

ITEM # _____

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

SUBJECT: Eden Point Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Herman Wright **EXT.** 7553

Agenda Date <u>11/07/07</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 to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings; (Ralph Spano/Spano & Associates, applicant); or
- RECOMMEND DENIAL** of the request to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), (Ralph Spano/Spano & Associates, applicant); or
- CONTINUE** the item to a time and date certain.

District 1 – Dallari

Herman Wright, Principal Planner

BACKGROUND:

The applicant requests a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road. The requested zoning will allow a maximum of thirty-nine (39) lots. Eleven (11) lots will have lake access and be a minimum of 11,900 square feet. The remaining twenty-eight (28) lots will be a minimum of 6,900 square feet. A stormwater retention pond with

Reviewed by:	<u>KFT</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2007-53</u>

amenities will be included in the PUD and counted towards the open space requirement. The net density of the proposed PUD is three (3) dwelling units per net buildable acre. The existing Future Land Use on the property is Low Density Residential which allows for a maximum of four (4) dwelling units per acre.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

Attachments:

Location Map
Land Use & Zoning Map
Aerial Map
Preliminary Master Plan
Approval Development Order
Rezone Ordinance
Denial Development Order (applicable if the request is denied)
School District Analysis

Eden Point Rezone	
APPLICANT	Ralph Spano
PROPERTY OWNERS	Eden Point, LLC & Thelma C. Yates
REQUEST	Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)
PROPERTY SIZE	26.78 ± acres
HEARING DATE (S)	P&Z: November 7, 2007 BCC: December 11, 2007
PARCEL ID	35-21-30-300-004A-0000, 35-21-30-300-013C-0000, 35-21-30-300-013F-0000, 26-21-30-300-0260-0000, 26-21-30-300-028B-0000
LOCATION	Located on the West side of Dodd Road & North Howell Branch Road
FUTURE LAND USE	Low Density Residential (LDR)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2007-53
COMMISSION DISTRICT	#1 – Dallari

Proposed Development:

The applicant is proposing a residential subdivision consisting of thirty-nine (39) lots. Eleven (11) lots will have lake access and be a minimum of 11,900 square feet and the remaining twenty-eight (28) lots will be a minimum of 6,900 square feet with an amenitized stormwater retention pond to include a mulch trail and bench.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 26.78 ± acres from A-1 (Agriculture) to PUD (Planned Unit Development) for a thirty-nine (39) lot residential subdivision located on the west side of Dodd Road and north of Howell Branch Road.

The following tables depict the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 square feet	6,900 square feet
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	30 feet	7.5 feet
Side Street Setback	50 feet	15 feet
Rear Yard Setback	10 feet	25 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	A-1 (Agriculture)	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 Dwelling, Home Occupations, Home Offices.
Special Exception Uses	Special Exceptions 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	43,560 sq. ft.	6,900 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1, or PUD zoning classification. The applicant is proposing eleven (11) lake access lots with a minimum lot size of 11,900 square feet and a minimum width at the building line of 85 feet and twenty-eight (28) lots with a minimum lot size of 6,900 square feet and a minimum width at the building line of 60 feet. Lot sizes for the Cypress Cove PUD located to the northeast of this site are a minimum of 9,000 square feet. Lot sizes for the East Woodlyn Crossings PUD located directly east of the property are a minimum of

5,000 square feet. The lot sizes in the Howell Branch Road PUD located directly to the west of the property, are a minimum of 11,700 square feet. This proposal is consistent with the surrounding single-family subdivisions to the north, east and south of the subject property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map panel number 12117C0210E and 12117C0145E, with an effective date of 1995, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the subject property contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern 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:

Utilities:

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities (water). There is a 24-inch water main on the east side of Dodd Road. The subject property is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The subject property is adjacent to Dodd Road which is classified as a collector road. Dodd Road is not currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

School Impacts:

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold 25-year, 24-hour storm event.

Parks, Recreation and Open Space:

The applicant will need to designate 6.7 acres of usable open space, per Section 30.451 (e) of the Land Development Code. The details of the open space and amenities will be provided at the time of the Final Master Plan Approval.

Buffers and Sidewalks:

The applicant is not proposing any buffers. At this time there are no sidewalks proposed. The applicant will provide four (4) feet wide sidewalks internal to the approved development.

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

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- 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:

An intergovernmental notice was sent to the Seminole County School Board on September 9, 2007 and they have provided a School Capacity Analysis, which is attached.

