

ITEM # \_\_\_\_\_

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

**SUBJECT:** ETOR PUD (Planned Unit Development) Major Amendment

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

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

<b>Agenda Date</b> <u>2/06/2007</u>	<b>Regular</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Special Hearing – 6:00</b> <input type="checkbox"/>	<b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>	

**MOTION/RECOMMENDATION:**

- RECOMMEND DENIAL** of the PUD Major Amendment and Revised Final Master Plan for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd, based on staff findings (Robert Horian, applicant); or
- RECOMMEND APPROVAL** of the PUD Major Amendment and Revised Final Master Plan for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd (Robert Horian, applicant); or
- CONTINUE** the item to a time and date certain.

District #5 – Commissioner Carey

Austin Watkins, Senior Planner

**BACKGROUND:**

The ETOR PUD (Planned Unit Development) was originally approved in 1994 as a multi-use Office, Retail and Multi-Family development. In 1994 Tract "C" was approved for 12.41 acres of Office. At this time, the applicant, Robert Horian, is requesting to amend the approved uses of Tract "C" from Office to Multi-Family and increase the density within Tract "C".

Tract "C" is approved for 5.47 acres of Office, 3.00 acres of Neighborhood Commercial and 3.94 acres of attached single-family residential. The applicant is proposing to reduce the office uses allowed from the approved 5.47 acres to the existing-built 2.53 acres of office and allow for a seven story (six floors of residential on top of one floor of parking) 80 dwelling unit condominium development to

<b>Reviewed by:</b>	<u>[Signature]</u>
<b>Co Atty:</b>	<u>[Signature]</u>
<b>DFS:</b>	_____
<b>OTHER:</b>	<u>[Signature]</u>
<b>DCM:</b>	_____
<b>CM:</b>	_____
<b>File No.</b>	<u>Z2006-78</u>

be constructed on the remaining 2.94 acres. The proposed seven (7) story condominium will be located on the north side of S. Sun Drive and is labeled Tract C-2 on the Revised Final Master Plan.

In 2004, Tract C-4 was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The applicant is also requesting to change the 3.94 acres approved for townhomes to condominiums and increase the number of approved dwelling units from 39 to 108. This tract is on the south side of N. Sun Drive and is labeled Tract C-4 on the Revised Final Master Plan.

The applicant's request would increase the net density for Tract C-4 from 12.26 dwelling units per net buildable acre to 33.96 dwelling units per net buildable acre and change Tract C-2 from office to residential condominiums, with a net density of 34.04 dwelling units per net buildable acre.

Section 30.451(d) of the Seminole County Land Development Code limits building height to 35, unless otherwise approved by the Board of County Commissioners. The current PUD Agreement limits the maximum building height of residential development adjacent to Tract "F" (retention pond to the south) to two stories and all other residential development to 35' and three stories. The applicant is requesting to amend the maximum building height to 75' (seven stories) for Tract C-2 and 50' (four stories) for Tract C-4 (adjacent to Tract "F").

Additionally, the applicant is proposing to amend the setbacks for residential development per the table below:

<b>Zoning Requirement</b>	<b>Existing Zoning</b>	<b>Proposed Amendment Tract C-2</b>	<b>Proposed Amendment Tract C-4</b>
Front Yard Setback	25 feet (C-2) 35 feet (C-4)	25 feet	25 feet/one-story 45 feet/four-story
Side Yard Setback	0 feet (C-2) 35 feet (C-4)	10 feet	15 feet adjacent to retail or office 25 feet adjacent to multi-family
(Street) Side Yard Setback	25 feet (C-2) 35 feet (C-4)	25 feet	25 feet/one-story 45 feet/four-story
Rear Yard Setback	10 feet (C-2) 35 feet (C-4)	10 feet	0 feet

The applicant is proposing to provide the required 25% common open space for Tract C-2 through the creation of a dogwalk and a residential rooftop amenity. The common open space for Tract C-4 would include a club house, recreation area and pool with spa.

**STAFF RECOMMENDATION:**

Staff recommends denial of the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer's Commitment Agreement, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd, based on staff findings.

**Attachments:**

- Location Map
- Zoning and Future Land Use Map
- Aerial Map
- Surrounding Intensities and Maximum Allowable Building Height Map
- Denial Development Order (applicable if the request is denied)
- Revised Final Master Plan
- ETOR PUD Developer's Commitment Agreement
- School Capacity Analysis

<b>ETOR PUD Major Amendment</b>	
<b>APPLICANT</b>	Robert Horian, Suncor Properties
<b>PROPERTY OWNER</b>	Suncor Properties, Regal Point Park North and Rivera Townhome Association
<b>REQUEST</b>	Major Amendment to the ETOR PUD to allow for an increase in the maximum building height, modification of internal setbacks, increased residential densities and amending office to residential uses.
<b>PROPERTY SIZE</b>	6.75 ± acres
<b>HEARING DATE (S)</b>	P&Z: February 6, 2008      BCC: March 11, 2008
<b>PARCEL ID</b>	18-20-30-520-0A00-0000; 18-20-30-521-0A00-0000
<b>LOCATION</b>	S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd
<b>FUTURE LAND USE</b>	PD (Planned Development)
<b>ZONING</b>	PUD (Planned Unit Development)
<b>FILE NUMBER</b>	Z2006-78
<b>COMMISSION DISTRICT</b>	#5 – Carey

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (PUD)</b>	<b>Proposed Zoning (PUD)</b>
Minimum Lot Size	N/A	N/A
Minimum House Size	N/A	N/A
Front Yard Setback	35 feet (C-4) 25 feet (C-2)	25 feet/one-story (C-4) 45 feet/four-story (C-4) 25 feet (C-2)
Side Yard Setback	35 feet (C-4) 0 feet (C-2)	15 feet adjacent to retail or office (C-4) 25 feet adjacent to multi-family (C-4) 10 feet (C-2)
(Street) Side Yard Setback	35 feet (C-4) 25 feet (C-2)	25 feet/one-story (C-4) 45 feet/four-story (C-4) 25 feet (C-2)
Rear Yard Setback	35 feet (C-4) 10 feet (C-2)	0 feet (C-4) 10 feet (C-2)
Maximum Building Height	35 feet (C-4) 35 feet (C-2)	50 feet/four-story (C-4) 75 feet/seven-story (C-2)

**PERMITTED & SPECIAL EXCEPTION USES**

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

<b>Zoning District</b>	<b>Permitted Uses</b>	<b>Special Exception</b>
<b>PUD (existing)</b>	<p>Tract C-4, individually-owned townhouses on fee-simple lots.</p> <p>Tract C-2, Dental and medical clinics, dental and medical laboratories. General office buildings. Insurance, real estate, architects, engineering, attorneys, and other professional business services. Accounting, auditing and bookkeeping services, finance offices. Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings. Churches and attendant educational buildings. Day care facilities, kindergartens. Public and private elementary schools, middle schools and high schools. Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.</p>	<p>Tract C-2, Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted and no residence shall occupy ground-floor frontage. Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted. Public utility and service structures. Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet. Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet. Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet. Communication towers.</p>
<b>PUD (proposed)</b>	<p>Multiple-story apartments and their customary accessory and personal service uses, apartment dwellings having no commercial business connected therewith, but may be equipped to serve meals to their tenants, general office buildings, motels when located on officially designed State or Federal highway and public and private elementary schools.</p>	<p>Any special exception permitted in the R-4 zoning district. Public and private middle and high schools, churches, water and sewer treatment plants, adult living and group homes, hospitals, sanitariums, convalescents, groups homes, communication towers and private recreational facilities constructed as an accessory use to civic, fraternal or social organizations.</p>

## COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding property within the ETOR PUD includes commercial (C-1 and CN uses), multi-family and professional office uses. The property to the north and east of the subject property is approved for commercial and professional office uses. South of the subject properties are a retention pond (Tract F), single-family and multi-family developments within the Greenwoods Lakes PUD and ETOR PUD. Tract E of the ETOR PUD is located south of Tract C-2 and abuts Tract C-4 on the western property boundary. Tract E is approved for multi-family residential and has a maximum building height of 35' and a net buildable density of 17.6 dwelling units per acre.

The Seminole County Comprehensive Plan, Vision 2020 Policy FLU 2.11 provides a methodology for determining compatibility in the Planned Unit Development (PUD) Zoning Classification. The policy states that, "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."

Staff has reviewed the request for compatibility with surrounding properties and has identified density and building height as two major concerns that have resulted in our recommendation of denial. Staff's concerns are addressed in detail below and a map depicting the approved building heights and densities for the surrounding area is attached.

### Density

Tract C-2 is 2.94 acres and is currently approved for office uses. The requested Major Amendment would allow 80 condominium units in a seven story building. The proposed net density for Tract C-2 is 34.04 dwelling units per net buildable acre and the requested maximum building height is 75 feet. The maximum densities within a ½ mile radius from the site range from 3.0 to 17.6 dwelling units per acre. Tract E, immediately south of Tract C-2 across Sun Drive, contains a 3-story apartment complex with a net density of 17.6 dwelling units per acre. The proposed Major Amendment represents an increase in net density from 17.6 dwelling units per net acre on Tract E to 34.04 dwelling units per acre on Tract C-2, which is an almost 100% increase. At the same time, the applicant is also requesting to reduce the required setback adjacent to Sun Drive, across from Tract E, from 35' to 25', with a 10' landscape buffer.

Tract C-4 is 3.94 acres and in 2004, it was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The requested Major Amendment is for 108 condominiums with a net density of 33.9 dwelling units per net buildable acre and a maximum building height of 45'. The proposed amendment represents a nearly 100% increase from the established density of 17.6 dwelling units per acre in Tract E, which is adjacent to Tract C-4 on the western property line. At the same time, the applicant is also requesting to reduce the required

setback adjacent to Tract E (west), from 35' to 25' and the setback adjacent to Tract F (south) from 35' to 0'.

### **Building Height**

The area surrounding the subject property has a maximum building height of 35' within unincorporated Seminole County. The surrounding properties in the City of Lake Mary have a maximum building height of 40' to 55'6". The tallest building within a ½ mile radius of the subject property is the Sandefur Professional Office Building, located at 740 North Sun Drive. The Sandefur building is approved for a maximum building height of four stories, not to exceed 55 feet and 6 inches and was approved as a conditional use by the City of Lake Mary.

The proposed Major Amendment is for a 75' building on Tract C-2 and a 45' building on Tract C-4. The proposed 75' constitutes an increase of 20' and three stories above the maximum building height approved for the Sandefur building. Additionally, the proposed amendment would result in an increase in the maximum allowable building height from 35' on Tract E to 75' on Tract C-2. The increase in maximum allowable building height for Tract C-2 versus Tract E represents over a 100% increase in maximum allowable building height. It would also allow 50', four story buildings adjacent to Tract F, with a 0' setback. All development adjacent to Tract F is currently limited to a maximum of two stories, with a 35' setback.

The proposed setbacks are also not consistent with surrounding properties. The Sandefur building has a setback of 80' from Sun Drive and has a maximum building height of 4-stories or 55 feet and 6 inches. Tract E of the ETOR PUD has a 45' setback from Sun Drive and has a maximum allowable building height of 35'.

### **Staff Conclusions**

Staff has determined that the proposed increases in density and building height, coupled with the proposed setback reductions, do not provide an appropriate transition to adjacent properties and are not compatible with surrounding development patterns. The proposal constitutes nearly a 100% increase in net density for both Tract C-2 and C-4 versus any currently approved developments within a ½ mile radius of the site. The proposed building heights are also not consistent with the surrounding one-story retail developments to the north and east and three-story residential development to the south and west.

**SITE ANALYSIS:**

**PUBLIC FACILITY IMPACTS**

*Transportation / Traffic:*

The property proposes access on to Sun Drive, which is classified as a local road. Sun Drive 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 School Capacity Analysis is attached for reference.

*Buffers and Sidewalks:*

The applicant is providing a 10' average buffer for the internal property lines and a 10' buffer adjacent to Sun Drive. There is an existing 5-foot sidewalk on Sun Drive.

**APPLICABLE POLICIES:**

**Fiscal Impact Analysis**

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

**Special Districts**

The site is not located within any special or restrictive overlay districts.

**Comprehensive Plan (Vision 2020)**

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

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

- Policy FLU 2.11: Determination of Compatibility in the PUD Zoning Classification
- Policy FLU 5.2: Mixed Commercial/Residential Use Development
- 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: Extension of Service to New Development
- Policy SAN 4.4: Extension of Service to New Development

**INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notices were sent to the Seminole County School Board and the City of Lake Mary on December 31, 2007.

**LETTERS OF SUPPORT OR OPPOSITION:**

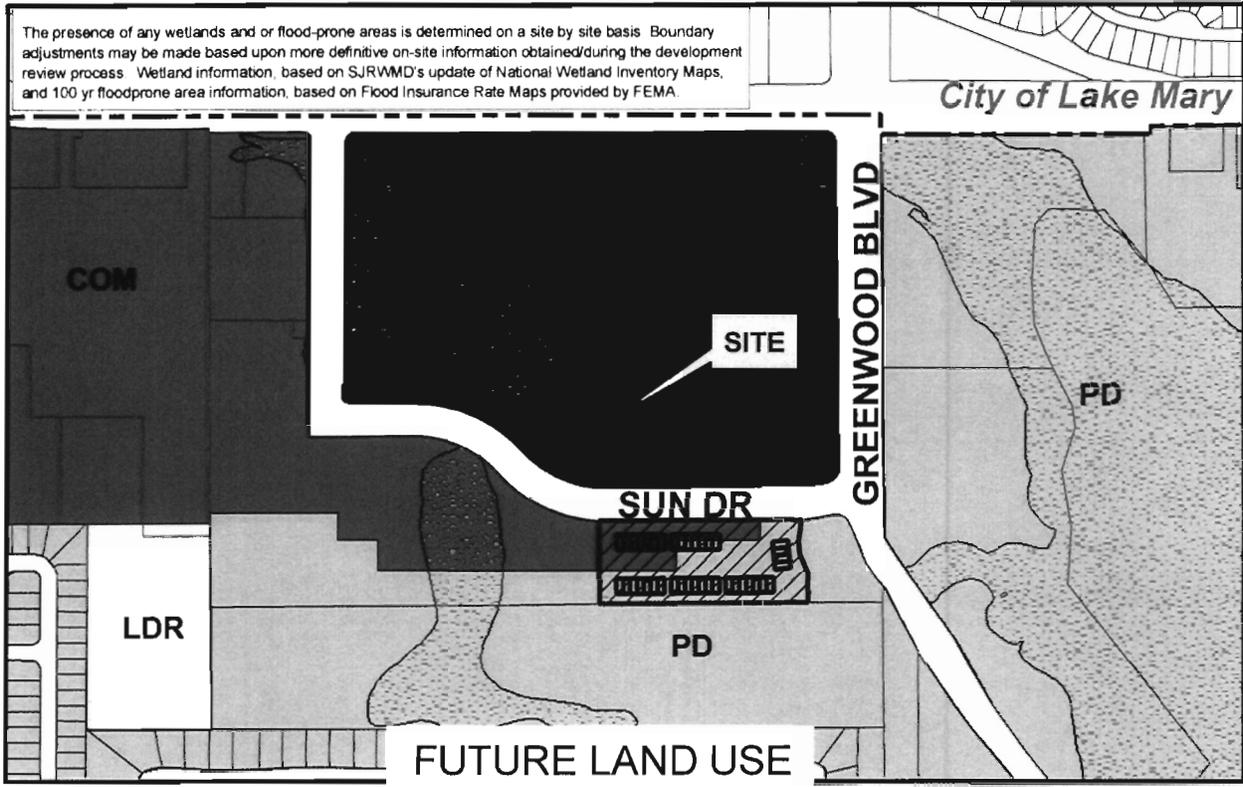
Staff has not received any letters of concern.

**STAFF RECOMMENDATION:**

Staff recommends denial of the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer's Commitment Agreement, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd, based on staff findings.



