

ITEM #

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

SUBJECT: Greenway Pointe PUD Major Amendment

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Alison Stettner CONTACT: Ian Sikonia EXT. 7398

Agenda Date <u>11/4/09</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:

1. **RECOMMEND APPROVAL** of the request for a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way, based on staff findings, (Jon Walls, applicant); or
2. **RECOMMEND DENIAL** of the request for a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way, (Jon Walls, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 1 – Dallari

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant is requesting a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way. The purpose of this rezoning application is to amend the content of the landscape buffers along the east, west, and south property lines. The Seminole County Land Development Code Section 30.448 requires that any application "which affects the intent and character of the development.....shall be reviewed and approved by the Board of County Commissioners". This application is amending the external buffers which affect the character and aesthetics of this development.

Reviewed by: <u>KFT</u>
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2009-28</u>

The applicant asserts that the previously approved Greenway Pointe PUD landscape buffers were designed with an abundant amount of trees, which would not have enough room to flourish because the tree canopies would overlap and subsequently hinder their growth. This overlap would not meet the intent of external buffers and upon implementation the trees would not sufficiently flourish to provide the envisioned opacity.

The Developer's Commitment Agreement approved on November 18, 2008 for the Greenway Pointe PUD landscape buffers and the amended buffers are as follows.

	Existing Buffer Content	Proposed Buffer Content	Tree Difference
West	10 foot landscape buffer consisting of landscaping composed of natural and /or man-made materials shall be arranged or planted in the designated landscape buffer in or that a height of at least three feet shall be attained within one year after planting and 4 canopy trees per 100 linear feet.	10 foot landscape buffer consisting of 18 canopy trees and hedge screening 100% of adjacent parking.	-9
East	25 foot landscape buffer consisting of a minimum of 4 canopy trees and 5 understory trees per 100 linear feet.	25 foot landscape buffer consisting of 24 canopy trees, 48 understory trees.	-24
South	25 foot landscape buffer consisting of a minimum of 4 canopy trees, 12 understory trees, and 48 shrubs per 100 linear feet.	25 foot landscape buffer consisting of 14 canopy trees, 31 understory trees. 40 shrubs per 100 linear feet.	-62
North	15 foot landscape buffer consisting of a minimum of 2.25 canopy trees, 4.5 understory trees, and 38.25 shrubs per 100 linear feet.	To remain the same.	0

Staff has reviewed the proposed buffer content and is in agreement with the proposed changes. The new buffer content will still provide the opacity intended and will allow for the trees to have enough space to flourish and provide for a more aesthetically pleasing buffer. The buffer changes will also allow the proposed trees to mature better due to the increased room for the canopies to develop and sustain growth over their lifespan. Staff feels the proposed buffer content is compatible with the surrounding area, and will provide a more refined look over time to the proposed development.

The developer is also requesting that Parcel "A" be given its own monument sign to allow for more visibility of the proposed bank. This request is consistent with the sign regulations of the Land Development Code and will not be out of character with the proposed development or existing surrounding area.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way.

Attachments:

Attachments:

Location Map

Future Land Use & Zoning Map

Aerial Map

Revised Final Master Plan

Revised Landscape and Buffer Plan

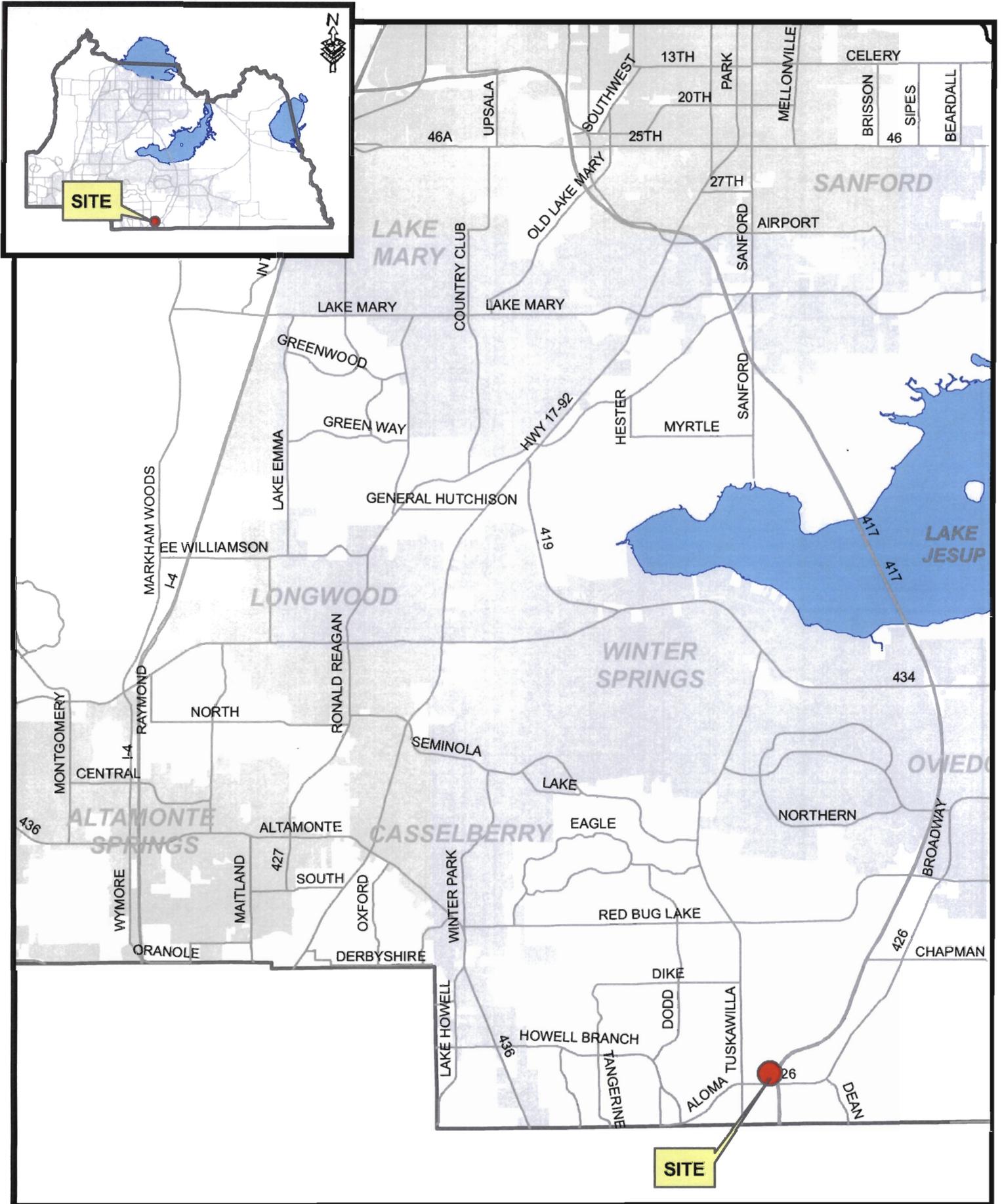
Amended and Restated Developer's Commitment Agreement

Narrative provided by applicant

Rezone Ordinance

Denial Development Order (applicable only if denied)

Ownership Disclosure Form





Rezone No: Z2009-28
Final Master Plan

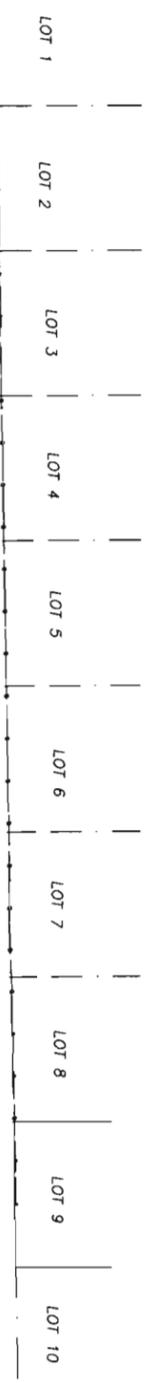
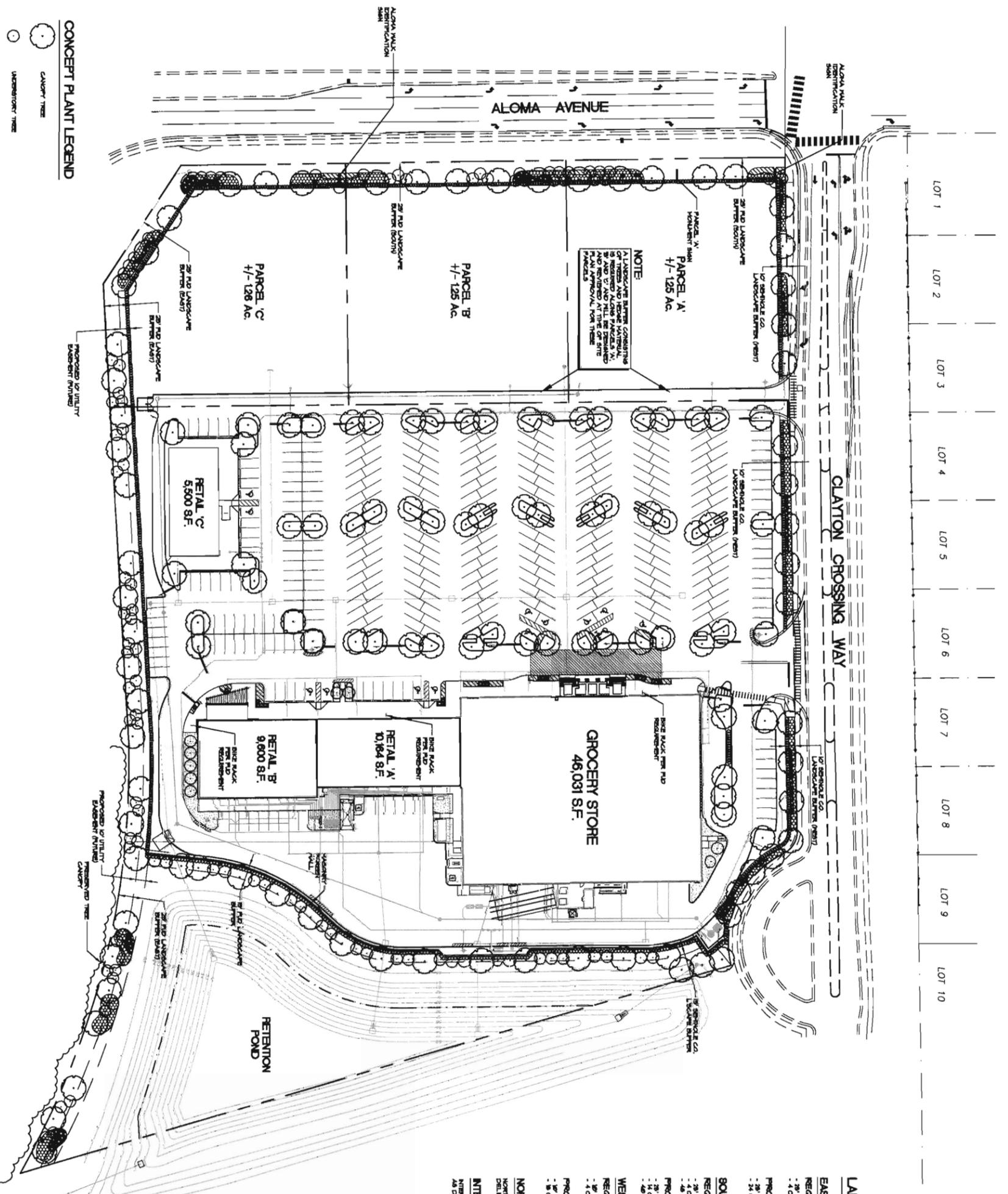
-  Parcel
-  Subject Property



Winter 2009 Color Aerials

CONCEPT PLANT LEGEND

- CANOPY TREE
- UNDERSTORY TREE
- HOME SHIELD
- ORNAMENTAL ACCENT SHRUB
- LOW SHRUBS
- NATIVE ACCENT SHRUBS
- BRONZEFOLIERS



LANDSCAPE BUFFER PLANTING SUMMARY

EAST BUFFER - 06S

- REQUIRED (PER ORIGINAL DCAI)
- 20' PAD BUFFER WIDTH
- 4 CANOPY AND 8 UNDERSTORY TREES PER 100' (14 AND 13 REQUIRED)
- PROVIDED:
- 20' PAD BUFFER WIDTH
- 24 CANOPY TREES AND 48 UNDERSTORY TREES

SOUTH BUFFER - 010

- REQUIRED (PER ORIGINAL DCAI)
- 20' PAD BUFFER WIDTH
- 4 CANOPY AND 8 UNDERSTORY TREES PER 100' (14 AND 13 REQUIRED)
- 48 SHRUBS (144' O.C.) PER 100' (720 REQUIRED)
- PROVIDED:
- 20' PAD BUFFER WIDTH
- 14 CANOPY TREES AND 31 UNDERSTORY TREES (5 PER 100')
- 48 SHRUBS (50' O.C.) PER 100' (144 SHRUBS)

WEST BUFFER - 08S

- REQUIRED:
- 10' BUFFER WIDTH
- 4 CANOPY TREES PER 100' (11 REQUIRED)
- PROVIDED:
- 10' BUFFER WIDTH
- 8 CANOPY TREES

NORTH BUFFER

- NORTH BUFFER REQUIREMENTS HAVE BEEN APPROVED AND ARE SHOWN AS DASHED ON THE FINAL LANDSCAPE CONSTRUCTION PLAN.

INTERNAL LANDSCAPING

- INTERNAL LANDSCAPE REQUIREMENTS HAVE BEEN APPROVED AND ARE SHOWN AS DASHED ON THE FINAL LANDSCAPE CONSTRUCTION PLAN.



REVISED LANDSCAPE BUFFERS CONCEPT PLAN

MILLER LEGG
Central Florida Office: 631 S. Orlando Avenue - Suite 200
Winter Park, Florida 32789-7122
407-629-8880 - Fax: 407-629-7883
www.millerlegg.com

ALOMA WALK
SEMINOLE COUNTY, FLORIDA
FOR: ALOMA WALK COMMERCIAL VENTURE, LLC

NO.	DATE	REVISIONS	BY	CHK
1	10/26/09	REVISED FOR DRC COMMENTS	SB	JW

PROJECT NO.	08-00293
DATE	10/01/09
SCALE	AS SHOWN
DRAWN BY	LNP-1
CHECKED BY	
DATE	
PROJECT MANAGER	
DESIGNER	
DATE	
PROJECT NO.	08-00293
DATE	10/01/09

**GREENWAY POINTE PUD
 PARCEL A, ALOMA WALK FINAL MASTER PLAN
 AMENDED AND RESTATED
 DEVELOPER'S COMMITMENT AGREEMENT**

On November 18, 2008, the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the property described below. This agreement is amended in order to change the landscape buffers, and incorporate site signage, as stated herein. No further changes are included in this Amendment.

1. **LEGAL DESCRIPTION**

This document addresses development within Parcel A of the legal description, attached hereto as **Exhibit A**.

2. **PROPERTY OWNER**

Aloma Walk Commercial Venture, LLC
 4820 Deer Lake Drive,
 Unit 7
 Jacksonville, FL 32246

3. **STATEMENT OF BASIC FACTS**

- A. Total Area: 14.00 Acres
- B. Zoning: Planned Unit Development (PUD)
- D. Intensity: 88,295 Square Feet
- E. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- F. 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.

4. **LAND USE BREAKDOWN**

<i>LAND USE in Parcel A</i>	<i>AREA (acres)</i>	<i>% OF SITE</i>
Grocery, Retail, Buffers, Pond	14.00	100.00
<i>TOTAL AREA</i>	<i>14.00</i>	<i>100.00</i>

5. **OPEN SPACE AND RECREATION AREAS**

Gross Site Area: 14.00 acres
 Required Open Space: 14.00 acres x 0.25 = 3.50 acres

Provided Open Space:

Landscape Area: 0.12 acres
 Landscape Buffer Area: 1.15 acres
 Pond Area: 1.79 acres
 Parking Landscape: 0.53 acres

Total 3.59 acres

6. **BUILDING SETBACKS AND MAXIMUM ALLOWABLE BUILDING HEIGHT**

Building Height Limit	35'
Northern Property Line	50'
Eastern Property Line	25'
Western Property Line	25'
Southern Property Line	25'

7. **PERMITTED AND PROHIBITED USES**

Permitted and special exception uses shall be in accordance with the provisions of C-2 and R-4 with the following exclusions:

Communication Towers
Lumber Yards
Mechanical Garages
Paint and Body Shops
Auto Repair
Billboards

8. **LANDSCAPE & BUFFER CRITERIA**

East Property Line

- 25-foot landscape buffer.
- Minimum of 4 24 canopy trees, and 5 48 understory trees, per 100 linear feet

South Property Line

- 25-foot landscape buffer
- Minimum of 4 14 canopy trees, and 12 31 understory trees, and 48 shrubs per 100 linear feet
- 40 shrubs per 100 linear feet.

West Property Line

- 10-foot landscape buffer
- Minimum of 18 canopy trees and hedge screening 100% of adjacent parking for the whole length of the property line.

North Property Line

- 15-foot landscape buffer
- Minimum of 2.25 canopy trees, 4.5 understory trees, and 38.25 shrubs each respectively per 100 linear feet.
- A 6-foot brick or masonry wall.

All landscape buffers and common areas shall be designed pursuant to the requirements of the County's LDC, and shall be maintained by either the property owner or a property owners association. Alternative planting tree types may be allowed if approved by the Planning Manager.

9. **DEVELOPMENT COMMITMENTS**

- A. The development shall not exceed 88,295 square feet.
- B. Mechanical units shall be located and/or screened so as not to be visible from public right-of-way or adjoining single-family development.
- C. 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. The developer shall provide at a minimum one bicycle rack within 50 feet of the entrance to Retail B, C, Grocery Store and Parcels A, B, and C.

- D. Existing trees that are preserved during construction may satisfy applicable landscaping requirements when they are located in the required buffer area.
- E. Outside bars shall be prohibited.
- F. The Developer shall install "dry" reclaim lines and when reclaim becomes available the property shall be required to connect to the master reclaim system.

10. **WATER, SEWER AND STORMWATER**

WATER: Water services shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County.

STORMWATER: Stormwater drainage and stormwater management shall be according to Seminole County's land development regulations.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrants shall be located according to Seminole County regulations.

11. **PHASING**

The commercial development will be constructed with Grocery & Retail buildings as Phase 1 and Parcels A, B and C as subsequent phases.

12. **STANDARD COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. The developer's commitment agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the developer's commitment agreement shall perpetually burden, run with, and follow the said property and be a servitude upon provisions and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the developer's commitment agreement.
- D. The terms and provisions of the developer's commitment agreement are not severable, and in the event any portion of this developer's commitment agreement shall be found to be invalid or illegal, then the entire developer's commitment agreement shall be null and void.

**DONE AND ORDERED ON
THE DATE FIRST WRITTEN ABOVE**

By: _____
Bob Dallari, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Aloma Walk Commercial Venture, LLC, on behalf of its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

Witness

Print Name

By: _____
John Holland

Witness

Print Name

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared John Holland, on behalf of Aloma Walk Commercial Venture, LLC, who is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____ 20_____.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Exhibit A

Legal Description

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, RUN SOUTH 01 DEGREES 07 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 31 AND ALONG THE EAST LINE OF THE BEAR CREEK PLAT, RECORDED IN PLAT BOOK 31, PAGES 54 & 55, SEMINOLE COUNTY, FLORIDA, A DISTANCE OF 1,409.51 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 05 MINUTES 50 SECONDS EAST, A DISTANCE OF 82.86 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST, A DISTANCE OF 341.22 FEET; THENCE NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST, A DISTANCE OF 195.87 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST A DISTANCE OF 746.62 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY ON THE WESTERLY RIGHT OF WAY OF SR 417 (EASTERN BELTWAY) AND HAVING A RADIUS OF 818.51 FEET, A CHORD BEARING OF SOUTH 13 DEGREES 20 MINUTES 52 SECONDS WEST AND A CENTRAL ANGLE OF 33 DEGREES 21 MINUTES 35 SECONDS; THENCE RUN ALONG SAID CURVE, 476.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 03 DEGREES 13 MINUTES 57 SECONDS EAST A DISTANCE OF 445.41 FEET; THENCE SOUTH 33 DEGREES 10 MINUTES 36 SECONDS WEST A DISTANCE OF 143.25 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF S.R. 426 (ALOMA AVENUE); THENCE DEPARTING THE RIGHT OF WAY OF S.R. 417 RUN SOUTH 89 DEGREES 13 MINUTES 02 SECONDS WEST ALONG THE NORTH RIGHT OF WAY OF S.R. 426 A DISTANCE OF 607.98 FEET; THENCE DEPARTING THE SAID RIGHT OF WAY OF S.R. 426 RUN NORTH 01 DEGREES 07 MINUTES 18 SECONDS WEST A DISTANCE OF 684.66 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 39 MINUTES 22 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 28.21 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 77 DEGREES 20 MINUTES 20 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 134.98 FEET TO THE POINT OF BEGINNING.

Exhibit B

Final Master Plan

(See Attached)

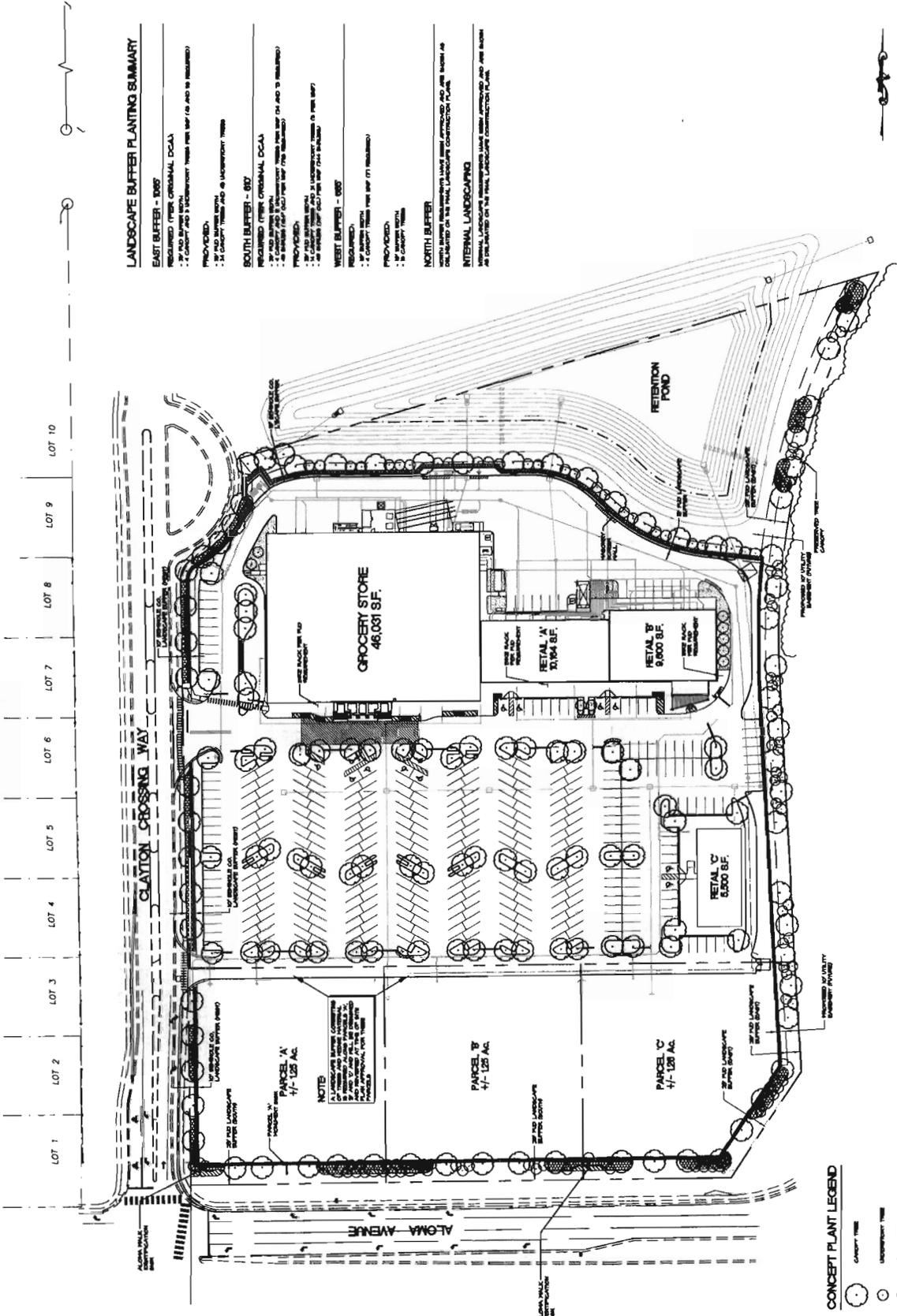
NO.	REVISION
1	ISSUE FOR PERMIT
2	REVISED PER COMMENTS
3	REVISED PER COMMENTS
4	REVISED PER COMMENTS
5	REVISED PER COMMENTS
6	REVISED PER COMMENTS
7	REVISED PER COMMENTS
8	REVISED PER COMMENTS
9	REVISED PER COMMENTS
10	REVISED PER COMMENTS

FOR: ALOMA WALK COMMERCIAL VENTURE, LLC
ALOMA WALK
 SEMINOLE COUNTY, FLORIDA

MILLER LEGG
 CHAIRMAN
 407-433-8300
 1700 N. W. 10TH AVENUE, SUITE 200
 MIAMI, FLORIDA 33136
 www.millerlegg.com

DATE: 08-02-2010
 PROJECT: ALOMA WALK
 SHEET: LNP-1
 08-00293

REVISED LANDSCAPE BUFFERS CONCEPT PLAN



LANDSCAPE BUFFER PLANTING SUMMARY

EAST BUFFER - 005'
 REQUIRED (PER ORIGINAL DCA)
 - 2' CANOPY AND 8' UNDERCANY TREE PER 10' (AS AND IS REQUIRED)
 PROVIDED:
 - 2' CANOPY TREE AND 8' UNDERCANY TREE

SOUTH BUFFER - 60'
 REQUIRED (PER ORIGINAL DCA)
 - 2' AND 8' UNDERCANY TREE PER 10' (AS AND IS REQUIRED)
 - 2' CANOPY TREE PER 10' (AS AND IS REQUIRED)
 PROVIDED:
 - 2' CANOPY TREE AND 8' UNDERCANY TREE (AS PER IMP)
 - 2' CANOPY TREE PER 10' (AS AND IS REQUIRED)

WEST BUFFER - 005'
 REQUIRED:
 - 2' CANOPY TREE PER 10' (AS AND IS REQUIRED)
 PROVIDED:
 - 2' CANOPY TREE

NORTH BUFFER
 NORTH BUFFER REQUIREMENTS HAVE BEEN APPROVED AND ARE SUBJECT TO DELINEATION ON THE FINAL LANDSCAPE CONSTRUCTION PLAN.

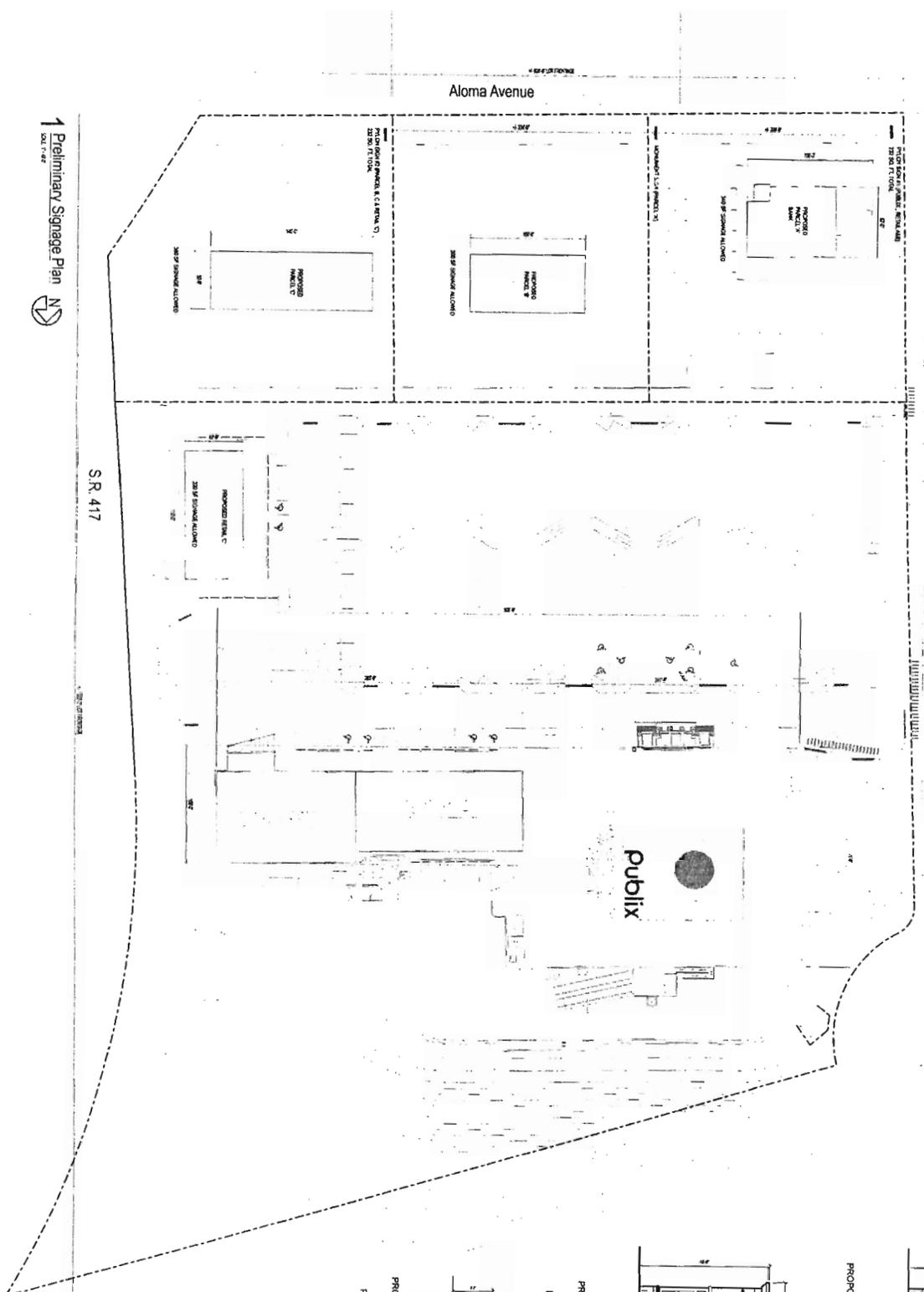
INTERNAL LANDSCAPING
 AS DEVELOPED ON THE FINAL LANDSCAPE CONSTRUCTION PLAN.



CONCEPT PLANT LEGEND

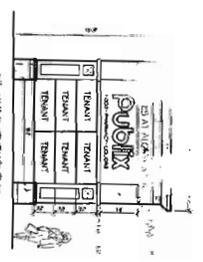
	CONCEPT TREE
	UNDERCANY TREE
	NATIVE SHRUB
	ORNAMENTAL ACCENT SHRUB
	LOW SHRUB
	NATIVE ACCENT SHRUB
	GROUNDCOVER

NOTES
 1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE SEMINOLE COUNTY LANDSCAPE CONSTRUCTION PLAN.
 2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE SEMINOLE COUNTY LANDSCAPE CONSTRUCTION PLAN.
 3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE SEMINOLE COUNTY LANDSCAPE CONSTRUCTION PLAN.

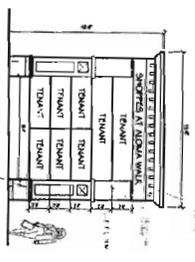


Clayton Crossing Way

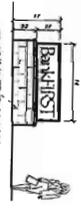
TYPE	AREA	HEIGHT	NOTES
MONUMENT SIGN	100 SF	10 FT	SEE EXHIBIT 1
Pylon Sign	100 SF	10 FT	SEE EXHIBIT 2
Signage	100 SF	10 FT	SEE EXHIBIT 3
Signage	100 SF	10 FT	SEE EXHIBIT 4
Signage	100 SF	10 FT	SEE EXHIBIT 5
Signage	100 SF	10 FT	SEE EXHIBIT 6



PROPOSED MONUMENT SIGN - EXHIBIT 1
FOR
PUBLIX @ ALOMA WALK



PROPOSED PYLON SIGN - EXHIBIT 2
FOR
PUBLIX @ ALOMA WALK



PROPOSED MONUMENT SIGN
FOR
PUBLIX @ ALOMA WALK

SP-01

PROJECT NO	DATE	DESIGNER	CHECKED
33814	11/2/06	CP	CP

RELEASE

PROJECT NAME
Aloma Promenade Publix & Retail
1871 Clayton Crossing Way
Orlando, Florida
Seminole County

CLIENT NAME
Aloma Walk Commercial Venture
12443 San Jose Blvd, Suite 1002
Jacksonville, FL 32223

SHEET TITLE
Preliminary Signage Plan

Cuhaci & Peterson
Architects Engineers Planners
11251 Project Avenue, Orlando, FL 32814
PH: 407.961.9100 FAX: 407.641.8111
www.cuhaci.com



October 1, 2009

Ian Sikonia, Senior Planner
Planning and Development Department / Planning Division
Seminole County
1101 East First Street
Sanford, Florida 32771-1468

**Re: Greenway Pointe PUD Final Master Plan Parcel A/Aloma Walk
PUD Major Amendment for Landscape Buffers**

Dear Mr. Sikonia:

This letter and the supporting documents are submitted for review for a proposed change in the landscape buffers within Parcel A. This submittal follows our meeting with you on September 24, 2009, in which we discussed the proposed changes and the process for amending the PUD.

The background on this change is that the original Conceptual Landscape Plan and Developers Commitment Agreement included a perimeter buffer landscape plan that the owners wish to modify. The modifications will result in a more water-wise and aesthetically appropriate landscape palette for the buffers. The plan meets the current landscape code and is consistent with the number and size of plantings that have already been approved, both in the original PUD and subsequent Final Construction Plans. Once the PUD Amendment is approved, we will resubmit the Final Landscape Plans for development review.

In addition, the site signage has been included to document the number and location of perimeter monument signs for Parcel A and the outparcels. A plan was previously submitted to the County's development review that identified these signs and more detailed information (see attached Preliminary Signage Plan, prepared by Cuhaci Peterson).

As you know, this project is under construction at this time. The final landscape installation is due for completion by the end of this year. Therefore, we request that the County staff review these changes and allow us to go before the Development Review Committee on October 15, 2009 and the Planning Board on November 4, 2009.

We appreciate your cooperation and assistance on this issue. Should you have any questions concerning this submittal, please contact me at **321-214-3252** or **jwalls@millerlegg.com**.

Sincerely,

Jon D. Walls, RLA
Principal

JDW/mch
Attachments

cc: John Holland, Aloma Walk Commercial Venture, LLC
Tom Murray, Windcrest Development Group, Inc.
Chris Lathrop, ASLA, Dix Lathrop & Assoc.

OCT 1 2009
DEVELOPMENT REVIEW

IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.

Central Florida Office: 631 S Orlando Avenue • Suite 200 • Winter Park, Florida • 32789-7122
(407) 629-8880 • Fax: (407) 629-7883
www.millerlegg.com

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 PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING 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 "Greenway Pointe PUD Major Amendment", dated December 8, 2009.

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

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

SEE ATTACHED EXHIBIT A

Section 3. 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 #09-21700002 in the Official Land Records of Seminole County.

ENACTED this 8th day of December 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A***LEGAL DESCRIPTION***

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, RUN SOUTH 01 DEGREES 07 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 31 AND ALONG THE EAST LINE OF THE BEAR CREEK PLAT, RECORDED IN PLAT BOOK 31, PAGES 54 & 55, SEMINOLE COUNTY, FLORIDA, A DISTANCE OF 1,409.51 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 05 MINUTES 50 SECONDS EAST, A DISTANCE OF 82.86 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST, A DISTANCE OF 341.22 FEET; THENCE NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST, A DISTANCE OF 195.87 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST A DISTANCE OF 746.62 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY ON THE WESTERLY RIGHT OF WAY OF SR 417 (EASTERN BELTWAY) AND HAVING A RADIUS OF 818.51 FEET, A CHORD BEARING OF SOUTH 13 DEGREES 20 MINUTES 52 SECONDS WEST AND A CENTRAL ANGLE OF 33 DEGREES 21 MINUTES 35 SECONDS; THENCE RUN ALONG SAID CURVE, 476.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 03 DEGREES 13 MINUTES 57 SECONDS EAST A DISTANCE OF 445.41 FEET; THENCE SOUTH 33 DEGREES 10 MINUTES 36 SECONDS WEST A DISTANCE OF 143.25 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF S.R. 426 (ALOMA AVENUE); THENCE DEPARTING THE RIGHT OF WAY OF S.R. 417 RUN SOUTH 89 DEGREES 13 MINUTES 02 SECONDS WEST ALONG THE NORTH RIGHT OF WAY OF S.R. 426 A DISTANCE OF 607.98 FEET; THENCE DEPARTING THE SAID RIGHT OF WAY OF S.R. 426 RUN NORTH 01 DEGREES 07 MINUTES 18 SECONDS WEST A DISTANCE OF 684.66 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 39 MINUTES 22 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 28.21 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 77 DEGREES 20 MINUTES 20 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 134.98 FEET TO THE POINT OF BEGINNING.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 8, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

Property Owner(s): Aloma Walk Commercial Venture, LLC
4651 Salisbury Road, Suite 400
Jacksonville, FL 32256

Project Name: Greenway Pointe PUD Major Amendment

Requested Development Approval: Request for a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way.

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

After fully considering staff analysis titled "Greenway Pointe Major Amendment" and all evidence submitted at the public hearing on December 8, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from PUD (Planned Unit Development) 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: _____
Bob Dallari, Chairman

EXHIBIT "A"***LEGAL DESCRIPTION***

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, RUN SOUTH 01 DEGREES 07 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 31 AND ALONG THE EAST LINE OF THE BEAR CREEK PLAT, RECORDED IN PLAT BOOK 31, PAGES 54 & 55, SEMINOLE COUNTY, FLORIDA, A DISTANCE OF 1,409.51 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 05 MINUTES 50 SECONDS EAST, A DISTANCE OF 82.86 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST, A DISTANCE OF 341.22 FEET; THENCE NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST, A DISTANCE OF 195.87 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST A DISTANCE OF 746.62 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY ON THE WESTERLY RIGHT OF WAY OF SR 417 (EASTERN BELTWAY) AND HAVING A RADIUS OF 818.51 FEET, A CHORD BEARING OF SOUTH 13 DEGREES 20 MINUTES 52 SECONDS WEST AND A CENTRAL ANGLE OF 33 DEGREES 21 MINUTES 35 SECONDS; THENCE RUN ALONG SAID CURVE, 476.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 03 DEGREES 13 MINUTES 57 SECONDS EAST A DISTANCE OF 445.41 FEET; THENCE SOUTH 33 DEGREES 10 MINUTES 36 SECONDS WEST A DISTANCE OF 143.25 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF S.R. 426 (ALOMA AVENUE); THENCE DEPARTING THE RIGHT OF WAY OF S.R. 417 RUN SOUTH 89 DEGREES 13 MINUTES 02 SECONDS WEST ALONG THE NORTH RIGHT OF WAY OF S.R. 426 A DISTANCE OF 607.98 FEET; THENCE DEPARTING THE SAID RIGHT OF WAY OF S.R. 426 RUN NORTH 01 DEGREES 07 MINUTES 18 SECONDS WEST A DISTANCE OF 684.66 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 39 MINUTES 22 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 28.21 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 77 DEGREES 20 MINUTES 20 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 134.98 FEET TO THE POINT OF BEGINNING.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

- Individual Corporation Land Trust
 Limited Liability Company Partnership
 Other (describe): _____

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	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
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4. ~~For partnerships~~ ^{Limited Liability Company} including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST
Nifong Winter Park LLC	222 S. Central Ave. Suite 800	100%
	St. Louis, MO 63105	

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

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

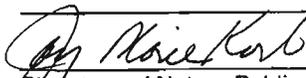
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this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

10/1/09
Date


Owner, Agent, Applicant Signature
Jon D. Walls, Agent

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 1st day of October, 2009 by JON D. WALLS


Signature of Notary Public

JAY MARIE KORB
Print, Type or Stamp Name of Notary Public



JAY MARIE KORB
Commission DD 790075
Expires August 13, 2012
Bonded Thru Troy Fan Insurance 800-385-7019

Personally Known OR Produced Identification N/A
Type of Identification Produced N/A

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