

ITEM # _____

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

SUBJECT: Silverleaf Park PUD Rezone and Large Scale Land Use Amendment

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

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

Agenda Date <u>12/5/2007</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"/>	

MOTION/RECOMMENDATION:

- RECOMMEND TRANSMITTAL** of the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for 28.25 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street, based on staff findings (Reed Berlinsky, KB Home Orlando, LLC, applicant); or
- RECOMMEND DENIAL** of the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for 28.25 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street (Reed Berlinsky, KB Home Orlando, LLC, applicant); or
- CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant is requesting a Large Scale Future Land Use Amendment and rezone of 28.25 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street, from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development). The applicant is requesting the Large Scale Future Land Use Amendment to allow for a multi-family residential development at a maximum density of 20 dwelling units per net buildable acre.

Reviewed by:	_____
Co Atty:	<u>KR</u>
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No. <u>Z2007-61</u>	

This property was previously approved on May 10, 2005 known as the NW 46 PUD which consisted of a townhome and condominium project allowing a maximum of 400 units. The specific regulations for these condominium and townhomes units were based on the R-3 and R-4 zoning districts. The NW 46 PUD allowed a maximum building height of 2 stories or 35 feet for the subdivision. The Development Order of the NW 46 PUD specifically forbid townhome or condominium units to be used as rental units. The NW 46 PUD and the proposed Silverleaf PUD are similar in uses but different in regards to intensity and density of the property.

The proposed Silverleaf PUD is essentially creating a new PUD while maintaining some of the previous conditions of the NW 46 PUD. The NW 46 PUD allowed for a maximum of 400 units while the proposed PUD is allowing for a maximum of 558 units, which is an increase of 158 total units. The Silverleaf PUD is increasing the approved maximum building height of 35 feet or two stories to 50 feet or three stories. They are also maintaining the same permitted uses of condominium, townhomes, and adding multi-family rental units to the Development Order. The Silverleaf PUD is removing conditions from the previous Development Order regarding minimum house size, lot width, setback, and other design related conditions to allow for more flexibility when designing the final master plan. The proposed PUD seems to allow for more of local housing option for the prospective and existing citizens of Seminole County due to the proximity of Interstate 4 and the numerous employment centers located in nearby Heathrow, Lake Mary, and Sanford.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for 28.25 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street.

Attachments:

- Location Map
- Zoning and Future Land Use Map
- Aerial Map
- Preliminary Master Plan
- Applicant's Large Scale Land Use Amendment Justification Statement
- Development Order
- Rezone Ordinance
- Large Scale Land Use Amendment Ordinance
- Denial Development Order
- School Capacity Report

Lake Forrest Large Scale Future Land Use Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development)

APPLICANT	Reed Berlinsky	
PROPERTY OWNER	KB Home Orlando, LLC	
REQUEST	LSLUA from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD to PUD	
PROPERTY SIZE	28.25 ± acres	
HEARING DATE (S)	P&Z: December 5, 2007	BCC: January 22, 2008 (Transmittal) May 27, 2008 (Adoption)
PARCEL ID	20-19-30-300-0040-0000, 20-19-30-300-004F-0000	
LOCATION	Located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street.	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	PUD (Planned Unit Development)	
FILE NUMBER	Z2007-61	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing a multi-family development consisting of a maximum 558 units with an amenitized retention pond.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is proposing a Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development). The applicant proposes to change the zoning and land use in order to develop a more intense residential development than previously approved in the NW 46 PUD.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The subject property is located in an area which is transitioning into a more intense mixture of commercial and higher density residential developments. Vision 2020, The Seminole County Comprehensive Plan FLU Exhibit - 2 *Appropriate Transitional Land Uses*, identifies High Density Residential as a compatible transitional land use when adjacent to Low Density Residential, Medium Density Residential, and Commercial. To the south are the NW 46 PUD and the Bill Heard Chevrolet PCD which consist of multi-family dwelling units and two (2) car dealerships. To the north of the subject property is the Medium Density Residential Future Land Use designation which is approved for a

maximum 400 unit townhome and condominium subdivision. However, that property is also requesting a Large Scale Land Use Amendment to High Density Residential for multi-family units. To the west of the subject property across Oregon Street is the Lake Forrest PUD which is a residential subdivision approved for a maximum of 1016 units. To the east of the subject property is Interstate 4. This area is in transition from Low Density Residential developments to higher density residential developments due to its close proximity to the employment centers located along International Parkway and accessibility to Interstate 4.

CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

The Future Land Use Element in the Comprehensive Plan lays out certain criteria that proposed future land use amendments must be evaluated. Because this is a small area Future Land Use amendment with localized impacts, an individual site compatibility analysis is required utilizing the following criteria:

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The subject property is located in an area transitioning to developments of higher intensity because of its proximity to employment centers to the south and accessibility to Interstate 4. The area near Interstate 4 and SR 46 recently consists of multi-family subdivisions and support commercial uses to accommodate the further growth of the employment centers located in nearby Heathrow, Lake Mary, and Sanford. The mixture of uses from old platted subdivisions to the recently approved commercial and multi-family subdivisions describes the development trend of this area of the county.

Staff finds that the character of the area has changed enough to warrant a density increase from Medium Density Residential to High Density Residential.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed.

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering.

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

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

The subject property would be an appropriate transition between more intensive FLU designations to the south and less intensive uses to the west and north of the property. The subject property is adjacent to Medium Density Residential to the north which is also proposing a FLU change to High Density Residential allowing for apartment units. This proposed increase in apartment units would provide more local housing options for existing and prospective citizens working in the surrounding areas of Heathrow, Lake Mary, and Sanford.

F. Whether the proposed use furthers the public interest by providing:

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

Staff Evaluation

The applicant's development plan is not proposing or considering any of the above stated elements which would further the public interest.

G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

The following are other applicable Vision 2020 Policies, Exhibits, and staff's evaluation:

Policy FLU 2.5: Transitional Land Uses

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. *Exhibit FLU: Appropriate Transitional Land Uses* is to be used in determining appropriate transitional uses.

Staff Evaluation

Exhibit FLU: Appropriate Transitional Land Uses in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is in an area that is transitioning from lower density development to higher density residential development. *Exhibit FLU: Appropriate Transitional Land Uses* states that High Density Residential is an appropriate transitional land use when adjacent to Medium Density Residential and Commercial. Current development trends indicate that the long-term development in the area will consist of higher density residential and commercial uses due to the proximity of employment centers along International Parkway and accessibility to Interstate 4.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map panel 12117C0030E, with an effective date of 1995, there appears to be 8.0 acres of 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 are no 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 will have on public facilities:

Public Facility	Existing Zoning (PUD)*	Proposed Development (558 Multi Family Units)	Net Impact
Water (GPD)	110,000	153,450	43,450
Sewer (GPD)	110,000	139,500	29,500
Traffic (ADT)	2,344	3,270	926

* Based on the NW 46 PUD Development Order approved on 5/10/05.

Utilities:

The site is located in the Northwest Seminole County water and sewer utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the east side of N. Oregon St., a 12-inch force main on the east side of N. Oregon St., and an 8-inch reclaimed water main on the west side of N. Oregon St.

Transportation / Traffic:

The property proposes access onto Oregon Street, which is classified as a collector roadway. Oregon Street is 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.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is a 5 minute average response time. The nearest

response unit to the subject property is Station #34, which is located at 4905 Wayside Dr. 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 Lake Monroe Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to meet the 25-year, 24-hour pre-development rate.

Parks, Recreation and Open Space:

The applicant is required to provide a minimum 25% of open space for the site, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

A 5-foot sidewalk will be constructed along the property frontage on North Oregon Street. There will be a 15-foot landscape buffer along the west and a 10-foot buffer along the north, east, and south property lines.

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 Overlay District.

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 2.1: Subdivision Standards
- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.10: Determination of Compatibility in the Low Density Residential Future Land Use Designation
- Policy FLU 5.5: Water and Sewer Service Expansion
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications

Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
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 Seminole County School District on November 2, 2007. The School District has provided a School Capacity Report, which is attached.

