

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

SUBJECT: Lawson Landing Rezone from R-1 to R-AH

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Austin Watkins EXT. 7440

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 APPROVAL** of the request to rezone 9.90 ± acres, located northwest of 22nd Street and Jones Avenue, from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling), and recommend approval of the attached Development Order, per staff findings; (R & K Construction, Kevin Roy, applicant); or
- RECOMMEND DENIAL** of the request to rezone 9.90 ± acres, located northwest of 22nd Street and Jones Avenue, from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling); (R & K Construction, Kevin Roy, applicant); or
- CONTINUE** the item to a time and date certain.

District 5 – Carey

Austin Watkins, Senior Planner

BACKGROUND:

The applicant requests a rezone from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling) on approximately 9.90 ± acres, located northwest of 22nd Street and Jones Avenue. The requested zoning will allow a maximum of approximately 56 lots that are a minimum of 3,600 square feet for single-family dwellings. Although the Future Land Use of the subject property is Low Density Residential, Vision 2020: The Seminole County Comprehensive Plan, Policy FLU 10.1 allows the net density of the Low Density Residential Future Land Use designation to be up to 7 dwelling units per net buildable acre, if this request is approved and the standards of the R-AH zoning classification are met.

Reviewed by: <u>KET</u> Co Atty: _____ DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. <u>Z2007-70</u>

Section 30.289 of the Seminole County Land Development Code requires that a minimum of at least 40% of the development be made available to low income households and no less than 100% of the development be made available to low and moderate income households. The Department of Housing and Urban Development (HUD) determines an Area Median Income (AMI) and the sale price of the home is determined by the number of household members and AMI. The following maximum sale prices are established by the SHIP Local Housing Assistance Plan and are based on a family of four. The following numbers are provided as an example of the maximum sale prices: for very low income, \$193,000; for low income, \$224,000; and for moderate income, \$242,000. The maximum sale price will vary depending upon the income of the family, AMI and family size. The Seminole County SHIP Local Housing Assistance Plan (LHAP) defines affordability, maximum sale price and income limitations. Section 30.290 of the Seminole County Land Development Code requires an executed affordability agreement in a format that is acceptable to the County. The LHAP definitions were used as the basis for the attached affordability agreement, which is in the format of a development order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 9.90 ± acres, located northwest of 22nd Street and Jones Avenue, from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling), and recommends approval of the attached Development Order.

Attachments:

Location Map
Land Use & Zoning Map
Aerial Map
Approval Development Order
Rezone Ordinance
Denial Development Order (applicable if the request is denied)
School District Analysis
Ownership Disclosure Form previously

Lawson Landing Rezone	
APPLICANT	R & K Construction, Kevin Roy
PROPERTY OWNER	Ricardo, Henry & Rose Gilmore
REQUEST	Rezone from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling)
PROPERTY SIZE	9.90 ± acres
HEARING DATE (S)	P&Z: December 5, 2007 BCC: January 22, 2008
PARCEL ID (S)	34-19-30-503-0F00-0010; 34-19-30-503-0H00-0240
LOCATION	Located northwest of 22 nd Street and Jones Avenue
FUTURE LAND USE	Low Density Residential (LDR)
ZONING	R-1 (Single-Family Dwelling)
FILE NUMBER	Z2007-70
COMMISSION DISTRICT	#5 - Carey

Proposed Development:

The applicant is proposing an Affordable Housing subdivision consisting of detached single-family homes. The applicant intends to layout the subdivision for conventional lot single-family homes and zero lot line single-family homes.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following tables depict the minimum regulations for the current zoning district of R-1 (Single-family Dwelling) and the requested district of R-AH (Affordable Housing Dwelling):