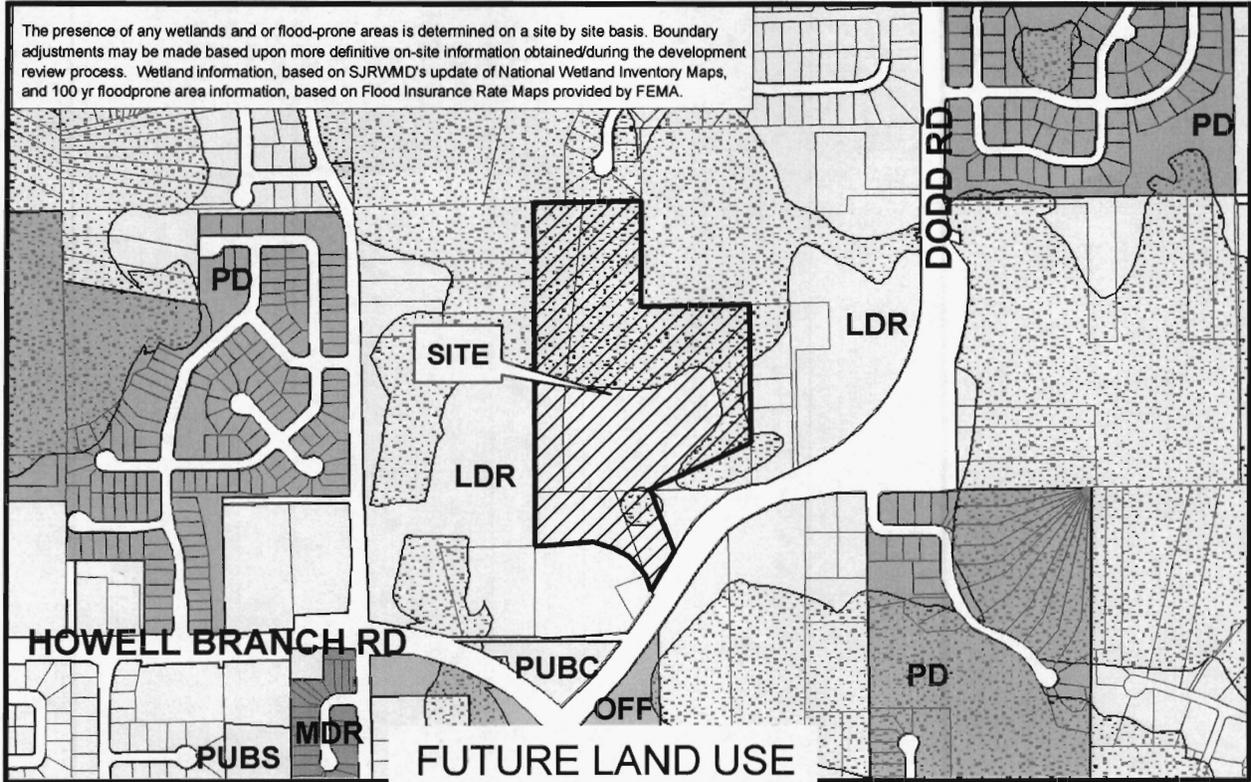
LETTERS OF SUPPORT OR OPPOSITION:

Staff received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 26.78 ± acres, located on the west side of Dodd Road and North of Howell Branch Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

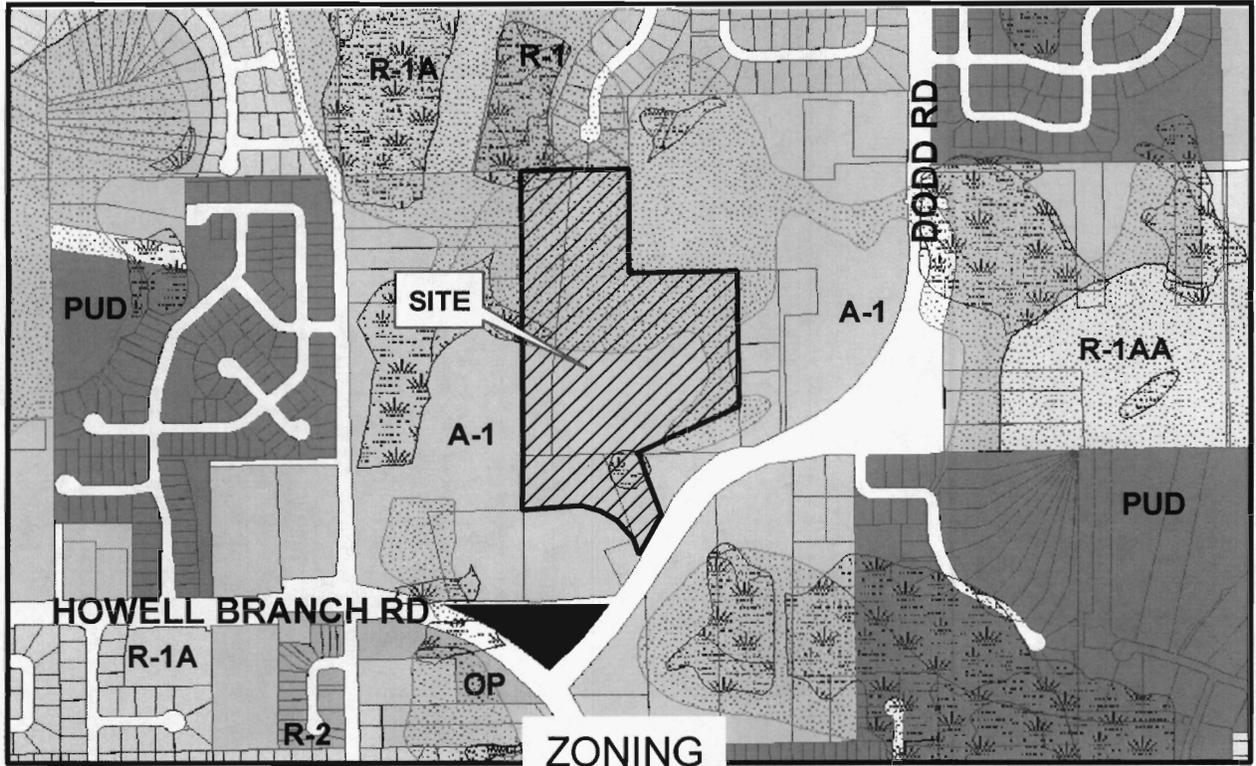
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR MDR OFF PD PUB Site CONS