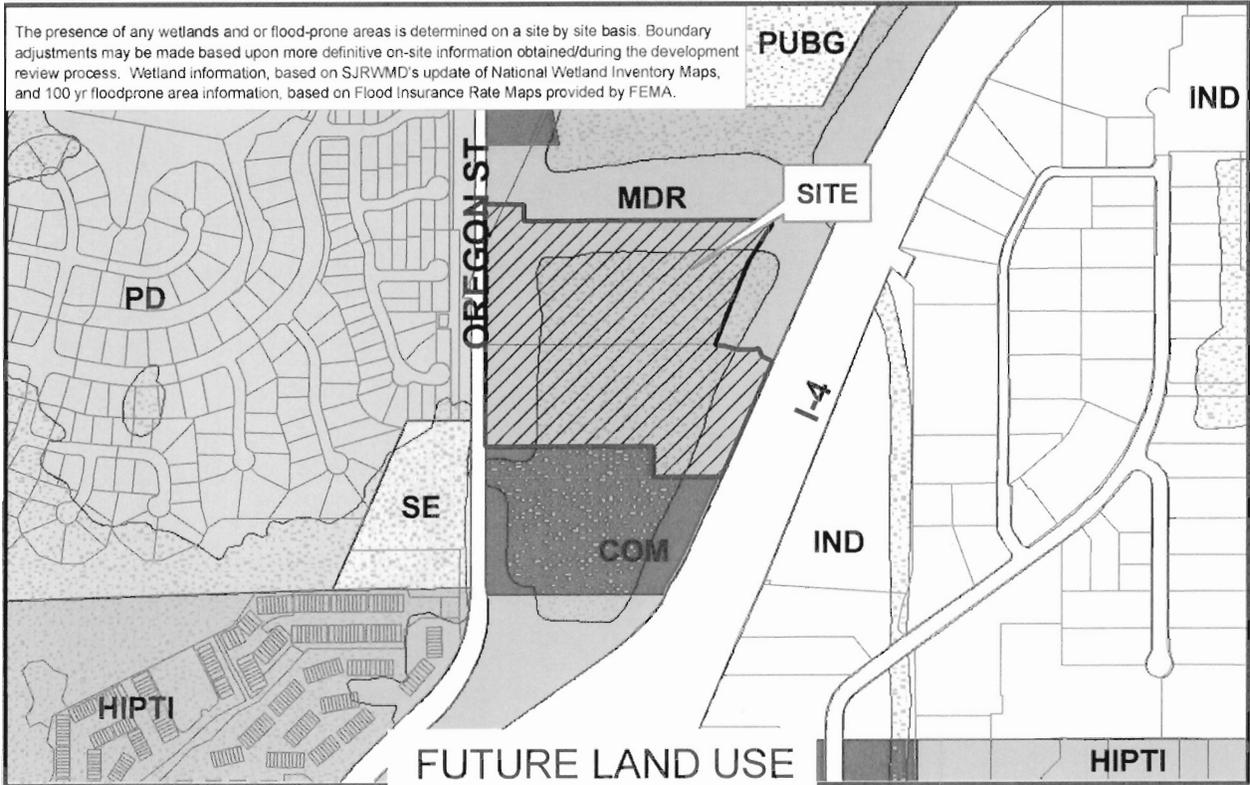
LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for 28.25 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street.

