

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

SUBJECT: Lake Jesup Estates Rezone from A-1 to PUD

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

AUTHORIZED BY: Alison Stettner AS **CONTACT:** Tina Williamson EXT. 7375

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:

- RECOMMEND APPROVAL** of the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 36.60 acres, located south of Cadillac Street, between Lake Avenue and Lake Jesup, and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings (Hugh Harling, applicant); or
- RECOMMEND DENIAL** of the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 36.60 acres, located south of Cadillac Street, between Lake Avenue and Lake Jesup (Hugh Harling, applicant); or
- CONTINUE** until a time and date certain.

District #5 – Carey Tina Williamson, Asst. Planning Manager

BACKGROUND:

The applicant, Hugh Harling, is requesting a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), in order to develop a single-family subdivision. The Future Land Use designation of the subject property is Suburban Estates, which allows the requested zoning district.

The proposed PUD will have a density of one dwelling unit per net buildable acre, not to exceed a total of twenty-five dwelling units. The proposed Preliminary Master Plan indicates that the PUD will have 11.20 acres of passive recreation surrounding an eagle's nest and a boat ramp.

Reviewed by: _____
Co Atty: <u>KFT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2008-52</u>

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 36.60 acres, located south of Cadillac Street, between Lake Avenue and Lake Jesup, and recommends approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings.

Attachments:

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

Lake Jesup Estates Rezone from A-1 to PUD	
APPLICANT	Hugh Harling
PROPERTY OWNER	Lake Jessup Woods C/O Hara Management
REQUEST	Rezone from A-1 (Agriculture) to PUD (Planned Unit Development).
PROPERTY SIZE	36.6 acres
HEARING DATE (S)	P&Z: November 4, 2009 BCC: December 8, 2009
PARCEL ID	25-20-30-300-0120-0000 and 012A-0000
LOCATION	Located south of Cadillac Street, between Lake Avenue and Lake Jesup
FUTURE LAND USE	Higher Intensity Planned Development - Airport (HIP-AP)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2008-52
COMMISSION DISTRICT	#5 – Carey

PROPOSED DEVELOPMENT:

The applicant is proposing a twenty-five lot single-family PUD.

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 sq. ft.	24,000 square feet
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	130 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	25 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Suburban Estates Future Land Use designation permits the clustering of lots of less than one acre within PUD zoning, as long as the overall density does not exceed one dwelling unit per net buildable acre, and the clustering is directed internal to the parcel

Case No: Z2008-52
Lake Jesup Estates Rezone

Tina Williamson, Asst. Planning Mgr.
District #5 - Carey

and does not cause incompatibility with adjacent parcels. The majority of the lots are clustered internal to the parcel and 11.20 of the 36.60 acres will be maintained as passive open space, which is over 30% of the site. The majority of the surrounding properties are single-family residences on lots larger than one acre, however there are some lots less than one acre in size immediately adjacent to the subject property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on the FIRM map with an effective date of 2007, there appears to be substantial floodplains on the subject property. Due to the extensive flood plains proposed to be impacted by this project, a Conditional Letter of Map Revision (CLOMR) is required to be approved by FEMA prior to final engineering plan approval and all mitigation for the floodplains must comply with FEMA requirements.

Drainage:

The proposed project is located within the lake Jesup Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to meet the pre-development rate of discharge for the 25-year, 24-hour storm event.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

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

Utilities:

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the south side of Myrtle St.,

just west of Nolan Rd. and an 8-inch force main on the north side of Myrtle St., just west of Nolan Rd. This parcel is in the ten-year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property proposes access onto Lake Avenue which is classified as a residential road and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program. Lake Avenue will need to be improved to County standards at the time of Final Engineering and all road improvements must be in accordance with all Land Development Code requirements.

APPLICABLE POLICIES:

Special Districts

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

Comprehensive Plan

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 Policy FLU 2.10 Determination of Compatibility in Planned Zoning Classifications, Policy POT 4.5 Potable Water Connection, and Policy SAN 4.4 Sanitary Sewer Connection.

INTERGOVERNMENTAL NOTIFICATION:

No intergovernmental notice was required, as the proposed rezone is not adjacent to, or within the service area of, any municipality.

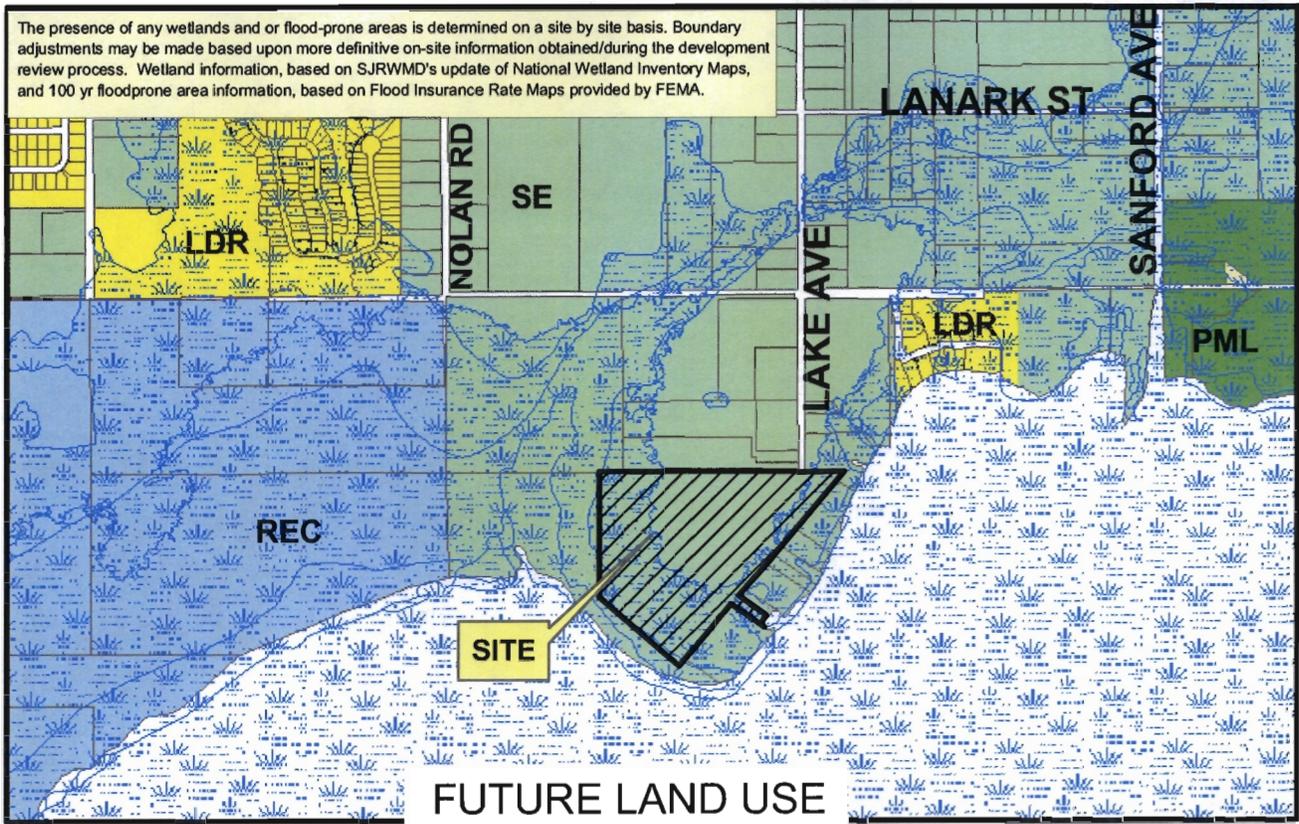
LETTERS OF SUPPORT OR OPPOSITION:

Staff has received no letters of support or opposition of the proposed rezone.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 36.60 acres, located south of Cadillac Street, between Lake Avenue and Lake Jesup, and recommends approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per 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.

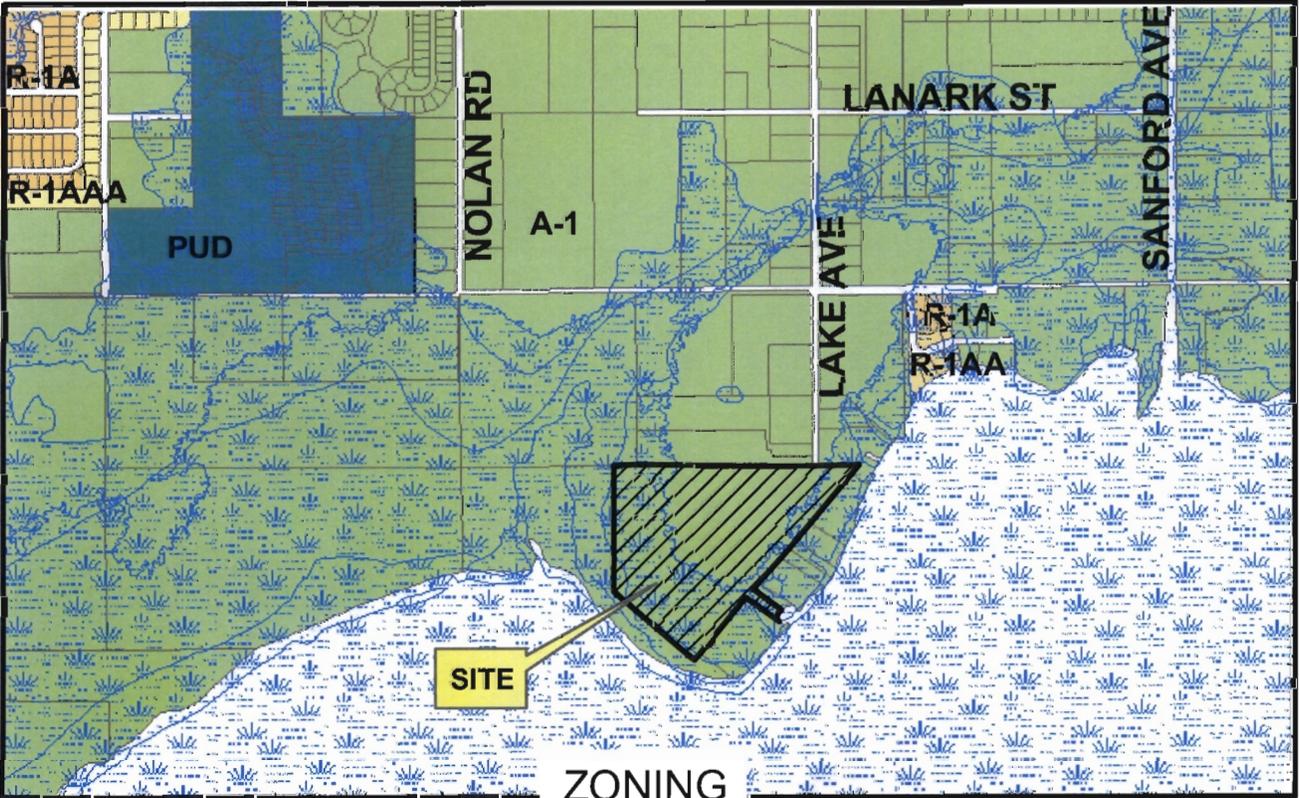


FUTURE LAND USE

- Site
- LDR
- REC
- PML
- CONS

Applicant: Hugh Harling
 Physical STR: 25-20-30-300-0120 & 012A-0000
 Gross Acres: 36.6 +/- BCC District: 5
 Existing Use: vacant
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-052	A-1	PUD



ZONING

- A-1
- R-1A
- R-1AA
- R-1AAA
- PUD
- CONS



Rezone No: Z2008-052
From: A-1 To: PUD

-  Parcel
-  Subject Property



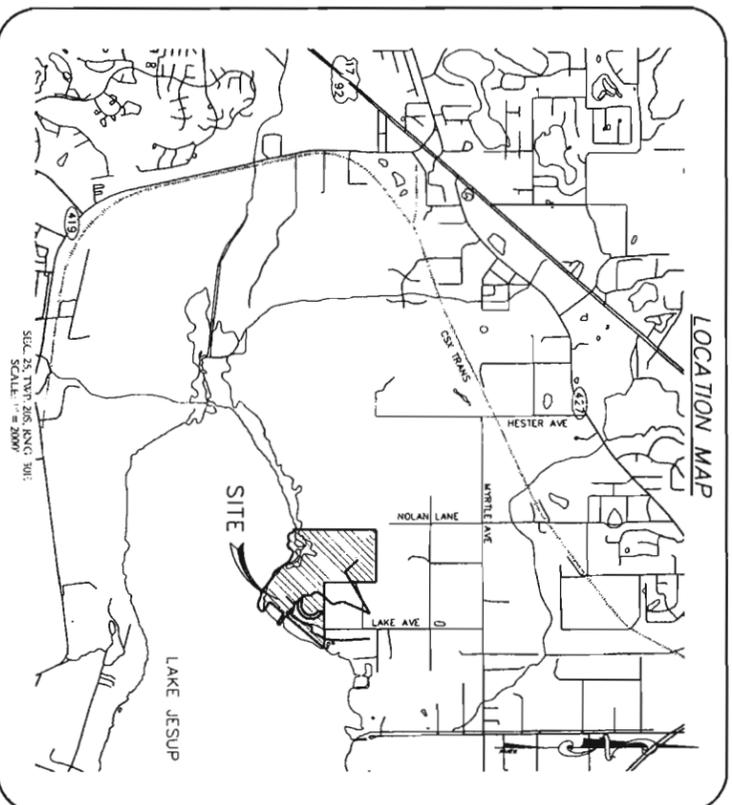
Winter 2009 Color Aerials

PRELIMINARY MASTER PLAN FOR LAKE JESUP ESTATES RESIDENTIAL SUBDIVISION

SEMINOLE COUNTY, FLORIDA

PREPARED FOR:
HARA MANAGEMENT, INC.
931 S. SEMORAN BLVD.
WINTER PARK, FLORIDA 32789
PHONE: 407-628-1086
FAX: 407-628-8477
CONTACT: ROBERT HARA

PREPARED BY:
**HARLING
LOCKLIN
& ASSOCIATES, INC.**
CONSULTING ENGINEERS - PLANNERS
850 COURTLAND STREET
ORLANDO, FLORIDA 32804
PHONE: 407-629-2855
FAX: 407-629-1061
E-MAIL: hharling@haringlocklin.com
E. B. # 2910



- SHEET INDEX**
- 1 COVER SHEET
 - 2 MASTER SITE PLAN
 - 3 MASTER GRADING PLAN

LEGAL DESCRIPTION
Commencing at the northeast corner of the northeast 1/4 of the northwest 1/4 of Section 25, Township 20, Range 30, in Seminole County, Florida:

Thence South 00 Degrees 11 Minutes 03 Seconds East, along the east line of Government Lot 2, a distance of 1320.20 feet to the **POINT OF BEGINNING**;

Thence North 89 Degrees 36 Minutes 19 Seconds East, along the south line of Government Lot 1, also being the north line of Government Lot 4, a distance of 334.80 Feet;

Thence South 40 Degrees 28 Minutes 14 Seconds West, a distance of 1283.25 feet;

Thence South 56 Degrees 20 Minutes 00 Seconds East, a distance of 290.00 feet;

Thence South 40 Degrees 29 Minutes 59 Seconds West, a distance of 80.00 feet;

Thence North 56 Degrees 20 Minutes 03 Seconds West, a distance of 289.96 feet;

Thence South 40 Degrees 28 Minutes 14 Seconds West, a distance of 520.29 feet;

Thence North 49 Degrees 30 Minutes 58 Seconds West, a distance of 790.14 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds West, a distance of 907.35 feet to a point on the south line of the northwest 1/4 of Section 25, Township 20, Range 30

Thence North 89 Degrees 36 Minutes 19 Seconds East, along the south line of the northwest 1/4 of Section 25, Township 20, Range 30, also being the north line of Government Lot 4, a distance of 165.30 feet.

Thence North 89 Degrees 36 Minutes 19 Seconds East, along the south line of the northwest 1/4 of Section 25, Township 20, Range 30, also being the north line of Government Lot 4, a distance of 1323.45 feet to the **POINT OF BEGINNING** and containing 36.80 acres of land, more or less.

This is to certify that the roadway construction plans and specifications as contained herein were designed to applicable standards as set forth in the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" as prepared by the Florida Department of Transportation.

Engineer:
Hugh W. Harling, Jr., P.E. No. 11629

Job Number: 0526 Date: AUG 2009

**LAKE JESUP ESTATES
Residential Subdivision
PRELIMINARY MASTER PLAN**

**HARLING
LOCKLIN
& ASSOCIATES, INC.**
Consulting Engineers-Planners
850 Courland Street Orlando, Florida 32804
Phone: 407-629-1061
Fax: 407-629-2855
E-mail: hharling@haringlocklin.com

SEMINOLE COUNTY DEVELOPMENT ORDER

On December 8, 2009, Seminole County issued this 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.)

FINDINGS OF FACT

Property Owner: Lake Jessup Woods c/o Hara Management, Inc.

Project Name: Lake Jesup Estates PUD

Requested Development Approval: Rezone from A-1 to PUD

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: Tina Williamson, Asst. Planning Manager
1101 East First Street
Sanford, Florida 32771

Order

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. All development shall comply with the Preliminary Master Plan attached as Exhibit B
 - B. The project is limited to a density of one (1) dwelling unit per net buildable acre, not to exceed twenty-five (25) dwelling units
 - C. The minimum lot size shall be 24,000 square feet.
 - D. Permitted and Special Exception uses shall be per the R-1AAAA (Single Family Dwelling) district.
 - E. The maximum allowable building height is 35'.
 - F. The setbacks for the individual lots shall be as follows:
 - Front: 25'
 - Rear: 30'
 - Side: 25'
 - Side Street: 25'
 - G. The developer shall provide a pedestrian circulation system giving access to all portions of the development.
 - H. The use of the boat dock is limited to property owners within the PUD and their guests.
 - I. A minimum of 30% open space meeting Land Development Code requirements shall be provided within the PUD.
 - J. A management plan for construction activities within 660' of the eagle's nest is required to be approved at the time of final engineering.
 - K. A Conditional Letter of Map Revision (CLOMR) is required to be approved by FEMA prior to final engineering plan approval.
 - L. All floodplain mitigation must comply with Seminole County and FEMA requirements.
 - M. All road improvements must comply with Seminole County requirements.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Bob Dallari, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, Robert Hara, on behalf of Hara Management, Inc., the owner of the aforescribed property in this Development Order, on behalf of itself and 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 Development Order.

Witness
Print Name _____

Robert Hara, Registered Agent

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 acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A**LEGAL DESCRIPTION
LAKE JESUP ESTATES**

Commencing at the northeast corner of the northeast 1/4 of the northwest 1/4 of Section 25, Township 20, Range 30, in Seminole County, Florida;

Thence South 00 Degrees 11 Minutes 03 Seconds East, along the east line of Government Lot 2, a distance of 1320.20 feet to the **POINT OF BEGINNING**;

Thence North 89 Degrees 36 Minutes 19 Seconds East, along the south line of Government Lot 1, also being the north line of Government Lot 4, a distance of 334.80 Feet;

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Thence North 89 Degrees 36 Minutes 19 Seconds East, along the south line of the northeast 1/4 of the northwest 1/4 of Section 25, Township 20, Range 30, also being the north line of Government Lot 4, a distance of 1323.45 feet to the **POINT OF BEGINNING** and containing 36.60 acres of land, more or less.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (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 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 "Lake Jesup Estates Rezone from A-1 to PUD," 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 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 #08-20500013 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

LEGAL DESCRIPTION LAKE JESUP ESTATES

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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: Lake Jessup Woods c/o Hara Management, Inc.

Project Name: Lake Jesup Estates PUD

Requested Development Approval: Rezone from A-1 to 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 "Lake Jesup Estates PUD Rezone" 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 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: _____
Bob Dallari, Chairman

EXHIBIT A**LEGAL DESCRIPTION
LAKE JESUP ESTATES**

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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.

Hara Management, Inc.

Name: Robert Hara

Name: _____

Address: 931 S. Semoran Blvd. #214

Address: _____

Phone #: 407-628-1086

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: _____

Name of Corporation: _____

Officers: _____

Officers: _____

Address: _____

Address: _____

Directors: _____

Directors: _____

Address: _____

Address: _____

Shareholders: _____

Shareholders: _____

Address: _____

Address: _____

(Use additional sheets for more space.)

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

Name of Trust: _____

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 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.

10-30-08
Date

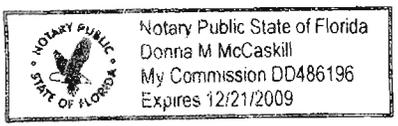
[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 30 day of October, 2008 by Robert
Hara

Donna M. McCaskill Donna M. McCaskill
Signature of Notary Public 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: _____