

ITEM # _____

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

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

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

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

Agenda Date <u>4/2/2008</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 a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 28.31 ± acres located at the northeast corner of intersection of International Parkway and Wilson Road, and recommend approval of the attached Preliminary Master Plan and Development Order, based on staff findings (RG Lake Mary, LLC / John Petricola, applicant); or
- RECOMMEND DENIAL** of a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 28.31 ± acres located at the northeast corner of intersection of International Parkway and Wilson Road, and recommend denial of the attached Preliminary Master Plan and Development Order (RG Lake Mary, LLC / John Petricola, applicant); or
- CONTINUE** the item until a time and date certain.

District 5 – Commissioner Carey

Austin Watkins, Senior Planner

BACKGROUND:

The applicant requests a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) of approximately 28.31 ± acres, located at the northeast corner of International Parkway and Wilson Road. The current proposal indicates a mixed-use development that includes office, retail, hotel and multi-family uses. The requested PUD will allow for 250,000 square feet of OP and Target Industry Uses as defined in

Reviewed by: 
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-72</u>

FLU Exhibit 23 and a 170-unit hotel. An additional 65,000 square feet of OP, C-1, and Target Industry Uses will be provided on the outparcels with the following exclusions: appliance stores, churches, funeral homes, hardware stores, laundrettes and laundromats, pet stores, plant nurseries, self-service laundries, movie theaters and multi-family housing (except above retail/office flats, maximum of 3 stories above retail/office flats and residential net density not exceeding 20 dwelling units per net buildable acre). The applicant is requesting a maximum allowable building height of 110' for the entire property.

The Future Land Use designation of the subject property is Higher Intensity Planned – Targeted Industry (HIP-TI). The HIP-TI FLU allows the requested zoning district of PUD and the requested uses. Previous

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 28.31 ± acres located at the northeast corner of intersection of International Parkway and Wilson Road, and recommends APPROVAL of the attached Preliminary Master Plan and Development Order, based on Staff Findings.

Attachments:

Location Map
Future Land Use and Zoning Map
Aerial Map
Preliminary Master Plan
Approval Development Order
Rezone Ordinance
Denial Development Order (applicable if the request is denied)
School Capacity Analysis
Ownership Disclosure Form

Rockefeller Rezone Rezone from A-1 to PUD	
APPLICANT	RG Lake Mary, LLC / John Petricola
PROPERTY OWNER	RG Lake Mary, LLC
REQUEST	Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)
PROPERTY SIZE	1.26 ± acres
HEARING DATE (s)	P&Z: April 2, 2008 BCC: May 20, 2008
PARCEL ID	29-19-30-300-0280-0000
LOCATION	Northeast corner of intersection of International Parkway and Wilson Road
FUTURE LAND USE	HIP-TI (Higher Intensity Planned – Target Industry)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2007-72
COMMISSION DISTRICT	#5 – Carey

PROPOSED DEVELOPMENT:

The applicant is proposing a mixed-use commercial, office and multi-family (above retail/office flats only) development that includes 5 outparcels for OP, C-1 or Target Industry Uses that will permit 65,000 square feet of non-residential development and a maximum of 20 dwelling units per net buildable acre for above retail/office flats. The applicant is proposing a 170 room hotel and 250,000 square feet of Office uses for Parcel 6. At least 50% of the 250,000 square feet of Office space will be Class “A”.

ANALYSIS OVERVIEW:

ZONING REQUEST

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

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	25 feet (International Pkwy)
Side Yard Setback	10 feet	25 feet (east property line)
(Street) Side Yard Setback	50 feet	Parcel 6 45 feet – 4 or more stories (Grant Line Rd & Wilson) 30 feet - 3 stories or less (Grant Line Rd & Wilson) Parcel 1 25 feet
Rear Yard Setback	30 feet	25 feet (east property line)
Maximum Building Height	35 feet	110 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	1 acre
PUD (proposed)	<p>Parcels 1 -5: Allowable uses shall be those described in the OP and C-1 Zoning Districts and the Targeted Industry Uses with the following exclusions: appliance stores, churches, funeral homes, hardware stores, laundrettes and laundromats, pet stores, plant nurseries, self-service laundries, movie theaters and multi-family housing (except above retail/office flats, maximum of 3 stories above retail/office flats and residential net density not exceeding 20 dwelling units per net buildable acre).</p> <p>Parcel 6: Allowable uses shall be those described in the OP Zoning District (including accessory uses) per the Seminole County Land Development Code, Target Industry Uses per the Seminole County Comprehensive Plan FLU Exhibit-23, Hotel and customary accessory uses.</p>	Special Exception such as alcoholic beverage establishments, public utility structures, gasoline pumps as an accessory use, living quarters in conjunction with a commercial use, to be occupied by the owner or operator or an employee and hospitals and nursing homes.	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The subject property is located on International Parkway and is surrounded by the Higher Intensity Planned – Target Industry (HIP-TI) Future Land Use designation (FLU). The proposal indicates a maximum building height of 110' and a total of 250,000 square feet of office, 65,000 square feet of office or retail, 170-unit hotel, and the ability for a maximum of 65,000 square feet of multi-family above office or retail. This development is consistent with the following recent approvals in the area: Gunter Village PUD and Lake Mary Westin PUD. The Gunter Village PUD is a mixed-use development that incorporates a hotel, office, retail and multi-family. The development is approved for 274 multi-family units, 17 live/work units, 5,020 square feet of retail/bank, a 211-unit hotel with 11,000 square feet of conference space or 72,000 square feet of Class "A" office. The tallest allowable building height within Gunter Village is 110'. The Lake Mary Westin PUD contains a 263-unit hotel and a maximum of 25,000 square feet of retail. The maximum allowable building height for the Lake Mary Westin PUD is 110'.

North of the subject property are existing single-family homes located on Grant Line Road. The applicant proposes a 45' building setback for 4 or more stories and a 30' building setback for 3-stories or less adjacent to Grant Line Road. Additionally, the stormwater retention pond is located on the northern end of the site allowing for a larger buffer between any existing single-family homes and the more intense uses within the PUD. The property east of the subject property is vacant and has an existing borrow pit. South of the subject property is vacant property.

West of the subject property is the Savannah Park PUD. The Savannah Park PUD is a mixed-use development containing office, retail, multi-family (20 above office/retail flats) and townhomes (163-units). The tallest maximum allowable building height within the Savannah Park PUD is 45'. The Savannah Park PUD acts as a buffer between the existing single-family subdivision west of Savannah Park and the more intense development that is being proposed on the subject property. The current proposal indicates that the more intensive uses of a 170-unit hotel and 250,000 square feet will be located on the eastern side of the development (Parcel 6) and the less intensive uses of OP, C-1, Target Industry Uses and above retail/office flats will be located on the western side of the subject property. This will act as a transition between the intensive uses on Parcel 6, the vacant HIP-TI property east of the subject property and the lower density Savannah Park PUD west of the subject property. This step-down of intensity from Parcel 6 to Parcels 1-5 to the lower density Savannah Park PUD which is adjacent to an existing subdivision is consistent with the HIP-TI FLU Definition subsection (B) which states "low to medium density residential uses and lower intensity office uses may only be located adjacent to existing subdivisions as a buffer from future target industry development if such development provides adequate areas on the development site to buffer the residential uses from future target industry development".

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be no 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 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)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted an application for Full Concurrency Review. Concurrency Management has determined that water and sewer facility capacity is available for the proposed property subject to execution of a Utility Agreement and payment of fees. Concurrency Management further determined that sufficient roadway capacity is available based upon Concurrency Management System Net Available Capacity.

Utilities:

The site is located in the Northwest Seminole County utility service area, and will be required to connect to public utilities. There is a 20-inch water main with two 8-inch stub-outs to hydrants on the east side of International Parkway and a 15-inch gravity sewer with stub-outs to manholes on the east side of International Parkway. Seminole County also has a 20-inch reclaimed water main on the west side of International Parkway with a 10-inch stub-out to the property.

Transportation / Traffic:

The property proposes access onto International Parkway and Wilson Road. International Parkway is classified as an arterial road and Wilson Road is classified as local road. International Parkway and Wilson Road are currently operating at a level-of-service "A" and they do not have improvements programmed in the County 5-year Capital Improvement Program.

Buffers and Sidewalks:

There is an existing 5-foot sidewalk along International Parkway. The applicant will be required to install a 5-foot sidewalk along Wilson Road.

The applicant is proposing the following buffers:

A minimum of a 15 foot boundary landscaped buffer, which may be reduced to 10 feet when adjacent to internal drive aisles or parking stalls. The buffer shall consist of 2 canopy trees, 10 understory trees and 40 shrubs every 100 linear feet. A 10 foot shared internal landscape buffer shall be provided on parcels (5' provided on each parcel); if a parcel line is located on the centerline of a shared driveway, no landscape buffer shall be required.

APPLICABLE POLICIES:

Fiscal Impact Analysis

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

Special Districts

The subject property is not located within any special or overlays 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 PUD and PCD Zoning Classifications
Policy FLU	5.6: Higher Intensity Planned (HIP) Purpose
Policy FLU	5.7: Higher Intensity Planned (HIP) General Uses and Intensities
Policy FLU	5.8: North I-4 Corridor Higher Intensity Planned Development-Target Industry (HIP-TI) Permitted Uses and Locational Standards
Policy FLU	12.4: Relationship of Land Use to Zoning Classifications
Policy CIE:	3.2: Application to New Development
Policy ECM	4.1 Target Areas
Policy ECM	4.3 Target Industries
Policy POT	4.5: Potable Water Connection
Policy SAN	4.4: Sanitary Sewer Connection

INTERGOVERNMENTAL NOTIFICATION:

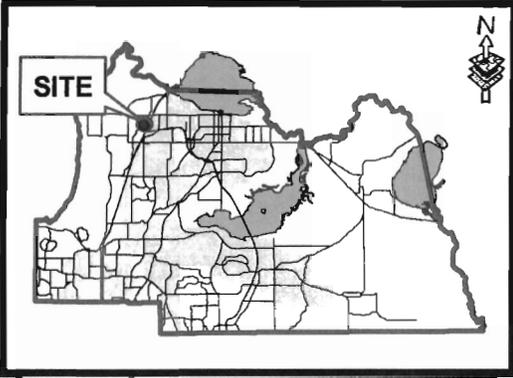
No intergovernmental notices were required for the proposed project.

LETTERS OF SUPPORT OR OPPOSITION:

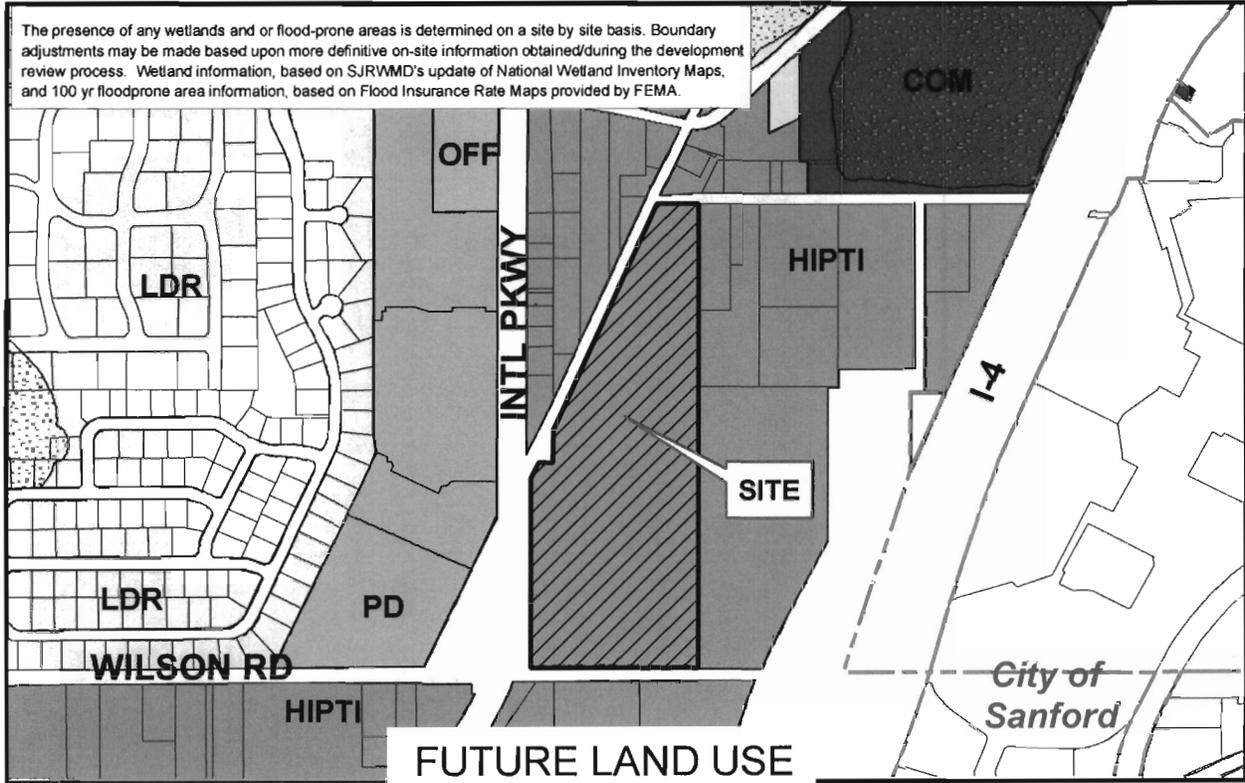
Staff has not received letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 28.31 + acres located at the northeast corner of intersection of International Parkway and Wilson Road, and recommends APPROVAL of the attached Preliminary Master Plan and Development Order, based on Staff Findings.



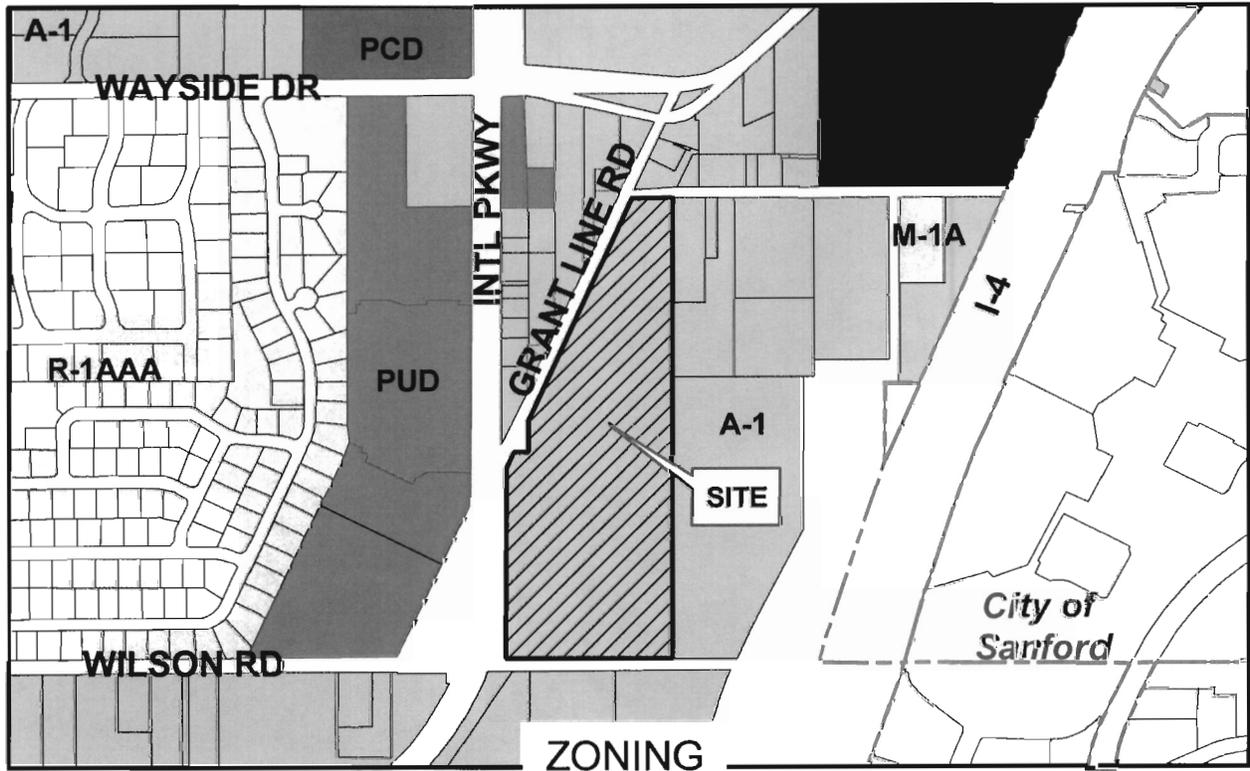
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR OFF COM PD HIPTI Site CONS City

Applicant:	John Petricola			
Physical STR:	29-19-30-300-0280-0000			
Gross Acres:	28.46 +/-	BCC District:	5	
Existing Use:	vacant			
Special Notes:				

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-72	A-1	PUD



A-1 R-1AAA C-2 PCD PUD M-1A FP-1 W-1



Rezone No: Z2007-72
From: A-1 To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY DEVELOPMENT ORDER

On May 20, 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): RG Lake Mary, LLC

Project Name: Rockefeller PUD

Requested Development Approval: Rezone from A-1 (Agriculture) and 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: Austin Watkins, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- A. The project shall consist of no more than the following square footages for non-residential:
 - Parcel 1: 22,000 S.F.
 - Parcel 2: 11,000 S.F.
 - Parcel 3: 11,000 S.F.
 - Parcel 4: 11,000 S.F.
 - Parcel 5: 10,000 S.F.
 - Parcel 6: Phase One – up to 170 room hotel and up to 175,000 S.F. of office
Phase Two – up to 75,000 S.F. of office
- B. The maximum non-residential F.A.R. shall be 1.0 for the entire project.
- C. At least 50% of Parcel 6 shall be Class “A” Office Space.
- D. The permitted uses shall be as follows:

Parcel 1 – 5:

C-1 and OP uses per the Seminole County Land Development Code and Target Industry Uses per the Seminole County Comprehensive Plan FLU Exhibit-23.

The following uses are excluded:

appliance stores, churches, funeral homes, hardware stores, laundrettes and laundromats, pet stores, plant nurseries, self-service laundries, movie theaters and multi-family housing (except above retail/office flats, maximum of 3 stories above retail/office flats and residential net density not exceeding 20 dwelling units per net buildable acre)

Parcel 6: OP uses (including accessory uses) per the Seminole County Land Development Code, Target Industry Uses per the Seminole County Comprehensive Plan FLU Exhibit-23 and a 170-unit hotel and customary accessory uses.

- E. Maintenance of the Open Space and Buffers shall be the responsibility of the Property Owner’s Association.

- F. If the project contains a mixed-use (above retail/office flats) element on Parcels 1-5, the developer shall submit building elevations for the mixed-use parcels at the time of Final Master Plan approval.
- G. The Retention Pond must be amenitized per the Seminole County Land Development Code and accessible from all sides.
- H. Minimum building setbacks from the property perimeter boundary shall be:
 - 1. 45' from the south property line (abutting Wilson Road) for structures above 3 stories and 30' from the south property line for structures 3 stories or less for Parcel 6. 25' from the south property line (abutting Wilson Road) for Parcel 1.
 - 2. 25' from the west property line for Parcel 1-5 (abutting International Parkway and Grant Line Road). 45' from the west property line (abutting Grant Line Road) for structures above 3 stories and 30' from the west property line for structures 3 stories or less for Parcel 6.
 - 3. 45' from the north property line (abutting Woodruff Springs Road)
 - 4. 25' from the east property line
- I. A minimum of a 15' boundary landscaped buffer, which may be reduced to 10' when adjacent to internal drive aisles or parking stalls. The buffer shall consist of 2 canopy trees, 10 understory trees and 40 shrubs every 100' linear feet. A 10' shared internal landscape buffer shall be provided on parcels (5' provided on each parcel); if a parcel line is located on the centerline of a shared driveway, no landscape buffer shall be required.
- J. The maximum allowable building height shall be 110' for all parcels.
- K. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.
- L. All development shall comply with the Preliminary Master Plan attached as Exhibit "B".
- M. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the owner, RG Lake Mary, LLC, 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:

OWNERS:

Print Name: _____

RG Lake Mary, LLC

Print Name: _____

John Petricola, Vice President
RG Lake Mary, LLC.

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 2008 _____,
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**

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

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

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

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

EXHIBIT "B"
Preliminary Master Plan

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Rockefeller Rezone, dated May 20, 2008.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED EXHIBIT "A"

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #07-20500005 in the Official Land Records of Seminole County.

ENACTED this 20th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION

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

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

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

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 20, 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): RG Lake Mary, LLC

Project Name: Rockefeller Rezone

Requested Development Approval: The applicant is requesting to rezone 28.31 + acres from A-1 (Agriculture) to PUD (Planned Unit Development) located at the northeast corner of intersection of International Parkway and Wilson Road, for a multi-use PUD.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Rockefeller Rezone" and all evidence submitted at the public hearing on May 20, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to PUD (Planned Unit Development) 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"

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

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

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

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



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Seminole County Board of County Commissioners
From: Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools
Date: March 19, 2008
RE: **Rockefeller Rezone Z2007-72**

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

Description – The parcel is located at the northeast corner of the intersection of International Parkway and Wilson Road in unincorporated Seminole County. The applicant is proposing to change the A-1 zoning to PUD for the property and to construct a mixed use project containing a maximum of 100 multi-family dwelling units. Parcel ID #:29-19-30-300-0280-0000.

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	12	1003	37	938
Middle	M-1	3739	3950	5	0	24	182
High	H-1	6377	6855	5	0	27	476

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%

**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

Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	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>RG Lake Mary LLC</u>	Name of Corporation: _____
Officers: <u>John L Petricola</u>	Officers: _____
Address: <u>1441 Brickell Ave, Ste. 1011 Miami, FL 33131</u>	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: _____	
Trustees: _____	Beneficiaries: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT**

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 _____	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.

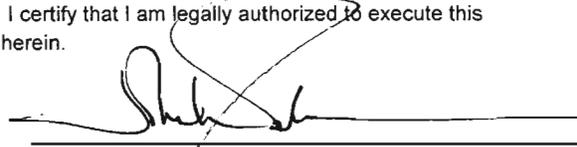
Contract Vendee:	Contract Vendee:
Name: _____	Name: _____
Address: _____	Address: _____

(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 public hearing on the application.

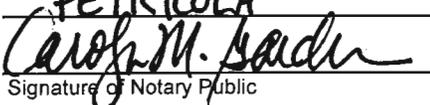
7 I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this 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.

8 FEB 08
Date


Owner, Agent Applicant Signature

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 8th day of FEBRUARY, 2008 by JOHN

PETRICOLA

Signature of Notary Public

CAROLYN M GARDNER #DD668687
Print, Type or Stamp Name of Notary Public



Personally Known OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff	
Date: _____	Application Number: _____