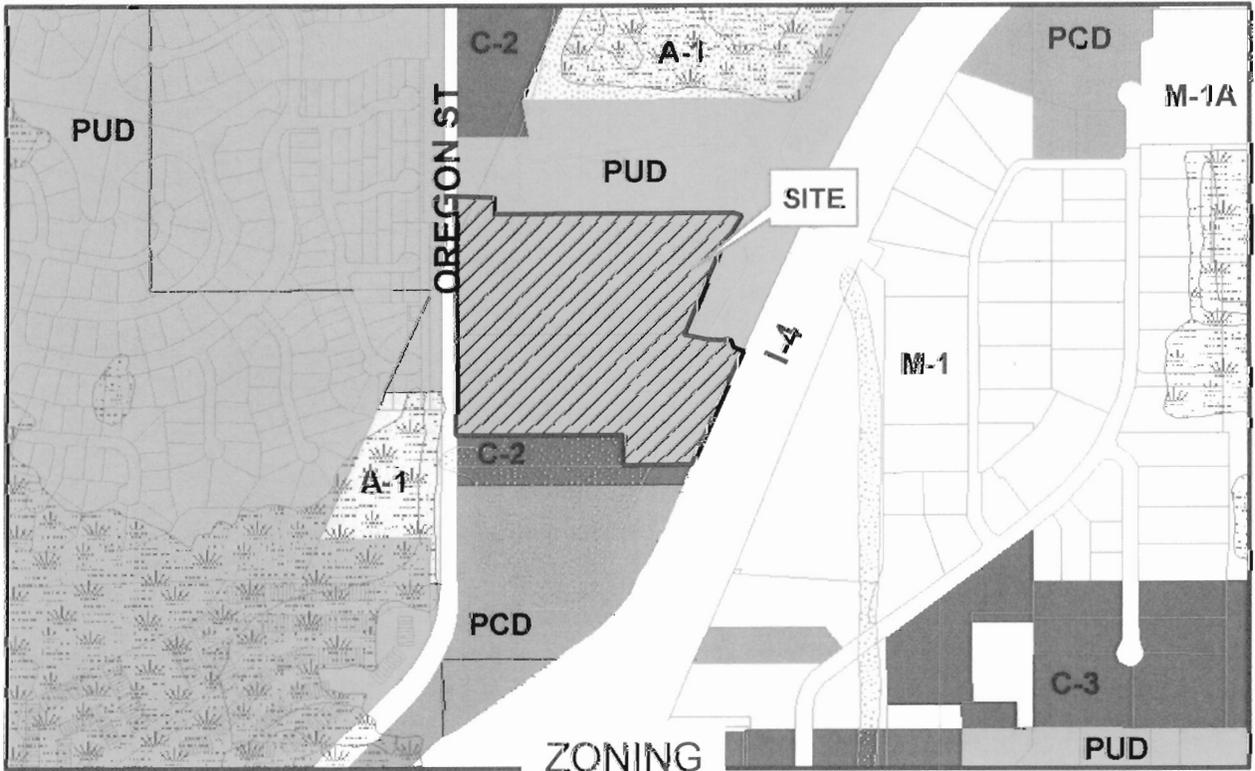
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



MDR SE COM IND HIPTI Site CONS

Applicant: Reed Berlinsky
 Physical STR: 20-19-30-300-0040 & 004F-0000
 Gross Acres: 29.13 +/- BCC District: 5
 Existing Use: vacant
 Special Notes:

	Amend/ Rezone#	From	To
FLU	08S.FLU01	MDR	HDR
Zoning	Z2006-061	PUD	PUD



A-1 C-2 C-3 M-1A M-1 PCD PUD FP-1 W-1



FLU No: 08S-FLU01
From: MDR To: HDR

Rezone No: Z2007-061
From: PD To: PD

- Parcel
- Subject Property



Winter 2006 Color Aerials

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

SEMINOLE COUNTY APPLICATION

SILVERLEAF PARK PROPERTY

Parcel ID Nos: 20-19-30-300-0040-0000 & 20-19-30-300-004F-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 ±28.25 acre subject property from MDR (Medium Density Residential) to HDR (High Density Residential) and from PUD (Planned Unit Development District) to PUD (Planned Unit Development).

PROPERTY AND SURROUNDING LAND USE DESCRIPTION

The property is located on the east side of N. Oregon Avenue between SR46 and Orange Boulevard as shown in Exhibit 1, Neighborhood Aerial and Exhibit 2, Site Aerial. As previously stated, the site has a current FLU designation of MDR, which allows up to ten (10) units per acre and is compatibly zoned PUD, which allows multifamily uses at a maximum density of ten (10) units per acre. Site Datum (on next page) depict the site's existing FLU and zoning by comparison to the surrounding area, as shown below in Table 1, Surrounding FLU & Zoning.