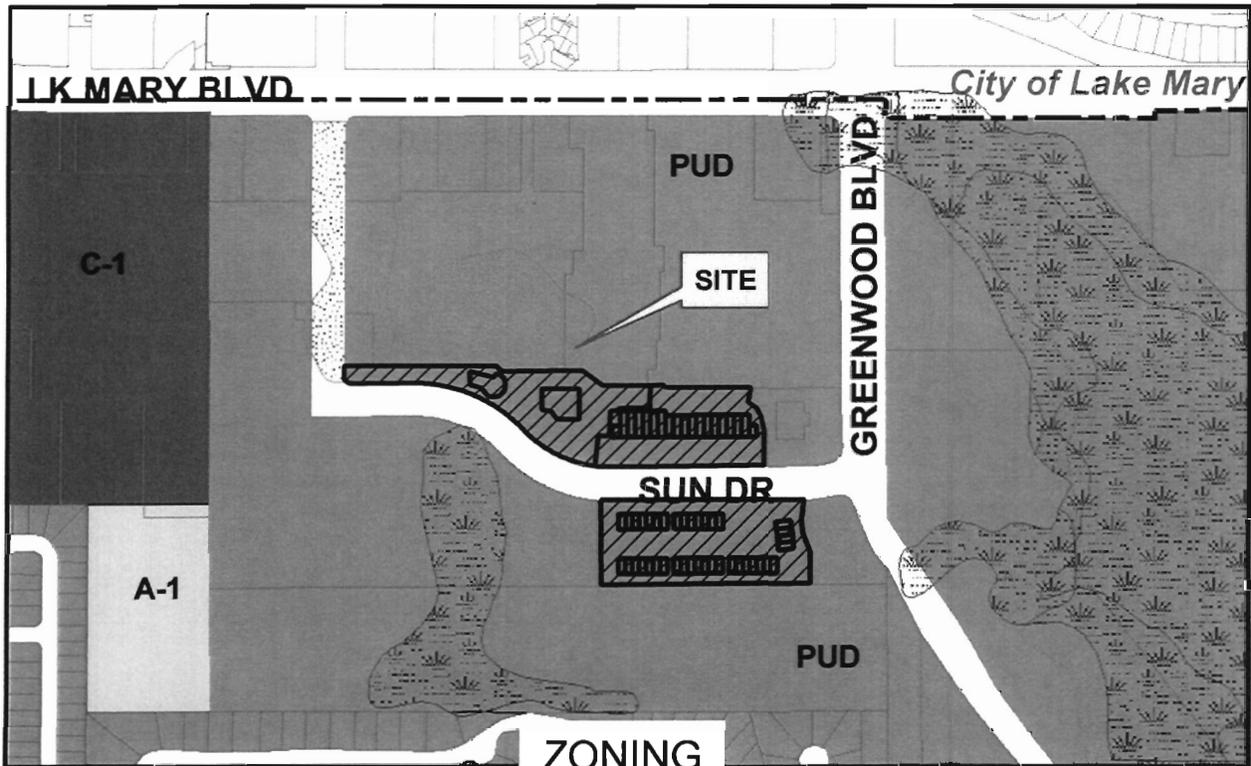
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



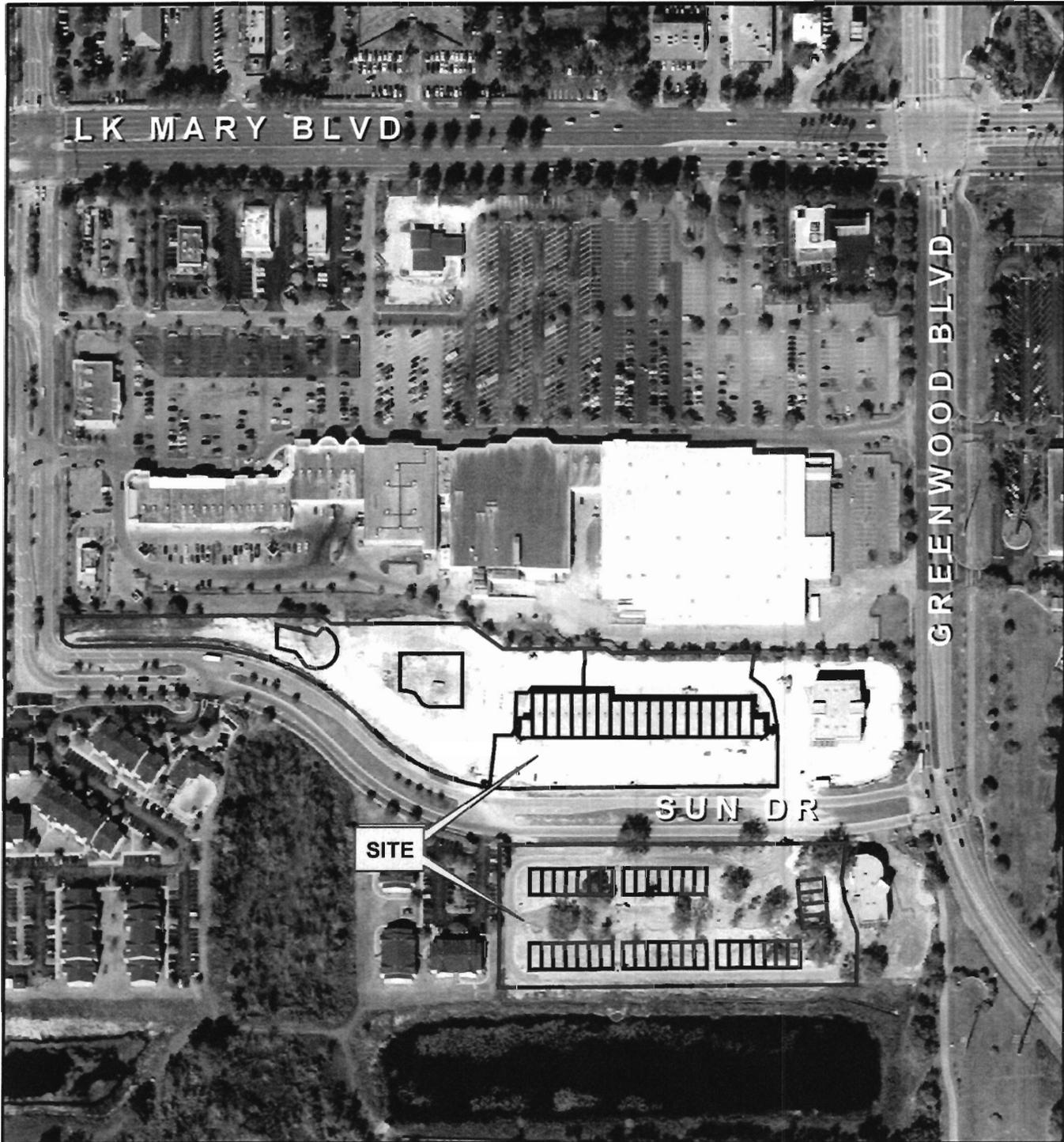
LDR ■ COM ■ PD ■ Site ■ CONS ..... Municipality

Applicant: Robert Horian  
 Physical STR: 18-20-30  
 Gross Acres: 16.29 +/- BCC District: 4  
 Existing Use: office  
 Special Notes:

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-078	PUD	PUD



A-1 ■ C-1 ■ PUD ■ FP-1 ■ W-1



Rezone No: Z2006-078

From: PUD To: PUD

 Parcel

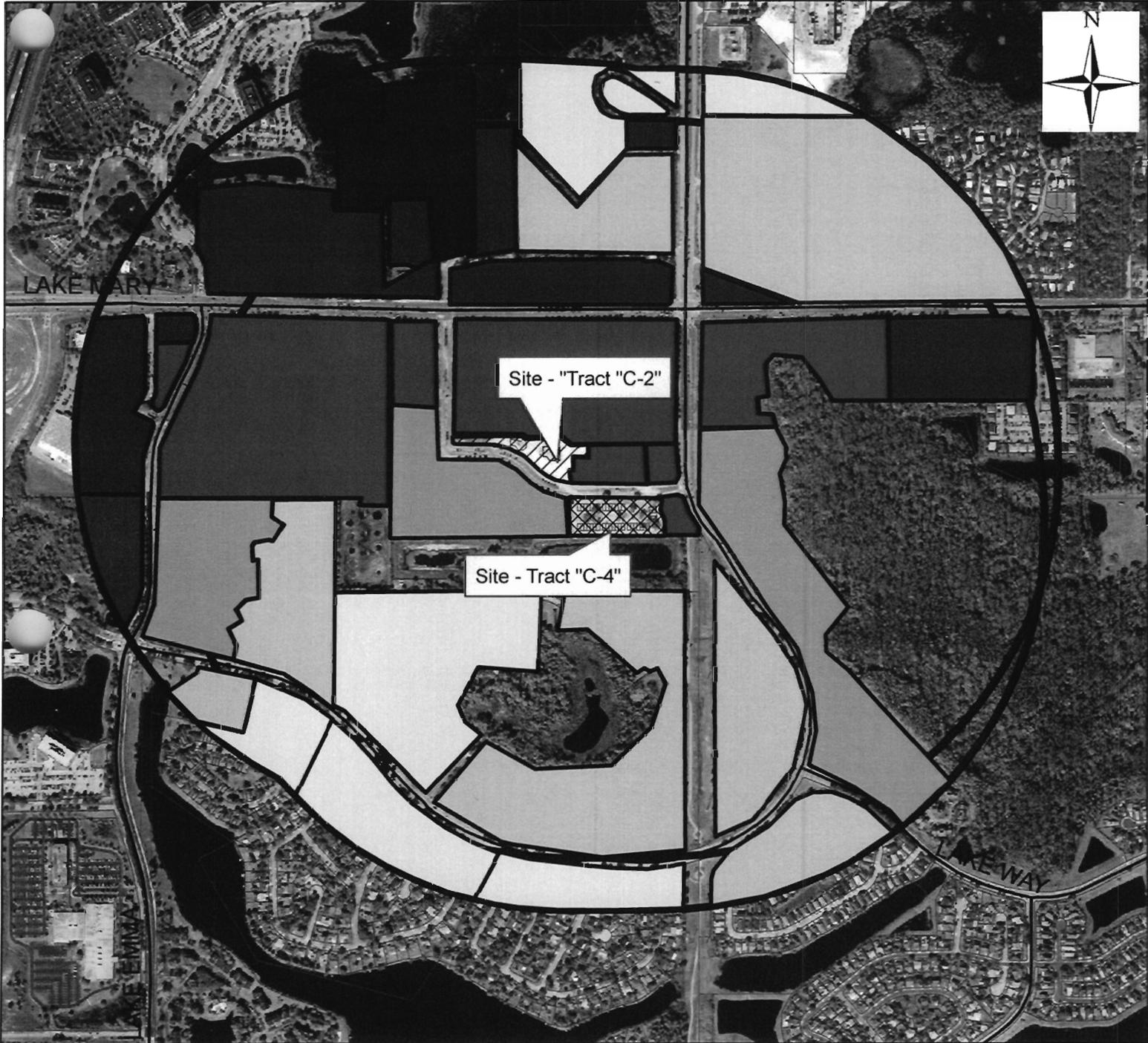
 Subject Property



Winter 2006 Color Aerials

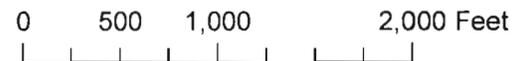
# ETOR PUD Major Amendment

## Surrounding Densities and Maximum Allowable Heights



### Legend

-  Residential less than 4 du/ac and 35' maximum building height
-  Residential between 4 du/ac and 10 du/ac and 35' maximum building height
-  Residential more than 10 du/ac and 35' maximum building height
-  Non-Residential, 35' maximum building height
-  Non-Residential, 40' maximum building height
-  Non-Residential, 45' maximum building height
-  Non-Residential, 56' maximum building height



**ETOR PROPERTIES**  
**PLANNED UNIT DEVELOPMENT**  
**COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTIONS**  
APPROVED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS  
ON JULY 30, 1991

FILED IN OFFICE  
CITY COMMISSIONERS  
91 AUG 14 AM 11:20  
CLERK TO BOARD OF  
SEM. COUNTY  
BY *[Signature]*  
D.C. DEPUTY CLERK

CERTIFIED COPY  
MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEM. COUNTY, FLORIDA

**I. LEGAL DESCRIPTION**

From the East 1/4 Corner of Section 18, Township 20 South, Range 30 East, Seminole County, Florida, run North 00°34'14" West, along the East line of the Northeast 1/4 of said Section 18, a distance of 663.57 feet to the South line of the North 3/4 of the Northeast 1/4 of said Section 18, for a POINT OF BEGINNING, thence continue North 00°34'14" West, 382.24 feet to a point on a curve thence run Northwesterly along said curve concave Northeasterly having a radius of 1540.00 feet, a central angle of 06°39'34", a chord bearing of North 25°11'40" West, for an arc distance of 178.99 feet, thence run North 21°51'53" West, 11.46 feet, thence run Northwesterly along a curve concave Easterly having a radius of 1044.32 feet, a central angle of 21°17'40", a chord bearing of North 11°13'03" West, for an arc distance of 388.13 feet run North 00°34'13" West, 967.25 feet, thence run Northwesterly along a curve concave Southwesterly having a radius of 50.00 feet, a central angle of 89°37'27", a chord bearing of North 45°22'57" West, for an arc distance of 78.21 feet to a point on the South Right-of-Way line of Lake Mary Blvd., said South Right-of-Way being 40.00 feet South and parallel with the North line of the Northeast 1/4 of said Section 18, thence run South 89°48'19" West, along said Right-of-Way line 1949.36 feet to the East line of the West 389.498 feet of said Northeast 1/4 of Section 18, thence run South 00°21'16" East, along said East line 1959.52 feet to the South line of the North 3/4 of said Northeast 1/4, same being the North line of GREENWOOD LAKES UNIT 2, according to the Plat thereof as recorded in Plat Book 22, Pages 2 and 3, of the Public Records of Seminole County, Florida, thence run South 89°34'16" West, along said South line of the North 3/4 a distance of 770.81 feet to the Northeast corner of Lot 17, GREENWOOD LAKES UNIT 2 FIRST ADDITION, according to the Plat thereof as recorded in Plat Book 23, Page 52, said Public Records of Seminole County, Florida, thence run South 18°30'27" West, along the Easterly line of said Lot 17, a distance of 102.83 feet (Plat distance of 103.69 feet) to the North line of MORNING GLORY DRIVE as shown on said Plat of GREENWOOD LAKES UNIT 2 FIRST ADDITION, thence run Northeasterly along MORNING GLORY DRIVE and a curve concave Northwesterly having a radius of 166.82 feet, a central angle of 11°18'48", a chord bearing of North 51°16'56" East, for an arc distance of 32.94 feet to a point of reverse curve, thence run along a curve concave Southeasterly having a radius of 275.00 feet, a central angle of 44°00'00", a chord bearing of North 67°34'16" East, for an arc distance of 211.18 feet to the Northeast corner of said Plat of GREENWOOD LAKES UNIT 2 FIRST ADDITION, said Northeast corner being on the South line of the North 3/4 of said Northeast 1/4, thence run North 89°34'16" West, 1136.58 feet to the Point of Beginning. Containing 90.20 acres. Less the additional right-of-way for Lake Mary Boulevard.

II. STATEMENT OF BASIC FACTS

Commercial Area	31.99 Acres
Office Area	15.00 Acres
Residential Area	17.08 Acres
Retention, Recreation & Open Space	19.81 Acres
Right-of-Way	6.32 Acres
Total Area	90.20 Acres
Residential Density	17.6 D.U.A.

III. TRACT SUMMARY

<u>TRACT DESIGNATION</u>	<u>LAND USE</u>	<u>AREA</u>	<u>% OF SITE</u>
A	Commercial	2.08 Acres	2%
B	Office	2.59 Acres	6%
C	Office	12.41 Acres	11%
D	Commercial	29.91 Acres	33%
E	Residential-300 Units	17.08 Acres	19%
F	Recreation/Open Space Retention	19.81 Acres	22%
R.O.W.	Public Street	<u>6.32 Acres</u>	<u>7%</u>
	TOTAL	90.20 Acres	100%

IV. SPECIFIC USES

Residential: Uses consist of residential dwelling units plus the following additional uses: day care facilities, churches and adult congregate living facilities and group homes.

Office: Will comply with Seminole County OP zoning.

Commercial: Will comply with Seminole County C-2 zoning excluding the following permitted uses: outdoor advertising signs. And excluding the following conditional uses: drive-in theatres, flea markets-open air, paint and body shops, and adult entertainment establishment.

V. OPEN SPACE

Tract "F" Recreation/Retention/Open Space 19.81 Acres

Use of area is limited to the residents of Etor Properties and their guests.

20% of Tract "E" (17.08 Acres) 3.42 Acres

Use of area is limited to the residents of Tract "E".

TOTAL OPEN SPACE 23.23 Acres

VI. BUILDING RESTRICTIONS

Residential: Building Height: 35 Feet Maximum  
Number of Stories: One, Two and Three  
Limited to two story first tier adjacent to Tract "F".

BUILDING SETBACKS

Lake Mary Blvd.:		50 Feet
Sun Drive:	Commercial:	25 Feet
	Office:	25 Feet
	Residential:	25 Feet - Single Story
		35 Feet - Two Story
		45 Feet - Three Story
Greenwood Blvd.:	Commercial:	25 Feet
	Residential:	25 Feet - Single Story
		35 Feet - Two Story
		45 Feet - Three Story
Commercial Use:	Front:	25 Feet
	Side:	0 Feet
	Rear:	10 Feet
Office Use:	Front:	25 Feet
	Side:	0 Feet
	Rear:	10 Feet
Residential:	Front:	25, 35 and 45 Feet
	Side:	25, 35 and 45 Feet
	Rear:	0 Feet Adjacent to Tract "F"

BUFFERS

Lake Mary Blvd.:	15 Ft.
Greenwood Blvd.:	5 Ft. and 15 Ft. (Lake Mary Blvd. Gateway Corridor)
South Property Line:	100 Ft. Natural Buffer
Office Use:	10 Ft. Abutting Residential

A 6 foot high masonry block wall will be installed on the north side of the 100 foot natural buffer as shown on the Final Master Plan. Except as precluded by environmentally sensitive areas.

VII. VEHICULAR AND PEDESTRIAN TRAFFIC

- a. The Developer shall dedicate a 105 ft. right-of-way for the extension of Sun Drive from Lake Mary Boulevard to Greenwood Boulevard.
- b. The Developer shall dedicate an additional 52 ft. of right-of-way for Lake Mary Boulevard for a total 1/2 right-of-way width of 92 feet.
- c. The Developer shall dedicate a cross access easement through Tract D from Sun Drive eastward to Greenwood Boulevard.
- d.
  1. At the intersection of Lake Mary Boulevard and Greenwood Boulevard, construct a second northbound and southbound through lane on Greenwood Boulevard, a second westbound left turn lane on Lake Mary Boulevard and a continuous right turn lane on Lake Mary Boulevard from the northwest property corner to Greenwood Boulevard.
  2. At the intersection of Lake Mary Boulevard and Sun Drive, install an eight-phase traffic signal.
  3. At the intersection of Greenwood Boulevard and Sun Drive, install an eight-phase traffic signal.
  4. All roadway improvement commitments above will be completed prior to first C.O.
- e. Five foot wide pedestrian sidewalks will be provided along Sun Drive through the development as per the typical section shown on the Final Master Plan.

VIII. RECREATION

Recreational facilities, both active and passive, are to be included within the development. All recreational facilities within the residential development (Tract "E"), will be installed by the developer of said tract. Specific recreational facilities to be installed are swimming pool, tennis court, and jogging trail. These facilities will be completed prior to issuance of a C.O. for the 150th dwelling unit in the residential section.

IX. PUBLIC FACILITIES

1. Potable Water:

- a. There is an existing 12-inch water main along the west side of Greenwood Blvd. and a stubbed 12-inch water main along the south side of Lake Mary Blvd. at the northwest corner of the project and the northeast corner of the project. A proposed 12-inch water main will be constructed along the westerly and southerly side of Sun Drive from Lake Mary Blvd. to Greenwood Blvd. Water distribution by Seminole County. The commercial tracts, office tracts and residential tract shall be master metered for water service. Master meters will be provided for each final platted lot or tract.

2. Wastewater Collection:

- a. There is an existing 12-inch gravity sanitary sewer main along Greenwood Blvd. within the Florida Power Corporation easement. The tie-in point for the project will be at the southeast corner of the site. Wastewater treatment by Seminole County.

3. Stormwater Management:

- a. The stormwater collection and retention system will be designed in accordance with all Seminole County and St. Johns River Water Management District criteria. A 25 year/24 hour storm event will be the basis of design for storm routing and retention. The proposed drainage facilities, easements, and retention pond for the Lake Mary Blvd. improvements located within the project will be relocated as per the Joint Use Agreement between Etor Properties Ltd. and Seminole County dated March 7, 1991. Maintenance for the stormwater retention facilities will be funded by an owners association with Seminole County participating to the extent of their regular quarterly maintenance.

4. Re-Use Water System:

- a. This project will be required to connect to the County's re-use water system for irrigation when available at the project site.

X. OTHER COMMITMENTS

- A. A voluntary payment of \$350.00 per dwelling unit at the time of "Certificate of Occupancy", to the public school impact fund.

- B. The southerly 100 feet of the property will be maintained as a natural buffer (including the triangular shape extending into the Brandermill Subdivision).
- C. The adjacent 300 feet lying north of the 100 foot wide buffer will be reserved for recreation, open space, and stormwater retention and will be limited to the Etor property residents and their guests.
- D. A six-foot high masonry wall to be constructed east and west along the northerly boundary of the 100 foot buffer and south along the westerly line of the power line easement to the south property line. No wall or other type of fencing to be done in wetland areas.
- E. The first row of all buildings constructed adjacent to Tract "F" shall not exceed two (2) stories. The remainder may be three (3) stories but no structures may exceed 35 feet in height.
- F. All access to the Etor property will be from Lake Mary Boulevard or Greenwood Boulevard.
- G. This entire project shall comply with the lighting, landscaping, and signage standards contained in the Lake Mary Boulevard Gateway Corridor Ordinance. Lake Mary Boulevard Gateway Corridor Ordinance setbacks apply only to Lake Mary Boulevard.
- H. Trash receptacles must be contained in enclosed areas, either wood or masonry.
- I. The buffer area (including the triangular shaped area) shall be conveyed to the Brandermill and Reserve Homeowners Association. The conveyance should take place upon completion of construction of the fences and walls referred to in paragraph D.
- J. Tract "F" will count toward density calculations, open space, landscaping, and setbacks for the development of the remainder of the property.
- K. If any land use changes are contemplated from the current zoning classification within the next two years, the Brandermill and Reserve Homeowners Associations shall be notified in writing at least two (2) weeks prior to any public hearings.
- L. Any commitments with the Brandermill and Reserve Homeowners Association letter dated September 11, 1990, not outlined in the above paragraphs, shall be complied with.

XI. CODES AND ORDINANCES

Unless specifically addressed in this agreement, all development shall fully comply with all codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of issuance of any permit.

XII. DEVELOPER DEFINITION

1. When the term "Developer" is used herein, the same shall apply to the specific developer as noted below in the signature block of this agreement. All obligations, liabilities, and responsibilities shall be assumed by any and all successors.

For Etor Properties, Ltd.:

Witness: *[Signature]*

*[Signature]*

Witness: \_\_\_\_\_

For Seminole County:

Witness: *[Signature]*

*[Signature]*  
Chairman of Seminole County  
Board of County Commissioners

Witness: *[Signature]*

# ETOR PROPERTIES

Planned Unit Development

## ADDENDUM #1

ADDENDUM APPROVED ON JUNE 11, 2002

The Etor Properties Planned Unit Development Commitment Agreement dated July 30, 1991, and amended on December 11, 2001, is hereby amended as follows:

### II. STATEMENT OF BASIC FACTS

Commercial Area	31.99 acres
Office Area	12.41 acres
Residential Area	17.08 acres
Mixed Office and Commercial Area	2.59 acres
Retention, Recreation & Open Space	19.81 acres
Right-of-Way	6.32 acres
Total Area	90.20 acres
Residential Density	17.6 D.U.A.

### III. TRACT SUMMARY

<u>TRACT DESIGNATION</u>	<u>LAND USE</u>	<u>AREA</u>	<u>% OF SITE</u>
A	Commercial	2.08 acres	2%
B	Office, Commercial*	2.59 acres	6%
C	Office	12.41 acres	11%
D	Commercial	29.91 acres	33%
E	Residential-300 units	17.08 acres	19%
F	Recreation, Open Space, Retention	19.81 acres	22%
R.O.W.	Public Street	<u>6.32 acres</u>	<u>7%</u>
	<b>TOTAL</b>	<b>90.2 acres</b>	<b>100%</b>

\*The Owner shall provide a six-foot high fence along the south property line which shall be constructed of split-face block. The Owner shall also provide a row of canopy trees along the south property line.

MARYANNE MORSE, CLERK OF CIRCUIT COURT  
CLERK OF SEMINOLE COUNTY

BK 04488 PG 0928

FILE NUM 2002923045

RECORDED 08/12/2002 09:18:37 AM

RECORDING FEES 15.00

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MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA

BY Eva Roach  
DEPUTY CLERK

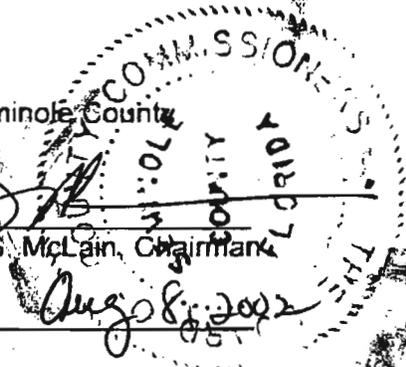
Approved and Accepted:

By: ETOR Properties LLC

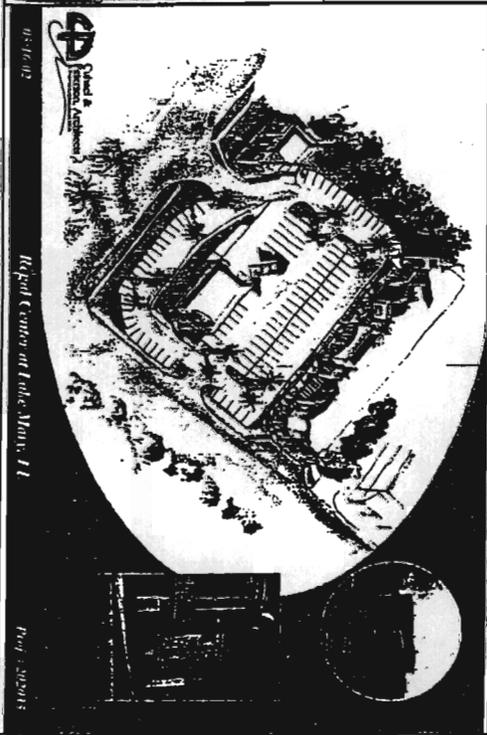
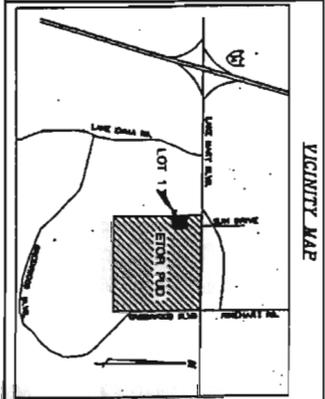
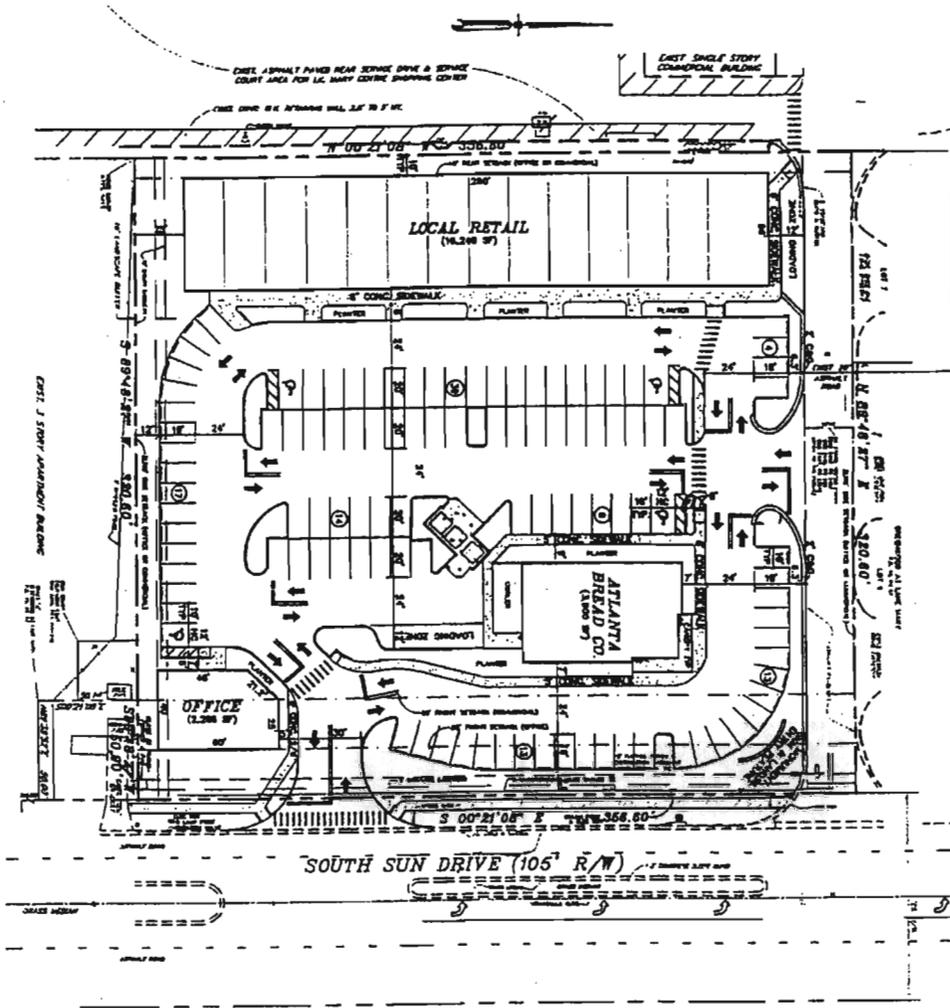
*Jeno F. Paulucci*  
Jeno F. Paulucci, Manager  
Date: 7/22/02

By Seminole County

*Daryl G. McLain*  
Daryl G. McLain, Chairman  
Date: Aug 8, 2002



FILE NUM 2002923045  
OR BOOK 04488 PAGE 0929



**SITE DATA**

1. PARCELS OF PUD MINOR AMMENDMENT TO BE REVIEWED BY THE BOARD OF PLANNING AND ZONING.	1. PARCELS OF PUD MINOR AMMENDMENT TO BE REVIEWED BY THE BOARD OF PLANNING AND ZONING.
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<p><b>Design Service Group, Inc.</b> Site Planning • Consulting Engineering • Environmental Planning</p> <p>36<sup>th</sup> SOUTH GRANT STREET LONWOOD, FLORIDA 32750</p> <p>Phone: (407) 331-3773 Fax: (407) 240-0478 E-Mail: dsgrp@dsgr.com</p>	<p>ETOR PUD MINOR AMMENDMENT EXHIBIT</p> <p><b>REGAL CENTRE</b> LOT 1, GREENWOOD AT LK MARY</p> <p>SEMINOLE COUNTY, FLORIDA</p>	<p>PREPARED FOR:</p> <p><b>SUNCOR PROPERTIES, INC.</b> 160 INTERNATIONAL PARKWAY SUITE 280 HEATHROW, FLORIDA 32746</p> <p>(407) 829-3400</p>	<p>PREPARED BY:</p> <p>DATE: NOV., 2001</p> <p>SCALE: 1" = 30'</p> <p>SHEET: 1 OF 1</p>
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RETURN TO SANDY MCCANN

**ETOR PROPERTIES**  
Planned Unit Development  
Commitments, Classifications and District Description

**ADDENDUM #2**

On June 8, 2004, the Board of County Commissioners of Seminole County issued this Addendum to the "ETOR Planned Unit Development Commitments, Classifications and District Description" (the "PUD") amending such PUD. Any aspects of that PUD not specifically amended herein or by Addendum #1 shall remain in effect as set forth in that PUD.

**II. STATEMENT OF BASIC FACTS**

Commercial Area	34.99 acres
Office Area	5.47 acres
Residential Area	21.02 acres
Mixed Office and Commercial Area	2.59 acres
Retention, Recreation & Open Space	19.81 acres
Right-of-Way	6.32 acres
Total Area	90.20 acres
Residential Density (Tract C)	9.9 D.U.A. (gross density)
	12.4 D.U.A. (net density)
Residential Density (Tract E)	17.6 D.U.A.

**III. TRACT SUMMARY**

TRACT DESIGNATION	LAND USE	AREA	% OF SITE
A	Commercial	2.08 acres	2%
B	Office, Commercial*	2.59 acres	3 %
C	Office	5.47 acres	6 %
C	Neighborhood Commercial	3.00 acres	3 %
C	Residential - 39 units	3.94 acres	4%
D	Commercial	29.91 acres	33%
E	Residential - 300 units	17.08 acres	19%
F	Recreation, Open Space, Retention	19.81 acres	22%
R.O.W.	Public Streets	6.32 acres	7%
	<b>TOTAL</b>	<b>90.20 acres</b>	<b>100%</b>

\* The Owner shall provide a six-foot high fence along the south property line which shall be constructed of split-face block. The Owner shall also provide a row of canopy trees along the south property line.

12.4/

**IV. SPECIFIC USES**

Residential (Tract E): Will comply with Seminole County R-4 zoning plus an additional use permitted will be day care facilities.

MARYANNE MORSE, CLERK OF CIRCUIT COURT  
 SEMINOLE COUNTY  
 BK 05387 PGS 0435-0438  
 CLERK'S # 2004112036  
 RECORDED 07/16/2004 10:17:07 AM  
 RECORDING FEES 35.50  
 RECORDED BY J Eckenroth

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 MARYANNE MORSE  
 CLERK OF CIRCUIT COURT  
 SEMINOLE COUNTY, FLORIDA  
 BY Eve Roub

Residential (Tract C): Shall be limited to individually-owned townhouses on fee-simple lots, together with recreational and open space amenities consistent with Seminole County usable common open space requirements. The Developer shall establish a mandatory homeowners association for the townhouse development in Tract C.

Neighborhood Commercial (Tract C):

Shall be limited to uses listed as permitted in the CN zoning classification per the Seminole County Land Development Code.

## V. OPEN SPACE

Tract "F" Recreation/Retention/Open Space	19.81 acres
Use of area is limited to the residents of ETOR Properties and their guests.	
20% of Tract "E" (17.08 Acres)	3.42 acres
Use of area is limited to the residents of Tract "E".	
25% of the residential portion of Tract "C" (3.94 acres, to be evaluated at Final Engineering)	0.99 acre
<b>TOTAL OPEN SPACE</b>	<b>24.22 acres</b>

## VI. BUILDING RESTRICTIONS

Residential (Tract "E"):

Building Height:	35 feet maximum
Number of Stories:	one, two and three
Limited to two story first tier adjacent to Tract "F".	

Residential (Tract "C"):

Building Height:	35 feet maximum
Number of Stories:	2-story maximum
Minimum Lot Size:	900 square feet
Minimum Lot Width:	20 feet
No accessory structures shall be permitted.	

Neighborhood Commercial (Tract "C"):

Building Height:	35 feet maximum
------------------	-----------------

**BUILDING SETBACKS**

Residential (Tract "E"): no change  
Residential (Tract "C"): Min. setback from site boundary: 35 feet  
Min. distance between buildings: 20 feet  
Neighborhood Commercial (Tract "C"):  
Front: 25 feet  
Side: 0 feet  
Rear: 10 feet

**VII. VEHICULAR AND PEDESTRIAN TRAFFIC**

- f. The Developer shall install an eastbound left turn lane on Sun Drive at the proposed west entrance to the office and neighborhood commercial site on the north portion of Tract C.
- g. The Developer shall install an eastbound left turn lane on Sun Drive at Greenwood Boulevard.

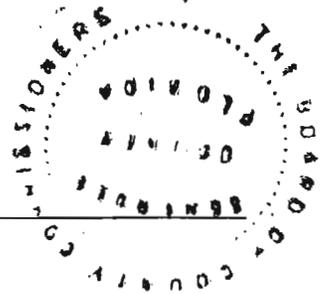
**X. OTHER COMMITMENTS**

- F. ~~All access to the ETOR property will be from Lake Mary Boulevard or Greenwood Boulevard.~~
- F. Landscaping and irrigation facilities shall be installed in the Sun Drive median strip adjacent to Tract C prior to issuance of the first certificate of occupancy for the townhouses and/or neighborhood retail center in that tract.

Done and Ordered this 8<sup>th</sup> day of June, 2004.

By: \_\_\_\_\_

Daryl G. McLain  
Chairman  
Seminole County Board of County Commissioners





## Seminole County Public Schools School Impact Analysis School Capacity Determination

**To:** Seminole County Board of County Commissioners

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

**Date:** January 18, 2008

**RE:** ETOR PUD Major Amendment

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

**Description** – Two parcels located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd. The applicant is requesting a major amendment to the existing PUD zoning approval. The applicant is proposing Conversion of a Retail Tract to High Density Residential (80 units) and increase of allowed density of another Tract from 39 units to 108 units. Parcel ID #: 18-20-30-520-0100-0000+; 18-20-30-521-0A00-0000.

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

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elementary	E-9	5015	4999	20	1003	0	967
Middle	M-1	3739	3950	10	0	0	201
High	H-1	6377	6685	12	0	0	296

**Comments:**

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Any newly platted developments 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 based on future conditions.

**Terms and Definitions:**

**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

**Concurrency Service Area (CSA):** A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

**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.

**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).

**Level of Service Standard (LOS):** A standard or condition established to measure utilization within a concurrency service area. Current Level of Service is determined by the sum of the FTE student count at the same type of schools within a concurrency service area, divided by the sum of the permanent FISH capacity of the same type of schools within a concurrency service area. Projected or future Level of Service is determined by the sum of the projected COFTE enrollments at the same type of schools within a concurrency service area, divided by the sum of the planned permanent FISH capacity of the same type of schools within a concurrency service area."

**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.

**Reserved Capacity:** School capacity that is assigned to a proposed project once it has received a final development approval for the project's development application.

**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

**Students Resulting from Recently Approved Developments** is the sum of students generated from residential developments receiving plats or final approved site plans since the January 1, 2008 implantation date for school concurrency. Student enrollment changes due to existing housing are excluded from these totals.

**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%

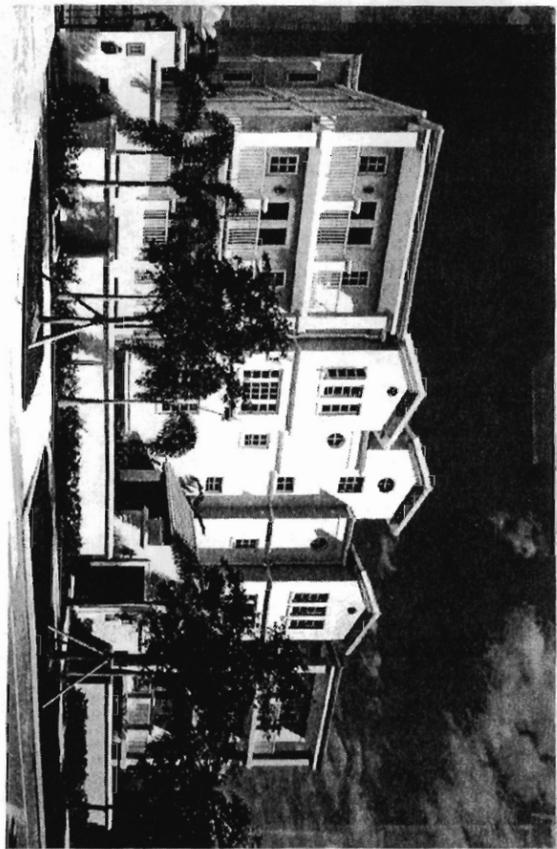
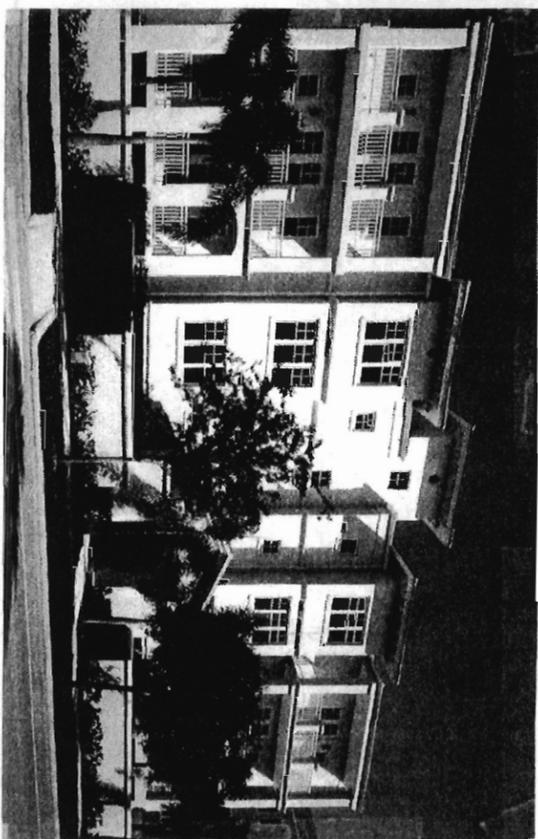








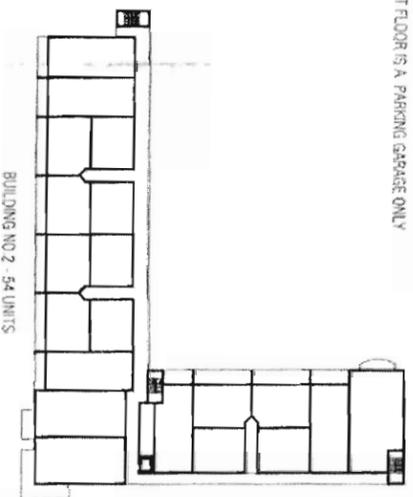
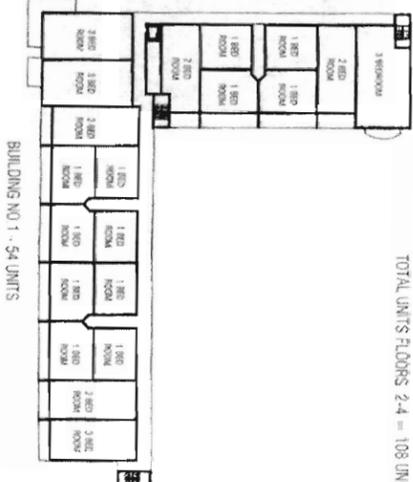
EXISTING TRACT A PROPOSED CONDOMINIUM BUILDINGS' DWELLING UNIT DATA



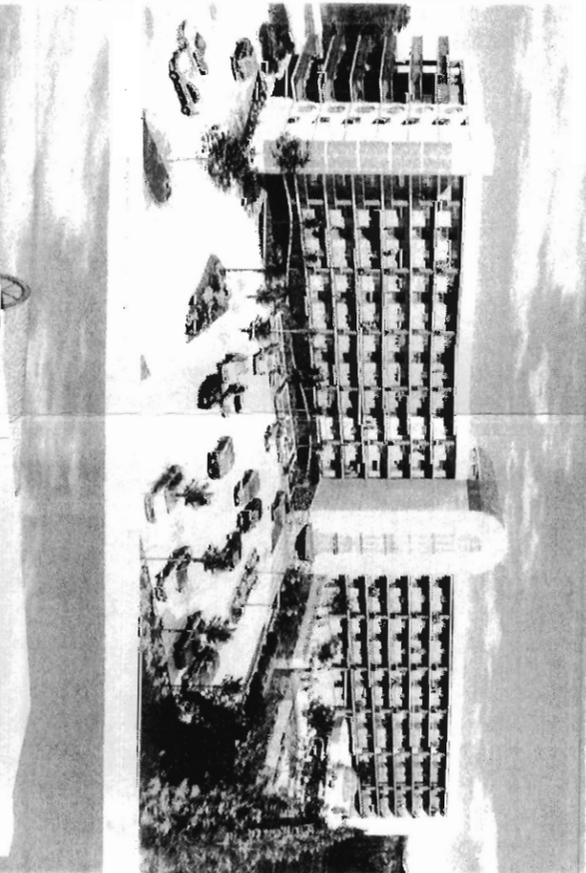
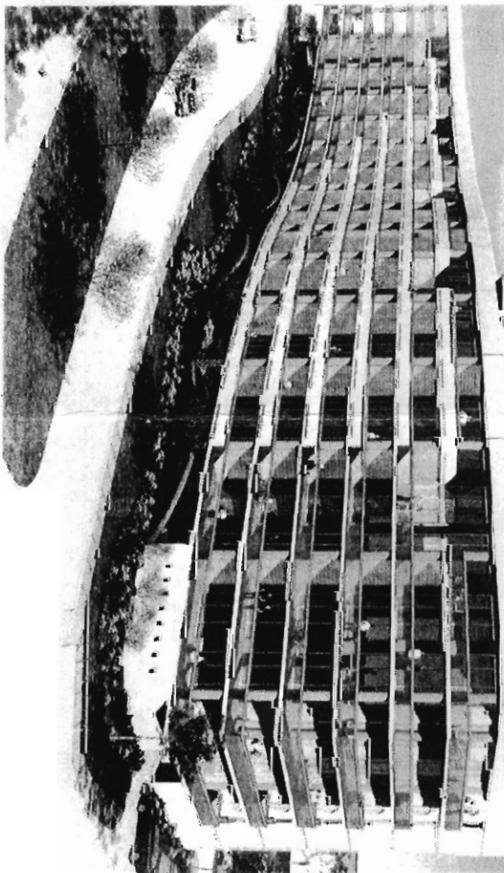
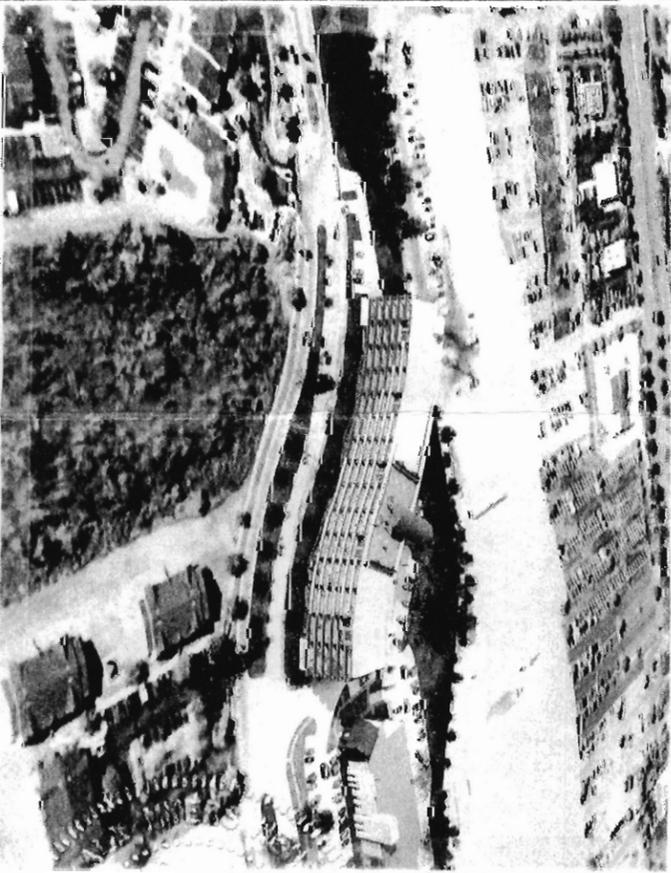
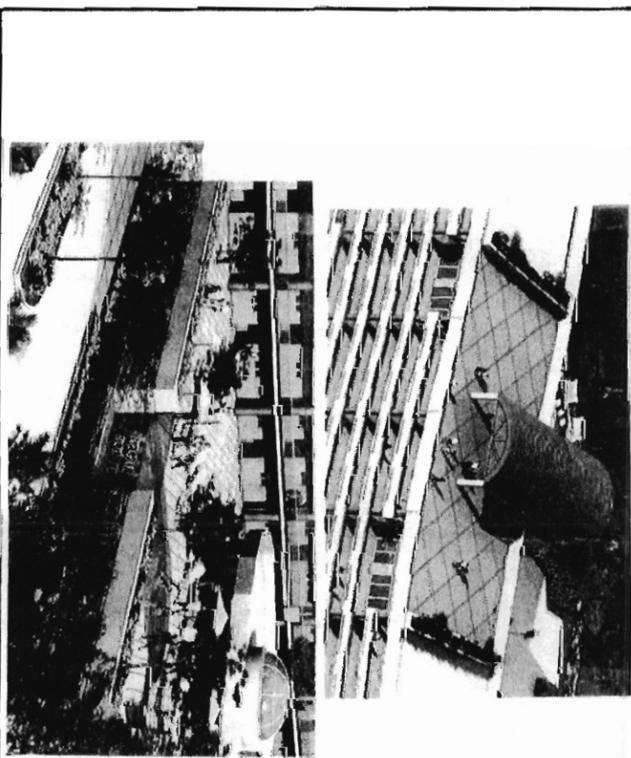
RESIDENTIAL CONDOMINIUM UNIT TOTALS

24 - ONE BEDROOM SUITES, 2ND & 3RD FL. & 0 - 4TH (48 TOTAL ONE BEDROOM SUITES)  
 8 - TWO BEDROOM SUITES, 2ND & 3RD FL. & 16 - 4TH (32 TOTAL TWO BEDROOM SUITES)  
 8 - THREE BEDROOM SUITES, 2ND & 3RD FL. & 12 - 4TH (28 TOTAL THREE BEDROOM SUITES)

TOTAL UNITS FLOORS 2-4 = 108 UNITS. NOTE: 1ST FLOOR IS A PARKING GARAGE ONLY



PROPOSED LOT 1B CONDOMINIUM BUILDING PERSPECTIVES, ELEVATION VIEWS, & DWELLING UNIT DATA



**Design Service Group, Inc.**

Planning • Consulting Engineering • Environmental Permitting  
 Florida Board of Professional Engineers, Certificate of Authorization Number: 4220  
 4009 WEST 11th STREET  
 SANFORD, FLORIDA 32771  
 Phone: 407.324.1710 Fax: 407.324.3409 EMail: designservicegroup@alltel.com

ETOR PUD MAJOR AMENDMENT EXHIBIT #4

**REGAL POINTE PARK**

LOT 1, REGAL POINTE PARK N. & TRACT A, BELLE TERRE  
 SEMINOLE COUNTY, FLORIDA

PREPARED FOR

SUNCOR PROPERTIES, INC.  
 550 N. PALMETTO AVENUE  
 SANFORD, FL 32771  
 PHONE: (407) 688-7844  
 FAX: (407) 688-7920

REVISIONS:

12/09/07 REVISED PER COUNTY DRC COMMENTS.  
 10/21/07 REVISED PER COUNTY DRC COMMENTS.

DATE: OCTOBER, 2006  
 SCALE: 1" = 60'