DISTRICT REGULATIONS	Existing Zoning (R-1)	Proposed Zoning (R-AH)
Minimum Lot Size	8,400 square feet	3,600 square feet
Minimum House Size	700 square feet	700 square feet
Minimum Width at Building Line	70 feet	40 feet
Front Yard Setback	25 feet	20 feet
Side Yard Setback	7.5 feet	5 feet 0 foot for one side and 10 feet for opposite side*
Side Street Setback	25 feet	15 feet
Rear Yard Setback	30 feet	15 feet
District Boundary Yard Setback	N/A	20 feet
Maximum Building Height	35 feet	35 feet

* 0 FOOT SIDE YARD SETBACK IS UTILIZING THE ZERO LOT LINE DWELLING

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	R-1 (Single-Family Dwelling)	R-AH (Affordable Housing Dwelling)
Permitted Uses	Single-Family dwelling units, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.	Single-family detached dwelling, duplex, triplex, or zero lot line dwelling structures including customary accessory uses, day nurseries, kindergartens and group homes, and home offices.
Special Exception Uses	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, day nurseries or kindergartens, guest or tourist homes, off-street parking facilities, assisted living facilities, and communication towers.	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the R-1 zoning classification. The R-AH zoning classification allows for a minimum lot size of 3,600 square feet for single-family dwellings. The R-1 and R-AH zoning district requires the same minimum house size of 700 square feet. The R-AH zoning classification requires a minimum Boundary Yard Setback of 20 feet which is 10 feet less than the surrounding zoning requirements. The character of the area has significantly changed due to the location of SR 417 and the Airport Boulevard expansion, which are directly west of the subject property. The improvements to the transportation network warrant a more intense use of the property.

The Low Density Residential (LDR) Future Land Use (FLU) designation allows for a maximum density of 4 dwelling units per net buildable acre. Vision 2020: The Seminole County Comprehensive Plan allows for a maximum density of 7 dwelling units per net buildable acre in the LDR FLU if at least 40% of the proposed development is made available to low income and no less than 100% is made available for low and moderate income families, per FLU Policy 10.1 and the Seminole County Land Development Code (SCLDC) Section 30.289.

Vision 2020, Policy HSG 1.6 indicates that the County shall encourage Plan amendments for medium to high density residential development on infill parcels where:

- A. Parcels front on collector or arterial roadways and are located near shopping, school and work uses; and
- B. Parcels are sufficient size to permit development plans to adequately buffer higher density uses from surrounding lower density residential development.

The request is not a land use amendment, but would result in a net increase of intensity from a maximum of 4 to 7 dwelling units per net buildable acre. Staff finds that the request meets the requirements of Policy HSG 1.6.

The increase of density from a maximum of 4 to 7 dwelling units per net buildable acre is consistent with the surrounding area's development pattern. The character of the area and property has significantly changed with the recent improvements to Airport Boulevard and does warrant a more intense use of the property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be 0.5-acres of floodplain on or adjacent to 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 not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

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

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

Public Facility	Existing Zoning (R-1)*	Proposed Development (R-AH)¹	Net Impact
Water (GPD)	10,850	19,250	+ 8,400
Sewer (GPD)	9,300	16,500	+ 7,200
Traffic (ADT)	297	526	+ 229

* Numbers are based on a 31 unit residential subdivision.

¹ Proposed PUD Development is based on a 55 unit residential subdivision.

Utilities:

The site is located in the City of Sanford's utility service area, and will be required to connect to public utilities. There is a 10-inch water main on the west side of W. Airport Blvd., a 12-inch force main on the north side of Country Club Rd., and a 14-inch reclaimed water main on the south side of Country Club Rd.

Transportation / Traffic:

The property proposes access onto 20th Street, which is classified as a local road. 20th Street is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The 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 Lake Monroe Drainage Basin, and has limited downstream capacity. The site will have to be designed to retain the post-development minus pre-development volumetric difference for the 25-year, 24-hour storm event and discharge it slowly over 14-days.

Parks, Recreation and Open Space:

The Seminole County Land Development Code requires a minimum 30% open space, per Section 30.1344.