Table 1
Surrounding FLU & Zoning

Direction	Future Land Use	Zoning	Existing Land Use
North	PUD/PUBC	A-1	Vacant & Conservation Area
South	COM	PCD/C-2	Commercial
East	---	----	Interstate 4
West	PD/SE	PUD	Single-Family

The current MDR and PUD designations are incompatible with the intended development program of the Silverleaf Park Property, which proposes multi-family apartment rental uses and those approved in Development Order #4-2300004. To achieve this program, the site's future land use and zoning must be amended to allow the establishment for a more intense development that will effectively assimilate into the surrounding community of established single-family and commercial uses.

The following text details the intent and purpose of the requested HDR 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

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:	East side of North Oregon Avenue between SR 46 and Orange Boulevard
Parcel ID Nos:	20-19-30-300-0040-0000 & 20-19-30-300-004F-0000
Future Land Use:	MDR
Current Zoning:	PUD
Proposed Future Land Use:	HDR
Proposed Zoning:	PUD
Existing Use:	Vacant
Proposed Housing Type:	Multi-Family rental apartments
Proposed Net Density:	20 dwelling units / acre
Proposed # of Units:	558
Proposed Height:	Not to exceed 50 feet

ACREAGE

Gross Acreage:	±28.25 Acres
Conceptual Wetlands:	±0 Acres
Existing Uplands:	±28.25 Acres

OPEN SPACE, LANDSCAPED BUFFERS, & GREENWAYS

Percentage of Open Space:	25% or ±6.97 acres, including amenitized storm water management areas
Environmental Areas:	±0 Acres
PUD Setback Width:	25-ft
Buffers/Greenways:	North, South & Easts – 10-ft landscape buffer. West – 15-ft landscape buffer. In addition, South – 6-ft PVC fence or better as approved by Seminole County staff plus four canopy trees per 100 linear feet. West – 6-ft masonry wall with plantings per Seminole County Land Development Code.
Soils:	See Preliminary Master Plan “Soils Legend”

PERMITTED USES

Permitted uses are those approved in Development Order #4-23000004 and multi-family apartment rental units.

TRANSPORTATION, ACCESS & PARKING

Refer to Traffic Study by HDR Engineering.

Parking to be shown on the Final Master Plan per Seminole County Land Development Code.

SIGNAGE

Project signage shall conform to the standards listed in Part 65 (Sign Regulations) 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 558 units = 195,300 GPD
Sanitary Sewer Provision:	Seminole County Utilities
Wastewater Rate:	300 GPD/unit x 558 units = 167,400
Electric:	FP&L
Solid Waste Collection:	TBD

HIGH DENSITY RESIDENTIAL INTENT AND PURPOSE

This land use provides for a range of residential development at intensities greater than ten (10) dwelling units per net buildable acre. High density residential development should be located adjacent to major collectors and arterial roadways to minimize traffic on local and minor collector roadways and to provide convenient access to transit facilities. This land use can act as an effective transitional use between nonresidential and Medium Density Residential uses.

Uses:

- A. Condominium, townhouses, apartment hotels, boarding and lodging houses, and motels;
- B. Public elementary schools, public middle schools and public high schools; and
- C. Special exception uses such as churches, utilities, group homes, hospitals, convalescent and nursing homes, and accessory office uses.

Services and Facilities:

This land use requires a full range of urban services and facilities (see *Exhibit FLU: Services and Facilities By Classification*).

Special Provisions:

- A. High density developments require maximum lot coverage, minimum open space, recreation, pedestrian walkways and transit facility requirements to

enhance the living environment of residents and to provide convenient access to area schools, shopping and recreational facilities. On-site transit facilities (e.g. bus shelters and bays) may be required on a site specific basis.

- A. Clustering of residential units to preserve conservation areas above and beyond current Land Development Code requirements and/or to provide sites for schools, recreation and other public facilities is permitted under the PUD zoning classification.
- B. Increased building heights up to 60 feet may be allowed where compatible with adjacent uses to minimize urban sprawl.

