ITEM #_____

SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM
(Continued from 6/3/2009)

SUBJECT: Snow Hill Commons Amendment to the Charter Boundary, Urban/Rural Boundary and Large Scale Future Land Use Map Amendment from Rural-5 to Commercial

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

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

Agenda Date 1/6/2010 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND DENIAL** of an amendment to the Rural Boundary Map, Rural Area Legal Description, Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial and denial of transmittal to the Department of Community Affairs, on 34 ± acres, located at the intersection of CR 419 and Snowhill Road, based on staff findings (Buchholz Management LLC, applicant); or

2. **RECOMMEND APPROVAL** of an amendment to the Rural Boundary Map, Rural Area Legal Description, Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial and approval of transmittal to the Department of Community Affairs, on 34 ± acres, located at the intersection of CR 419 and Snowhill Road (Buchholz Management LLC, applicant); or

3. **CONTINUE** this item until a time and date certain.

Dick Boyer, Senior Planner
District 1 – Dallari Tina Williamson, Asst. Planning Manager

BACKGROUND:
The East Rural Area was first established in the Seminole County Comprehensive Plan in 1991, as a result of the East Seminole County Rural Area Plan. The East Rural Area is distinguished from the Urban Area by an Urban/Rural Boundary Line. The 1991 amendment to the

Reviewed by:
Co Atty: KFT
DFS:_____
OTHER:_____
DCM:_____
CM: _____

File No. Z2008-64

Comprehensive Plan created and assigned Rural Future Land Use Designations and zoning classifications to the Rural Area, which, along with the Rural Subdivision standards and other Plan policies, preserve and reinforce the character of the East Rural Area. In 1999, the Comprehensive Plan was amended again, based on the 1999 Chuluota Small Area Study. This amendment further strengthened protection of the East Rural Area.

In 2004, Seminole County voters approved a referendum that established a Rural Area and a Rural Boundary in the Home Rule Charter through a map and legal description in the Comprehensive Plan. The Charter Amendment stated that for the legally described area, the Seminole County Future Land Use designations shall control the density and intensity of development in the Rural Area. The Board of County Commissioners must approve all changes to the Future Land use designations, regardless of whether the property is located within a municipality. The Rural Area Legal Description, established by Charter, is an exhibit within the Future Land Use Element of the Comprehensive Plan.

The Comprehensive Plan was amended on December 9, 2008 in response to the 2006 Evaluation and Appraisal Report (EAR). The most recent amendment strengthened and clarified the standards for evaluating amendments to the Urban/Rural Boundary.

At this time, the applicant is requesting an amendment to the Rural Boundary Map, Rural Area Legal Description, Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial. The Urban/Rural Boundary is depicted in the following Comprehensive Plan Future Land Use Element Exhibits:

- FLU Series- *Future Land Use Map*
- FLU Series- *Rural Boundary Map*
- FLU Series- *Rural Area Legal Description*
- FLU Series- *Special Area Boundaries*
- FLU Series- *Urban/Rural Boundary*

The subject property contains approximately 34 ± acres and is located at the intersection of CR 419 and Snowhill Road. The 34 ± acres, if developed at the maximum Floor Area Ratio (FAR) permitted under the Commercial Future Land Use designation, would result in approximately 518,000 square feet of commercial development.

If the Board of County Commissioners transmits the requested Large Scale Future Land Use Map Amendment to the Department of Community Affairs, the applicant intends to submit a rezoning request for a Commercial zoning district, to be considered at the FLU amendment adoption hearing that is tentatively scheduled for December 8, 2009.

In October of 2006, Seminole County and the City of Oviedo entered into a Joint Planning Agreement. At that time, the majority of the subject property was included in an area defined as "Transition Area 2". The County and the City agreed to work

together to define development standards for the designated Transition Areas in the future. It was later jointly determined that "Transition Area 2" should remain Rural in accordance with the Seminole County Comprehensive Plan, rather than pursue planning for potentially more intense uses. On March 7, 2008, the Joint Planning Agreement between Seminole County and the City of Oviedo was amended to remove the "Transition" designation from that area.

STAFF RECOMMENDATION:

Staff recommends denial of an amendment to the Rural Boundary Map, Rural Area Legal Description, Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial and denial of transmittal to the Department of Community Affairs, on 34 ± acres, located at the intersection of CR 419 and Snowhill Road, based on staff findings.

Attachments:
Staff Analysis
Location Map
Zoning and Future Land Use Map
Aerial Map
Applicant's Justification Statements
Comments from the Sheriff's Office
Seminole County/City of Oviedo Joint Planning Agreement
Comments from the City Of Oviedo
Denial Development Order
Ownership Disclosure Forms
Letters of Support and Opposition

Snow Hill Commons Amendment to the Charter Boundary, the Urban/Rural Boundary and Large Scale Future Land Use Map Amendment from Rural-5 to Commercial		
APPLICANT	Buchholz Management LLC, applicant	
PROPERTY OWNER	Buchholz Land Trust, Murrell Investments LLLP	
REQUEST	Snow Hill Commons Amendment to the Charter, Boundary, the Urban/Rural Boundary and Large Scale Future Land Use Map Amendment from Rural-5 to Commercial	
PROPERTY SIZE	34 ± acres	
HEARING DATE (S)	P&Z: June 3, 2009	BCC: July 28, 2009 (Transmittal) December 8, 2009 (Adoption)
LOCATION	Located at the intersection of CR 419 and Snowhill Road	
FUTURE LAND USE	Rural-5	
ZONING	A-5 (Agriculture-5)	
FILE NUMBER	Z2008-64/09S.FLU01	
COMMISSION DISTRICT	#1 – Dallari	

Urban/Rural Boundary Amendment

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Standards for Amending the Urban/Rural Boundary

In the Future Land Use Element, in the Plan Amendment Standards of Review section, under "Standards for Amending the Urban/Rural Boundary", very specific requirements are set out for considering the amendment of the Urban/Rural Boundary. Each of these requirements are listed below under bolded headings of A, B, and C and their sub-headings. Each is followed by a staff evaluation of whether the requirement has been met.

Amendments to the County's Urban/Rural Boundary, as depicted on *Exhibit FLU: Special Area Boundaries*, may be considered only if all of the following standards are affirmatively met.

A. Demonstration of Need:

1. **Data and analysis shall be provided to document that additional urban lands are needed to accommodate population, housing or employment projected for the horizon year of this Plan, based on the population projections used by the current version of The Seminole County Comprehensive Plan; or**

2. **Data and analysis shall be provided to document that additional lands are required to support affordable, workforce or obtainable housing opportunities and choices in proximity to employment opportunities and public transportation or that such amendment is needed to achieve the adopted redevelopment goals of the County because of the lack of suitable redevelopable or vacant land within the urban area; or**
3. **Data and analysis shall be provided to document that additional lands are required to support the adopted economic development goals of the County because of the lack of suitable vacant or redevelopable land within the urban area; or**
4. **Data and analysis shall be provided to document that additional lands are required to provide for a critically needed public facility, such as a public school, because of the lack of suitable vacant or redevelopable land within the urban area.**

Staff Evaluation

The County's economic consultant, Urbanomics Inc., evaluated the proposed amendment and market study submitted with the application to determine if the Demonstration of Need criteria were affirmatively met. Urbanomics Inc. has determined that the criteria are not affirmatively met, with the following findings:

(1) The applicant's submitted "*Market Considerations Associated with Buchholz Amendment*" does not address the Demonstration of Need criteria and show how they are "met in the affirmative". The market study addresses projecting consumer demand based on a projected growth in the identified target area that appears to exceed that which would be possible under the very low rural densities adopted in the Comprehensive Plan for this area.

(2) The proposed commercial development appears unrelated to the land uses and types of development for which an Urban/Rural Boundary amendment would be allowed under the standards of Demonstration of Need. These standards provide opportunities for Rural Boundary amendments to add urban lands to accommodate population, housing, employment, redevelopment, economic development, and critical public facilities where it can be demonstrated with adequate data and analysis that the need exists and is consistent with County goals and projections.

Staff finds that the application fails the Demonstration of Need criteria.

B. Locational Analysis of Amendments:

1. **Availability of facilities and services, and the orderly, efficient and cost effective provision of service, given that the Level of Service for potable**

water and sanitary sewer in the Rural Area is onsite service, and that availability of public school capacity in the Rural Area is limited; and

Staff Evaluation

A portion of the subject property is included in the Aqua Utilities service area, however, Aqua Utilities has indicated that they do not have the capacity to service the property. The applicant has identified the City of Oviedo as the most likely provider of potable water service. The City appears to have sufficient capacity to serve the future development of the subject property, however the City has indicated that the property will have to annex to receive service. The City of Oviedo has provided the following comments regarding utilities:

If the intent of the Applicant is to use City water, annexation of the subject parcels will be required. City Council adopted Resolution No. 1619-07 on October 1, 2007. The Resolution requires developers of properties located in unincorporated Seminole County to annex into the City prior to beginning the development review process in order to receive City services.

The applicant has identified Alafaya Utilities as the most likely provider of sanitary sewer service, however, at this time, no statement from the utility has been submitted demonstrating ability to provide service. There are many uncertainties associated with the proposed utility provision plan. It is unknown if Aqua Utilities will be willing to give up the portion of the property that is included in their service area, and the City of Oviedo and Alafaya Utilities will have to amend their service areas to include the subject property.

Staff finds that the application fails the Availability of Facilities and Services criteria, due to insufficient information being provided.

2. Fiscal capacity to provide adopted levels of service (LOS); and

Staff Evaluation

The only LOS that the County has fiscal responsibility for that will be affected is Solid Waste. The calculations provided by the applicant indicate that the LOS for Solid Waste can be met, if the Urban/Rural Boundary Amendment and Future Land Use Map Amendment are approved. Additional analysis of the Levels of Service is included in the Comprehensive Plan Consistency Review section of this report under B(1).

3. **Protection of environmental and natural resources, including regionally significant natural areas:**

   a. **Analysis that the amendment would not negatively impact the interconnected system of wetlands/uplands that exist in the Rural Area and provide a high quality mosaic of regional significance. This analysis must describe how the amendment protects the wetlands/uplands systems, including:**

      1) **Retaining the connectivity of wetlands;**

      2) **Retaining/Improving the ecological quality of wetlands; and**

      3) **Retaining the functional and structure values of the types of wetlands in the Rural Area.**

   b. **If amendment to the Urban/Rural Boundary is approved, developments shall avoid impact to wetlands to the maximum extent possible by utilization of clustering and other special techniques.**

Staff Evaluation

The application includes an environmental analysis, which indicates a total of four wetlands on the subject property. The application indicates that wetlands will most likely be handled through a mitigation bank within the local area.

The application does not address how wetlands and uplands would be protected, retained or improved and, therefore, staff finds that the application fails the Protection of Natural Resources criteria.

4. **Contiguity to existing boundary and urban development patterns so as to discourage urban sprawl; and**

Staff Evaluation

The subject property is adjacent to the urban Low Density Residential FLU designation along the east property line and across CR 419 are urban intensity developments in the City of Oviedo. However, per the Seminole County/City of Oviedo Joint Planning Agreement, as amended in 2008, the subject property is in an area that is designated to remain Rural. Any changes to the Urban/Rural Boundary or any Future Land Use Map Amendments in this area, may not be consistent with the terms of the Joint Planning Agreement. The City of Oviedo has provided the following comment regarding this issue:

Per the Second Amendment to the City of Oviedo/Seminole County Joint Planning Interlocal Agreement (JPA), this area is no longer identified as a "Transition Area". The request for a Commercial future land use designation at this location is not consistent with the City of Oviedo/Seminole County JPA. As a result, should either remain Rural or

if designated with an urban future land use and zoning classification, the City of Oviedo/Seminole County JPA should be amended.

The definition of Urban Sprawl in the Comprehensive Plan is:

Urban development or uses which are located in rural areas, or rural areas interspersed with generally low intensity or low-density urban uses, and which are characterized by one or more of the following conditions:
(a) the premature or poorly planned conversion of rural land to other uses which fails to adequately protect and conserve natural resources;
(b) the creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area;
(c) failure to provide a clear separation between rural and urban uses;
(d) allowing for land use patterns or timing that disproportionally increase the cost in time, money and energy of providing and maintaining facilities and services, including roads, water, sewer, stormwater management, law enforcement, education, health care, fire and emergency response and general government; or
(e) the creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided or proposed to be provided.

The subject property is contiguous to the Urban/Rural Boundary along two property lines; however there are two Rural properties that are not included in this application that, if the application is approved, would be surrounded by the Urban Area. The only way to rectify the situation would be to involuntarily bring them into the Urban Area and administratively change their Future Land Use designations and zoning.

The Seminole County Sheriff's office has submitted comments indicating that, due to the increased number of calls for service in this area, additional Deputies may be needed to patrol in this Community Service Area, which would have a direct impact upon the Sheriff's Office budget.

The subject property is consistent with (a) and (d) above, and therefore, meets the definition of urban sprawl, therefore, Staff finds that the proposed amendment fails the Contiguity and Urban Sprawl criteria.

5. **Adequate transitions to maintain compatibility with adjacent, existing communities.**

Staff Evaluation

The subject property is adjacent to Rural 5 Future Land Use to the north, west and southwest and Low Density Residential to the east. To the south is an urban intensity PUD within the City of Oviedo. FLU Exhibit 2 Compatible Transitional Land Uses indicates that Commercial Future Land Use can be compatible with Rural Future Land Use and Low Density Residential Future Land Use, if sensitive site design standards are applied such as transitioning lot sizes, sufficient buffers, limited building heights,

architectural controls, limited hours of operation, and limiting adjacent uses to passive, unobtrusive uses.

The submitted application does not address how the proposed Future Land Use Map Amendment to Commercial will incorporate the sensitive site design standards required by the Comprehensive Plan; therefore, Staff finds that the application fails the Compatibility criterion.

C. Mandatory Consistency with the Goals, Objectives and Policies of the Plan, Regional and State Plans:

1. Any proposed amendment to the Urban/Rural Boundary must undergo an assessment of consistency with applicable goals, objectives and policies of this Plan, the East Central Florida Regional Planning Council's Strategic Regional Policy Plan, the Central Florida Regional Growth Vision, and the State Comprehensive Plan.

Staff Evaluation

Consistency with other Comprehensive Plan Policies

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

1. Policy FLU 2.3: Roadway Compatibility
2. Policy FLU 2.5: Transitional Land Uses in Urban Areas Not Approved For Mixed Development
3. Policy FLU 16.4: Relationship of Land Use to Zoning Classifications
4. Policy FLU 16.5: Evaluation Criteria of Property Rights Assertions
5. *Exhibit FLU: Appropriate Transitional Uses*
6. Policy TRA 2.5.2: Discourage Through Traffic
7. Policy TRA 2.5.9: Access Control to Protect Residential Uses

Central Florida Regional Growth Vision

1. Two of the four key points for the Central Florida Regional Growth Vision are entitled "Countryside" and "Centers". The two together point towards a direction of hamlets, villages, towns and cities that are compact, dense, and provide services in the immediate area. The proposed amendment would create the largest single piece of commercial development east of the Econlockhatchee River and Lake Jesup in Seminole County. The subject property is not identified in the Vision as a core to any center and is clearly outside the county's most urbanized areas and the city limits of the nearest municipality.

2. Although located at the urban fringe, the applicant's submission indicates the potential on-site capture for retail, restaurants and services of this site ranges from 274,400 to 371,600 sq. ft. As a comparison measure, Super Targets average 174,000 sq ft (*source: Target website*) and Wal-Mart Supercenters average 185,000 sq ft (*source: Wal-Mart website*). One of each would equal 359,000 sq ft, well within the property's development potential of 484,701 sq.ft.

NOTE: The County's own assessment of the demand for such services in this area based on adopted future land use growth projections is far less than the applicant's and is more indicative of the long term rural character of Seminole County east of the Econlockhatchee River.

East Central Florida Strategic Regional Policy Plan

1. Section 4: Natural Resources - Water Resources: Policy 4.12 Maximize effective and efficient use of the region's potable water resources by: discouraging new development in areas with existing or projected water supply problems;

2. Section 6: Land Use Urban Areas: Policy 6.1.7. Discourage urban uses and intensities outside urban development areas;

State Comprehensive Plan (Chapter 187 Florida Statutes)

1. (Water Resources – Policy 7.b.5. Ensure that new development is compatible with existing local and regional water supplies.

The initial submission of this project with a rezoning raised serious questions about the ability of local water and sewer providers to meet the demand from permitted supplies. At this time, the provider of sanitary sewer services is still unresolved.

2. 9) Natural Systems And Recreational Lands – Policy 9.b.7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.

The initial submission of this project indicates elimination of the on-site wetland area.

Staff finds that the proposed amendments are not consistent with Seminole County Comprehensive Plan, the East Central Florida Regional Planning Council's Strategic Regional Policy Plan, the Central Florida Regional Growth Vision, and the State Comprehensive Plan.

Future Land Use Map Amendment from R-5 to Commercial

GENERAL FINDINGS OF CONSISTENCY WITH THE COMPREHENSIVE PLAN:

To the extent that an application for a Plan amendment asserts, and County staff agrees, based upon the analysis of the proposal considering the matters set forth herein, that the proposed Plan amendment for a small area/single parcel has localized impacts which would only require an individual site compatibility analysis, the amendment application may be evaluated consistent with the requirements for a quasi-judicial review. This review would be site specific and shall include an evaluation of the following criteria:

Prior to this land amendment being possible, the County's Urban/Rural Boundary must be amended such that the proposed site would then be located in the County's urbanized area. The following evaluation of criteria assumes this action has occurred and treats the proposed future land use map amendment from Rural 5 to Commercial as if the property was already in the urbanized area. No rezoning accompanies the future land use map amendment request, however the applicant has indicated that the potential on-site capture demand of retail, restaurants and services is between 274,000 sq ft and 371,000 sq. ft.

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

1. Since 2000, the area has added four subdivisions east of the Econlockhatchee River: Live Oaks Reserve, the Sanctuary, Osprey Lakes and Trails of Seminole and two elementary schools, Partin and Walker, have opened to the west and east of the development site. Road improvements have included the creation of the "Chuluota By-Pass", now an extension of Snow Hill Road, and the widening of CR 419 from Lockwood Blvd in Oviedo to the Snow Hill intersection. CR 419 widening to 4-lanes between Snow Hill Rd. and the Orange County line will be accomplished by 2014. Additionally, the City of Oviedo has grown eastward from the river both north and south of CR 419 in the area of the proposed amendment.

2. While these changes are obviously of an urban nature, the overall area is at the eastern fringe of urban development in Seminole County and the proposed development itself abuts the County's Rural Area. The opportunities for the scale and pace of development to continue in this area seems unlikely given the existing built nature and larger surrounding Rural Area to the north, east and south which is extremely limited in growth potential. Current resident needs for retail, restaurant and other services are being met primarily by businesses west of the Econlockhatchee in Oviedo – a Publix supermarket (44,640 square feet) and a Winn Dixie supermarket (47,733 square feet) are located approximately 2.6 miles from this site just west of the river. It would therefore seem that a development of this proposed size would be excessive in this location.

(Note: See further comments on long range regional development planning that affects this property under F.7 below.)

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

Staff Evaluation

1) Development must undergo Concurrency Review prior to final engineering approval and must meet all Concurrency standards in order to proceed.

The following table assesses the impact on each public service:

Facility or Service	Potential Impact*
Potable Water Facilities LOS: 350 gpd/Equivalent Residential Connection	Staff estimated service demand based on: 34 acres times .35 FAR times .09 gal/day/sq ft = 0.048 mgd. The City of Oviedo has indicated the property can be provided potable water services pending annexation into the city. A portion of the Aqua Utilities Public Services Commission service area would need to be rescinded prior to the Development Review process..
Sanitary Sewer Facilities LOS: 300 gpd/Equivalent Residential Connection	Staff estimated service demand based on: 34 acres times .35 FAR times .08 gal/day/sq ft = 0.041 mgd. Aqua Utilities has indicated they cannot provide sanitary sewer services at this time. The applicant has contacted Alafaya Utilities for service but has not received a reply. If able to serve, the utility would need to amend its PSC service area to include the property and Aqua Utilities portion of the service area would need to be rescinded.
Recreation LOS: 3.6 total acres/1,000 population 1.8 developed acres/1,000 population	No Recreation Impacts - not a residential project
Mass Transit LOS: 1.03 revenue miles/capita	No Mass Transit Impacts - not within a transit service area
Solid Waste LOS: County Landfill LOS: 4.2 lbs/capita/day County Transfer: LOS Station 4.3 lbs/capita/day	Applicant calculation of 1,108.48 tons/year based on: Retail of 300,000 sq. ft. times 0.0024 tons/sq. ft. /year = 720 tons/year. Restaurants of 138,700 sq. ft. times 0.005 lbs/sq. ft./day times 365) divided by 2000 = 126.56 tons/year. Services of 46,000 sq. ft. supermarket times 3.12 lbs/sq. ft. /day times 365 divided by 2000 = 261.92 tons/year.
Transportation LOS: Varies	Staff estimated service demand based on: 34 acres times 0.35 F.A.R. has a maximum land use density for commercial land use of 518,364 sq. ft. This would generate 20,261 daily vehicle trips and 1,959 P.M. peak hour trips vs. the 78 and 8 trips respectively for the current land use of R-5.

*Impact based on maximum 0.35 FAR allowed in the Commercial FLU designation.

C. Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

Staff Evaluation

1) The site is within the Seminole County Environmentally Sensitive Lands Overlay (ESLO), as shown on *Exhibit FLU Series: Environmentally Sensitive Lands Overlay*, which denotes the potential of wetlands and/or flood prone areas. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits. Development must comply with the ESLO to determine the extent of allowable residential development. The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed. At time of final engineering development must comply with applicable stormwater provisions and any applicable requirements regarding impaired water bodies. The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

1) The property is located within the Econlockhatchee Protection Area as shown on *Exhibit FLU Series: Resource Protection Areas* and *Exhibit FLU: Special Area Boundaries.*

2) Development must comply with the following policies of the Comprehensive Plan:
   a) Policy CON 3.8 Econlockhatchee River Basin Protection
   b) Policy CON 3.9 Econlockhatchee River Outstanding Florida Water Designation
   c) Policy CON 7.2 Special Area Protection
   d) Policy CON 7.4 Wetland Regulation-Buffers, Performance Standards and Compatibility
   e) Address and comply with the Comprehensive Plan's COMPREHENSIVE WETLANDS MANAGEMENT STRATEGY
   f) Policy FLU 1.3 Wetlands Protection
   g) Policy FLU 1.9 Wekiva and Econlockhatchee River Protection
   h) Policy FLU 1.10 Econlockhatchee River Basin Protection
   i) Policy FLU 11.14 Protection of Natural Resources
   j) Policy REC 7.3 Wekiva and Econlockhatchee River Protection Zone

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

1) The purpose and intent for Commercial (COM) future land use is to identify locations for a variety of commercial uses including neighborhood and community shopping centers, convenience stores, retail sales, highway oriented commercial, and other commercial services. This land use should be located at the intersections of major roadways and along major roadways as infill development where this use is established. The maximum intensity permitted in this designation is 0.35 Floor Area Ratio.

a) Uses:

i) Permitted uses allowed in COM extend from neighborhood convenience store to public schools and hotels. With a special exception, flea markets, mechanical garages, paint and body shops, service stations, lumberyards, public utilities, hospitals and nursing homes utilities, and hospitals may be approved.

b) Services and Facilities:

This land use requires a full range of urban services and facilities in accordance with *Exhibit FLU: Services and Facilities By Classification.*

c) Special Provisions:

1) Commercial developments adjacent to existing residential neighborhoods should be developed as Planned Commercial Developments with a flexible site design to provide adequate buffers, maintain existing tree cover and maximize visual compatibility with surrounding neighborhoods.
2) A landscaped buffer between all commercial areas and highway frontage should be provided in conjunction with adequate sign controls to enhance community aesthetics and maintain neighborhood compatibility.
3) *Exhibit FLU: Compatible Transitional Land Uses* states that commercial land use can be made compatible with Rural land uses with sensitive site design such as transitioning lot sizes, sufficient buffers, limited building heights, architectural controls and limited hours of operation, limiting adjacent uses to passive, unobtrusive uses (.e.g., no dump sites, loading areas, lighting, noise, odor or hazardous materials). May require a Target Industry (TI), Mixed Development (MXD) or Planned Development (PD) zoning to address these issues. Public use compatibility varies greatly with proposed uses. Because public uses support neighborhoods, these uses are appropriate near residential areas though special buffering may be required. As noted in the *Exhibit FLU: Services and Facilities by Classification* table, a PD land use offers greater flexibility in designing a site that can be compatible with adjacent land uses. A request for use of PD land use would be preferable given the adjacent Rural properties to the north and southwest across CR 419.
4) The property also abuts the Chuluota Design Area as shown in Exhibit FLU: Chuluota Design Area – This area has standards set by Policy FLU 11.17 Chuluota Nonresidential Design Standards:

A. The County shall continue to enforce design standards for nonresidential development in the Chuluota Design Area, as shown in Exhibit FLU: Special Area Boundaries, for the purpose of maintaining the rural character of the Chuluota area. Nonresidential development shall mean office uses, commercial uses, and any other use that is nonresidential in character as that term may be defined in the implementing ordinance.

B. The adopted nonresidential design standards shall apply to all properties in the Chuluota Design Area which have, at the time of the adoption of this amendment, or which are subsequently amended to have, a land use designation allowing nonresidential development. The standards may be applied to individual properties within the Chuluota Design Area by ordinance, development order or any other lawful means.

F. Whether the proposed use furthers the public interest by providing:

1) Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site;

The proposal does not include any sites for public facilities or facility improvements in excess of requirements.

2) Dedications or contributions in excess of Land Development Code requirements;
The proposal does not include dedications or contributions in excess of Land Development Code requirements.

3) A range of obtainable housing opportunities and choices, including affordable or workforce housing;
The proposal does not include a range of obtainable housing opportunities and choices.

4) Economic development;
While the request is for commercial uses, which may provide some economic development, the type of commercial development indicated by the applicant for this property is not of an exceptional value such as one of those listed in Exhibit FLU: Target Industry Uses, which is the benchmark for economic development in the Comprehensive Plan. The development site is also not within any one of the areas shown in Exhibit FLU: Economic Development Target Areas.

5) Reduction in transportation impacts on area-wide roads;
The transportation impact would not be reduced. Under the current land use of Rural-5 built to a maximum of six single family dwelling units, the Transportation Demand Analysis done for this proposed development sets the upper limit for daily trips at 78. Using the same calculation for the property developed at maximum density the daily trips are 15,677.

6) Mass transit and a variety of transportation choices; or

The proposed use does not further this public interest, due to the fact that per Exhibits TRA Transit Service 2007, 2011, and 2025, no transit service is scheduled to service this area in the next 15 years.

7) Whether the proposed land use designation is consistent with any other applicable Plan policies, and supports and is consistent with the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan.

Consistency with Seminole County Comprehensive Plan Policies

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

1. Policy FLU 2.3: Roadway Compatibility
2. Policy FLU 2.5: Transitional Land Uses in Urban Areas Not Approved For Mixed Development
3. Policy FLU 16.4: Relationship of Land Use to Zoning Classifications
4. Policy FLU 16.5: Evaluation Criteria of Property Rights Assertions
5. *Exhibit FLU: Appropriate Transitional Uses*
6. Policy TRA 2.5.2: Discourage Through Traffic
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Central Florida Regional Growth Vision

Two of the four key points for the Central Florida Regional Growth Vision are entitled "Countryside" and "Centers". The two together point towards a direction of hamlets, villages, towns and cities that are compact, dense, and provide services in the immediate area. The proposed amendment would create the largest single piece of commercial development east of the Econlockhatchee River and Lake Jesup in Seminole County. The subject property is not identified in the Vision as a core to any center and is clearly outside the county's most urbanized areas and the city limits of the nearest municipality.

Although located at the urban fringe, the applicant's submission indicates the potential on-site capture for retail, restaurants and services of this site ranges from 274,400 to 371,600 sq ft of. As a comparison measure, Super Targets average 174,000 sq ft (*source: Target website*) and Wal-Mart Supercenters average 185,000 sq ft (*source: Wal-Mart website*). One of each would equal 359,000 sq ft, well within the property's development potential of 484,701 sq.ft.

NOTE: The County's own assessment of the demand for such services in this area based on adopted future land use growth projections is far less than the applicant's and is more indicative of the long term rural character of Seminole County east of the Econlockhatchee River.

East Central Florida Strategic Regional Policy Plan

1. Section 4: Natural Resources - Water Resources: Policy 4.12 Maximize effective and efficient use of the region's potable water resources by: discouraging new development in areas with existing or projected water supply problems;

2. Section 6: Land Use Urban Areas: Policy 6.1.7. Discourage urban uses and intensities outside urban development areas;

State Comprehensive Plan (Chapter 187 Florida Statutes)

Water Resources – Policy 7.b.5. Ensure that new development is compatible with existing local and regional water supplies.

The initial submission of this project with a rezoning raised serious questions about the ability of local water and sewer providers to meet the demand from permitted supplies. At this time, the provider of sanitary sewer services is still unresolved.

Natural Systems And Recreational Lands – Policy 9.b.7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.

The initial submission of this project indicates elimination of the on-site wetland area.

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 wetlands on the subject property.

Endangered and Threatened Wildlife:

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

Drainage:

The proposed project is located within the Big Econlockhatchee Drainage Basin. The site will have to be designed to meet the pre-development rate of discharge for the mean annual and 25-year, 24-hour storm events. The proposed development will also

have to meet all requirements of Seminole County Land Development Code Chapter 30 Part 57. Econlockhatchee River Protection Overlay Standards Classification.

APPLICABLE POLICIES:

SPECIAL DISTRICTS

The subject property is located within the Econlockhatchee River Protection Area, as shown on *Exhibit FLU Series: Resource Protection Areas*.

INTERGOVERNMENTAL NOTIFICATION:

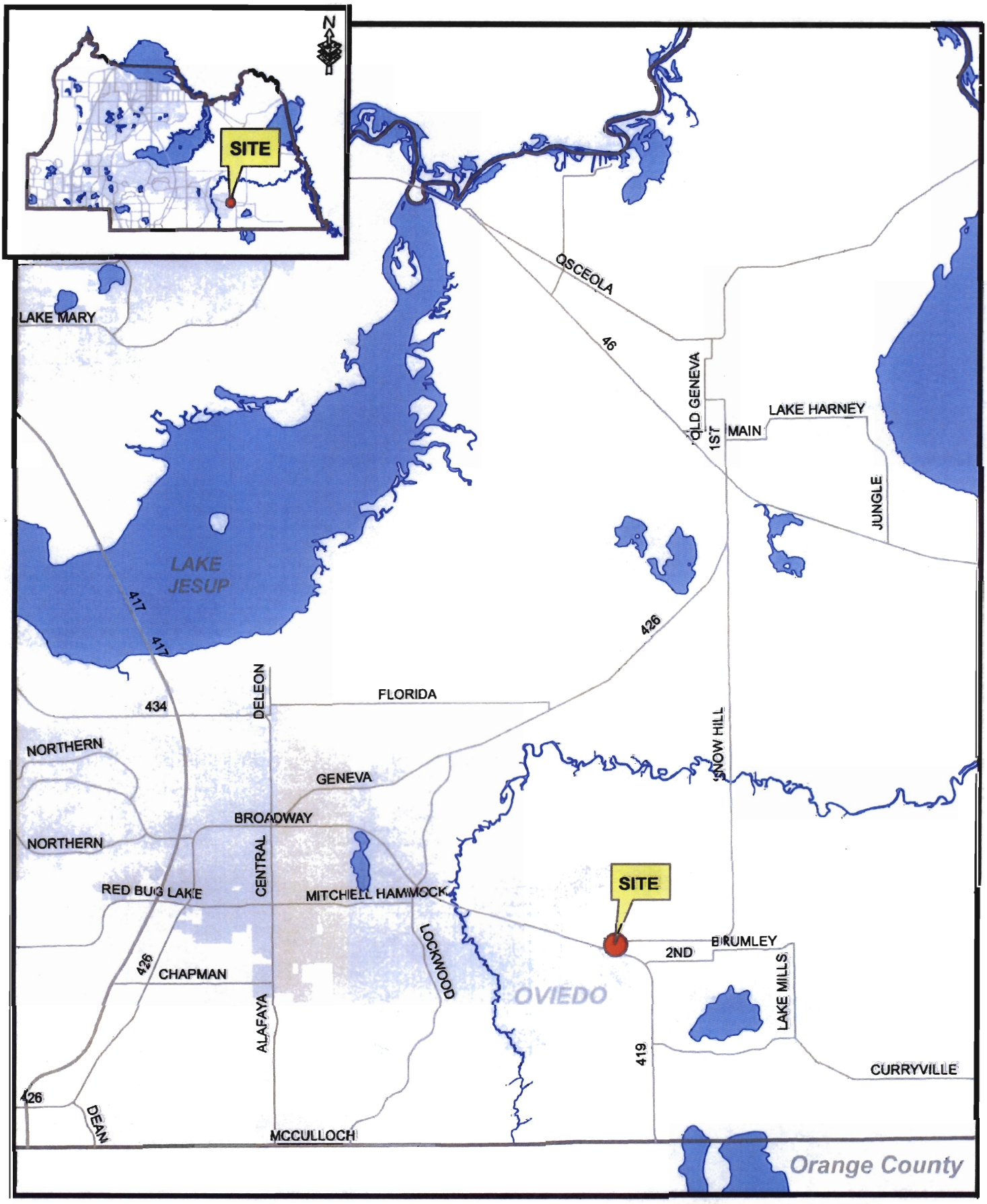
Intergovernmental notification was provided to the City of Oviedo on February 16, 2009. Their comments are included as an attachment to this report.

LETTERS OF SUPPORT OR OPPOSITION:

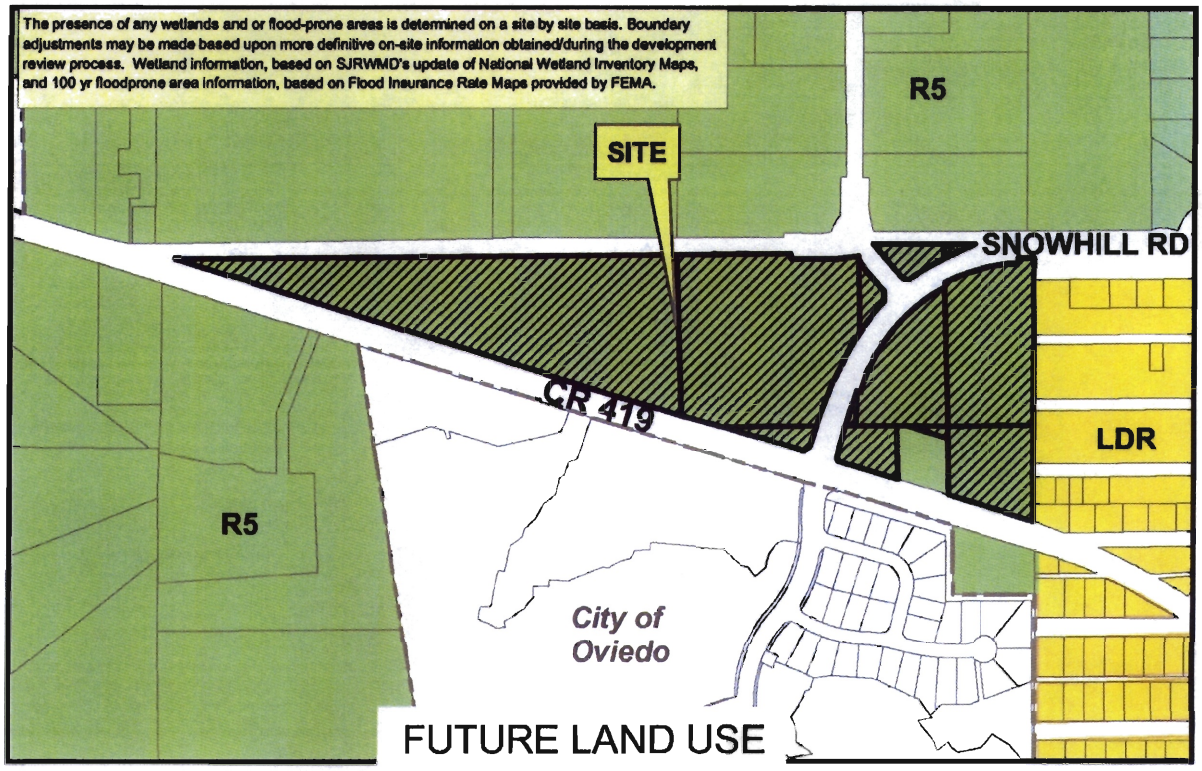
At this time we have received letters of support and opposition, which are attached.

STAFF RECOMMENDATION:

Staff recommends denial of an amendment to the Rural Boundary Map, Rural Area Legal Description, Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial and denial of transmittal to the Department of Community Affairs, on 34 ± acres, located at the intersection of CR 419 and Snowhill Road, based on staff findings.



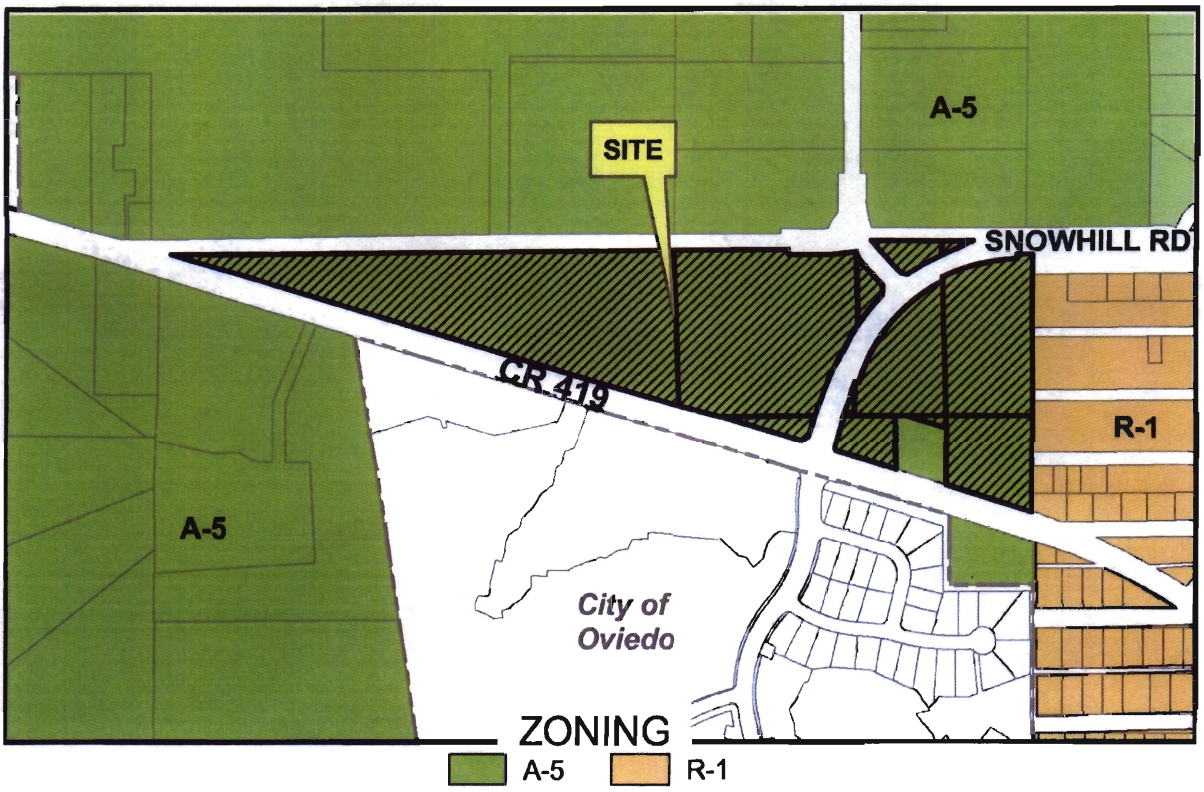
filename: L:/pl/projects/p&z/2008/GIS/staff_report_pics/sitemaps_large/Z2008-064 sitemap.mxd 03/26/09



Applicant: Mary Lamar
Physical STR: 20-21-32-300-016*
Gross Acres: 31.79 +/- BCC District: 1
Existing Use:
Special Notes:

	Amend/ Rezone#	From	To
FLU	FLU	R5	COM
Zoning	--	--	--

N



filename: L:/pl/projects/p&z/GIS/2008staff report pkgs/amendments/z2008-064.mxd 03/26/09

Rezone No: Z2008-064
From: R5 To: COM

Parcel
Subject Property

N

Winter 2007 Color Aerials

filename: L:/pl/projects/p&z/GIS/staff_report_pkgs2007/site_aerials/Z2008-064 adasr 3/26/09

Urban/Rural Boundary Amendment Application

A. Seminole County Large Scale Amendment Application:

A completed Seminole County Application for a large-scale amendment to the Comprehensive Plan for amending the Urban/Rural Boundary can be found in Appendix A.

B. Authorization Form:

The subject property is owned by Buchholz Management LLC as Trustee of the Buchholz Land Trust and Murrell Inv LLLP. Buchholz Management LLC owns eleven out of twelve parcels. For this application the properties are called Snow Hill Commons and Mary R. Lamar is the authorized agent. This company has completed the required documentation for a large-scale amendment to the Comprehensive Plan in Appendix A.

C. Statement of Request:

The applicant requests to amend Exhibit 24: Urban/Rural Boundary of the Future Land Element and the corresponding legal description of the Urban/Rural Boundary and to move the Urban/Rural Boundary along Old Chuluota Road north of the subject property of this application. The subject property of this application is approximately 34.012 acres made up of three tracts (23.608 acres west of Snow Hill Road, 9.985 acres east of Snow Hill Road, 0.419 acres to the north of Snow Hill Road) at the intersection of CR 419 and Snow Hill Road. The subject property is made up of twelve (12) parcels: 202132300016D0000, 20213230001800000, 202132300016F0000, 202132300016G0000, 202132300016B0000, 202132300016C0000, 202132300016A0000, 202132300016E0000, 202132300016H0000, 2021132300016J0000, 202132300018A0000, and 20213230002000000 . A map of the location of these parcel numbers is provided in Appendix B. These properties are owned by Buchholz Management LLC and Murrell Inv LLLP with Buchholz Management LLC owning the first eleven (11) parcels. For this application the properties are called Snow Hill Commons and Mary R. Lamar is the authorized agent.

To illustrate the change in the Urban/Rural Boundary there are two exhibits in Appendix D and E, one showing the subject property and the current Urban/Rural Boundary and one showing the subject property and the proposed Urban/Rural Boundary, respectively.

D. Applicants Contact Information:

Mary R. Lamar of Buchholz Management LLC as Trustee for the Buchholz Land Trust

Post Office Box 3350
Winter Park, Florida 32790- 3350

E. Project Name:

Snow Hill Commons

F. Site Address:

425 Old Chuluota Road and associated properties.

G. Current Use of Property:

The subject property currently has a single-family home located on a portion of the larger tract that is accessed off of Old Chuluota Road. The remainder of the site is currently vacant unimproved pasture, non-agricultural acreage per the tax bill.

H. Size of Property:

The property is approximately 34.012 acres made up of two tracts spilt by Snow Hill Road. The larger tract is approximately 23.608 acres and the smaller tract is approximately 9.985 acres. There is a small triangular portion of the property, approximately 0.419 acres, that is split from the larger tract by Willingham Road.

I. Vicinity Map:

The site is located in unincorporated Seminole County, immediately to the north of the city limits of Oviedo. County Road 419 (CR 419) runs along the southern boundary of the site while Old Chuluota Road runs along the northern boundary of the property. Snow Hill Road bisects the 34.012 acre site into a large and a small tract while Willingham Road separates a smaller portion of the site to the west. The Vicinity Map is located in Appendix F.

J. Boundary Survey & Legal Description of Property:

The Boundary Survey & Legal Description for the subject property are located in Appendix X. The current survey does not contain Parcel 202132300018A0000. This parcel is indicted on the survey to belong to Irene Westbrook, however after research it was determined that the property was part of parcel 20213230001800000 and belonged to Buchholz Mgmt LLC Trustee. This has since been corrected with the property appraiser. Due to the late nature of this change the legal description for the property is listed below:

Parcel 202132300018A0000: 0.058 acres: SEC 30 TWP 21S RGE 32E NW ¼ of NW ¼ of SE ¼ Lying S & E of Chuluota Bypass.

K. Demonstration of Need:

A Market Consideration Report was conducted in association with the Comprehensive Plan Amendment by Real Estate Research Consultants, Inc. (RERC). This report focuses on a planning horizon of 2025 to match the planning horizon of the Seminole County Comprehensive Plan. The report reflects market research and field work conducted in November 2008 for the Oviedo/Chuluota market area. This research focused on commercial development specific to community and neighborhood shopping centers. Its purpose is to evaluate existing and future demand which may justify a plan or land use amendment in concert with retail or other non-residential uses.

Based on current and expected market conditions, RERC has estimated the potential commercial demand that may be captured at the site. The study area for the site was defined as the area within a 3-miles radius as this was determined to be the appropriate distance for community-oriented shopping centers. RERC looked at the existing conditions for retail development and office development for a 1, 3, and 5-mile radius from the subject property. Demand for future development was broken down into office, retail, and restaurant uses due to the nature of the subject property being located on two main roadways within the Oviedo/Chuluota area.

The study showed that the study area would support a total of approximately 1,854,300 to 2,509,300 square feet of additional retail, restaurant, and service space generated by only the growth between 2008-2025. Retail space accounts for approximately seventy seven percent (77%) of the total space demanded, restaurant space accounts for about twelve percent (12%) of total space demanded and services space accounts for approximately eleven percent (11%) of total space demanded. To determine the subject site's potential capture of the incremental demand for retail, restaurant and services space, RERC analyzed the existing inventory as well as those projects proposed or under construction. This analysis showed that the subject property is well positioned to capture neighborhood and community demand, resulting in an overall recommendation for the site that a level of retail-oriented demand be implemented at a floor area ratio (FAR) between 0.19 and 0.27 or 274,400 to 371,600 square feet. The table below displays the on-site capture of the subject property by use.

Table 1.0: Estimated demand based on analysis of 3-mile study area, 2025

	On-Site Capture (SF)
Retail	
Grocery Store	100,200 - 135,600
Convenience Goods	45,600 - 61,800
Shopper Goods	28,100 - 38,100
Subtotal	*173,900 - 235,500*
Restaurants	
Full Service Restaurants	31,700 - 42,900
Limited Service Restaurants	25,500 - 34,500
Specialty Food & Drinking Places	3,100 - 4,300
Drinking Places	1,200 - 1,600
Subtotal	*61,500 - 83,300*
Services	39,000 - 52,800
Total	**274,400 - 371,600**

More detailed information on how this report was conducted and a breakdown of the square footage per retail, restaurant, and service use can be found in Appendix G.

Response to the Comments provided from DRC can be found at the end of the DRC response letter located at the front of the notebook.

L. Locational Analysis of Amendments:

I. Availability of Facilities and Services

The majority of the subject property is located within the utility service area of Aqua Utilities of Florida granted by the Public Service Commission. Appendix H displays both the water and sewer service area boundary maps for the public and private utilities operating within the area of the subject property. Aqua Utilities is willing to provide both water and sewer service to the property as the subject property is mostly within its service area. A small portion (western area) of the subject property is not located within any service area so this portion can be serviced by Aqua Utilities of Florida as well. This small portion would be Parcel 202132300016D0000. Aqua Utilities has stated that they are willing to make application to expand their service area to include the remainder of the subject property and will begin the process early 2009. A letter stating that Aqua Utilities of Florida is willing and capable of providing sufficient capacity and service to the site without negative impacts on the level of service in the utility's existing service areas in located in Appendix I.

II. Fiscal Capacity

Currently, Aqua Utilities of Florida has the fiscal capacity to provide adopted level of service for potable water service for future development of the subject property as stated in their letter provided in Appendix I. Aqua Utilities of Florida also currently states in it's letter that it has fiscal capacity for sanitary sewer to provide adopted level of service standards for the subject property.

III. Protection of Environmental and Natural Resources

Removing the subject property from the Urban/Rural Boundary does not negatively impact the interconnected system of wetlands/uplands that exist in the Rural area. The widening of CR 419 that took place in 2000 disturbed the connection of any wetlands located to the north and south of the roadway and also changed the drainage patterns of the area. The proposed boundary preserves a connection between the greatest areas of wetlands, but removes the areas that are dry and disturbed. Located in Appendix L is a map created from data from the national wetland inventory that illustrates that there is only a small wetland on a portion of the subject property with the majority of the wetlands in the area being located south of CR 419 in the planned unit development (City of Oviedo). The environmental analysis, located in Appendix L, reaches approximately the same conclusion, however a field test detected a total of four wetlands. Two of the wetlands that were identified by Modica & Associates, Inc. received a score of moderate while the other two located closer to CR 419 received a score of low. These scores were calculated using Seminole County's wetland evaluation criteria which include size, connectedness, landscape diversity, intactness, uniqueness, and quality of surrounding landscape. These relatively low significant wetlands will likely be handled through a mitigation bank within the local area. Modica & Associates also states that during the site surveys in August and October 2008 nineteen (19) active and inactive gopher tortoise burrows were identified on the parcel west of Snow Hill Road. This protected wildlife species will require relocation to an offsite recipient area prior to site development.

IV. Contiguity to Existing Boundary

The subject property is contiguous to the existing urban boundary and urban development patterns. The location of the subject property and the proposed Urban/Rural Boundary along the Old Chuluota Road discourages urban sprawl as well. Urban Sprawl is defined in the comprehensive plan, under Issue FLU 5, "as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important for natural resource protection." It also

explains types of urban sprawl land uses as those that leapfrog development, strip development along a roadway and contain large expanses of low density, single-dimensional development.

A site visit illustrates that the opposite is true with the subject property. The subject property actually helps to bridge the connection between two growing areas of development and without the connection the area to the northeast could be characterized as urban sprawl. By allowing for the movement of the Urban/Rural Boundary to Old Chuluota Road and increasing commercial development of the subject property, the subject property acts as a buffer between the growing urban areas of the City of Oviedo and the Chuluota neighborhood.

V. Adequate Transitions

The subject property currently does not act as an adequate transition to maintain compatibility with adjacent and existing communities. Currently, the property is located within the Urban/Rural Boundary and has a Future Land Use of R-5 while properties directly to the south at same intersection of CR 419 and Snow Hill Road have a Future Land Use of Planned Unit Development (PUD) with Conservation. As a component of the Live Oak PUD there is commercial designation which will front on CR 419 directly south of the larger portion of the subject property as seen in Appendix M. The difference of intensity and density due to the Urban/Rural Boundary does not allow for adequate transitions to be maintained in this area. This is also evident to the west, northeast, and southwest with more planned unit developments, commercial and office properties. The Future Land Use Map of the area surrounding the subject property showing these developments can be found in Appendix N. By moving the boundary to Old Chuluota Road, the subject property would provide an adequate transition and maintain compatibility to adjacent communities while still protecting the rural nature of properties located in areas that are truly rural.

M. Justification Statement:

In adherence to the purpose and philosophy of the Seminole County Comprehensive Plan: Vision 2020 as amended on December 9, 2008, the proposal for amending the Urban/Rural Boundary allows the owner reasonable use of their land while preserving the natural and man-made environment. Sensitive lands are preserved through the movement of the line to the north side of the subject property along Old Chuluota Road where it creates a solid boundary between the urban nature of properties along CR 419 and those properties within the Rural Boundary. This request to amend the Urban/Rural Boundary is consistent with the Seminole County Comprehensive Plan in several ways.

The proposed new boundary allows for the definition of rural area to be upheld by removing urban land from within the Urban/Rural Boundary. Rural Area is defined by the current comprehensive plan as "that portion of the County characterized by agricultural uses, natural vegetation, and large lot low density (5 acres or greater) residential uses served primarily by on-site water wells and septic tanks, rural roads (mostly two-laned, some roads unpaved or graveled, rather than paved), without sidewalks and street lights, limited commercial encroachments, ample views of wooded areas and open spaces and occasional rural villages that provide the commercial and community support services required by the residents and rural businesses." Following this definition, which can be found in the introduction section of the County's current comprehensive plan, a geographic information analysis (GIS) was conducted looking at the areas surrounding the subject property to determine whether or not the subject property met this definition. As rural areas are defined as large lots with low density (5 acres or greater), urban lands were selected as those that were less than 5 acres, part of a Development of Regional Impact, Planned Development, commercial, or office property and are highlighted in the exhibit located in Appendix O. This exhibit shows that the majority of the similarity situated property near the subject property is urban and not rural as defined by the definition.

The definition further states that a rural area is limited in commercial encroachments. The exhibit located in Appendix M highlights the approved commercial and office developments located within the vicinity of the subject property. This exhibit demonstrates that there are not only a limited number of commercial and office facilities available for the large number of residential units in the area but that the subject property is contiguous to a large commercial development (Oviedo).

The definition states that rural areas use rural roads that are mostly two lanes, unpaved or graveled, rather than paved and are without sidewalks or street lights. The roads bordering the subject property are CR 419, an arterial road and Snow Hill Road, a collector road, which bisects the property. These designations do not fit with the rural road characteristics. The majority of CR 419 that fronts the subject property is an urban four-lane divided roadway section that features two travel lanes in each direction, curb and gutter, sidewalks, street lights, and signalization at the intersection of Snow Hill Road. The remainder of CR 419 that fronts the subject property is also projected to be widened to an urban four-lane divided roadway from Snow Hill Road to Orange County Line between 2013-2020 with construction predicted to start in 2014.

Exhibit 49 of the Future Land Use Element of the Seminole County Comprehensive Plan, located in Appendix W, depicts a table of services and facilities by classification. This table depicts that the land use designation

Rural 5 are areas that only have solid waste collection, fire protection, emergency/medical protection, and law enforcement where as Commercial designated areas have all the services and facilities of Rural 5 plus central water, central sewer, paved roads, internal and external sidewalks, street lights and maybe required to have transit facilities. When the subject property is evaluated against this exhibit, it has more of the facilities associated with a Commercial designated property as stated above than that of a Rural 5 designated property allowing for the property to be urban.

The moving of the Urban/Rural Boundary also takes into account the timing and compatibility of the land uses of adjacent properties. As stated above the subject property is surrounded by non-rural uses and cannot be classified as rural land so it is an appropriate time to remove the properties from the Urban/Rural Boundary. As the area developed and changed the subject property has become urban and the timing is correct according to the guidelines of the comprehensive plan to remove the properties from the boundary. A map showing the urbanization of the subject property and the area surrounding the subject property from 1989 to 2008 can be seen in Appendix P.

The rural boundary was created from the East Seminole County Rural Area Plan that was commissioned by the County in 1991 as a way to preserve the rural character of this area. This plan was later adopted in the Comprehensive Plan creating the Rural Area Plan and assigning the sets of rural future land use and zoning designations that are present within the rural boundary. An image from 1989, located in Appendix Q, depicts the kind of nature surrounding the subject property when it was determined to be part of the Urban/Rural Boundary. While the boundary was not established until 1991, no significant change occurred on or around this subject property from 1989 to 1991. This image shows large lots with agricultural uses, rural roads, and little urban development. An aerial image taken from 1995 located in Appendix R however starts to show the increase in urban development along CR 419 and along Snow Hill Road. The Development of Regional Impact (DRI) called Twin Rivers is the urban development that can be seen in the aerial along the southern portion of CR 419. This development was completed in 1992.

The aerial taken from 2000 located in Appendix S shows urban development along the Urban/Rural Boundary as the Live Oak Reserve Planned Unit Development (PUD) began construction east of the Twin River DRI along CR 419. Urban development is also growing increasingly close east of the subject property as the Chuluota neighborhood grows. Newly cleared and vacant land for a new elementary school can be clearly seen along Snow Hill Road as well as increased roadways into areas around the subject property. The 2000 aerial is also the first aerial that depicts the newly widened CR 419 and the Chuluota Bypass of Snow Hill Road that bisects the subject property.

The realignment of Snow Hill Road appears to be the main influence on other properties in the area becoming more urban which in turn has resulted in the subject property being surrounded by urban development and becoming urban itself.

A look four years into the future shows increased development north of CR 419, extended development of Live Oak Reserve south of CR 419, which intersects with Snow Hill Road, and a new urban development north of Snow Hill Road (A 2004 aerial is located in Appendix T). The connection of the Live Oak Reserve subdivision to the Snow Hill Road/CR 419 intersection is the final urban influence on the subject property as Phases 4 & 5 directly south of the subject property consist of 244 lots with approximately 80,000 square feet of gross leasable floor area of commercial property fronting on CR 419. This development and the increased urbanization of properties around the subject property have prompted the application to move the boundary to Old Chuluota Road. The proposed boundary along Old Chuluota Road allows for future protection of rural properties, as there is a clear distinction between urban and rural lands as currently defined by the comprehensive plan. There are no other similar situated properties bordering the Urban/Rural Boundary line that could make the same argument that this subject property is making (i.e. Amount of frontage on an arterial and collector roadway, urbanization of land over time having resulted in urban nature of property, urban facilities (utilities) available).

It is clearly stated in the 2006 Rural Character Plan completed by Glatting Jackson Kercher Anglin Lopez Rinehart, Inc., that the subject property is within a transition area and that the Snow Hill Road extension created odd-shaped properties that would best be addressed by one of two methods, a rural enclave, or transitional commercial properties. The County determined at the time to treat those properties as a rural enclave but after careful review the applicant feels that the subject property would be better served as transitional commercial properties as the area continues to urbanize. This is supported by the Market Consideration Report that the applicant had conducted by RERC which is located in Appendix G. A current look at the subject property located in Appendix U shows that while the commercial development located directly south of the subject property has not yet developed, Live Oak Reserve is almost built out and the urban areas surrounding the subject property continue to become urban with residential development along CR 419. Future plans for this area also create more of an urban area with the increased development of residential neighborhoods, commercial activities, and roadway expansions.

This amendment specifically furthers Issue FLU 9 by taking into account timing, compatibility and public facility considerations. This amendment will not place any undue strain on the County's adopted level of service for public facilities as currently there is no increase in development. Increase in

development on the property will come with the proposed Urban/Rural Boundary, but public facility considerations will be taken into consideration at that point in time and at the point of concurrency review.

Issue FLU 9 also addresses when amendments to the Comprehensive Plan are needed, such as when areas become more urbanized, market demands change, when property owners desire a return on holding or investments, and when existing uses are no longer appropriate due to road expansion or other public private actions. This property is subject to all of these occurrences and while the property owners desire for a return on holding may be a strong reason for amending the Comprehensive Plan it is not the only reason. As this area became more urbanized and the market demands increased due to higher density within the residential development community, the subject property became more suitable for commercial development. A commercial development in this area would greatly help those who live nearby reduce travel time allowing families to spend more time together, save money on gas, and create areas where there are energy-efficient land use patterns which is newly required by Section 163.3177(6)(a), F.S.

N. Concurrent Rezoning Application:

The subject property is completing a concurrent rezoning application at this time. The property owner will make application for rezoning from Rural-5 (A-5) to Planned Commercial Development (PCD).

O. Special Studies

Three special studies were conducted in support of this large-scale comprehensive plan amendment application for amending the Urban/Rural Boundary, a market consideration report, a transportation analysis and an environmental analysis. These studies were conducted to provide more information about the subject property and how it relates to the overall economic, transportation and environmental network in Seminole County.

I. Market Consideration Report

A Market Consideration Report was conducted in association with the Comprehensive Plan Amendment by Real Estate Research Consultants, Inc. (RERC). This report focuses on a planning horizon of 2025 to match the planning horizon of the Seminole County Comprehensive Plan. The report reflects market research and field work conducted in November 2008 for the Oviedo/Chuluota market area. This research focused on commercial development specific to community and neighborhood shopping centers. Its purpose is to evaluate existing and future demand which may justify a plan or land use amendment in concert with retail or other non-residential uses.

Based on current and expected market conditions, RERC has estimated the potential commercial demand that may be captured at the site. The study area for the site was defined as the area within a 3-miles radius as this was determined to be the appropriate distance for community-oriented shopping centers. RERC looked at the existing conditions for retail development and office development for a 1, 3, and 5-mile radius from the subject property. Demand for future development was broken down into office, retail, and restaurant uses due to the nature of the subject property being located on two main roadways within the Oviedo/Chuluota area.

The study showed that the study area would support a total of approximately 1,854,300 to 2,509,300 square feet of additional retail, restaurant, and service space generated by only the growth between 2008-2025. Retail space accounts for approximately seventy seven percent (77%) of the total space demanded, restaurant space accounts for about twelve percent (12%) of total space demanded and services space accounts for approximately eleven percent (11%) of total space demanded. To determine the subject site's potential capture of the incremental demand for retail, restaurant and services space, RERC analyzed the existing inventory as well as those projects proposed or under construction. This analysis showed that the subject property is well positioned to capture neighborhood and community demand, resulting in an overall recommendation for the site that a level of retail-oriented demand be implemented at a floor area ratio (FAR) between 0.19 and 0.27 or 274,400 to 371,600 square feet. The table below displays the on-site capture of the subject property by use.

Table 1.0: Estimated demand based on analysis of 3-mile study area, 2025

	On-Site Capture (SF)	
Retail		
Grocery Store	100,200 -	135,600
Convenience Goods	45,600 -	61,800
Shopper Goods	28,100 -	38,100
Subtotal	*173,900 -*	*235,500*
Restaurants		
Full Service Restaurants	31,700 -	42,900
Limited Service Restaurants	25,500 -	34,500
Specialty Food & Drinking Places	3,100 -	4,300
Drinking Places	1,200 -	1,600
Subtotal	*61,500 -*	*83,300*
Services	39,000 -	52,800
Total	**274,400 -**	**371,600**

More detailed information on how this report was conducted and a breakdown of the square footage per retail, restaurant, and service use can be found in Appendix G.

II. Transportation Analysis

The Transportation Analysis conducted by Luke Transportation Engineering Consultants demonstrates that the roadway segments on which the subject property is located, CR 419 and Snow Hill Road, will be able to handle increased trips due to an increased land use density and intensity once the Urban/Rural Boundary has moved. The transportation demand analysis study was conducted looking at the property changing land use designation from Rural, where the property was allowed one dwelling unit per five acres (six single family dwelling units total) to Commercial which would allow 484,701 square feet of commercial development (based on an F.A.R. density of .35). The study also looked at the proposed land use density of 270,000 square feet of commercial space to show a range of choices for densities for the applicant.

The study was able to show that all but one of the roadway segments currently operates within their Level of Service standards with the segment exceeding its adopted LOS standard to be CR 419 between Snow Hill Road and 2nd Street. However this segment is scheduled to

be widened to a four-lane divided roadway with construction starting in 2014 which would alleviate the pressure on this segment.

After taking into account the two different development alternatives, it was determined that proposed land use changes should be considered for approval but density may want to be restricted to prevent adverse conditions by 2020. A review of the proposed maximum land use density reveals all the roadway segments will operate at an acceptable level of service by 2013. However, by 2020 three roadway segments will operate at with adverse LOS condition.

Under the proposed land use proposed density, roadway capacity assessments assuming the existing and programmed roadway geometries indicated that all of the study roadways will operate at acceptable levels of service at build-out in 2020. Therefore, as part of the development approval, the proposed land use change should be limited to the proposed density by the zoning.

This generates a maximum density calculation for the Commercial land use of 15,677 new net (primary) daily vehicle trip ends and 1,516 new net (primary) P.M. peak hour trip ends. This represents an increase of daily trip ends of 15,599 and an increase in P.M. peak hour trips ends of 1,508. The proposed land use density will generate 9,643 new net (primary) daily vehicle trip ends and 921 new net (primary) P.M. peak hour trip ends. This represents an increase of daily trip ends of 9,565 and an increase in P.M. peak hour trips ends of 913.

A complete copy of the transportation analysis can be found in Appendix V.

III. Environmental Study

After an ecological site assessment conducted by Modica & Associates, Inc. to evaluate the on-site habitats and vegetative communities and to preliminarily determine the presence or absence of any protected wildlife species, it was determined that there are four wetlands on the subject property with low or moderate significances and one protected wildlife species (gopher tortoise). Two of the wetlands that were detected by Modica & Associates, Inc. received a score of moderate while the other two located closer to CR 419 received a score of low. These scores were calculated using wetland evaluation categories of size, connectedness, landscape diversity, intactness, uniqueness, and quality of surrounding landscape which was summarized to determine the significance of the wetland based off Seminole County's scale. These wetlands, due to their relatively low significance, will most likely be handled through a mitigation bank within the local area. Modica &

Associates also states that during the site surveys in August and October 2008 that nineteen (19) active and inactive gopher tortoise burrows were identified on the parcel that is west of Snow Hill Road. This protected wildlife species will require relocation to an offsite recipient area prior to site development.

A complete copy of the Ecological Site Assessment report by Modica & Associates, Inc can be found in Appendix L.

P. Concurrency Deferral Affidavit

The applicant elects to defer the Concurrency Review that is required by Chapter 163, Florida Statues, per Seminole County's Comprehensive Plan for the subject property until a point as late as Site Plan and/or Final Engineering submittals for this proposed development plan can be deferred. The applicant has filled out this part on the Seminole County Application located in Appendix A.

Q. Utilities

As stated above, the majority of the subject property is located within the Aqua Utilities of Florida Public Service Area and they are willing to provide both water and sewer service to the property. Appendix H displays both the water and sewer service area boundary maps for those companies operating within the area of the subject property. A small portion of the subject property is not located within any service area so this portion can be serviced by Aqua Utilities of Florida as well. This small portion is Parcel 202132300016D0000 which makes up the tip of the triangle. Aqua Utilities has stated that they are willing to expand their service area to include this property and will begin the process in early 2009. A letter stating that Aqua Utilities of Florida is willing and capable of providing sufficient capacity and service to the site without negative impacts on their level of service in the utility's existing service areas is located in Appendix I. The letters based capacity and service off general numbers for an urban planned commercial development that would typically be found at major intersections like the one on which the subject property sits.

The application has also included information that, if needed, the City of Oviedo would be willing to provide water to the subject property once the Urban/Rural Boundary was changed and if the property is annexed into the City in the future. This letter can be found in Appendix J.

Future Land Use Amendment

A. Seminole County Large Scale Amendment Application:

A completed Seminole County Application for a large-scale amendment to the Comprehensive Plan for amending the Future Land Use from Rural-5 (R-5) to Commercial (COM) can be found in Appendix A.

B. Authorization Form:

The subject property is owned by Buchholz Management LLC as Trustee of the Buchholz Land Trust and Murrell Inv LLLP. Buchholz Management LLC owns eleven out of twelve parcels. For this application the properties are called Snow Hill Commons and Mary R. Lamar is the authorized agent. This company has completed the required documentation for a large-scale amendment to the Comprehensive Plan in Appendix A.

C. Statement of Request:

The applicant requests an amendment to the Future Land Use Map from Rural-5 (R-5) to Commercial (COM) for retail commercial use at the intersection of CR 419 and Snow Hill Road. The subject property of this application is approximately 34.012 acres made up of three tracts (23.608 acres west of Snow Hill Road, 9.985 acres east of Snow Hill Road, 0.419 acres to the north of Snow Hill Road) at the intersection of CR 419 and Snow Hill Road. The subject property is made up of twelve (12) parcels: 202132300016D0000, 20213230001800000, 202132300016F0000, 202132300016G0000, 202132300016B0000, 202132300016C0000, 202132300016A0000, 202132300016E0000, 202132300016H0000, 2021132300016J0000, 202132300018A0000, and 20213230002000000 . A map of the location of these parcel numbers is provided in Appendix B.

To illustrate the change in the Future Land Use Map there are two exhibits in Appendix C and D, one showing the subject property and the current future land use designation and one showing the subject property and the proposed future land use designation, respectively.

The property is also located within the Urban/Rural Boundary and has a large-scale amendment application submitted concurrently. To illustrate the change in the Urban/Rural Boundary that is submitted in that application there are two exhibits in Appendix E and F, one showing the subject property and the current Urban/Rural Boundary and one showing the subject property and the proposed Urban/Rural Boundary, respectively.

D. Applicants Contact Information:

Mary R. Lamar of Buchholz Management LLC as Trustee for the Buchholz Land Trust
Post Office Box 3350
Winter Park, Florida 32790- 3350

E. Project Name:

Snow Hill Commons

F. Site Address:

425 Old Chuluota Rd and associated properties.

G. Current Use of Property:

The subject property currently has a single-family home located on a portion of the larger tract of property that is accessed off of Old Chuluota Road. The remainder of the site is currently vacant unimproved pasture, non-agricultural acreage per the tax bill.

H. Size of Property:

The property is approximately 34.012 acres made up of two tracts spilt by Snow Hill Road. The larger tract is approximately 23.608 acres and the smaller tract is approximately 9.985 acres. There is a small triangular portion of the property, approximately 0.419 acres, that is split from the larger tract by Willingham Road.

I. Vicinity Map:

The site is located in unincorporated Seminole County, immediately to the north of the city limits of Oviedo. County Road 419 (CR 419) runs along the southern boundary of the site while Old Chuluota Road runs along the northern boundary of the property. Snow Hill Road bisects the 34.012 acre site into a large and a small tract while Willingham Road separates a smaller portion of the site to the west. The Vicinity Map is located in Appendix G.

J. Boundary Survey & Legal Description of Property:

The Boundary Survey and Legal Description for the subject property are located in Appendix T. The current survey does not contain Parcel 202132300018A0000. This parcel is indicted on the survey to belong to Irene Westbrook, however after research it was determined that the property was part of Parcel 20213230001800000 and belonged to Buchholz Management

LLC. This has since been corrected with the property appraiser. Due to the late nature of this change the legal description for the property is listed below:

Parcel 2021323000018A0000: 0.058 acres: SEC 30 TWP 21S RGE 32E NW ¼ of NW ¼ of SE ¼ lying S & E of Chuluota Bypass.

K. Justification Statement:

In adherence to the purpose and philosophy of the Seminole County Comprehensive Plan: Vision 2020 proposal for amending the Future Land Use Map to Commercial allows a variety of commercial uses including neighborhood and community shopping centers, convenience stores, retail sales, highway oriented commercial, and other commercial services to be permitted on the subject property. This request is consistent with the Seminole County Comprehensive Plan in several ways. The Future Land Use Element has a number of policies and exhibits that support the use of commercial activities, clear and sharp distinctions between land uses, and that areas with central services are not rural.

The first policy that confirms that Commercial designation is appropriate on the subject property is the purpose and intent of the Commercial land use designation. It states that commercial land use should be located at the intersections of major roadways. The subject property is located at the intersection of CR 419 and Snow Hill Road which are arterial and collector roadways, respectively. These roadways are designated at major roadways within the East Seminole Scenic Corridor Overlay while the restrictions of this corridor will not apply due to the land use classification. The subject property is also fulfilling the special provision of Commercial land use that state commercial developments adjacent to existing residential neighborhoods should be developed as Planned Commercial Developments (PCD) which is the intent of the zoning application that is running concurrently.

One policy that supports the use of certain areas for land uses in urban areas not approved for mixed development is FLU 2.5. This policy allows the County to evaluate plan amendments to ensure that transitional land use areas provide a buffer between residential and nonresidential uses. This is done by varying intensities of residential uses and managing redevelopment of areas no longer appropriate as viable residential areas within urban areas where mixed development is not permitted.

The subject property falls into the categories of this policy. The property is clearly separated from a large residential/commercial development by CR 419 allowing for a man made buffer between residential and nonresidential uses. However, behind the subject property there are tracts of large lots and open space that this property buffers from CR 419. It is only natural that the subject property be allowed to be developed as commercial to serve the

neighborhood and ease the transition of higher density residential developments to the south and northwest to lower density residential development to the north of the subject property. There is a need for the same intensities and densities of uses to be continued directly across CR 419 so that they match with the commercial planned development located within the Live Oak Development. By allowing this property fronting on CR 419 and Snow Hill Road to have commercial designation with commercial uses, it allows this property to act as a buffer to protect those behind it from the higher densities. The site plan for the commercial development can be created so that while it increases the densities and intensities of the subject property it also protects and buffers those with low densities still within the Urban/Rural Boundary.

Exhibit 2: Compatible Transitional Land Uses of the Future Land Use Element located in Appendix R also provides evidence that there is compatibility between the proposed and adjacent future lands use designation of the subject property. The matrix within this exhibit displays proposed future land use choices and possible adjacent future land uses. The proposed future land use for the subject property would be Commercial while the possible adjacent land uses will be Rural and Planned Development determined by using the Proposed Future Land Use Map located in Appendix D. Planned Development is not listed within the table and is within the City of Oviedo. Following the legend of the matrix it is determined that proposed Commercial Future Land Use can be a compatible transitional use with sensitive site design to Rural Future Land Use. There is also a note with regards to the transitioning of land uses within Rural areas. This note states that a clear and sharp distinction between rural and urban densities is consider more effective in protecting rural character then a stepping down of land uses. The subject properties unique situation at the intersection of CR 419 and Snow Hill Road allow for a clear and sharp distinction between urban and rural area and commercial designation will help make this distinction more pronounced.

Changing the designation of the property from Rural-5 to Commercial is also supported by the general definition of rural area, as the property characteristics no longer make it fit the definition of a rural area. Rural Area is defined by the current comprehensive plan as "that portion of the County characterized by agricultural uses, natural vegetation, and large lot low density (5 acres or greater) residential uses served primarily by on-site water wells and septic tanks, rural roads (mostly two-laned, some roads unpaved or graveled, rather than paved), without sidewalks and street lights, limited commercial encroachments, ample view of wooded areas and open spaces and occasional rural villages that provide the commercial and community support services required by the residents and rural businesses". Following this definition, which can be found in the introduction section of the County's current comprehensive plan, a geographic information analysis (GIS) was conducted looking at the areas surrounding the subject property to determine

whether or not the subject property met this definition. As rural areas are defined as low density large lots (5 acres or greater), urban lands were selected as those that were less than 5 acres, part of a Development of Regional Impact, Planned Development, commercial, or office property and are highlighted in the exhibit located in Appendix I. This exhibit shows the majority of the similarly situated property near the subject property is urban and not rural as defined by the definition.

The definition further states that a rural area is limited in commercial encroachments. The exhibit located in Appendix H, discussed earlier in this document, highlights the approved commercial and office developments located within the vicinity of the subject property. This exhibit demonstrates that there are not only a limited number of commercial and office facilities available for the large number of residential units in the area but that the subject property is contiguous to a large commercial development (Oviedo). This development south of the subject property consists of 244 lots with approximately 80,000 square feet of gross leasable floor area of commercial property fronting on CR419.

The definition states that rural areas use rural roads that are typically two lanes, unpaved or graveled rather than paved and are without sidewalks or street lights. The roads bordering the subject property are CR 419, an arterial road, and Snow Hill Road, a collector road, which bisects the property. These designations do not fit the rural road characteristics. The majority of CR 419 that fronts the subject property is an urban four-lane divided roadway section that features two travel lanes in each direction, curb and gutter, sidewalks, street lights, and signalization at the intersection of Snow Hill Road. The remainder of CR 419 that fronts the subject property is also projected to be widened to an urban four-lane divided roadway from Snow Hill Road to the Orange County Line between 2013-2020 with construction predicted to start in 2014.

Exhibit 49 of the Future Land Use Element of the Seminole County Comprehensive Plan, located in Appendix S, depicts a table of services and facilities by classification. This table depicts that the land use designations of Rural 5 are areas that only have solid waste collection, fire protection, emergency/medical protection, and law enforcement, where Commercial designated areas have all the services and facilities of Rural 5, plus central water, central sewer, paved roads, internal and external sidewalks, street lights and may be required to have transit facilities. When the subject property is evaluated against this exhibit, it has more of the facilities associated with a Commercial designated property as stated above than that of a Rural 5 designated property allowing for the property to be urban.

The characteristics of the subject property allow for it to function as an edge to the urban/rural area. The definition of Urban/Rural Edge states that the

buffer is an area of land "between urban land uses (residential densities greater than one (1) dwelling unit per acre) and rural areas". This Urban/Rural Edge is created to define a protective barrier between rural and urban areas to conserve the character of the rural area. Since the subject property is bordered by CR 419 and a planned development to the south and rural residential to the north this property acts as an edge between the urban/rural areas and should have a land use designation that allows for a clear distinction of densities and intensities between the rural and urban residential neighborhoods. The current designation does not allow for an urban/rural edge to be used effectively but a land use designation of Commercial allows for the clear distinction while zoning will allow for the flexibility with the subject property.

This amendment specifically furthers Issue FLU 9 by taking into account timing, compatibility as discussed above, and public facility considerations. This amendment will not place any undue strain on the County's adopted level of service for public facilities as there is ample room for the increased development of the subject property. Currently there are trips to spare on the affected roadway segments with a land use change of commercial. The same is true for water and sewer capacity for the development. Public facility will also be considered at the point of concurrency review for the development.

Issue FLU 9 also addresses when amendments to the Comprehensive Plan are needed such as when areas become more urbanized, market demands change, property owners desire a return on holdings or investments, and when existing uses are no longer appropriate due to road expansion or other public/private actions. This property is subject to all of these occurrences and while the property owners desire for a return on holding may be a strong reason for amending the Comprehensive Plan it is not the only reason. As this area became more urbanized and the market demands increased due to the higher density within the residential development community the subject property became more suitable for commercial development. A commercial development in this area would greatly help those who live nearby not travel as far by allowing families to spend more time together, to save money on gas, and to create areas where there is energy-efficient land use patterns which is newly required by Section 163.3177(6)(a), F.S. A current aerial of the subject property can be seen in Appendix Q.

L. Concurrency Rezoning Application:

The subject property is completing a concurrent rezoning application at this time. The property owner will make application for rezoning from Rural-5 (A-5) to Planned Commercial Development (PCD).

M. Special Studies

Three special studies were conducted in support of this large-scale comprehensive plan amendment application for amending the Future Land Use, a market consideration report, a transportation analysis and an environmental analysis. These studies were conducted to provide more information about the subject property and how it relates to the overall economic, transportation and environmental network in Seminole County.

I. Market Consideration Report

A Market Consideration Report was conducted in association with the Comprehensive Plan Amendment by Real Estate Research Consultants, Inc. (RERC). This report focuses on a planning horizon of 2025 to match the planning horizon of the Seminole County Comprehensive Plan. The report reflects market research and field work conducted in November 2008 for the Oviedo/Chuluota market area. This research focused on commercial development specific to community and neighborhood shopping centers. Its purpose is to evaluate existing and future demand which may justify a plan or land use amendment in concert with retail or other non-residential uses.

Based on current and expected market conditions, RERC has estimated the potential commercial demand that may be captured at the site. The study area for the site was defined as the area within a 3-miles radius as this was determined to be the appropriate distance for community-oriented shopping centers. RERC looked at the existing conditions for retail development and office development for a 1, 3, and 5-mile radius from the subject property. Demand for future development was broken down into office, retail, and restaurant uses due to the nature of the subject property being located on two main roadways within the Oviedo/Chuluota area.

The study showed that the study area would support a total of approximately 1,854,300 to 2,509,300 square feet of additional retail, restaurant, and service space generated by only the growth between 2008-2025. Retail space accounts for approximately seventy seven percent (77%) of the total space demanded, restaurant space accounts for about twelve percent (12%) of total space demanded and services space accounts for approximately eleven percent (11%) of total space demanded. To determine the subject site's potential capture of the incremental demand for retail, restaurant and services space, RERC analyzed the existing inventory as well as those projects proposed or under construction. This analysis showed that the subject property is well positioned to capture neighborhood and community demand, resulting in an overall recommendation for the site that a level of retail-

oriented demand be implemented at a floor area ratio (FAR) between 0.19 and 0.27 or 274,400 to 371,600 square feet. The table below displays the on-site capture of the subject property by use.

Table 1.0: Estimated demand based on analysis of 3-mile study area, 2025

	On-Site Capture (SF)	
Retail		
Grocery Store	100,200 -	135,600
Convenience Goods	45,600 -	61,800
Shopper Goods	28,100 -	38,100
Subtotal	*173,900 -*	*235,500*
Restaurants		
Full Service Restaurants	31,700 -	42,900
Limited Service Restaurants	25,500 -	34,500
Specialty Food & Drinking Places	3,100 -	4,300
Drinking Places	1,200 -	1,600
Subtotal	*61,500 -*	*83,300*
Services	39,000 -	52,800
Total	**274,400 -**	**371,600**

More detailed information on how this report was conducted and a breakdown of the square footage per retail, restaurant, and service use can be found in Appendix K.

II. Transportation Analysis

The Transportation Analysis conducted by Luke Transportation Engineering Consultants demonstrates that the roadway segments on which the subject property is located, CR 419 and Snow Hill Road, will be able to handle increased trips due to an increased land use density and intensity once the Urban/Rural Boundary has moved. The transportation demand analysis study was conducted looking at the property changing land use designation from Rural, where the property was allowed one dwelling unit per five acres (six single family dwelling units total) to Commercial which would allow 484,701 square feet of commercial development (based on an F.A.R. density of .35). The study also looked at the proposed land use density of 270,000 square feet of commercial space to show a range of choices for densities for the applicant.

The study was able to show that all but one of the roadway segments currently operates within their Level of Service standards with the

segment exceeding its adopted LOS standard to be CR 419 between Snow Hill Road and 2nd Street. However this segment is scheduled to be widened to a four-lane divided roadway with construction starting in 2014 which would alleviate the pressure on this segment.

After taking into account the two different development alternatives, it was determined that proposed land use changes should be considered for approval but density may want to be restricted to prevent adverse conditions by 2020. A review of the proposed maximum land use density reveals all the roadway segments will operate at an acceptable level of service by 2013. However, by 2020 three roadway segments will operate at with adverse LOS condition.

Under the proposed land use proposed density, roadway capacity assessments assuming the existing and programmed roadway geometries indicated that all of the study roadways will operate at acceptable levels of service at build-out in 2020. Therefore, as part of the development approval, the proposed land use change should be limited to the proposed density by the zoning.

This generates a maximum density calculation for the Commercial land use of 15,677 new net (primary) daily vehicle trip ends and 1,516 new net (primary) P.M. peak hour trip ends. This represents an increase of daily trip ends of 15,599 and an increase in P.M. peak hour trips ends of 1,508. The proposed land use density will generate 9,643 new net (primary) daily vehicle trip ends and 921 new net (primary) P.M. peak hour trip ends. This represents an increase of daily trip ends of 9,565 and an increase in P.M. peak hour trips ends of 913.

A complete copy of the transportation analysis can be found in Appendix K.

III. Environmental Study

After an ecological site assessment conducted by Modica & Associates, Inc. to evaluate the on-site habitats and vegetative communities and to preliminarily determine the presence or absence of any protected wildlife species, it was determined that there are four (4) wetlands on the subject property with low or moderate significances and one (1) protected wildlife species (gopher tortoise). Two of the wetlands that were detected by Modica & Associates, Inc. received a score of moderate while the other two located closer to CR 419 received a score of low. These scores were calculated using wetland evaluation categories of size, connectedness, landscape diversity, intactness, uniqueness, and quality of surrounding landscape which was summarized to determine the significance of the wetland based on Seminole County's scale.

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N. Concurrency Deferral Affidavit

The applicant elects to defer the Concurrency Review that is required by Chapter 163, Florida Statues, per Seminole County's Comprehensive Plan for the subject property until a point as late as Site Plan and/or Final Engineering submittals for this proposed development plan can be deferred. The applicant has filled out this part on the Seminole County Application located in Appendix A.

O. Utilities

As stated above, the majority of the subject property is located within the Aqua Utilities of Florida Public Service Area and they are willing to provide both water and sewer service to the property. Appendix N displays both the water and sewer service area boundary maps for those companies operating within the area of the subject property. A small portion of the subject property is not located within any service area allowing this portion to be serviced by Aqua Utilities of Florida as well. This small portion is Parcel 202132300016D0000 which makes up the tip of the triangle. Aqua Utilities has stated that they are willing to expand their service area to include this property and will begin the process in early 2009. A letter stating that Aqua Utilities of Florida is willing and capable of providing sufficient capacity and service to the site without negative impacts on level of service in the utility's existing service areas is located in Appendix O. The letters base capacity and service off general numbers for an urban planned commercial development that would typically be found at major intersections like the one on which the subject property sits.

The application has also included information that if needed the City of Oviedo would be willing to provide water to the subject property once the Urban/Rural Boundary was changed and if the property is annexed into the City in the future. This letter can be found in Appendix P.

SEMINOLE COUNTY SHERIFF'S OFFICE
COMMUNITY SERVICES SECTION
100 BUSH BLVD, SANFORD FL 32773
407.665.6977; Fax 407.665.6658

RESPONSE SHEET - DEVELOPMENT REVIEW COMMITTEE

To: Project Manager- Tina Williamson, AICP
Date: April 30, 2009
Project: Snowhill Commons
Project #: 08-10000003

In consideration of the proposed re-designation from Rural 5 to Commercial the Seminole County Sheriff's Office is concerned that there may be a significant increase in the calls for service and subsequent crime to this commercial area with the addition of 31.792 acres of retail development property, adversely impacting response time to the surrounding areas. In a similar commercial development in Orange County, the Orange County Sheriff's Office experienced an increase in calls for service with the Waterford Lakes development.

As a result of the Waterford Lakes Development, calls for service to the Orange County Sheriff's Office within a 2 mile radius increased from the period of Oct. 1999 to Dec. 2001. The increase in the number of calls for service is outlined below for each time period.

October 1999 thru December 1999 - 3,515
January 2000 thru December 2000 – 19,757
January 2000 thru December 2001 – 27,061

This is an increase of 52% in 2000 and 37 % in 2001. With the potential for an increase in calls for service, additional Deputies may be needed to patrol in this Community Service Area, which would have a direct impact upon the Sheriff's Office budget.

SEMINOLE COUNTY/CITY OF OVIEDO
JOINT PLANNING AGREEMENT

OCTOBER 2006
INCLUDING JUNE 2007 AND MARCH 2008
AMENDMENTS

SEMINOLE COUNTY/CITY OF OVIEDO
JOINT PLANNING AGREEMENT

This interlocal agreement is made and entered into this 2nd day of October, 2006 by and between Seminole County, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford Florida 32771, hereinafter referred to as the "County" and the City of Oviedo, a Florida municipal corporation whose address is 400 Alexandria Boulevard, Oviedo Florida 32765, hereinafter referred to as the "City".

WITNESSETH:

Whereas, it is beneficial to the public for local governments to work together in a spirit of harmony and cooperation; and

Whereas, the City and County have previously entered into Interlocal Agreements; and

Whereas, the Board of County Commissioners and the Oviedo City Council have executed a joint planning agreement that expressed their consensus agreement as to urban planning, first response fire service, future annexation limits for the City, and water service area boundaries for the County and the City in the Oviedo/Seminole County Joint Planning Area (hereinafter referred to as the Joint Planning Area); and

Whereas, the Joint Planning Area and future annexation boundaries should be specifically defined; and

Whereas, the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act (Part II, Chapter 163, Florida Statutes) and the Rules of the Florida Department of Community Affairs (in particular Rule 9J- 5.015, Florida Administrative Code) provide for intergovernmental coordination in the comprehensive planning process; and

Whereas, the provisions of this Agreement are consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes), the Regional Policy Plan adopted by the East Central Florida Regional Planning Council and the comprehensive plans of the City and the County; and

Whereas, the County and the City have determined that it is in the best interest of the citizens of the County and the City that this Interlocal Agreement also be entered into; and

Whereas, the County and the City have reviewed their respective future land use designations for consistency with one another's comprehensive plans; and

Whereas, the County and the City have adopted comprehensive plans, pursuant to Part II, Chapter 163, Florida Statutes, which contain goals, policies and objectives that call for the creation of interlocal agreements which deal with annexations, service delivery, joint land use planning, and conflict resolution, among other things; and

Whereas, the parties recognize that joint planning for the growth and development of their respective jurisdictions with regard to all matters of common impact and interest is consistent with State law and serves the public interest; and

Whereas, the County and the City desire to protect the health, safety and welfare of the citizens of their respective jurisdictions; and

Whereas, land use matters which are the subject of this Agreement include, but are not limited to, annexations, comprehensive plan amendments, public service facility expansions and contractions, school site land acquisitions and proposed school construction and/or expansion on said sites, and all other land use actions of whatsoever type or nature which may affect or impact the parties to this agreement; and

Whereas, the County and the City agree that joint planning agreements addressing multi-jurisdictional land use issues and provision of public services and facilities, are a sound planning goal that serve to further intergovernmental coordination and that additional agreements between parties are highly desirable; and

Whereas, Chapter 171, Florida Statutes, provides for the lawful means whereby municipal corporations may expand their municipal boundaries by annexation; and

Whereas the County and the City do not desire, and believe that it would not be in the best interests of the citizens of Seminole County, to allow for conflicts to become manifest or develop pertaining to the expansion and construction of the City's jurisdictional boundaries; and

Whereas, the parties have the lawful right and power to enter into this Agreement,

Now, Therefore, in consideration of the premises, mutual covenants, and agreements and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties do hereby covenant and agree as follows:

Section 1. Recitals

The foregoing recitals are true and correct and form a material part of this Agreement upon which the parties have relied.

Section 2. Joint Planning Area

The policies and procedures set forth herein shall apply only in the Joint Planning Area. For the purposes of this agreement, the Joint Planning Area means the properties that are located in unincorporated Seminole County at the time of execution of this Agreement, that may be annexed into the City, as reflected in Exhibit "A" to this agreement which is incorporated as if fully set forth herein.

Section 3. Purpose and Intent

The purposes of this Agreement are as follows:

(a) Adopt performance standards and review procedures to ensure that coordinated and cooperative comprehensive planning activities are taken to guide urban expansion within the Joint Planning Area.

(b) Protect the general rural character of the Rural Area of Seminole County as depicted in the Seminole County Comprehensive Plan and Seminole County Home Rule Charter, as they may be amended, by establishing limits for and conditions relating to future annexations and development approvals by the City.

(c) Provide each party with a level of confidence that their respective planning efforts will be implemented in a harmonious manner and that the planning efforts of a party will not detract from the planning efforts of the other party.

(d) Promote continued intergovernmental coordination and cooperation between the County and the City.

(e) Provide for constructive collaboration during the course of each jurisdiction making land use and annexation decisions.

(f) Provide for mutually agreeable future land use designations that will ensure land use compatibility between the City and County.

(g) Reduce conflicts relative to comprehensive planning and land use matters and resolve any disputes that may arise in accordance with agreed upon procedures provided within this agreement.

(h) Articulate planning principles which landowners can evaluate to determine the reasonable use of their properties and, thereby, have their private property rights protected in accordance with law.

Section 3. Comprehensive Planning and Future Land Uses

The County and the City have reviewed their respective future land use designations for consistency between their jurisdictions. It has been determined that many of their respective future land use designations are equivalent and of similar nature.

(a) Future Land Use Equivalency. The "Future Land Use Equivalency Chart", labeled Exhibit "B" and incorporated herein, describes equivalent future land use designations in the City and County Comprehensive Plans. These designations have been deemed equivalent due to their similar intensities and densities of allowable development. Both the County and the City shall ensure that all of their respective future land use map and zoning map amendments are consistent with the future land use designations for described in Exhibit "B", except to the extent set forth in Section 3(c). The County shall not oppose of the City if such actions are compliant with applicable law and all equivalent County future land use designations as described in Exhibit "B". The City shall not oppose any County future land use and zoning map amendments if such actions are compliant with applicable law and all future land use designations as described in Exhibit "B". The Future Land Use Equivalency Chart may be amended from time to time as agreed upon by both parties.

(b) Future Land Use and Zoning Consistency. The County and City recognize the effectiveness of consistent future land use and zoning designations and agree to develop a comparison table of the respective future land use and zoning designations to evaluate areas where identical designations may be created and adopted.

(c) Recommendations for Future Land Use Designations and Performance Standards in Designated Transition Areas. In order to preserve the rural character of the Rural Area, the County and City shall seek to use physical features to define the Rural Area. The purpose of developing jointly acceptable future land use recommendations and performance standards for the Designated Transition Areas is to provide consistent guiding principles from which future land use plan amendments can be reviewed and land development carried out in a manner that transitions intensity and density through space and provides performance standards that may be used to aid in an effective transition from the urban into the rural environment. The "Designated Transition Areas" labeled Exhibit "A" and incorporated herein by reference, sets forth the areas where the future land use designations and performance standards provided in Exhibit "C" may be assigned to the described property. When development is proposed on parcels located in the Designated Transition Areas, the performance standards provided in Exhibit "C" will be observed to meet the following goals:

1. Create a "Ruralbelt" (which may include both transitional zoning and performance standards relating to buffers) that physically defines the Rural

Area by requiring a specific depth/opacity of a defined natural vegetative buffer to distinguish the Rural Area from the Urban Area.

2. Transitional land uses to address specific edge concerns.

3. Include performance standards for the buffering of "edge properties" (Designated Transition Areas) that include opacity standards. These standards (Exhibit "C") will also be reflected in the County and City's land development codes.

In the Rural Area, future land use map amendments proposed by the City in a manner consistent with the recommendations contained in Exhibit "C", applicable law, and the Seminole County Home Rule Charter, will not be opposed by the County. However, such proposed amendments must undergo joint review by the City and County in accordance with the November 2004 Seminole County Charter amendment and to coordinate facilities and services delivery to ensure that adopted levels of service are maintained. The process for which this joint review occurs is provided in Exhibit "D".

(d) Joint Review of Plan Amendments Within the Urban Area. During the development and drafting phases of the respective comprehensive plans or plan amendments of the City or the County, City and County staff shall timely transmit all of their respective draft planning documents to the other jurisdiction as part of the public participation processes and intergovernmental coordination mechanism.

Section 4. Annexation and Land Use Jurisdiction

(a) Future Land Use and Zoning Designation for Parcels Annexed Into the City. Upon annexation of County lands into the City, the County will not object to City future land use map and zoning map amendments as long as such actions are taken in accordance with the terms of this Agreement and applicable law. The City shall amend its Comprehensive Plan to include annexed lands during its first plan amendment cycle following such annexation.

(b) Any lands annexed into the City from the Rural Area, as designated in the Seminole County Home Rule Charter and Seminole County Comprehensive Plan, may only have a future land use amendment approved by the Seminole County Board of County Commissioners, who retains final authority for such actions involving all lands in the Rural Area, regardless whether said lands are in the Unincorporated County or in the City. The process for joint review of such a land use amendment is provided in Exhibit "D".

(c) Annexation Criteria and Restrictions. The County agrees not to oppose the annexation of any parcel within the Joint Planning Area that is undertaken in compliance with applicable State and Federal laws. Further, the County

recognizes that there currently exist enclaves of unincorporated County lands surrounded by the City and that it is in the interest of both the City and the County that such enclaves be eliminated. As such, the County will not object to the creation of smaller enclaves, caused by City annexation of certain properties within these enclaves, as long as the annexation otherwise complies with State law. The parties shall avoid the creation of enclaves and halt any serpentine annexations in the "Joint Planning Area," except to the extent that creation of smaller enclaves within existing enclaves is necessary to reduce the size of said existing enclaves.

(d) Interlocal Agreement to Annex Enclaves Ten Acres or Less in Size. The parties agree that enclaves less than 10 acres in size may be automatically annexed upon property owner consent or transfer of fee ownership pursuant to F.S. 171.046(2) (a), which provides that such enclaves may be annexed through an interlocal agreement between a County and a municipality. Properties currently eligible for this provision are identified in the map in Exhibit "E". However, this provision will also apply to additional properties as they become eligible in the future.

Section 5. Coordination of Miscellaneous Land Development Regulations

(a) Uniform Right-of-Way and Road Standards. The City and the County agree to establish consistent road and right-of-way development standards and requirements for all cross-jurisdictional roadways.

(b) Land Development Code Updates. Each jurisdiction shall provide the other jurisdiction with a timely opportunity to review and provide formal comments relating to all land development regulation updates or revisions proposed in their jurisdiction by providing the other jurisdiction with written notification of the pending update or revision at least thirty (30) days prior to any official action on the matter.

(c) Review of Development Proposals for Transportation Impacts. Each jurisdiction shall provide the other jurisdiction with a timely opportunity to review and comment upon planned development project rezoning, special exceptions, variances, deviations, zoning map amendments, proposed subdivisions and site development plans located adjacent to the other's jurisdiction by providing all related documentation to the other jurisdiction within two (2) weeks of receipt of a complete application.

(d) Florida Avenue. Both the City and County agree to adhere to the Seminole County Comprehensive Plan Policy FLU 11.7, which states that any future connection of Florida Avenue with Stone Street shall be prohibited. This is to preserve the Rural Area and maintain rural character of entrance roadways into the Rural Area.

Bk 339 Pg 1295

Section 6. Water, Sewer and Reuse Provisions

(a) The City and County shall continue to collaborate to provide logical, functional, and cost effective central water and sewer services to appropriate areas as evidenced by the following Interlocal agreements between the parties: "City of Oviedo and Seminole County Wholesale Water and Wastewater Agreement" dated June 11, 1996; and "City of Oviedo and Seminole County Wholesale Wastewater Service Agreement" dated June 24, 2002. Each time a parcel of property is annexed by the City consistent with the Joint Planning Area Boundary described and established in Exhibit "A", which is attached hereto and incorporated herein by this reference thereto, and the property is not being served by the County, the City may add the annexed property into its water and sewer service area.

(b) The City and County agree to pursue a collaborative approach to the use of reuse water and other alternative water sources for irrigation.

Section 7. First Response Agreement

The City and County entered into an agreement to provide First Response fire, rescue, emergency medical aid, and emergency management assistance, entitled "City of Oviedo and Seminole County Automatic Aid/ First Response Interlocal Agreement dated July 15, 2002. This agreement meets the goals of the Joint Planning Agreement predating this agreement for cooperative efforts to plan for services in areas that surround City limits.

Section 8. Conflict Resolution

(a) Intergovernmental Conflict Resolution. In the event that disagreements or conflicts arise between the parties relating to the terms and provisions of this Agreement, the terms of resolution procedures of the Intergovernmental Planning Coordinating Agreement of 1997 will be followed and shall control as to any disputes between the parties. These resolution procedures will remain valid as to this Joint Planning Agreement regardless of the continued viability of the 1997 agreement.

(b) Chapter 164, Florida Statutes. Nothing in this Agreement shall be deemed in any way to waive any rights deriving to a party under the provisions of Chapter 164, Florida Statutes, or its successor provision.

(c) Time of Actions. The parties agree, to the extent practicable, to time their actions to maximize intergovernmental coordination, communication and cooperation.

Section 9. Conflict of Interest

The parties agree that they will not take any action that creates or carries a conflict of interest under the provisions of Part III, Chapter 112, Florida Statutes.

Section 10. Agreement Amendments

This Agreement may be amended and updated from time to time in order to keep pace with an ever-changing environment and community vision. Such amendments require execution by both governing Boards of the City and County prior to the Agreement being effectively amended.

Section 11. Term

This Agreement supersedes and supplants any prior existing Agreements between the City and County regarding land development practices. The term of this Agreement shall be for five (5) years, effective upon the execution date by the last party. At least one year prior to the termination of this Agreement, both parties agree to meet and negotiate a new term and/or revised agreement.

Section 12. Notice

Contact persons for this Agreement shall be the City Manager and the County Manager.

City Manager
City of Oviedo
400 Alexandria Boulevard
Oviedo, Florida 32765

County Manager
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771

Section 13. Standing

Nothing in this Agreement shall be deemed to impair, waive or create any right accruing to any private property owner within the Joint Planning Area to seek enforcement of any of the covenants, agreements, or promises contained herein to a court of competent jurisdiction.

Bk 339 Pg 1297

CITY OF OVIEDO

By: _____
THOMAS G. WALTERS, Mayor

Date: October 2, 2006

ATTEST:

_____
BARBARA BARBOUR, City Clerk

For the use and reliance of the City of Oviedo.
Approved as to form and regular meeting.
~~legal sufficiency.~~

_____
City Attorney
LONNIE N. GROOT

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON D. HENLEY, Chairman

Date: 9.19.06

ATTEST:

_____
MARYANNE MORSE
Clerk to the Board of
County Commissions of

As authorized for execution by
the Board of County Commissioners
Seminole County, Florida
at their Sept. 12, 2006,
regular meeting.

For the use and reliance of Seminole County.
Approved as to form and regular meeting
legal sufficiency.

_____
County Attorney

BK 339 PG 1297

EXHIBIT "A"
JOINT PLANNING AREA & DESIGNATED TRANSITION AREAS

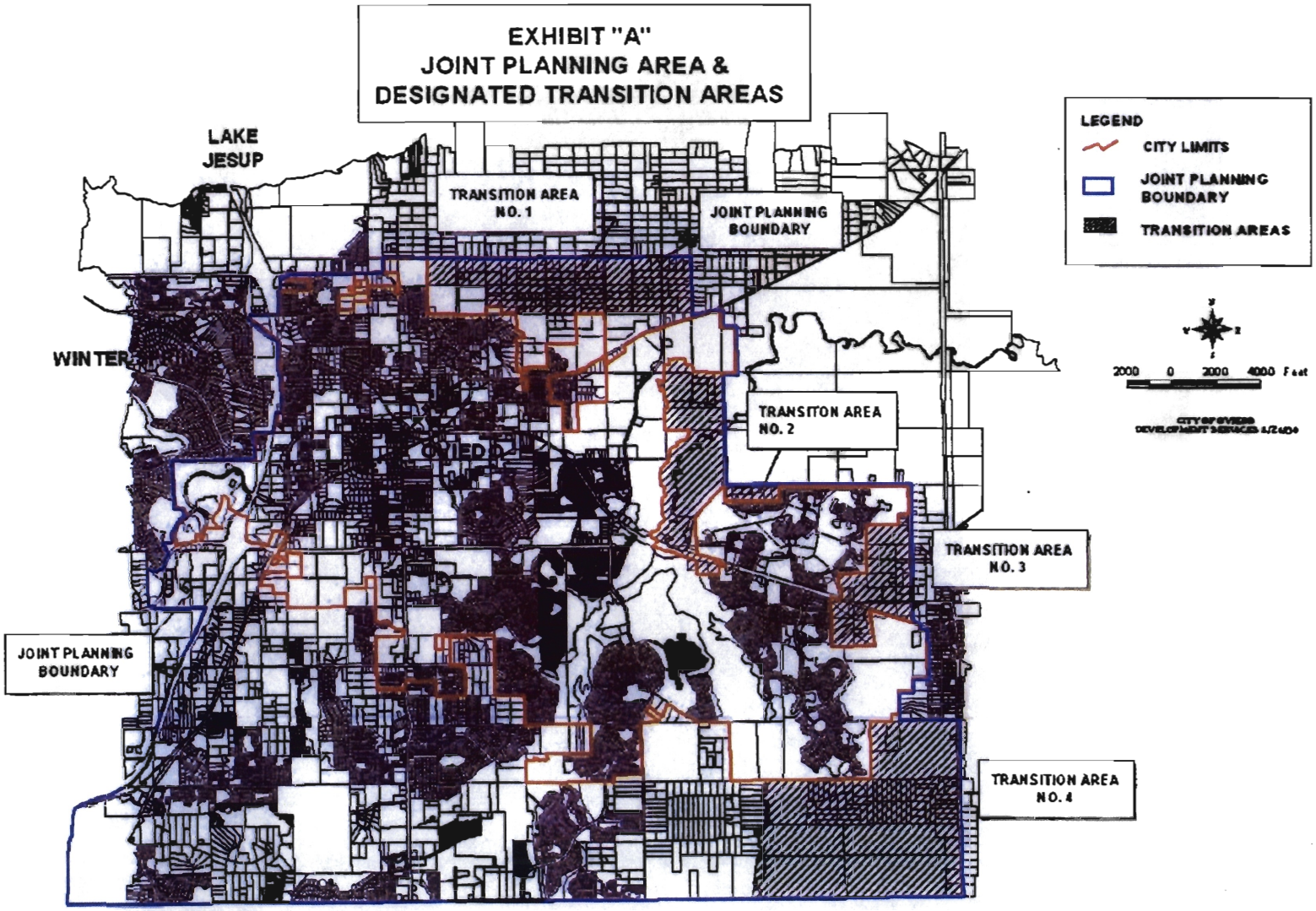


EXHIBIT "B"

FUTURE LAND USE EQUIVALENCY CHART[1]

Future Land Use	City Land Use	County Land Use
Suburban – Single Family	LDR-T[3] R-1AAA: 20,000 sq. ft. PUD: 10,500 sq. ft.	Suburban Estates 1 DU/Acre
Low Density Residential – Single Family	LDR 3.5 DU/Acre 3.85 DU/Acre (PUD)[2]	LDR 4 DU/Acre 7 DU/Acre (affordable housing only)
Medium Density Residential	MDR 8 DU/Acre 8.6 DU/Acre (PUD)[2]	MDR 10 DU/Acre
High Density Residential	HDR 15 DU/Acre 15.75 DU/Acre (PUD)[2]	HDR >10DU/Acre
Office	Office .30 FAR	Office .35 FAR
Commercial	Commercial .5 FAR PUD: .6FAR(includes Office, Recreation, Light Industrial, Public, or Institutional)	Commercial (Includes Office) .35 FAR
Industrial	Industrial: <.6 FAR PUD[2]: Industrial/ <.5 FAR Commercial/ <.5 FAR Office/ .3 FAR Public/ .5 FAR	Industrial (Includes Office & Commercial) .65 FAR
High Intensity Mixed Use Planned Unit Development	Planned Unit Development Residential: <5.0 Commercial: <.5 FAR Office: <.3 FAR Industrial: <.5 FAR DRI: Per DRI Development Order	Higher Intensity Planned Development 20 DU/Acre – Transitional 50 DU/Acre – Core .35 FAR
Public/Recreation	Public	Public/Quasi Public Recreation
Conservation	Conservation	Conservation

1 The equivalency chart does not apply to property within the designated Rural Area as designated on the official Seminole County Future Land Use Map and Home Rule County Charter.

2 The City of Oviedo Comprehensive Plan allows for mixed-use development with the approval of a Planned Unit Development establishing minimum thresholds for the amount of acreage dedicated to the primary use and maximum densities and intensities for accessory uses.

3 In Transition Area 1, the density shall be limited to no more than two dwelling units per acre in the City LDR-T Future Land Use Designation.

BK 339 Pg 1300

EXHIBIT "C"
Designated Transition Areas Performance Standards

Transition Area 1- (transition defined as part of the 2006 JPA update)

Transition Area 1 is located on the northern border of the JPA and is comprised of land that is in the Urban Area of unincorporated County and the Rural Area of unincorporated County (see Exhibit "A").

The City and County agree to the following land use patterns:
For all property north of Panther Street (aka Artesia Avenue) within the urban side of the transition abutting the Rural Boundary, upon annexation into the City, a City Future Land Use designation of LDR-T (maximum density of two dwelling units per acre) may be applied.

For all property that is within the rural side of the transition area, whether annexed into the City or remains in the County, an overlay Future Land Use designation of Rural Border Transition (RBT) may be applied. The RBT Overlay Future Land Use extends 1320 feet from the Rural Boundary up to Florida Avenue, between Division Street on the west and Van Arsdale Street on the east. From the Rural Boundary to 660 feet north, a density of no more than one dwelling unit per net buildable acre shall be permitted. From the 660-foot line, north to Florida Avenue, a density of no more than one dwelling unit per three net buildable acres shall be permitted. PUD zoning is the only zoning classification allowed in the RBT Future Land Use designation. The PUD must utilize clustering, provide a minimum of 50% open space, and lot sizes shall be no smaller than 1/2 acre (21,780 sq. ft.).

Any development utilizing the RBT Future Land Use Overlay and abutting Florida Avenue shall provide a periphery project buffer/setback from Florida Avenue a minimum of 100 feet in width. The buffer shall remain in its natural vegetated/forested state. Where existing vegetation does not exist within the first 50 feet closest to Florida Avenue, the buffer shall be supplemented requiring eight canopy trees to be planted per every 100-feet, with a minimum four-inch caliper and at least twelve-feet tall at the time of planting. Development within the RBT Overlay shall also meet requirements of the "East Seminole County Scenic Corridor Overlay District Ordinance", unless superseded by requirements in this JPA.

Transition Areas 2-4
Each of the Transition Areas 2, 3, and 4, as shown on Exhibit "A", will be defined individually in context to the particular character of each transition area. The City and County will work together to define these transition areas and incorporate the specific standards into this Exhibit "C".

EXHIBIT "D"

COMPREHENSIVE PLAN AMENDMENT PROCESS FOR FUTURE LAND USE MAP AMENDMENTS IN RURAL AREA

The City and County will work together to finalize a joint review process that includes the following elements as outlined below:

1. Application Submittal to City of Oviedo.

2. City Staff routes application to County Staff. City and County staffs conduct joint review of application package and prepare one (1) report with one (1) recommendation. Report and recommendation submitted to City of Oviedo Land Planning Agency (LPA).

3. City of Oviedo LPA conducts transmittal public hearing and makes a recommendation to the City of Oviedo City Council. City and County staffs make a joint presentation.

4. City Council conducts a transmittal public hearing and makes a recommendation to the Seminole County Board of County Commissioners (BCC). City and County staffs make a joint presentation.

5. Seminole County BCC conducts a public hearing to decide whether or not to transmit the proposed future land use map amendment to the Florida Department of Community Affairs (FDCA). City Manager and county staff make a joint presentation.

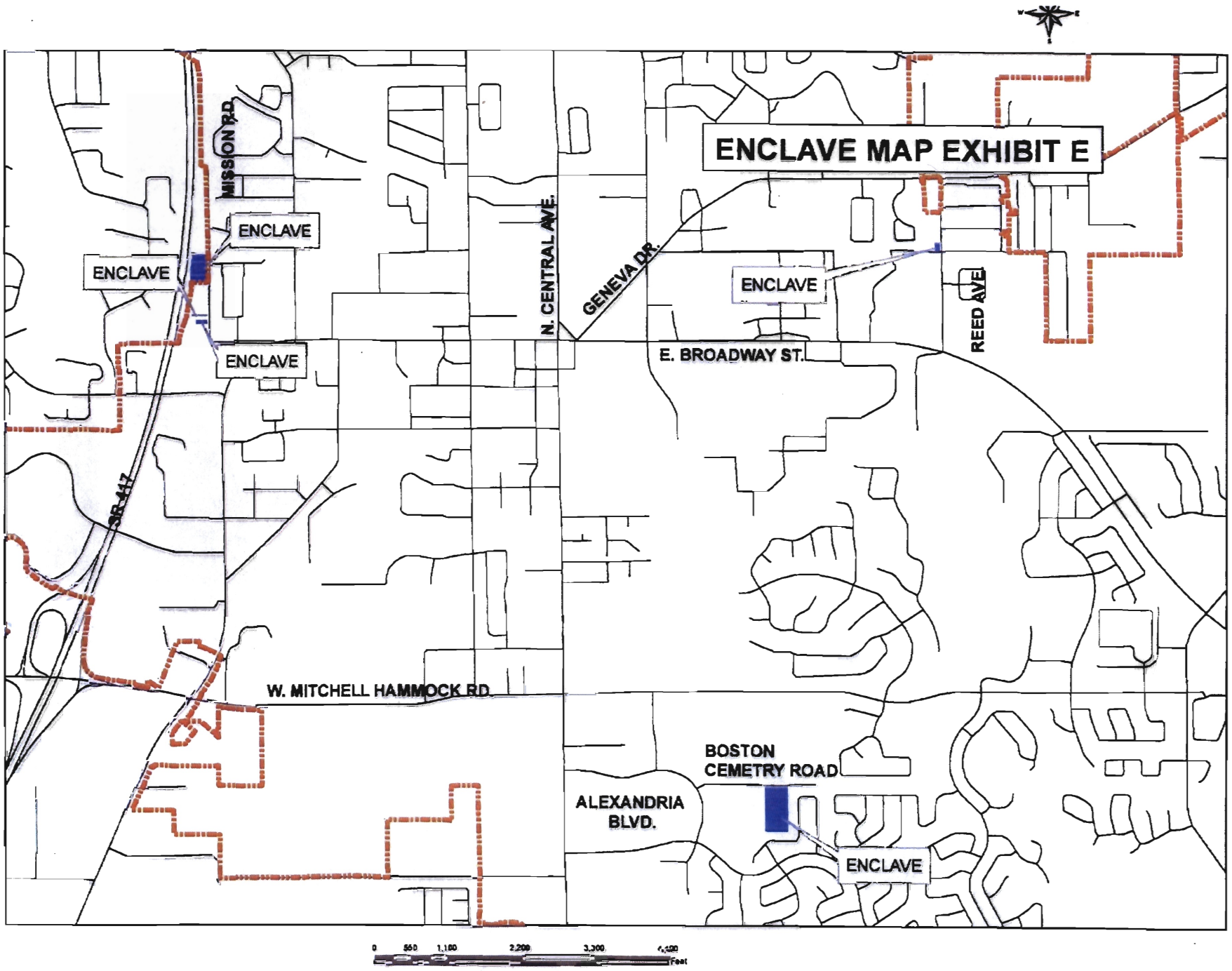
6. If amendment is transmitted to FDCA, City and County staffs prepare a joint response to the FDCA Objections, Recommendations, and Comments (ORC) report.

7. City Council conducts an adoption public hearing and makes a recommendation to the Seminole County BCC. City and County staff make a joint presentation.

8. Seminole County BCC conducts an adoption public hearing. City Manager and county staff make a joint presentation.

9. Adopted amendment transmitted to FDCA for compliance review.

10. FDCA issues a Notice of Intent to find the adopted amendment in compliance.



BK 339 Pg 1303

FIRST AMENDMENT TO THE SEMINOLE COUNTY/CITY OF OVIEDO
JOINT PLANNING AGREEMENT

This First Amendment is made and entered into this 4th day of June, 2007 by and between Seminole County, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford Florida 32771, hereinafter referred to as the "County" and the City of Oviedo, a Florida municipal corporation whose address is 400 Alexandria Boulevard, Oviedo Florida 32765, hereinafter referred to as the "City".

WITNESSETH:

Whereas, on October 2, 2006, the City and the County entered into a Joint Planning Agreement (the "Agreement") recorded at Book 339, Pages 1290-1303 in the Board of County Commission records of Seminole County ; and

Whereas, the Agreement expressly stated that the City and the County will work together to define the transition areas identified in the Agreement; and

Whereas, the Agreement provides for amendments and updates when executed by both governing Boards of the City and County pursuant to Section 10 of the Agreement; and

Whereas, the provisions of this amendment are consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes), the Regional Policy Plan adopted by the East Central Florida Regional Planning Council and the comprehensive plans of the City and the County; and

Whereas, the parties have the lawful right and power to enter into this Agreement,

Now, Therefore, in consideration of the promises, mutual covenants, and commitments contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties do hereby covenant and agree as follows:

Section 1. Amendment to Exhibit "C" of the Agreement
Exhibit "C" of the Agreement is amended to read (underlined words are added, words ~~struck through~~ are deleted):

~~**Transition Area 2-4**~~
~~Each of the Transition Areas 2, 3, and 4, as shown on Exhibit "A", will be defined individually in context to the particular character of each transition area. The City and County will work together to define these transition areas and incorporate the specific standards into this Exhibit "C".~~

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eva Rook
DEPUTY CLERK

Transition Area 2
Transition Area 2, as shown on Exhibit "A" of the Agreement, is hereby repealed and redefined as the two parcels more specifically described as parcel ID 24-21-31-300-002A-0000 and parcel ID 24-21-31-300-0020-0000. These parcels abut City jurisdiction and currently have a County Future Land Use Designation of Low Density Residential (LDR). The City and County agree that development on these two parcels may take the form of neighborhood office, supporting the adjacent local community.

Transition Area 4
Transition Area 4, as shown on Exhibit "A" of the Agreement, is hereby renamed as Transition Area 3 and will be defined in context to the particular character and conditions to the Area. The City and County will work together to define this Transition Area and incorporate the specific standards into this Exhibit "C'.

Section 2. Amendment to Exhibit "A" of the Agreement
Exhibit "A" of the Agreement is hereby repealed and replaced with Exhibit "1" provided herein, memorializing the amendments reflected in Section 1 above.

Section 3. Force and Effect
All other provisions of the Agreement entered into on October 2, 2006 remain in full force and effect. Execution of this Amendment does not extend or alter the term of the Agreement.

IN WITNESS WHEREOF, the parties have caused this First Amendment to the Seminole County/City of Oviedo Joint Planning Agreement to be executed on the day and year first written above.

CITY OF OVIEDO

By: _____
THOMAS G. WALTERS, Mayor

Date: 6/4/2007

ATTEST:

_____
BARBARA BARBOUR, City Clerk

For the use and reliance of the City of Oviedo.
Approved as to form and regular meeting.

_____
City Attorney

SEAL

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
CARLTON D. HENLEY, Chairman

Date: May 8, 2007

As authorized for execution by
the Board of County Commissioners
Seminole County, Florida
at their April 24, 2007,
regular meeting.

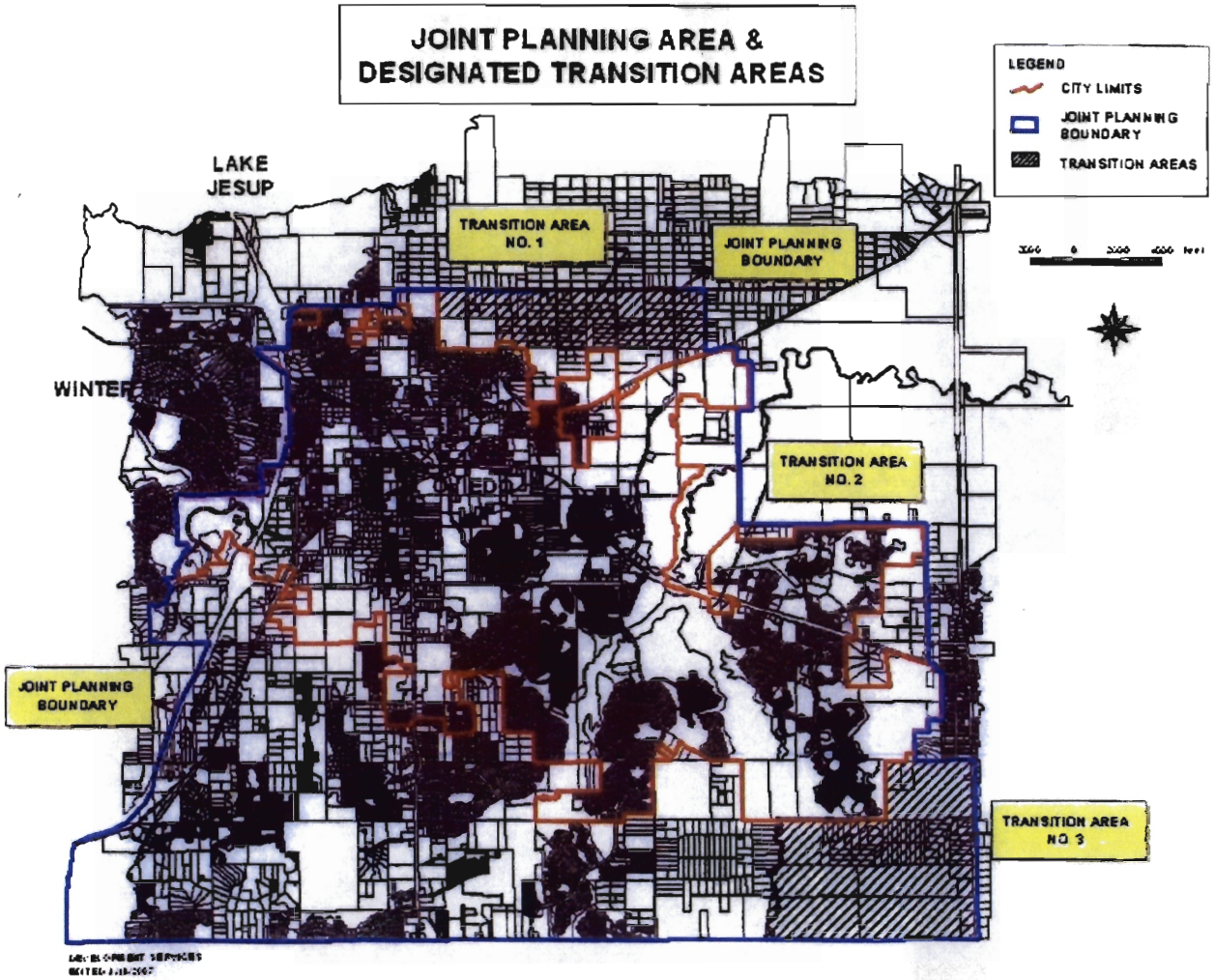
ATTEST:

_____
MARYANNE MORSE
Clerk to the Board of
County Commissions of

For the use and reliance of Seminole County.
Approved as to form and regular meeting
legal sufficiency.

_____
County Attorney

Exhibit "1"


JOINT PLANNING AREA &
DESIGNATED TRANSITION AREAS
LEGEND
CITY LIMITS
JOINT PLANNING BOUNDARY
TRANSITION AREAS
LAKE JESUP
TRANSITION AREA NO. 1
JOINT PLANNING BOUNDARY
WINTER
TRANSITION AREA NO. 2
JOINT PLANNING BOUNDARY
TRANSITION AREA NO 3

SECOND AMENDMENT TO THE SEMINOLE COUNTY/CITY OF OVIEDO
JOINT PLANNING AGREEMENT

This Second Amendment is made and entered into this 7th day of March, 2008 by and between Seminole County, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford Florida 32771, hereinafter referred to as the "County" and the City of Oviedo, a Florida municipal corporation whose address is 400 Alexandria Boulevard, Oviedo Florida 32765, hereinafter referred to as the "City".

WITNESSETH:

Whereas , on October 2, 2006, the City and the County entered into a Joint Planning Agreement (the "Original Agreement") recorded at Book 339, Pages 1290-1303 in the Board of County Commission records of Seminole County; and

Whereas, on June 4,2007, the City and the County entered into the First Amendment to the Joint Planning Agreement (the "First Amendment") recorded at Book 350, Pages 2445-2448 in the Board of County Commission records of Seminole County; and

Whereas, the Original Agreement and the First Amendment shall be hereinafter jointly referred to as the "Agreement"; and

Whereas, the Agreement expressly states that the City and the County will work together to define the transition areas identified in the Agreement; and

Whereas, the Agreement provides for amendments and updates when executed by both governing Boards of the City and County pursuant to Section 10 of the Agreement; and

Whereas, the provisions of this amendment are consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes), the Regional Policy Plan adopted by the East Central Florida Regional Planning Council and the comprehensive plans of the City and the County; and

Whereas, the parties have the lawful right and power to enter into this Amendment to the Agreement.

Now, Therefore, in consideration of the promises, mutual covenants, and commitments contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties do hereby covenant and agree as follows:

Section 1. Amendment to Exhibit "C" of the Agreement
Exhibit "C" of the Agreement, as amended on June 4, 2007, is hereby further amended to read (underlined words are added, words struck through are deleted):

BK 357 PG 104

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eva Coach
DEPUTY CLERK

Second Amendment to the Seminole County/ City of Oviedo Joint Planning Agreement

~~**Transition Area 2**~~
~~Transition Area 2, as shown on Exhibit "A" of the Agreement, is hereby repealed and redefined as the two parcels more specifically described as parcel ID 24-21-31-300-002A-0000 and parcel 10-24-21-31-300-0020-0000. These parcels abut City jurisdiction and currently have a County Future Land Use Designation of Low Density Residential (LDR). The City and County agree that development on these two parcels may take the form of neighborhood office, supporting the adjacent local community.~~

~~**Transition Area 4**~~
~~Transition Area 4, as shown on Exhibit "A" of the Agreement, is hereby renamed as Transition Area 3 and will be defined in context to the particular character and conditions to the Area. The City and County will work together to define this Transition Area and incorporate the specific standards into this Exhibit "C'.~~

Transition Area 3
Transition Area 3, as shown on Exhibit "1" of the Agreement is hereby renamed as Transition Area 2 and will be defined in context to the particular character and conditions to the Area. The City and County will work together to define this Transition Area and incorporate the specific standards into Exhibit "C'.

Section 2. Amendment to Exhibit "1" of the Agreement
Exhibit "1" of the Agreement is hereby repealed and replaced with Exhibit "1" provided herein, memorializing the amendments reflected in Section 1 above.

Section 3. Force and Effect
All other provisions of the Agreement entered into on October 2, 2006 and the First Amendment entered into on June 4, 2007 remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to the Seminole County/City of Oviedo Joint Planning Agreement to be executed on the day and year first written above.

ATTEST:

BARBARA BARBOUR, City Clerk

CITY OF OVIEDO

By: Mary Lou Andrews
MAYOR MARY LOU ANDREWS

Date: 3/7/08

For the use and reliance of the City of Oviedo.
Approved as to form and legal sufficiency.

City Attorney 3-07-08

BK 357 PG 105

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: Brenda Carey
BRENDA CAREY, Chairman

Date: 2/20/08

As authorized by the Board of County Commissioners Seminole County, Florida At their February 12, 2008 regular meeting.

ATTEST:

MARYANNE MORSE
Clerk to the Board of
County Commissioners of Seminole County

For the use and reliance of Seminole County.
Approved as to form and legal sufficiency.

County Attorney

BK 357 PG 106

Second Amendment to the Seminole County/ City of Oviedo Joint Planning Agreement

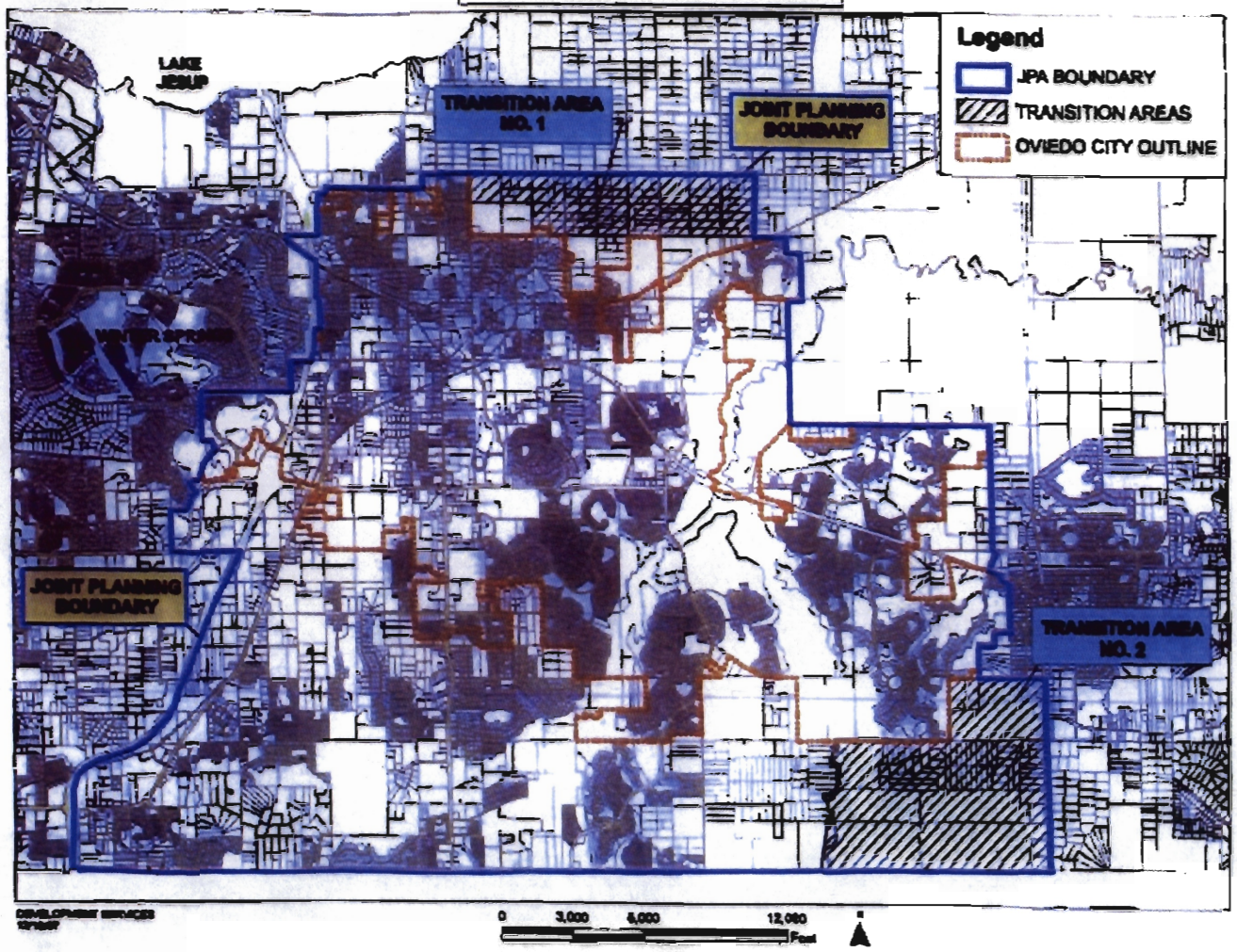
EXHIBIT "1"

BK 357 PG 107

Bk 357 Pg 108

JOINT PLANNING AREA & DESIGNATED TRANSITION AREAS

EXHIBIT "1"



The City of Oviedo FLORIDA

400 ALEXANDRIA BOULEVARD • OVIEDO, FLORIDA 32765

City of Oviedo Planning Division

Comments

Snow Hill Commons

General

The Applicant has submitted a Comprehensive Plan Amendment and an Urban/Boundary Applications. The Comprehensive Plan Amendment application is for approximately 31.73 acres from Rural 5 to Commercial.

Large-Scale Comprehensive Plan Amendment

1) The subject parcel identification numbers are within the City of Oviedo/Seminole County Joint Planning Interlocal Agreement:

   20-21-32-300-016D-0000 20-21-32-300-0180-0000 20-21-32-300-016G-0000 20-21-32-300-016F-0000

   Per the Second Amendment to the City of Oviedo/Seminole County Joint Planning Interlocal Agreement (JPA), this area is no longer identified as a "Transition Area" as shown on Exhibit "1" (See Attachment "A" City of Oviedo/Seminole County JPA). The request for a Commercial future land use designation at this location is not consistent with the City of Oviedo/Seminole County JPA. As a result, should either remain Rural or if designated with an urban future land use and zoning classification, the City of Oviedo/Seminole County JPA should be amended.

2) The size of the proposed Commercial Future Land Use designation is neither consistent nor compatible with the surrounding future land uses in the area (see Attachment "B"). The closest property designated with the Commercial Future Land Use designation is vacant and is located approximately 600 feet away from the subject property and consists of 1.87 acres (No. 25 in Attachment "B"). The next parcel that is designated with the Commercial Future Land Use designation is located approximately 6,000 feet away (No. 14). This property is vacant and consists of 9.73 acres. In an effort to maintain the residential character and neighborhood commercial character of the area, City Council restricted the C-1 zoning uses of this parcel and the Applicant agreed to restrict the uses allowed on the subject property. Commercial future land uses in the area of the subject property are less than 10 acres.

Most of the non-residential development in the area of the development was developed as part of a Planned Unit Development where the majority of the property was residential (see zoning and future land use on Attachment "B"). The commercial and offices uses that were approved within the Planned Unit Developments support the residential units within those subdivisions.

The size and scale of the proposed development is not consistent with the development in the area. On CR 419 from due west of Lockwood Boulevard east toward the subject property, the City of Oviedo has not approved any non-residential development that has exceeded 100,000 sq.ft.

3) The size of the proposed Commercial future land use designation on the parcel does not provide for a transition from the Rural Boundary to the Urban Boundary.

4) The impacts of the proposed Comprehensive Plan Amendment to Commercial were analyzed based on 483,817 sq.ft. (31.73 acres x 0.35FAR). Please clarify if the total acreage is 31.73 or 34 acres. If the total is 34 acres, the impact should be based on 518,364 sq.ft.

5) If the intent of the Applicant is to use City water, annexation of the subject parcels will be required. City Council adopted Resolution No. 1619-07 on October 1, 2007. The Resolution requires developers of properties located in unincorporated Seminole County to annex into the City prior to beginning the development review process in order to receive City services. The development of the subject parcels will comply with the City's Land Development Code. A copy of Resolution No. 1619-07 is attached (Attachment "C").

Thank you for the opportunity to provide comments on the Snow Hill Commons Comprehensive Plan Amendment. Should you have any questions, please contact me at 407-971-5776.

Sincerely,
THE CITY OF OVIEDO

Debra M. Pierre
Planning Manager

ATTACHMENT A

SECOND AMENDMENT TO THE SEMINOLE COUNTY/CITY OF OVIEDO JOINT PLANNING AGREEMENT

This Second Amendment is made and entered into this 7th day of March, 2008 by and between Seminole County, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford Florida 32771, hereinafter referred to as the "County" and the City of Oviedo, a Florida municipal corporation whose address is 400 Alexandria Boulevard, Oviedo Florida 32765, hereinafter referred to as the "City".

WITNESSETH:

Whereas , on October 2, 2006, the City and the County entered into a Joint Planning Agreement (the "Original Agreement") recorded at Book 339, Pages 1290-1303 in the Board of County Commission records of Seminole County; and

Whereas, on June 4,2007, the City and the County entered into the First Amendment to the Joint Planning Agreement (the "First Amendment") recorded at Book 350, Pages 2445-2448 in the Board of County Commission records of Seminole County; and

Whereas, the Original Agreement and the First Amendment shall be hereinafter jointly referred to as the "Agreement"; and

Whereas, the Agreement expressly states that the City and the County will work together to define the transition areas identified in the Agreement; and

Whereas, the Agreement provides for amendments and updates when executed by both governing Boards of the City and County pursuant to Section 10 of the Agreement; and

Whereas, the provisions of this amendment are consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes), the Regional Policy Plan adopted by the East Central Florida Regional Planning Council and the comprehensive plans of the City and the County; and

Whereas, the parties have the lawful right and power to enter into this Amendment to the Agreement.

Now, Therefore, in consideration of the promises, mutual covenants, and commitments contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties do hereby covenant and agree as follows:

Section 1. Amendment to Exhibit "C" of the Agreement
Exhibit "C" of the Agreement, as amended on June 4, 2007, is hereby further amended to read (underlined words are added, words struck through are deleted):

ATTACHMENT A

Second Amendment to the Seminole County/ City of Oviedo Joint Planning Agreement

~~**Transition Area 2**~~
~~Transition Area 2, as shown on Exhibit "A" of the Agreement, is hereby repealed and redefined as the two parcels more specifically described as parcel ID 24-21-31-300-002A-0000 and parcel 10-24-21-31-300-0020-0000. These parcels abut City jurisdiction and currently have a County Future Land Use Designation of Low Density Residential (LDR). The City and County agree that development on these two parcels may take the form of neighborhood office, supporting the adjacent local community.~~

~~**Transition Area 4**~~
~~Transition Area 4, as shown on Exhibit "A" of the Agreement. is hereby renamed as Transition Area 3 and will be defined in context to the particular character and conditions to the Area. The City and County will work together to define this Transition Area and incorporate the specific standards into this Exhibit "C'.~~

Transition Area 3
Transition Area 3, as shown on Exhibit "1" of the Agreement is hereby renamed as Transition Area 2 and will be defined in context to the particular character and conditions to the Area. The City and County will work together to define this Transition Area and incorporate the specific standards into Exhibit "C'.

Section 2. Amendment to Exhibit "1" of the Agreement
Exhibit "1" of the Agreement is hereby repealed and replaced with Exhibit "1" provided herein, memorializing the amendments reflected in Section 1 above.

Section 3. Force and Effect
All other provisions of the Agreement entered into on October 2, 2006 and the First Amendment entered into on June 4, 2007 remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to the Seminole County/City of Oviedo Joint Planning Agreement to be executed on the day and year first written above.

ATTEST:

Barbara J Barbour
BARBARA BARBOUR, City Clerk

CITY OF OVIEDO

By: Mary Lou Andrews
MAYOR MARY LOU ANDREWS

Date: 3/7/08

For the use and reliance of the City of Oviedo.
Approved as to form and legal sufficiency.

Sandra K Ambrose
City Attorney 3-07-08

ATTACHMENT A

Second Amendment to the Seminole County/ City of Oviedo Joint Planning Agreement

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: Brenda Carey
BRENDA CAREY, Chairman

Date: 2/20/08

As authorized by the Board of County Commissioners Seminole County, Florida
At their February 12, 2008
regular meeting.

ATTEST:

MARYANNE MORSE
Clerk to the Board of
County Commissioners of Seminole County

For the use and reliance of Seminole County.
Approved as to form and legal sufficiency.

County Attorney

ATTACHMENT A

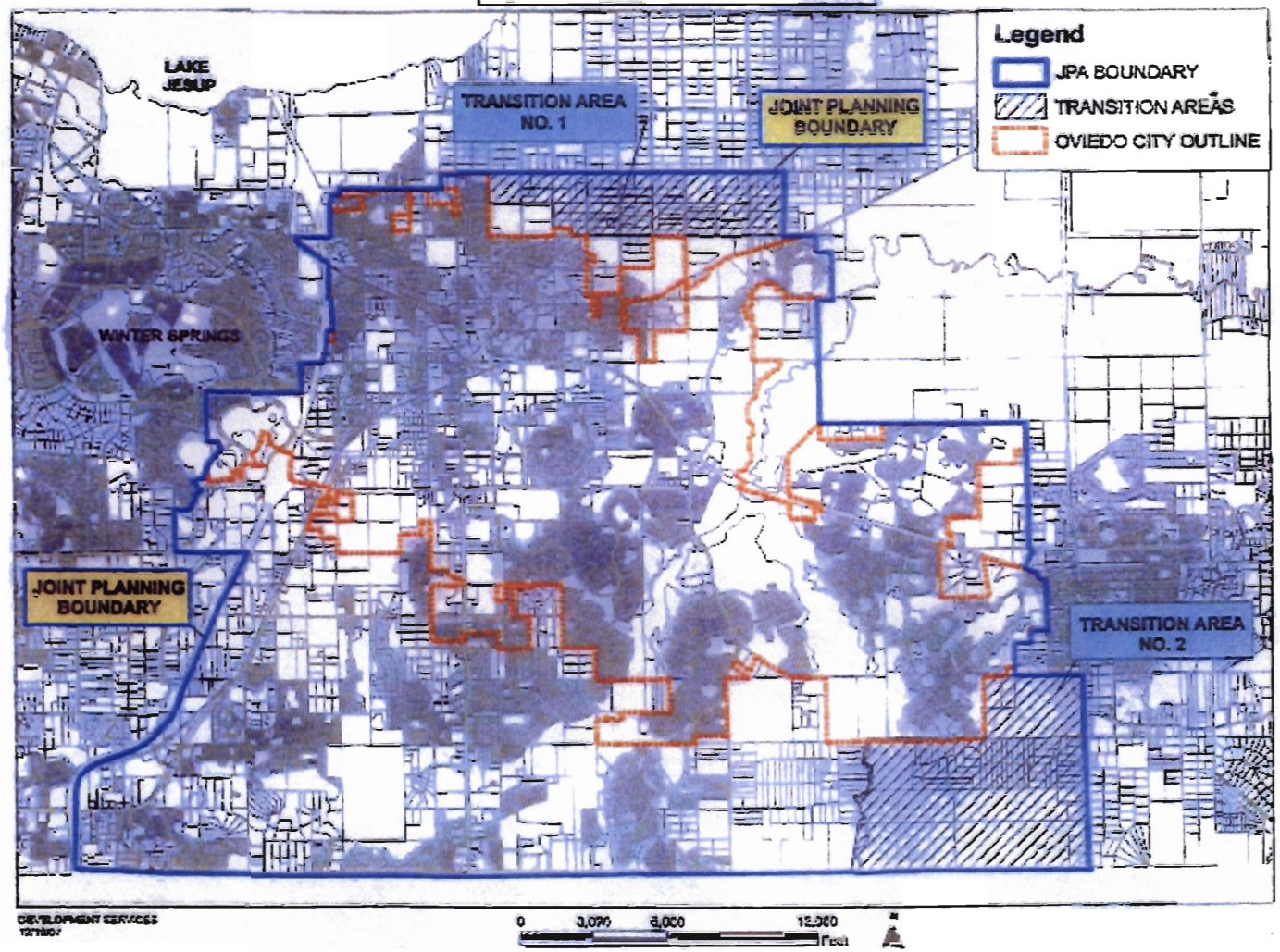
Second Amendment to the Seminole County/ City of Oviedo Joint Planning Agreement

EXHIBIT "1"

ATTACHMENT A

JOINT PLANNING AREA & DESIGNATED TRANSITION AREAS

EXHIBIT "1"



ATTACHMENT B

0 1,650 3,300 6,600 Feet

No.	Project	Use	Property Size (acres)	Bldg Area (sq. ft.)*	SDO	FLU	Zoning	Distance from Subject Property	Subdivision Name
1	Riverside Landings Publix	Retail/Comm Restaurant	12.06	81,310		LDR	PUD	11,848 ft	Riverside Landings
2	Riverside Landing Retail	Retail/Comm Restaurant	0.84	5,345		LDR	PUD	12,190 ft	Riverside Landings
3	Riverside Landing Bank	Retail/Comm Restaurant	1.44	4,182		LDR	PUD	11,562 ft	Riverside Landings
4	Lil Champ Food Stores Inc.	Commercial	1.43	4,311		CM	PUD	11,420 ft	Wheelers Corner
5	Walgreens	Commercial	1.93	14,490		LDR	PUD	11,259 ft	River Oaks Reserve Commercial
6	Seven Eleven	Commercial	1.53	2,945		PUD	PUD	11,266 ft	419 Commercial Center
7	SunTrust at River Oaks	Commercial	14,951	4,885		LDR	PUD	11,018 ft	River Oaks Reserve Commercial Replat
8	Auto Zone	Commercial	1.13	7,147	7,381	PUD	PUD	11,086 ft	419 Commercial Center
9	Tees Rail	Commercial	1.16	2,979		PUD	PUD	10,956 ft	419 Commercial Center
10	Oviedo Village Condominium	Vacant	0.72		2,270	LDR	PUD	10,860 ft	Oviedo Village A Land Site Condominium
11	Lockwood Village & Retail Center	Commercial	1.49	9,000		PUD	PUD	10,664 ft	419 Commercial Center
12	Oviedo Village Condominium Salary	Commercial	1.93	17,190		LDR	PUD	10,819 ft	Oviedo Village A Land Site Condominium
13	River Oaks Reserve Commercial Retention Pond	Vacant	0.46			LDR	PUD	10,455 ft	River Oaks Reserve Commercial
14	Church Covenant Presbyterian In Review 48,900	Vacant	9.73			CM	C-1	6,268 ft	
15	Fire Station #48 & Admin. Building	Municipal	2.6	17,081		LDR	PUD	5,684 ft	Sanctuary
16	Church Hope Community	Church	7	3,311		LDR	PLI	6,171 ft	
17	Embassy Office Complex Total Bldg SF for properties #17 &	Vacant Office	2.21		18,839	OFF	O-C	5,848 ft	
18	NOT BUILT BUT APPROVED - Embassy Office Complex Total Bldg SF for properties #17 & #18	Vacant Office	1.57		18,839	OFF	O-C	5,550 ft	
19	Kids Together	Commercial	3.27	17,606		LDR	PUD	4,424 ft	Sanctuary
20	Sanctuary Point Med. Office	Office	1.58	10,259		LDR	PUD	4,622 ft	Sanctuary
21	Central FL Educators Credit Union	Commercial	1.35	4,473		LDR	PUD	4,422 ft	Sanctuary
22	Riverside Retail Shoppes	Commercial	1.44	10,369		PUD	PUD	4,403 ft	Twin Rivers Commerce Center
23	Riverside Terrace	Commercial	1.75	18,899		PUD	PUD	4,180 ft	Twin Rivers Commerce Center
24	Riverside Centre	Commercial	1.03	7,541		PUD	PUD	4,842 ft	Twin Rivers Commerce Center
25		Vacant	1.87			CM	O-C	605 ft	
26	Live Oak Commercial Approved DA 80,080	Vacant	13.8			PUD	PUD	Across street	Live Oak Reserve

* Source of Square footage information is based on approved building permits

Development Services 05/08/2009

RESOLUTION NO. 1619-07

A RESOLUTION OF THE CITY OF OVIEDO, FLORIDA, REQUIRING DEVELOPERS OF PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY TO ANNEX SAID PROPERTY INTO THE CITY PRIOR TO INITIATING THE DEVELOPMENT REVIEW PROCESS AS A CONDITION OF RECEIVING CITY UTILITY SERVICES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, unincorporated properties adjacent to the City's north, south, and west, corporate boundaries lie within the County's designated urban area; and

WHEREAS, said properties are designated with urban future land use designations on the County comprehensive plan future land use map; and

WHEREAS, Seminole County will not allow development at urban densities and intensities without the installation of utility services (potable water, wastewater, and/or reuse water); and

WHEREAS, in some cases, especially adjacent to the City's north corporate boundary, the City of Oviedo is the closest provider of utility services; and

WHEREAS, developers use pre-annexation agreements as an instrument to secure municipal utility services so that development may proceed through the County's development review process in exchange for a commitment to City that the property will be annexed after a certain level of development approval has been obtained; and

WHEREAS, a completed annexation petition is included as an exhibit to the pre-annexation agreement; and

WHEREAS, the pre-annexation agreement specifies the point in time in which the City may process said annexation petition, and the annexation of the property becomes effective; and

WHEREAS, the annexation of the property typically becomes effective after the issuance of a certificate of completion for infrastructure improvements from the County; and

WHEREAS, in many instances, the developer seeks development approval from Seminole County prior to negotiating a pre-annexation agreement with the City; and

WHEREAS, a condition of the County's approval is that the developer must demonstrate that utility services will be available prior to the County's approval of the developer's final engineering plans or final plat; and

WHEREAS, in at least five instances in its history, the City has agreed, through a pre-annexation agreement, to provide such utility services to facilitate the development of unincorporated properties adjacent to the City's corporate boundary; and

WHEREAS, the City's pre-annexation agreement has been used as evidence that utility service will be made available to the developer; and

WHEREAS, the pre-annexation agreement allows the developer and the County to proceed with development approval under the County's comprehensive plan and land development regulations; and

WHEREAS, the City Council has undertaken a review of the merits of using pre-annexation agreements as a means of fostering the orderly growth of the City; and

WHEREAS, the City Council is concerned about the disparity between Seminole County zoning and land development standards and those promulgated by the City of Oviedo, whereby Seminole County zoning districts, while perhaps carrying the same name as a comparable district in the City, may have different land development standards when compared with the City's zoning district; and

WHEREAS, the approval of development under the Seminole County Comprehensive Plan and Land Development Code can result in the creation of lot sizes, setbacks, and configurations that are not consistent with the City of Oviedo Comprehensive Plan or compliant with the City's Land Development Code; and

WHEREAS, the City Council wishes to ensure that future residential and commercial development in adjacent areas of unincorporated Seminole County occurs in a way that is complaint with the City's land development code and consistent with the goals, policies and objectives set forth in the City's Comprehensive Plan; and

WHEREAS, the City Council wishes to ensure that adequate potable water, reclaimed water and wastewater services are available to meet the demands of new development in areas annexed into the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. From and after the effective date of this resolution, developers of properties located in unincorporated Seminole County shall be required to annex said property into the City prior to initiating the development review process as a condition of receiving City utility services.

SECTION 2. Should the City Council agree to enter into a pre-annexation agreement with a developer of property located in unincorporated Seminole County, said agreement shall only address the facilitation of the development of the property utilizing the City's development

Resolution No. 1619-07
Page 2

review processes and other matters pertaining to the development of the property after the property is annexed into the City.

SECTION 3. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 4. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 5. Effective Date. This resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED THIS 1st Day of October, 2007 A. D.

THOMAS G. WALTERS
MAYOR of the City of Oviedo, Florida

ATTEST:

BARBARA J. BARBOUR
CITY CLERK

CITY OF OVIEDO SEAL FLORIDA

Resolution No. 1619-07
Page 3

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: SEE ATTACHMENT 1 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 & AFFIDAVIT

4. For **partnerships**, 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
Murrell Management	3041 Westchester Orlando, FLORIDA 32803	<1%
Mercedes L. Murrell ESTATE	3946 Grandview Memphis, TN 38111	97%
Mercedes Murrell	457 Princeton Way Atlanta, GA 30307	<1%
Katherie Wein	4406 Herbert Pl Nashville, TN 37215	<1%
Sarah Murrell	3041 Westchester Orlando, FL 32803	<1%
Sam Murrell	3946 Grandview Memphis, TN 38111	<1%

(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.

5/13/09
Date

Owner, Agent, Applicant Signature

STATE OF ~~FLORIDA~~ Tennessee
COUNTY OF Shelby

Sworn to (or affirmed) and subscribed before me this 13 day of May, 2009 by Sam Murrell

Signature of Notary Public

Christi L. Mooney
Print, Type or Stamp Name of Notary Public

CHRISTI MOONEY
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
MY COMMISSION EXPIRES January 12, 2010

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced Tennessee driver's license

For Use by Planning & Development Staff

Date:_____ Application Number:_____

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.

3/5/09
Date

Mary R. Lamar
Owner, Agent, Applicant Signature

STATE OF FLORIDA

COUNTY OF ORANGE

Sworn to (or affirmed) and subscribed before me this 5th day of March, 2009 by MARY R. LAMAR.

Carol L Buckley
Signature of Notary Public

CAROL L. BUCKLEY
Print, Type or Stamp Name of Notary Public

CAROL L. BUCKLEY
Commission # DD 841211
Expires January 16, 2013
Bonded Thru Troy Fain Insurance 800-385-7019

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

For Use by Planning & Development Staff

Date:_____ Application Number:_____

ATTACHMENT "1" TO:

Seminole County Application and Affidavit, Ownership Disclosure Form

Item (2):

Name of Corporation (Company):	Buchholz Management, LLC (a Florida limited liability company)
Officer (Manager):	Mary R. Lamar, Manager
Address:	P.O. Box 3350 Winter Park, Florida 32790
Shareholder (Member):	The Buchholz Land Trust
Address:	c/o Buchholz Management, LLC Attn: Mary R. Lamar, Trustee P.O. Box 3350 Winter Park, Florida 32790

FILE # Z2008-64 **DEVELOPMENT ORDER # 08-10000003**

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 23, 2010 Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

Property Owner(s): Buchholz Management LLC and Murrell Inv LLLP

Project Name: Snow Hill Commons

Requested Development Approval: Amendment to the Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial

The Board of County Commissioners has determined that the requests for an Amendment to the Urban/Rural Boundary and a Large Scale Future Land Use Amendment from Rural-5 to Commercial is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Snow Hill Commons Amendment to the Urban/Rural Boundary and Large Scale Future Land Use Amendment from Rural-5 to Commercial" and all evidence submitted at the public hearing on February 23, 2010 regarding this matter the Board of County Commissioners have found, determined and concluded that the requests 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

Parcel 16A:

The West 3/4 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Northerly of County Road 419 and Easterly of Snowhill Road a/k/a the Chuluota Bypass.

LESS: Begin 857.8 feet South and 2789.6 feet East of the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4, of said Section 20, Township 21 South, Range 32 East, Seminole County, Florida, said point being on the North Right-of-Way line of New State Road No. 203 in the Northwest 1/4 of the Southeast 1/4 of said Section 20, run North 213.4 feet, thence South 73°04'30" East parallel with said Road 213.4 feet, thence South 213.4 feet, thence North 73°04'30" West along said road Right-of-Way 213.4 feet to the Point of Beginning.

AND LESS that part lying Northeasterly of the following described parcel: Begin 857.8 feet South and 2789.6 feet East of the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4, of said Section 20, Township 21 South, Range 32 East, Seminole County, Florida, said point being on the North Right-of-Way line of New State Road No. 203 in the Northwest 1/4 of the Southeast 1/4 of said Section 20, run North 213.4 feet, thence South 73°04'30" East parallel with said Road 213.4 feet, thence South 213.4 feet, thence North 73°04'30" West along said road Right-of-Way 213.4 feet to the Point of Beginning.

Parcel 16B:

The East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Southerly of Snow Hill Road a/k/a the Chuluota Bypass.

Parcel 16C:

The West 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Southerly of Snow Hill Road a/k/a the Chuluota Bypass.

Parcel 16D:

The Northeast 1/4 of the Northwest 1/4 of the Southwest 1/4, lying Northerly of County Road 419, AND the Northeast 1/4 of the Southwest 1/4, lying Northerly of County Road 419, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, LESS Right-of-Way for Old Chuluota Road.

Parcel 16E:

That part of the West 3/4 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Northeasterly of the following described parcel: Begin 857.8 feet South and 2789.6 feet East of the Southeast corner of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4, of said Section 20, Township 21 South, Range 32 East, Seminole County, Florida, said point being on the North Right-of-Way line of New State Road No. 203 in the Northwest 1/4 of the Southeast 1/4 of said Section 20, run North 213.4 feet, thence South 73°04'30" East parallel with said Road 213.4 feet, thence South 213.4 feet, thence North 73°04'30" West along said road Right-of-Way 213.4 feet to the Point of Beginning.

Parcel 16F:

The West 3/4 of the South 1/2 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Northerly of County Road 419 and Westerly of Snowhill Road a/k/a the Chuluota Bypass.

Parcel 16G:

The West 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Northerly and Westerly of Snow Hill Road a/k/a the Chuluota Bypass, LESS road Right-of-Ways.

Parcel 16H:

The West 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Northerly of Snow Hill Road a/k/a the Chuluota Bypass, LESS any part thereof lying Westerly of Snow Hill Road a/k/a the Chuluota Bypass, AND LESS road Right-of-Ways.

Parcel 16J:

The East 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, lying Northerly of Snow Hill Road a/k/a the Chuluota Bypass, LESS road Right-of-Ways.

Parcels 18 and 18A:

The Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4, in Section 20, Township 21 South, Range 32 East, Seminole County, Florida, LESS AND EXCEPT road Right-of-Way, and LESS that certain Indenture recorded in Deed Book 110, Page 243 and that certain Warranty Deed recorded in Official Records Book 3303, Page 115, of the Public Records of Seminole County, Florida.

Parcel 20-21-32-300-0200-0000:
LEG SEC 20 TWP 21S RGE 32E E 1/2 OF SE 1/4 OF NW 1/4 OF SE 1/4 N OF ST RD 419

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
Mercedees L. Murrell estate (deceased)	c/o Sam Murrell 3946 Grandview Memphis, TN 38111	901-458-2507
Mercedes Murrell	457 Princeton Way Atlanta, GA 30307	404-634-3344
Katherine Weien	4406 Herbert Pl Nashville, TN 37215	615-298-2560
Sarah Murrell	3041 Westchester Orlando, FL 32803	407-398-6703
Sam Murrell	3946 Grandview Memphis, TN 38111	901-458-2507

(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.

N/A

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: N/A

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

4. For **partnerships**, 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
Murrell Management Mercedes L. Murrell ESTATE	3041 Westchester Orlando, Florida 32803 3946 Grandview Memphis, TN 38111	<1%. 97%.
Mercedes Murrell Katherie Wein	457 Princeton Way Atlanta, GA 30307 4406 Hayden Pl Nashville, TN 37215	<1%. <1%.
Sarah Murrell Sam Murrell	3041 Westchester Orlando, FL 32803 3946 Grandview Memphis, TN 38111	<1%. <1%.

(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.

5/13/09
Date

Owner, Agent, Applicant Signature

STATE OF ~~FLORIDA~~ Tennessee
COUNTY OF Shelby

Sworn to (or affirmed) and subscribed before me this 13 day of May, 2009 by Sam Murrell

Signature of Notary Public

Christi L. Mooney
Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced Tennessee driver's license

CHRISTI MOONEY
STATE OF TENNESSEE NOTARY PUBLIC
SHELBY COUNTY
MY COMMISSION EXPIRES January 12, 2010

For Use by Planning & Development Staff

Date:_____ Application Number:_____

PUBLIC COMMENT RECORD

CHULUOTA COMMUNITY MEETING

APRIL 13, 2009

We value your comments and concerns. Please feel free to talk with any of the Staff present at this meeting. If you have additional concerns or comments, please fill out the form below and Staff will take your questions and concerns to the appropriate Staff member and will get back with you as soon as possible.

FREDERICK J CORBETT
NAME

1188 E 8 ST
STREET ADDRESS

CHULUOTA	FL	32766	407 3666564
CITY	STATE	ZIP CODE	TELEPHONE NO.

E-MAIL FCORBS15 AT YAHOO.COM

COMMENTS: THIS COMMERCIAL THING IS NOT NEEDED EVERY THING IS 5 TO 15 MIN AWAY IN BOTH DIRECTIONS WHY TAKE AWAY FROM STORES THAT ARE ALL READY THERE LOOK WHAT WATERFORD LAKES DID TO OVIEDO MALL NOT TO MENTION WE ARE HAVING WATER PROBLEMS NOW WHY TAKE AWAY LAND THAT ABSORBS WATER FOR THE WATER SHED TOO MUCH PAVEMENT, IS KNOW GOOD PLEASE THINK ABOUT THIS WHEN YOU MAKE YOUR DECISION THANK YOU MUCH

Frederick J Corbett

RECEIVED MAY 27 2009

700 Old Chuluota Road
Chuluota, Fla 32766
22 May, 2009

Commissioner Dallari
Seminole County Board of Commissioners
1101 East First Street
Sanford, Fla 32771

cc Tina Williamson, Planning Division

Dear Commissioner Dallari:

The Rybolt property again appearing for a change in status is not a surprise, as greed is always persistent.. When this request first came up several years ago some of us met with the developer, who bluntly said "money talks" There is no other excuse for this change.

We have three shopping centers within three or 4miles; 2 Publix supermarkets, a Winn Dixie (just remodeled) and an Albertsons. Two miles farther west is the Oviedo Mall. Four miles south of this proposal is another shopping center based on another Publix and a Tractor Supply big box store. Surely there is no crying need for more shopping.

The proposal is across the Old Chuluota Road (a narrow rural road) from the area zoned rural 5 (5 acres to a dwelling) so that a change to major commercial is several steps up the zoning ladder in density. It requires a change to the well established Rural Boundary. The noise, traffic, light pollution, and increased number of transient people will be problems. The area does not really have the water, drainage, and sewer infrastructure to support this size project—regardless of what the utility companies say.

From a personal standpoint, I do not want to come out of my driveway and look at the rear of a shopping mall, nor do I want to look across SR 419 at a very large parking lot—I sincerely doubt that any of you commissioners would like the prospects of those views.

Please vote against this, and stand up to fight the probable law suit whih ma result from the denial.

Sincerely,

T C Chitty

RECEIVED JUN 02 2009

RE: Snowhill Rd & CR 419
Chuluota FL 32766
Re-Zoning

June 1, 2009

We wish to have it noted we are strongly against the above captioned Re-Zoning to Commercial of Snow Hill Rd & C.R. 419.

We were planning to attend the meetings on June 3rd & July 28th. However we have been advised they are Canceled. We truly hope Seminole County is seriously going to look into this Re-Zoning & deny it. Enough is enough - Give us our lovely rural Community

(Bill & Janet Kasavage 1245 Lk Mills Rd Chuluota FL)

RECEIVED JUN 02 2009

800 & 820 CR 419 West
Chuluota, Fl
32766

May 30, 2009

Seminole County Commission
1101 E 1st St
Sanford, Fl 32773

Dear Commission Members:

We are neighbors of the of the Bucholtz Management property aka the Rybolt property at CR 419 and Snow Hill Road and support the re-zoning of the property to commercial. A nice shopping plaza would be of great benefit to the community and should be approved. There are thousands of residents whom would use the facilities once they are built. CR 419 is now heavily used by motorists to and from SR 50 and has too much traffic for a rural designation of its frontage lands. The time has come for some commercial projects along this busy four-lane and we urge you to approve the re-zone.

Sincerely,

BL Thompson Sr. 820 CR 419

Yair Cervantes 800 Cr 419

DeVasto, Connie

Subject: FW: Chuluota's Rural Boundary

From: Stettner, Alison
Sent: Wednesday, December 23, 2009 11:33 AM
To: DeVasto, Connie
Cc: Williamson, Tina
Subject: FW: Chuluota's Rural Boundary

Another e-mail for report..

From: Lockhart, Amy
Sent: Wednesday, December 23, 2009 10:18 AM
To: Stettner, Alison
Subject: FW: Chuluota's Rural Boundary

Amy Lockhart
Commissioner Brenda Carey, District 5
Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771

407-665-7209 (direct)
407-665-7958 (fax)

From: Sue John [mailto:samosetjohn@yahoo.com]
Sent: Wednesday, December 23, 2009 10:18 AM
To: Lockhart, Amy
Subject: Chuluota's Rural Boundary

Hello Ms. Carey,

I am writing you to voice my concern about the Rybolt petition to move the Rural Boundary and develop the property on both sides of Snow Hill Road at 419 as commercial.

This petition will come before the Seminole County Commission on Feb. 23, 2010.
I ask that you vote a resounding 'NO' to this petition.
No to moving the rural boundary and No to commerical development.

Thank you for your support in keeping our area rural.

Sue John
220 West 3rd St
Chuluota, FL 32766-9088
407 366-3498

DeVasto, Connie

From: Stettner, Alison
Sent: Wednesday, December 23, 2009 11:29 AM
To: Williamson, Tina; DeVasto, Connie
Subject: FW: Changing the rural boundary and commercial rezoning

Connie

Please print and add to report..

Thanks

Alison Stettner, AICP
Acting Planning & Development Director
Planning Manager
Seminole County
1101 E. First Street
Sanford, FL 32771-1468
Phone: (407) 665-7339
Fax: (407) 665-7385

From: Lockhart, Amy
Sent: Wednesday, December 23, 2009 11:04 AM
To: Stettner, Alison
Subject: FW: Changing the rural boundary and commercial rezoning

Amy Lockhart
Commissioner Brenda Carey, District 5
Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771

407-665-7209 (direct)
407-665-7958 (fax)

From: Petra Ostrom [mailto:ostrompetra@gmail.com]
Sent: Wednesday, December 23, 2009 10:59 AM
To: Lockhart, Amy
Subject: Changing the rural boundary and commercial rezoning

Please say no to this! I do not want the commercial development proposed by the Rybolt company. There are already designated areas for this kind of development. WE have to put a stop to disorganized, sprawling growth. Thank you.
Petra Ostrom of Chuluota

Williamson, Tina

From: Stettner, Alison
Sent: Tuesday, December 22, 2009 11:35 AM
To: Williamson, Tina
Subject: FW: Development in Chuluota

From: Venn, Gretchen
Sent: Tuesday, December 22, 2009 11:29 AM
To: Stettner, Alison
Subject: FW: Development in Chuluota

From: Marlene Haas [mailto:marlenehaas@bellsouth.net]
Sent: Tuesday, December 22, 2009 11:28 AM
To: Venn, Gretchen
Subject: Development in Chuluota

The Oviedo/Chuluota area already has so many vacant storefronts in strip malls like at the Publix Shopping Center on Lockwood and the new strip where the Mitchell Wade Salon is located. We don't need any more commercial property in this area. The economy just won't support it.Additionally, we do not want or need the extra traffic, congestion, noise, pollution, etc. from a larger store in our area. We haven't even solved our poor water problems yet. We don't need another "challenge" to deal with.

Marlene Haas

407 366 8872

Williamson, Tina

From: Stettner, Alison
Sent: Tuesday, December 22, 2009 11:23 AM
To: Williamson, Tina
Subject: FW: If you try and move the Rural Boundary, YOU WILL NOT BE RE-ELEECTED!

From: Venn, Gretchen
Sent: Tuesday, December 22, 2009 9:51 AM
To: Stettner, Alison
Subject: FW: If you try and move the Rural Boundary, YOU WILL NOT BE RE-ELEECTED!

From: THOMAS KING [mailto:1waterman@bellsouth.net]
Sent: Sunday, December 20, 2009 8:35 AM
To: Venn, Gretchen
Subject: If you try and move the Rural Boundary, YOU WILL NOT BE RE-ELEECTED!

Williamson, Tina

From: Stettner, Alison
Sent: Tuesday, December 22, 2009 9:18 AM
To: Williamson, Tina
Subject: FW: East Rural Boundary

From: Venn, Gretchen
Sent: Monday, December 21, 2009 5:04 PM
To: Stettner, Alison
Subject: FW: East Rural Boundary

When will the agenda be posted?

From: genevafl@aol.com [mailto:genevafl@aol.com]
Sent: Monday, December 21, 2009 3:59 PM
To: Venn, Gretchen
Subject: East Rural Boundary

Commissioner Henley:

Although I cannot find an agenda on-line for the Planning and Zoning Board on 6 Jan 2010, I understand that one item on the agenda is a request from a developer or their agents, acting on behalf of the Rybolts, asking to move the Rural Boundary from that which was established by the County Commissioners and voted upon by the citizens a few years ago, and also to change the zoning to Commercial.

The area of concern is in the vicinity of Snow Hill Road and County Road 419.

I hope the Commissioners will stand by their 1991 agreement to protect this "line in the sand" establishing the East Rural Boundary. This agreement resulted in the Home Rule Charter Amendment, which was subsequently voted upon and approved by the citizens of Seminole County on 2 November 2004. Those of you who told us that you supported the Rural Boundary when you ran for your seat, better stick to your words.

Mal and Mary Jo Martin

BOARD OF COUNTY COMMISSIONERS

HOME RULE CHARTER AMENDMENT

Voter Approved On Tuesday, November 2, 2004!

Amendment To The Seminole County Home Rule Charter Which Establishes A Rural Area And Preempts Municipal Comprehensive Land Use Authority Within The Rural Area.

Williamson, Tina

From: Stettner, Alison
Sent: Tuesday, December 22, 2009 9:16 AM
To: Williamson, Tina
Subject: FW: Vote NO on Rural Boundary/commercial zoning on Feb. 23, 2010

From: Lockhart, Amy
Sent: Tuesday, December 22, 2009 8:34 AM
To: Stettner, Alison
Subject: FW: Vote NO on Rural Boundary/commercial zoning on Feb. 23, 2010

FYI

Amy Lockhart
Commissioner Brenda Carey, District 5
Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771

407-665-7209 (direct)
407-665-7958 (fax)

From: thubb31@aol.com [mailto:thubb31@aol.com]
Sent: Monday, December 21, 2009 8:50 PM
Cc: MacDonald, Fran; Lockhart, Amy; Spry, Janice; Eswine, Dianne; Venn, Gretchen
Subject: Vote NO on Rural Boundary/commercial zoning on Feb. 23, 2010

Dear Sirs and Madame,

I am writing to voice my strong opposition to moving the rural boundary and changing it to commercial zoning in the Chuluota area on Snow Hill Road. The reasons I chose to move to this area are slowly being destroyed and it is a sad thing to watch. I want this area to stay rural and the development of the land to stop. There does not need to be more commercial development, as there are enough vacant buildings all in the area.
With the continued building of neighborhoods and commercial buildings in this area, the land is slowly disappearing. Someone needs to stand up and fight to maintain the beauty of the rural lifestyle in this area.

I want you to all vote NO to moving the rural boundary and NO to commercial zoning on February 23, 2010. Help keep this area beautiful and rural.

Sincerely,

Tammy Davis
Chuluota, FL

Williamson, Tina

From: Stettner, Alison
Sent: Tuesday, December 22, 2009 9:16 AM
To: Williamson, Tina
Subject: FW: Rural Boundary

-----Original Message-----
From: Lockhart, Amy
Sent: Tuesday, December 22, 2009 8:33 AM
To: Stettner, Alison
Subject: FW: Rural Boundary

FYI

Amy Lockhart
Commissioner Brenda Carey, District 5
Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771

407-665-7209 (direct)
407-665-7958 (fax)

-----Original Message-----
From: Gary Exner [mailto:adcons2@earthlink.net]
Sent: Tuesday, December 22, 2009 7:42 AM
To: Lockhart, Amy
Subject: Rural Boundary

Dear Comissioner:

As a resident of the Rural Area of Chuluota, I demand that you vote against moving the Rural Boundary in eastern Seminole County.

Gary Exner
410 Lake Lenelle Drive
Chuluota, FL 32766

DeVasto, Connie

Subject: FW: No No No

From: Venn, Gretchen
Sent: Wednesday, December 23, 2009 9:11 AM
To: Stettner, Alison
Subject: FW: No No No

From: Barbara Stebbins [mailto:Barbslost2@cfl.rr.com]
Sent: Tuesday, December 22, 2009 9:38 PM
To: MacDonald, Fran; Lockhart, Amy; Spry, Janice; Eswine, Dianne; Venn, Gretchen
Subject: No No No

no TO MOVING THE RURAL BOUNDARY AND NO TO COMMERCIAL ZONING.

DeVasto, Connie

Subject: FW: Please leave Snow Hill Road As Is

----Original Message-----
From: Lockhart, Amy
Sent: Wednesday, December 23, 2009 2:07 PM
To: Stettner, Alison
Subject: FW: Please leave Snow Hill Road As Is

Amy Lockhart
Commissioner Brenda Carey, District 5
Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771

407-665-7209 (direct)
407-665-7958 (fax)

-----Original Message-----
From: dolfanpc@aol.com [mailto:dolfanpc@aol.com]
Sent: Wednesday, December 23, 2009 2:04 PM
To: MacDonald, Fran; Lockhart, Amy; Spry, Janice; Eswine, Dianne; Venn, Gretchen
Subject: Please leave Snow Hill Road As Is

Dear Seminole County Commission Board Members,

Please preserve the natural environment of south eastern Seminole County by leaving the Snow Hill Road area zoning rural. CR 419 has unfortunately already been slated for development; please limit commercial growth to that much more heavily traveled corridor.

Thank you for your time, and may each of you have a pleasant holiday experience,

Pete Christie
915 Snow Queen Drive
Chuluota, FL 32766
(407) 359-9349