Buffers and Sidewalks:

The applicant is not proposing any buffers. The applicant is required to build a sidewalk interior to their subdivision and for any improvements on exterior roadways.

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 10.1:	Affordable Housing Density Bonus
Policy FLU 12.4:	Relationship of Land Use to Zoning Classifications
Policy FLU 12.5:	Evaluation Criteria of Property Rights Assertions
Policy HSG 1.6:	Infill Development
Policy HSG 2.5:	Development Compatibility Standards
Policy HSG 3.3:	Affordable Housing Density Bonus
Policy PUB 2.1:	Public Safety Level-of-Service
Policy POT 4.5:	Potable Water Connection
Policy SAN 4.4:	Sanitary Sewer Connection
Policy TRA 5.6:	Transportation/Affordable Housing Coordination

INTERGOVERNMENTAL NOTIFICATION:

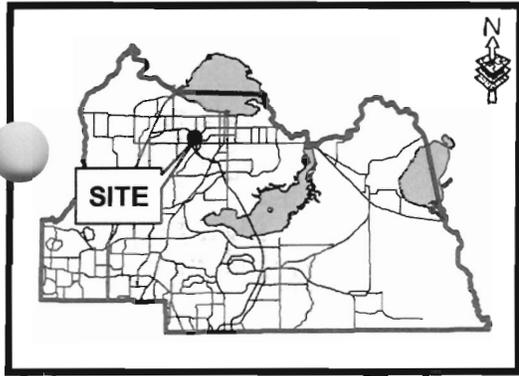
An intergovernmental notice was sent to the Seminole County School Board on November 15, 2007 and they have provided a School Capacity Analysis, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

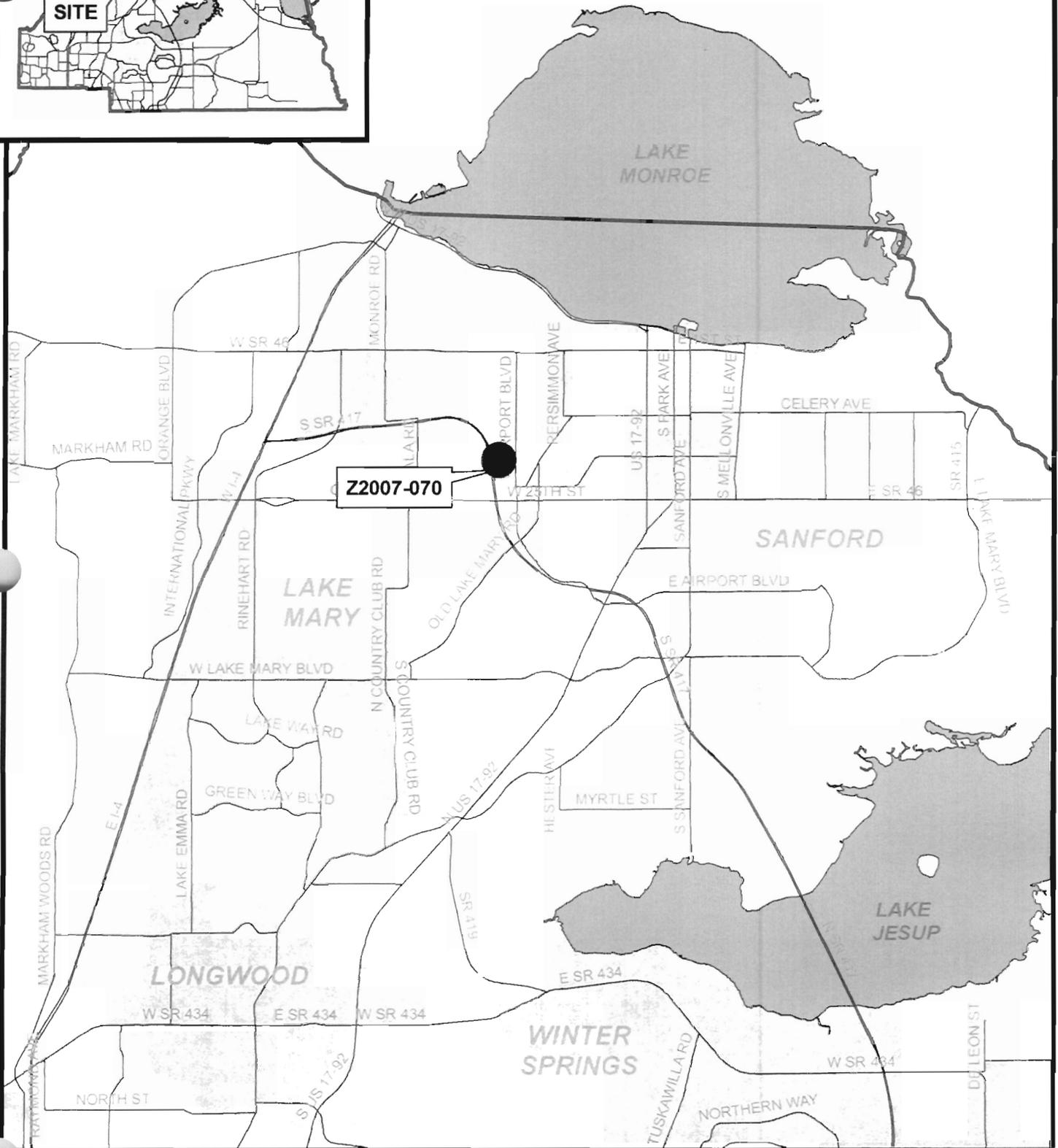
Staff has not received any letters of concern for this application.

STAFF RECOMMENDATION:

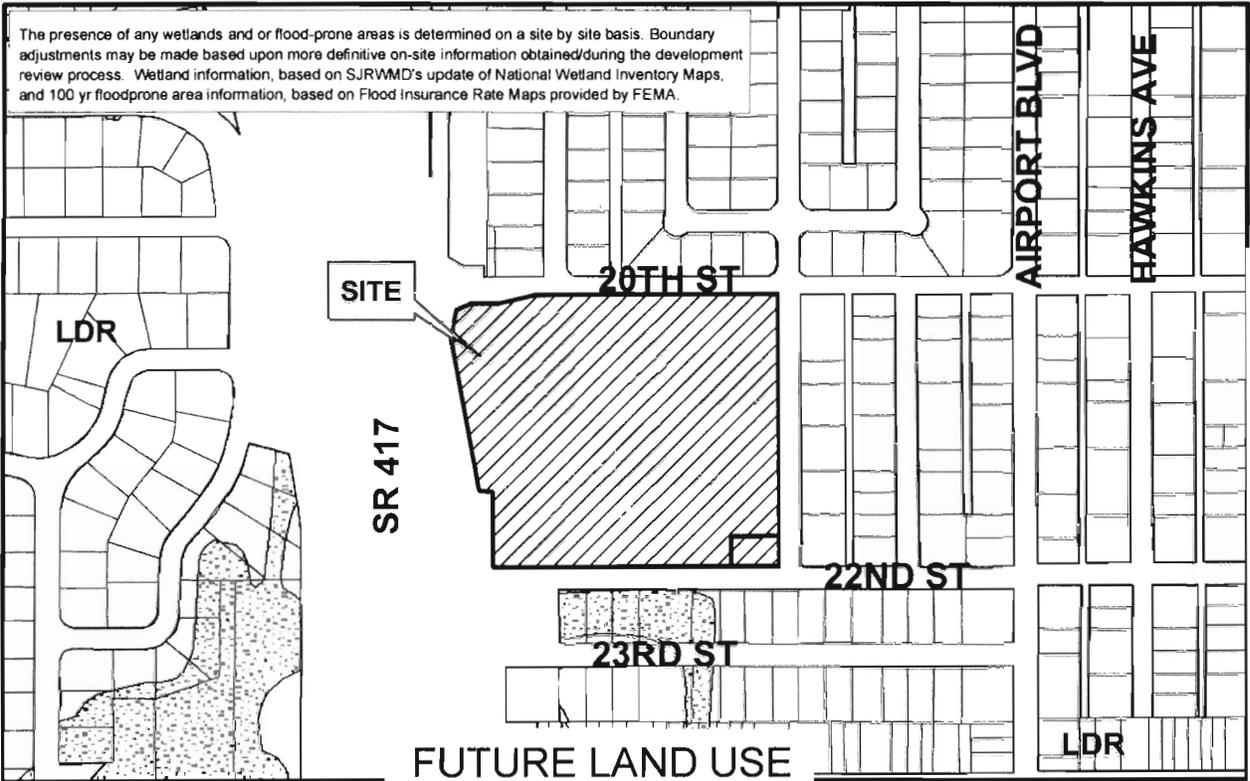
Staff recommends APPROVAL of the request to rezone 9.90 ± acres, , located northwest of 22nd Street and Jones Avenue, from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling), and recommends approval of the attached Development Order.



VOLUSIA COUNTY



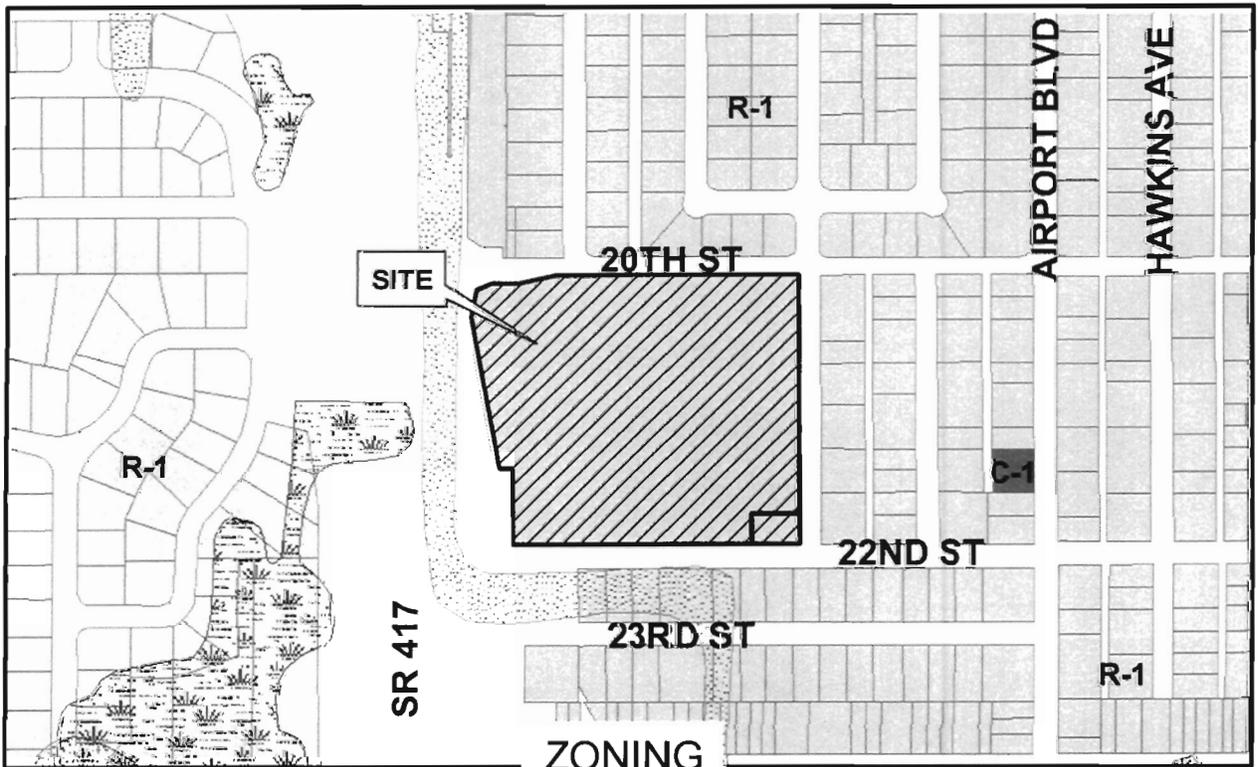
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR Site CONS Municipality

Applicant: Kevin Roy
 Physical STR: 34-19-30-503-0F00 -0010 & 0H00 - 0240
 Gross Acres: 9.90 +/- BCC District: 5
 Existing Use: LDR
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-070	R-1	R-AH



R-1 R-1A FP-1 W-1



Rezone No: Z2007-070
 From: R-1 To: R-AH
 Parcel
 Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY DEVELOPMENT ORDER

On January 22, 2008 Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

(The aforementioned legal description has been provided to Seminole County by the owner of the subject property.)

FINDINGS OF FACT

Property Owner(s): Ricardo, Henry & Rose Gilmore

Project Name: Lawson Landing Rezone

Requested Development Approval: Rezone from R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling)

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: Austin Watkins
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) This Development Order shall serve and operate as the affordability agreement required as a submittal by Section 30.290, Land Development Code of Seminole County.
- (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. Maximum sale purchase or lease prices shall not exceed the affordability prices referenced in Condition B of this development order and guidelines set forth in the SHIP State Regulations and the SHIP Local Housing Assistance Plan.
 - B. In accordance with Section 300.289, Land Development Code of Seminole County, the owner hereby covenants and agrees that all (100%) of the dwelling units constructed will be made available to low and moderate income households. No less than forty percent (40%) of the dwelling units provided shall be made available for lease or purchase by low income households.
 - C. The income levels shall be determined by the SHIP Local Housing Assistance Plan (LHAP), Section II and III. Further, the definition of "affordability" and "affordable housing" shall be based upon the SHIP Local Housing Assistance Plan (LHAP).
 - D. The developer shall provide documentation proving that the purchaser or lessee of the dwelling units meet the income guidelines, as established by the R-AH zoning classification and this development order. Documentation shall include, but not be limited to, affidavits by each initial purchaser or lessee indicating that they meet the established income guidelines, executed contracts for purchase or executed lease agreements. The documentation shall be provided to the County's Planning Division after every 10 homes are sold or leased.
 - E. The developer will record restrictive covenants for each parcel restricting the use of the property to low or moderate income households in accordance with paragraph B above for a period of no less than 10 years to ensure that the future sales or leases of the dwelling units will be to families of the same income category (low or moderate income) as the original purchase or lease.
 - F. In the event that the developer violates the terms and conditions of this development order the developer shall pay a penalty to the County. The penalty

shall be in the amount of the net profit resulting to the developer from each unit sold in violation of the conditions set forth herein or \$10,000 per unit, whichever is greater.

- G. The Developer shall agree to the conditions of this development order. Exhibit "B" shall indicate the developer's agreement to this development order.

(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.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Henry Gilmore, on behalf of itself and its heirs agents, 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 Commitment Agreement.

WITNESSES:

OWNER:

Print Name: _____

Henry Gilmore

Print Name: _____

Henry Gilmore

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Ricardo Gilmore, on behalf of itself and its heirs agents, 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 Commitment Agreement.

WITNESSES:

OWNER:

Print Name: _____

Ricardo Gilmore

Print Name: _____

Ricardo Gilmore

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2007, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, Rose Gilmore, on behalf of itself and its heirs agents, 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 Commitment Agreement.

WITNESSES:

OWNER:

Print Name: _____

Rose Gilmore

Print Name: _____

Rose Gilmore

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

EXHIBIT "A"**Legal Description****PARCEL I:**

Lots 1 to 24 incl., Block F, TOGETHER WITH vacated alley lying within said Block F, Less that part deeded to Seminole County, Florida, by deed recorded in Official Records Book 4424, page 1856; Lots 1 to 24 incl., Block G, TOGETHER WITH vacated alley lying within said Block G; and Lots 1 to 24 incl., Block H, TOGETHER WITH vacated alley lying within said Block H, LESS the East ½ of vacated alley lying West of Lot 24, 1ST ADDITION TO LOCKHART'S SUBDIVISION, TOGETHER WITH vacated Myers Avenue lying between said Block F and Block G and vacated Adkins Avenue lying between said Block G and H, according to plat thereof recorded in Plat Book 4, page 26, public records of Seminole County, Florida.

LESS and EXCEPT right-of-way along the West and Northwest for Airport Boulevard Extension as per Official Records Book 4441, Pages 1925 thru 1926 of the public records of Seminole County, Florida.

-AND-

PARCEL II:

Lot 24, Block h, 1ST ADDITION TO LOCKHART'S SUBDIVISION, according to plat thereof recorded in Plat Book 4, Page 26, TOGETHER WITH the East 1/2 of vacated alley abutting on the West side thereof.

DEVELOPMENT ORDER #

07-20000014

EXHIBIT "B"



November 19, 2007

Austin Watkins
Project Manager
Seminole County Government
Planning Division
1101 East 1st Street
Sanford, Florida 32771

RECEIVED NOV 19 2007

Re: Letter for affordability agreement

Dear Mr. Watkins

This shall serve as the developer's consent to agree to the Development Order/Affordability Agreement. The development order in reference is 07-20000014 dated January 22, 2008. R and K Construction agrees that all dwelling units will be sold or rented at a price that is affordable to households of low and moderate income and at least 40% of all dwelling units will be sold or rented at a price affordable to households of low income. The income limits will be determined by the area median income (AMI) as set by HUD and the SHIP Local Housing Assistance Plan (LHAP).

R&K will also consider, and desires to explore the possibilities of developing a joint partnership with the county under its Vision 2020 Comprehensive Plan "Objective Housing 4 Public Private Partnership Program" to include the offering of affordable dwelling units to households with very low and low income households on this project, provided that any available funds through federal and state housing subsidy programs, or the County's Affordable Housing Trust Fund can subsidize different elements of this project as stated in its HSG 4.1 policy, and that this consideration would not effect the time-line of the rezoning or site plan approval process that is underway for this property.

Should you have any questions or need additional information please feel free to contact me at your earliest convenience at 407-268-3701

Sincerely,

A handwritten signature in black ink that reads 'Kevin Roy'.

Kevin Roy
Managing Partner

Experience makes a difference...



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 R-1 (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION THE R-AH (AFFORDABLE HOUSING DWELLING) 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 "Lawson Landing 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 R-1 (Single-family Dwelling) to R-AH (Affordable Housing Dwelling):

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 and recording of Development Order #07-20000014.

ENACTED this 22nd day of January 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

PARCEL I:

Lots 1 to 24 incl., Block F, TOGETHER WITH vacated alley lying within said Block F, Less that part deeded to Seminole County, Florida, by deed recorded in Official Records Book 4424, page 1856; Lots 1 to 24 incl., Block G, TOGETHER WITH vacated alley lying within said Block G; and Lots 1 to 24 incl., Block H, TOGETHER WITH vacated alley lying within said Block H, LESS the East ½ of vacated alley lying West of Lot 24, 1ST ADDITION TO LOCKHART'S SUBDIVISION, TOGETHER WITH vacated Myers Avenue lying between said Block F and Block G and vacated Adkins Avenue lying between said Block G and H, according to plat thereof recorded in Plat Book 4, page 26, public records of Seminole County, Florida.

LESS and EXCEPT right-of-way along the West and Northwest for Airport Boulevard Extension as per Official Records Book 4441, Pages 1925 thru 1926 of the public records of Seminole County, Florida.

-AND-

PARCEL II:

Lot 24, Block h, 1ST ADDITION TO LOCKHART'S SUBDIVISION, according to plat thereof recorded in Plat Book 4, Page 26, TOGETHER WITH the East 1/2 of vacated alley abutting on the West side thereof.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 22, 2008, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Ricardo, Henry & Rose Gilmore

Project Name: Lawson Landing Rezone

Requested Development Approval: The applicant is requesting a rezone for 9.90 ± acres, located northwest of 22nd Avenue and Jones Avenue, from R-1 (Single-Family Dwelling) to R-AH (Affordable Housing Dwelling).

The Board of County Commissioners has determined that the requested rezone to R-AH (Affordable Housing Dwelling) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Lawson Landing Rezone" and all evidence submitted at the public hearing on January 22, 2007 regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone to R-AH 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: _____
Brenda Carey, Chairman

EXHIBIT "A"**Legal Description****PARCEL I:**

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LESS and EXCEPT right-of-way along the West and Northwest for Airport Boulevard Extension as per Official Records Book 4441, Pages 1925 thru 1926 of the public records of Seminole County, Florida.

-AND-

PARCEL II:

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SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: November 16, 2007

RE. Z2007-070 Lawson Landing 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 – 9.9 acres located on northwest of 22nd Avenue and Jones Road. The applicant is proposing to construct an approximately 61 unit single-family subdivision, at a density of approximately 6.1 dwelling units per net buildable acre (which is allowable under the current FLU only as an affordable housing).
Parcel ID #: 34-19-30-503-0H00-0240; 34-19-30-503-0F00-0010.

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	
61		61		0	
<i>Student Generation</i>					
<i>Impacted Schools</i>	<i>Projected Number of Additional Students</i>	<i>Current Capacity 10/12/2007</i>	<i>Current Enrollment 10/12/2007</i>	<i>Percent Utilization</i>	<i>Students Resulting from Recently Approved Developments</i>
Elementary Northwest Cluster	14	4,283	4,333	101.2%	154
Middle Greenwood Lakes	7	1,240	1,117	90.1%	22
High Lake Mary	9	2,851	2,553	89.5	39

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.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address. # 34-19-30-503-0F06-0010

Name: Ricardo L. Gilmore + Rose G Derrum Name: _____
Address: 2220 N. Riverside Dr. Tampa Fl. 33602 Address: _____
Phone #: 813-314-4502 Phone #: _____

34-19-30-503-0H00-0240

Name: Ricardo L. Gilmore + Henry F. Gilmore Name: _____
Address: 2220 N. Riverside Dr. Tampa, FL 33602 Address: _____
Phone #: 813-314-4502 Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: <u>N/A</u>	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: <u>N/A</u>	_____
Trustees: _____	Beneficiaries: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

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4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: N/A Name of Partnership: _____
 Principal: _____ Principal: _____
 Address: _____ Address: _____
 (Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: RHK Construction Group, LLC Contract Vendee: _____
1006 West 25th St
 Name: Sanford, Fl. 32771 Name: _____
 Address: Kevin Roy Address: _____
 (Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

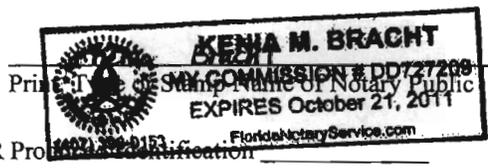
11/21/07
 Date

Kevin Roy
 Owner, Agent, Applicant Signature

STATE OF FLORIDA
 COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 21st day of November, 2007 by _____

[Signature]
 Signature of Notary Public



Personally Known to me OR Produced by _____
 Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____