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 offset facility capacity impacts.

APPLICABLE COMPREHENSIVE PLAN FLU POLICIES

Vision 20/20 – Future Land Use Element – Issue FLU 1 (page FLU 3)

CONCURRENCY MANAGEMENT

Rule 9J-5.006(3)(c)3, Florida Administrative Code (FAC), requires that facilities and services at established level of service standards are available concurrent with the impacts of development, or that development orders and development permits are conditioned on the availability of facilities and services.

The Seminole County Comprehensive Plan (the “Plan”) future land use designations were developed after a review of long range facility and service plans. The County’s Concurrency Management System (CMS) is intended to serve the long term interests of the citizens of Seminole County by implementing a managed growth perspective that monitors the capacity of important concurrency public facilities and services and maintains the high quality of life that the citizens of Seminole County now enjoy. The CMS includes specific procedures and criteria to ensure that level of service standards adopted in the Plan will be achieved or exceeded. The CMS evaluates final development orders to ensure that the adopted levels of service standards for transportation, potable water, sanitary sewer, solid waste, mass transit, stormwater drainage, and recreation are met. Currently, impact fees are collected for roads, fire and rescue systems, libraries, and schools.

Concurrency was applied for in October, 2005 under Lake Forest Townhomes. This document addresses increases related to concurrency caused by the higher density requested by the Developer.

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 seeks to increase the density from 10 units per acre to 20 units per acre and from 279 units to 558 units on a 28.25 acre site, accommodating projected growth while saving available land for future development.

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 proposed development program would counteract any existing or future urban sprawl by intensifying development in an area which transitions from Interstate 4. This program is also consistent with the Higher Intensity Planned Development lying just to the south of this property along Interstate 4.

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.

The proposed development sustains resources and promotes smart growth by avoiding sprawl, providing compatibility, utilizing existing facilities and services and protecting the environment in the area.

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.

The existing residential neighborhoods to the west are adequately buffered by an earthen berm which will make the proposed development only visible when entering or exiting the subdivision. The traffic study indicates that the proposed development will have a minimal impact on local roadways. Adequate setbacks and landscape buffers

offer additional compatibility. The property to the north is proposed for the same use as is being proposed in this request.

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

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.

The proposed development complies 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 structure approved with a PUD or PCD zoning classification.

This policy is met as stated in response to FLU 16, above. In addition, the commercial property to the south is more intense than the proposed development. Interstate 4 lies to the east.

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 Order, 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 Systems standards and provisions to ensure that facilities and services needed to serve the development are available at the adopted level of service consistency with the Implementation Element of this Plan.

There is sufficient infrastructure in place to adequately serve the proposed development. Any additional impact issues will be addressed in the Development Order.

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 general area and has sufficient capacity to support future development consistent with the proposed program.

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- FUTURE LAND USE CHANGE

As stated previously in this narrative, the subject property is believed to be best suited for high density residential apartments. There will be no market for the previously authorized townhomes approved in 2005. The property provides a desirable transition to the single family residential to the west from Interstate 4 to the east. The property to the north and south are compatible and adequate facilities and services exist for the proposed development. The additional intensity requested results in nominal impacts compared to the prior land use designation, while reducing urban sprawl. We believe that amending the future land use from Medium Density Residential to High Density Residential would be compatible and consistent with the aforementioned policies established by the Seminole County Vision 2020 Comprehensive Plan.

JUSTIFICATION STATEMENT- REZONING

As stated previously, the subject property has an existing PUD which simply needs to be amended to allow for the increased density requested. The request is consistent and compatible with the aforementioned policies of the Seminole County Vision 2020 Comprehensive Plan.

CONCLUSION

The requested LSFLUA and zoning amendment are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. The County no longer has any demand for townhomes or condominiums after the recent increases in residential housing costs have made residential ownership more difficult and the inventory too large. The proposed development is consistent with applicable Seminole County planning policies and applicable regulations.

FIRST AMENDED AND RESTATED
SEMINOLE COUNTY DEVELOPMENT
ORDER

On ~~May 10, 2005,~~ May 27, 2008, 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: ~~ORIX TRIAD LAKE FOREST LLC NW 46 LTD.~~
KB Home Orlando, LLC
Project Name: ~~NW 46 Silverleaf Park PUD~~

Requested Development Approval: Large Scale Land Use Amendment from Commercial (COM) to Medium Density Residential (MDR) and rezoning from PUD (Planned Unit Development) 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

- i. ~~Accessory buildings shall not be permitted on individual townhouse lots.~~
- j. ~~Where garages are entered from the front, there shall be a minimum distance of 20 feet from the front building line to the sidewalk.~~
- k. All landscape buffers and common areas shall be maintained by a homeowners association.
- l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.
- m. Minimum townhouse lot width shall be 15'.
- n. ~~Front walls of townhouse units shall be staggered.~~
- o. Mechanical units shall be located and/or screened to prevent visibility from North Oregon St. or adjoining single family development.
- p. Garages shall not be converted to living space.
- q. ~~Each unit shall have a minimum of a 1-car garage and driveway providing an additional parking space.~~
- r. ~~Visitor parking shall be provided at the rate of 1 space per 3 units. The method for providing this parking shall be evaluated at Final Master Plan.~~
- s. Parking of boats, trailers and recreational vehicles shall be prohibited within the development.
- t. A 6-foot PVC fence (or better quality as approved by County staff) and 4 canopy trees (per 100 linear feet) shall be provided along the south property line.
- u. Outdoor lighting shall be limited to 16 feet in height and meet all applicable standards of the Seminole County Land Development Code.
- v. Left- and right-turn lanes shall be provided at each of the project entrances.
- w. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way section along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.
- x. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.
- y. The site shall utilize reclaimed water.
- z. At the time of Final Master Plan approval, the site layout shall be evaluated to minimize unit proximity to I-4.
- aa. ~~All home buyers shall have deeds noting the development's proximity to Interstate 4.~~
- bb. The west buffer shall be 15' wide with a 6' masonry wall. The minimum required number of plantings within the west buffer shall be 32 canopy trees, 64 understory trees, and 540 shrubs. Upon Final master Plan approval the applicant may supply an alternative number of plantings for the west buffer if approved by the Planning Manager.
- cc. The east and north buffer shall be 10' wide and contain the required amount plantings per the Land Development Code.
- dd. Interconnectivity with the adjacent property to the north shall be allowable if a cross access agreement is agreed to by the north property owner.
- ee. If the spacing of the access points meets the Land Development Code requirements the applicant will extend the turn lanes south on N. Oregon Street.

(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: _____
Brenda Carey, Chairman
Board of County Commissioners

EXHIBIT A

LEGAL DESCRIPTION NW 46 PROPERTY:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N 89°38'35" E along the South line of said East 1/2 for a distance of 25.00 feet to the East Right-of-Way line of Oregon Avenue; thence run N 00°12'27" W along said East Right-of-Way line for a distance of 690.63 feet to the POINT OF BEGINNING; thence continue N 00°12'27" W along said East Right-of-Way line for a distance of 1308.78 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520, Page 535, of the Public Records of Seminole County, Florida; thence run N 89°20'41" E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N 00°39'19" W along said Easterly line for a distance of 100.00 feet to the South line of Borrow Pit No. 2 (retention pond); thence run N 89°20'41" E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N 32°35'43" E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N 89°16'23" E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of-way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S 32°47'00" W; thence run Southwesterly along said Westerly Right-of-Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N 37°21'01" W along said Northeasterly line and said Westerly Right-of-Way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S 24°30'21" W; thence run Southwesterly along said Westerly Right-of-Way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet; thence run S 24°00'12" W along said Westerly Right-of-Way line for a distance of 1355.40 feet; thence run S 89°38'22" W for a distance of 243.58 feet; thence run N 00°21'38" W for a distance of 157.35 feet; thence run N 90°00'00" W for a distance of 816.93 feet to the POINT OF BEGINNING.

Containing 55.050 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

Legal Description

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 690.63 FEET TO THE POINT OF

BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°18'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°59'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 671.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 185.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 76.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.62 FEET; THENCE RUN S67°55'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.33 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.06 FEET; THENCE RUN S24°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR 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 "Silverleaf Park Large Scale Land Use Amendment and Rezone."

(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 PUD (Planned Unit Development) 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 upon the date of filing with the Department.

ENACTED this 27th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

EXHIBIT "A"

Legal Description

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 690.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°18'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°59'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 671.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 185.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 76.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.62 FEET; THENCE RUN S67°55'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.06 FEET; THENCE RUN S24°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS

AN ORDINANCE AMENDING THE VISION 2020
SEMINOLE COUNTY COMPREHENSIVE PLAN;
AMENDING THE FUTURE LAND USE MAP
DESIGNATION OF CERTAIN PROPERTY BY
VIRTUE OF A LARGE SCALE DEVELOPMENT
AMENDMENT; PROVIDING FOR LEGISLATIVE
FINDINGS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County (hereinafter referred to as the "Board") enacted Ordinance Number 91-13, adopting the 1991 Seminole County Comprehensive Plan, which was subsequently amended in accordance with State law; and

WHEREAS, the Board enacted Ordinance Number 2001-21, which renamed the 1991 Seminole County Comprehensive Plan to the "Vision 2020 Seminole County Comprehensive Plan" (hereinafter referred to as the "Plan"); and

WHEREAS, the Board 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 Large Scale Plan Amendments; and

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

WHEREAS, the Seminole County Land Planning Agency held a public hearing with all required public notice 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 held public hearings with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

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

WHEREAS, the Plan amendment set forth herein has been reviewed by all required State agencies and the Objectives, Recommendations and Comments Report prepared by the Department of Community Affairs has been considered by the Board; and

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

Section 1. Legislative Findings. The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.

Section 2. Amendment To Future Land Use Map Designation The Future Land Use Map of the Future Land Use Element of the Plan is hereby amended by changing the future land use designation assigned to the property depicted therein and legally described in Exhibit A (attached hereto and incorporated herein by this reference) as noted in the following table:

Ord. Exh.	Name	Amendment Number	Land Use Change From - To	LPA Hearing Date	BCC Hearing Dates
A	Lake Forrest Large Scale Land Use Amendment and Rezone	08S-FLU01	Medium Denisty Residential (MDR) to High Denisty Residential (HDR)	12/05/07	01/22/08 5/16/08

Section 3. Severability.

(a) The enactment of this Ordinance includes one (1) amendment to the Future Land Use Map.

(b) 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 4. Exclusion From County Code/Codification.

(a) It is the intent of this Board 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 or as a volume of the Land Development Code of Seminole County in accordance with prior directions given to the 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 by the Clerk of the Board of County Commissioners in accordance with State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida 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 twenty-two (22) days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendment in compliance, if no affected party challenges the Plan amendment, or, if an affected party challenges the Plan amendment, 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 or development permits, if dependent upon 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 adopting a resolution affirming its

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

ENACTED this 27th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

Exhibit A

Legal Description

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 690.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°18'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°59'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 671.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 185.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 76.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.62 FEET; THENCE RUN S67°55'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.06 FEET; THENCE RUN S24°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 27, 2008, 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: KB Home Orlando, LLC
9102 S. Park Center Loop Suite 200
Orlando, FL 32819

Project Name: Silverleaf Park Large Scale Land Use Amendment and Rezone

Requested Development Approval:

Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Silverleaf Park Large Scale Land Use Amendment and Rezone" and all evidence submitted at the public hearing on May 27, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should not be transmitted to the Department of Community Affairs.

ORDER

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

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Brenda Carey, Chairman

EXHIBIT A

Legal Description

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 690.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°18'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°59'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE EAST ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 671.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 185.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 76.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.62 FEET; THENCE RUN S67°55'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.06 FEET; THENCE RUN S24°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS