" E FOR A DISTANCE OF 241.86 FEET; THENCE RUN N 85°32'53" E FOR A DISTANCE OF 87.49 FEET; THENCE RUN N 00°02'39" E ALONG A LINE 60.0 FEET WEST OF AND PARALLEL TO THE CENTERLINE OF THE FORMER S.C.L. RAILROAD (OFFICIAL RECORDS BOOK 1711, PAGE 1974) FOR A DISTANCE OF 1076.66 FEET; THENCE RUN S 89°48'38" E ALONG THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE SW 1/4 OF SAID SECTION 31 FOR A DISTANCE OF 60.00 FEET; THENCE RUN 00°02'39" W ALONG SAID S.C.L. RAILROAD CENTERLINE FOR A DISTANCE OF 1122.74 FEET TO THE POINT OF BEGINNING.

Z2007-01

EXHIBIT B

Development Order # 07 22000001



- NOTES:**
1. EXISTING - SHOW THE EXISTING
 2. PROPOSED - SHOW THE PROPOSED
 3. UTILITIES - SHOW THE UTILITIES
 4. EXISTING - SHOW THE EXISTING
 5. PROPOSED - SHOW THE PROPOSED
 6. UTILITIES - SHOW THE UTILITIES
- LEGEND:**
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 - 5. PROPOSED - SHOW THE PROPOSED
 - 6. UTILITIES - SHOW THE UTILITIES

- NOTES:**
1. EXISTING - SHOW THE EXISTING
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- LEGEND:**
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 - 5. PROPOSED - SHOW THE PROPOSED
 - 6. UTILITIES - SHOW THE UTILITIES

RECEIVED APR 23 2007



<p>MPP-1</p>	<p>DATE: 4/23/07 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]</p>	<p>RECEIVED APR 23 2007</p>	<p>YMC HOTEL GROUP II, LLC 1000 GRAND OAKS WINTER PARK, CO 81091</p>	<p>PRELIMINARY MASTER PLAN FOR LAKE MARY WESTIN</p>	<p>MADDEN CIVIL ENGINEERS 481 E. PINE ST. WINTER PARK, CO 81091</p>
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AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM OFFICE TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

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

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

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on June 6, 2007, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on July 24, 2007, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

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

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE

LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

(b) The associated rezoning request was completed by means of Ordinance Number 07-_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

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

Section 5. EFFECTIVE DATE:

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

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

the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 24th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

—

Carlton Henley, Chairman

APPENDIX A

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 31; THENCE NORTH 00°02'42" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 31 FOR 25.00 FEET; THENCE SOUTH 89°44'51" EAST ALONG THE NORTH RIGHT-OF-WAY OF STATE ROAD 46A (PAOLA ROAD) AND ALONG A LINE 25.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 31 FOR 1129.80 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°02'42" WEST, 1122.74 FEET; THENCE SOUTH 89°44'51" EAST, ALONG THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST AND ALONG THE SOUTHERLY LIMITS OF THE TOWN OF PAOLA, PER PLATS THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 4, PLAT BOOK 2, PAGE 73 AND PLAT BOOK 2, PAGE 98, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, FOR A DISTANCE OF 391.94 FEET; THENCE SOUTH 00°06'26" WEST, ALONG THE CENTERLINE OF THE ABANDONED RIGHT-OF-WAY OF THE SCL/ACL RAILROAD FOR 1122.74 FEET; THENCE NORTH 89°44'51" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF PAOLA ROAD FOR 388.96 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART DEEDED TO SEMINOLE COUNTY IN OFFICIAL RECORDS BOOK 3708, PAGE 579 (GRANTLINE ROAD FROM C.R. 46-A TO S.R. 46; OWNER: TOWN CENTER COMMERCIAL DEVELOPMENT ASSOC.; PARCEL #141), CONSTITUTING A PORTION OF THOSE CERTAIN PARCELS OF LAND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2014, PAGES 1291, 1293 AND 1295 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31 (A) TINKLEPAUGH NAIL & DISK), THENCE RUN S 89°48'38" E ALONG THE SOUTH LINE OF SAID SECTION 31 FOR A DISTANCE OF 1517.96 FEET; THENCE RUN N 00°02'39" E ALONG THE CENTERLINE OF THE ABANDONED S.C.L. RAILROAD FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N 89°48'38" W ALONG THE NORTH RIGHT-OF-WAY LINE OF C.R. 46-A FOR A DISTANCE OF 388.96 FEET; THENCE RUN N 00°05'32" W ALONG THE EAST LINE OF WEST 1129.80 FEET OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 31 FOR A DISTANCE OF 45.00 FEET; THENCE RUN S 89°48'38" E FOR A DISTANCE OF 241.86 FEET; THENCE RUN N 85°32'53" E FOR A DISTANCE OF 87.49 FEET; THENCE RUN N 00°02'39" E ALONG A LINE 60.0 FEET WEST OF AND PARALLEL TO THE CENTERLINE OF THE FORMER S.C.L. RAILROAD (OFFICIAL RECORDS BOOK 1711, PAGE 1974) FOR A DISTANCE OF 1076.66 FEET; THENCE RUN S 89°48'38" E ALONG THE NORTH LINE OF THE SOUTH 17.39 CHAINS OF THE SW 1/4 OF SAID SECTION 31 FOR A DISTANCE OF 60.00 FEET; THENCE RUN 00°02'39" W ALONG SAID S.C.L. RAILROAD CENTERLINE FOR A DISTANCE OF 1122.74 FEET TO THE POINT OF BEGINNING.

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); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE OP (OFFICE) 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 "International Parkway/Westin Rezone", dated July 24, 2007.

(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 OP (Office) to PUD (Planned Unit Development):

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, and this Ordinance shall be effective on the recording date of the Development Order #07-22000001 in the Official Land Records of Seminole County.

ENACTED this 24th day of July 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A LEGAL DESCRIPTION

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LESS AND EXCEPT THAT PART DEEDED TO SEMINOLE COUNTY IN OFFICIAL RECORDS BOOK 3708, PAGE 579 (GRANTLINE ROAD FROM C.R. 46-A TO S.R. 46; OWNER: TOWN CENTER COMMERCIAL DEVELOPMENT ASSOC.; PARCEL #141), CONSTITUTING A PORTION OF THOSE CERTAIN PARCELS OF LAND BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2014, PAGES 1291, 1293 AND 1295 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LYING IN THE SW 1/4 OF SECTION 31, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 24, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

FINDINGS OF FACT

Property Owner: YRG Hotel Group II, LLC
6000 Memorial Parkway
Huntsville, AL 35801

Project Name: International Parkway/Westin PUD

Requested Development Approval:

Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD) and rezone from OP (Office) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "International Parkway/Westin PUD Small Scale Future Land Use Amendment from Office (OFF) to Planned Development (PD); and rezone from OP (Office) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on July 24, 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

LEGAL DESCRIPTION

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HUTCHISON, MAMELE & COOVER, P.A.

ATTORNEYS AND COUNSELORS AT LAW

WILLIAM C. HUTCHISON, JR. (1928-1991)
* RICHARD L. MAMELE
STEPHEN H. COOVER

* BOARD CERTIFIED
MARITAL & FAMILY LAW

PARK-FULTON BUILDING, 230 NORTH PARK AVENUE
POST OFFICE BOX 1149

SANFORD, FLORIDA 32772-1149
14071 322-4061
FAX (407) 330-0966

March 22, 2007

April Boswell
Planning Manager
Seminole County Government
1101 E. First Street
Sanford FL 32771

Re: YRG Hotel Group II, LLC/Westin

Dear Ms. Boswell:

This office represents YRG Hotel Group II, LLC. As requested, please find our position statement to support our applications previously filed with Seminole County.

JUSTIFICATION STATEMENT
FOR PROPOSED FUTURE LAND USE AMENDMENTS

Tax Parcel Id #'s:

31-19-30-300-019D-0000
31-19-30-300-019E-0000
31-19-30-300-019F-0000
31-19-30-300-019G-0000

Introduction

YRG Hotel Group II, LLC has applied to Seminole County, Florida to change the future land use designation of an 8.3 acre site at the northwest corner of International Parkway/46A from OP to PUD. A portion of the property is planned to be utilized by an anchor target industry Westin hotel, a brand of Starwood Hotels and Resorts Worldwide, Inc., the largest luxury and upscale hotel enterprise in the world. The balance of the site is planned for retail/commercial/office use to support the target industry hotel. Applicant has been asked to address the Future Land Use Element Plan Amendment Standards of Review, the definition of Planned Development, and Policy FLU 2.11. A copy of our application and all attachments are incorporated herein for purposes of information to be used by staff.

Analysis

The Vision 2020 Comprehensive Plan ("the Plan") presents four (4) major categories of Plan policies concerning standards of review, summarized as follows:

- A. Programs.
- B. Regulations.
- C. Development Policies.
- D. Coordination.

The Applicant does not believe that categories A or D require any discussion by the applicant and does believe that staff can adequately address these topics for the Board of County Commissioners ("BCC"), except to say that existing government services and facility programs are in place and no additional coordination activities will be required for the proposed uses.

Category B, regulations for managing growth and protecting the environment applicable to this discussion consist of meeting compatibility requirements by providing adequate setbacks, buffers and landscaping to the adjacent townhouse development to the west of the site and providing a professional analysis of the recharge capability of the site, the latter not being complete as of March 13, 2007. The site is adjacent to a townhouse development currently under construction and commonly known as Grande Oaks. In order to discuss the compatibility issue, a short background on the Grande Oaks development is necessary. Prior to receiving development approvals for Grande Oaks, the Seminole County future land use designation for the property was office. Seminole County Development Order #04-23000002 concerning the Grande Oaks property contained the following:

1. Allowing a maximum of 19,500 square feet of retail/office.
2. Requiring a two (2) story height limit on the western 120 feet.
3. Requiring development over 3 stories be limited to the eastern 532 feet.
4. Requiring a 50 feet setback and 25 feet landscape buffer adjacent to the east property line.
5. Allowing height limits as follows:
 - a. Townhomes – 40 feet
 - b. Condominiums – 60 feet
 - c. Office/Retail – 40 feet without further BCC approval of architectural standards

The Developer's Commitment Agreement for Grande Oaks recorded in OR Book 6263 beginning at Page 310 contains authorization for only townhouse lots having a minimum lot size of 1300 square feet. The BCC envisioned the

Grande Oaks property as office based upon its' proximity to International Parkway. Obviously, the owners of Grande Oaks initially sought a use which would have been transitional from Heathrow and residential uses to the west to the intensity of International Parkway as shown in their Development Order, but due to the residential market being in vogue in 2005, they elected to place residential on the entire site, providing no transition for the applicant's site on International Parkway. Appropriately, Seminole County attempted to mitigate the damage to the YRG Hotel Group II, LLC parcel by requiring Grande Oaks to provide fifty (50) foot setbacks on the east side.

The applicant should not be penalized by the decision of Grande Oaks to go all residential. The regulations in the Plan relating to compatibility can be met with reasonable setback, buffers and landscaping combined with those provided by Grande Oaks. Compatibility would not even be a discussion but for the Grande Oaks land use change. The applicant and staff have agreed upon a setback/buffer/landscape plan which will permit Seminole County to receive a target industry and a much needed luxury hotel with approximately 13,000 square feet convention/meeting space adjacent to its' HIP-TI district (See "Exhibit 1").

The applicant believes the proposed land use change is not only appropriate, but one (1) of the uses is listed as one (1) of Seminole County's target industries. In order for Seminole County to receive national luxury hotel participation, some intensity will be required in proximity to major roadways such as I-4 and SR 417. This will be a requirement of any major hotelier. This site is adjacent to the HIP-TI district, some of the most intense uses in the county and an area in distinct need of upscale hotels and meeting space to accommodate the existing 4,000,000 square feet and proposed 8,000,000 square feet of Class A office space. Currently, this area has only one (1) hotel, the Lake Mary Marriott, to satisfy this need.

The applicant also believes that the Plan would only require an individual site compatibility analysis. The applicant would address criteria A-F (at FLU-63) as follows:

- A. There should be no disagreement that the character of the surrounding area has changed enough to warrant a different land use.
- B. Public services and facilities are in place and at adopted levels of service.
- C. Although significant depth of the site was transferred to Seminole County for right of way for International Parkway and for the Seminole County trail program, the site is suitable in size and location for the proposed uses. The site will be able to comply with all county regulations for development.
- D. There are no special laws applicable to the site.
- E. The proposed uses are compatible with surrounding development when combined with setbacks, buffers and landscaping. The applicant is entitled to receive fair treatment on this issue because it did not cause residential to become an adjacent use.
- F. The proposed use furthers the public interest by:

1. Providing significant public facilities for convention and meeting space.
2. Providing economic development through desirable luxury hotel rooms, convention and meeting space to support existing and future Class A office needs in the area, providing new jobs, additional tourist tax revenues and the opportunity of additional synergy from each of the foregoing.
3. The proposed land use change furthers existing BCC policies relating to target industry (upscale hotel) and substantial convention/meeting space for the area, allowing for additional Class A office and other target industry to locate in Seminole County.

The applicant has proposed a PUD land use to allow for non-residential development containing a hotel and retail/commercial/office uses. FLU Element Definitions (FLU – 76) contemplates a variety of land uses, intensities and structures within the discretion of the BCC. The proposed use is consistent with this Plan element. Certain special provisions enumerated in the Plan (FLU – 77) may require added discussion as follows:

D. **Compatibility with Adjacent Uses.** Because of the Grande Oaks townhouse development to the west, the applicant and staff have created the setbacks, buffers and landscape plan set forth in Exhibit "1" attached to create a compatible use or uses.

F. **Non-residential Uses in Excess of 10 Percent (10%) Discouraged.** Clearly, greater non-residential uses are justified to serve the area. Indeed, residential uses at this site would not be compatible with surrounding uses and roads.

Concerning the proposed hotel height adjacent to Grande Oaks townhouses, the applicant is proposing to develop a 263 room Westin hotel. Westin provides prototype architectural requirements which require that the proposed use be allowed a minimum height of 95 feet up to a maximum of 110 feet. These types of heights are visible up and down International Parkway and have been authorized but not constructed in the same area. The applicant believes that when it approved the land use change, Seminole County envisioned the Grande Oaks development as a transitional parcel from the residential areas west of Orange Blvd., however, due to the market the owners of Grande Oaks elected not to obtain permitting for office or retail uses, providing only setbacks and buffers to the obvious intensity of International Parkway. With this in mind, the applicant has proposed and staff has agreed to the conditions in Exhibit "1" to address the hotel height adjacent to the townhouses.

Very truly yours,



Stephen H. Coover

SHC/nad