Applicant: Ralph Spano
 Physical STR: 26-21-30 and 35-21-30
 Gross Acres: 26.78 +/- BCC District: 1
 Existing Use: Vacant, agricultural and residential
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-053	A-1	PUD



A-1 R-1 R-1A R-1AA OP C-1 FP-1 W-1



Rezone No: Z2007-053
From: A-1 To: PUD

- Parcel
- Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 11, 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: Eden Point LLC, Michael Lechter
6611 N. 64th PL
Paradise Valley, AZ 85253

Project Name: Eden Point PUD Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 acres, located on the west side of Dodd Road and North of Howell Branch Road.

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:

Herman Wright, Principal 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. The maximum allowable density shall not exceed 3 dwelling units per net buildable acre, up to a maximum of 39 dwelling units
 - c. Maximum allowable building height shall be 35 feet.
 - d. The setbacks for the main structures shall be as follows:
 - Front: 20 Feet
 - Side: 7.5 Feet
 - Rear: 25 Feet
 - Side Street: 15 Feet
 - e. The minimum lot size for the eleven (11) lots having access to the lake shall be a minimum of 11,900 square feet. The remaining twenty-eight (28) lots shall have a minimum lot size of 6,900 square feet.
 - f. The permitted uses shall be single-family detached dwellings, home offices, and home occupations.
 - g. All landscape buffers and common areas shall be maintained by a homeowners association.
 - h. A minimum of 25% useable open space shall be provided for the entire PUD. The stormwater retention pond shall be amenitized with a mulch path and bench to be counted towards common open space.
 - i. One community dock will be permitted on Tract I not to exceed 1,000 square feet.
 - j. There shall be one access point on Dodd Road as shown on Exhibit "B".

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

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

Done and Ordered on the date first written above.

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

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Eden Point LLC, Michael Lechter, 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

Michael Lechter, Authorized Agent

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 Michael Lechter 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:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Thelma C. Yates, 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

Thelma C. Yates, Owner

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 Thelma C. Yates 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"

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN N88°46'05"E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 820.20 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE CONTINUE N88°46'05"E, 4.80 FEET TO THE EAST LINE OF THE WEST 825.00 FEET OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN S01°12'12"E ALONG SAID EAST LINE OF THE WEST 825.00 FEET, 232.27 FEET; THENCE RUN N88°52'12"E, 194.97 FEET; THENCE RUN S72°27'53"E, 105.48 FEET; THENCE RUN S61°57'53"E, 74.86 FEET; THENCE RUN S49°24'29"E, 53.92 FEET; THENCE RUN S53°28'17"E, 33.96 FEET; THENCE RUN S20°41'57"E, 85.24 FEET; THENCE RUN S20°43'21"E, 55.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF DODD ROAD; THENCE RUN N30°16'04"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 195.88 FEET; THENCE RUN N21°03'56"W, 345.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN N88°46'05"E ALONG SAID SOUTH LINE, 91.01 FEET TO THE CENTERLINE OF A DITCH; THENCE RUN N68°02'38"E ALONG SAID CENTERLINE OF DITCH, 440.75 FEET; THENCE RUN N00°04'28"W, 667.99 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH 5/8 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°50'15"W ALONG SAID NORTH LINE, 487.55 FEET; THENCE RUN N01°03'24"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 494.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°52'45"W ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 492.41 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S01°07'48"E ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 1320.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

EXHIBIT "B"

Preliminary Master Plan
(See Attached)

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 "Eden Point Rezone", dated December 11, 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 A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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 # 07-20500004 in the Official Land Records of Seminole County.

ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN N88°46'05"E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 820.20 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE CONTINUE N88°46'05"E, 4.80 FEET TO THE EAST LINE OF THE WEST 825.00 FEET OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN S01°12'12"E ALONG SAID EAST LINE OF THE WEST 825.00 FEET, 232.27 FEET; THENCE RUN N88°52'12"E, 194.97 FEET; THENCE RUN S72°27'53"E, 105.48 FEET; THENCE RUN S61°57'53"E, 74.86 FEET; THENCE RUN S49°24'29"E, 53.92 FEET; THENCE RUN S53°28'17"E, 33.96 FEET; THENCE RUN S20°41'57"E, 85.24 FEET; THENCE RUN S20°43'21"E, 55.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF DODD ROAD; THENCE RUN N30°16'04"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 195.88 FEET; THENCE RUN N21°03'56"W, 345.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN N88°46'05"E ALONG SAID SOUTH LINE, 91.01 FEET TO THE CENTERLINE OF A DITCH; THENCE RUN N68°02'38"E ALONG SAID CENTERLINE OF DITCH, 440.75 FEET; THENCE RUN N00°04'28"W, 667.99 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH 5/8 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°50'15"W ALONG SAID NORTH LINE, 487.55 FEET; THENCE RUN N01°03'24"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 494.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°52'45"W ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 492.41 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S01°07'48"E ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 1320.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 11, 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: Eden Point LLC, Michael Lechter
6611 N. 64th PL
Paradise Valley, AZ 85253

Project Name: Eden Point PUD Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 26.78 acres, located on the west side of Dodd Road and north of Howell Branch Road.

The Board of County Commissioners has determined that the request for 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 "Eden Point rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on December 11, 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"

LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF SECTION 35 AND THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN N88°46'05"E ALONG THE NORTH LINE OF SAID NORTHEAST 1/4, 820.20 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE CONTINUE N88°46'05"E, 4.80 FEET TO THE EAST LINE OF THE WEST 825.00 FEET OF SAID NORTHEAST 1/4 OF SECTION 35; THENCE RUN S01°12'12"E ALONG SAID EAST LINE OF THE WEST 825.00 FEET, 232.27 FEET; THENCE RUN N88°52'12"E, 194.97 FEET; THENCE RUN S72°27'53"E, 105.48 FEET; THENCE RUN S61°57'53"E, 74.86 FEET; THENCE RUN S49°24'29"E, 53.92 FEET; THENCE RUN S53°28'17"E, 33.96 FEET; THENCE RUN S20°41'57"E, 85.24 FEET; THENCE RUN S20°43'21"E, 55.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF DODD ROAD; THENCE RUN N30°16'04"E ALONG SAID NORTHERLY RIGHT OF WAY LINE, 195.88 FEET; THENCE RUN N21°03'56"W, 345.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN N88°46'05"E ALONG SAID SOUTH LINE, 91.01 FEET TO THE CENTERLINE OF A DITCH; THENCE RUN N68°02'38"E ALONG SAID CENTERLINE OF DITCH, 440.75 FEET; THENCE RUN N00°04'28"W, 667.99 FEET TO THE NORTH LINE OF THE WEST 1/2 OF THE SOUTH 5/8 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°50'15"W ALONG SAID NORTH LINE, 487.55 FEET; THENCE RUN N01°03'24"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 494.65 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S88°52'45"W ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, 492.41 FEET TO THE NORTHWEST CORNER OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26; THENCE RUN S01°07'48"E ALONG THE WEST LINE OF THE EAST 1/2 OF THE EAST 3/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 26, 1320.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 26.78 ACRES MORE OR LESS.



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: October 15, 2007

RE. Z2007-053 Eden Point 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 - 26.8—acres located on West side of Dodd Road & North of Howell Branch Road. The applicant is proposing to construct approximately 36 single-family dwelling unit subdivision, at a density of approximately 3.0 dwelling units per net buildable acre. Parcel ID #: 26-21-30-300-0260-0000.

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

<i>Total Proposed units</i>					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
36		36		0	
<i>Student Generation</i>					
<i>Impacted Schools</i>	<i>Projected Number of Additional Students</i>	<i>Current Capacity</i>	<i>Current Enrollment</i>	<i>Percent Utilization</i>	<i>Students Resulting from Recently Approved Developments</i>
Elementary Red Bug	9	819	841	102.7	13
Middle Tuskawilla	4	1250	1153	92.2	33
High Lake Howell	5	2363	2241	94.9	36

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.

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 and 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. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected school.

In addition to the students generated from the proposal, the number of students expected from recent developments in the attendance areas of the affected schools would also place further capacity pressures on the school system. These new developments combined with this proposal and any subsequent approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements.