

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

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

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord **CONTACT:** Austin Watkins **EXT:** 7440

MOTION/RECOMMENDATION:

1. APPROVE the an ordinance rezoning 3.34 ± acres, located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and approve the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, and authorize the Chairman to execute the aforementioned documents, per staff findings; (Larry W. Hodges, applicant); or

2. DENY the request to rezone 3.34 ± acres, located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to PUD (Planned Unit Development) and authorize the Chairman to execute the Denial Development Order; (Larry W. Hodges, applicant); or

3. CONTINUE the item to a time and date certain.

District 1 Bob Dallari

Austin Watkins

BACKGROUND:

The applicant requests a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 3.34 acres, located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road. The requested zoning will allow a maximum of seven lots that are a minimum of 11,000 square feet, with a stormwater retention pond which includes a mulch trail and bench. The net density of the proposed PUD is 2.59 dwelling units per net buildable acre. The existing Future Land Use on the property is Low Density Residential which allows for a maximum of 4 dwelling units per acre.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on September 5, 2007 and voted 5 to 1 to recommend DENIAL of the request to rezone 3.34 ± acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and recommend DENIAL of the attached Preliminary Master Plan.

STAFF RECOMMENDATION:

Staff recommends the Board approve the request to rezone 3.34± acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road, from A-1 (Agriculture) to PUD (Planned Unit Development), and APPROVE the attached Preliminary Master Plan, subject to the conditions in the attached Development Order.

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Aerial Map
5. Preliminary Master Plan
6. Approval Development Order
7. Rezone Ordinance
8. Denial Development Order (applicable only if denied)
9. September 5, 2007 P&Z Minutes
10. School Capacity Analysis
11. Letter of Support

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Bella Woods Rezone		
APPLICANT	Larry W. Hodges	
PROPERTY OWNER	H. L. RE Investments, LLC	
REQUEST	Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)	
PROPERTY SIZE	3.34 ± acres	
HEARING DATE (S)	P&Z: September 5, 2007	BCC: October 23, 2007
PARCEL ID	25-21-30-300-0120-0000	
LOCATION	Located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road	
FUTURE LAND USE	Low Density Residential (LDR)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2007-25	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is proposing a residential subdivision consisting of seven lots. (11,000 square feet minimum lot size) with an amenitized stormwater retention pond to include a mulch trail and bench.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 3.34 ± acres from A-1 (Agriculture) to PUD (Planned Unit Development) for a seven lot residential subdivision located on the north side of Dike Road.

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

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 square feet	11,000 square feet
Minimum House Size	N/A	1,100 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	30 feet	7.5 feet
Side Street Setback	50 feet	15 feet
Rear Yard Setback	10 feet	25 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Uses		A-1 (Agriculture)	PUD (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.		Single-Family Dwelling, Home Occupations, Home Offices.
Special Exception Uses	Special Exceptions such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.		N/A
Minimum Lot Size		43,560 sq. ft.	11,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1A, R-1AA, or R-1AAA zoning classification. The applicant is proposing a minimum lot size of 11,000 square feet and a minimum width at the building line of 75 feet. This is consistent with the surrounding single-family subdivisions to the north and south of the subject property.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map panel number 12117C0145E, with an effective date of 1995, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

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

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)*	Proposed Development (PUD)¹	Net Impact
Water (GPD)	1,050	2,450	+ 1,400
Sewer (GPD)	0	0	0
Traffic (ADT)	29	67	+ 38

* Numbers are based on a 3 unit residential subdivision.

¹ Proposed PUD Development is based on a 7 unit residential subdivision.

Utilities:

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities (water). There is a 30-inch water main on the south side of Dike Rd. The subject development proposes septic tanks for individual lots. The subject property is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property proposes access onto Dike Road, which is classified as a local road. Dike Road is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

School Impacts:

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold 25-year, 96-hour volumetric difference.

Parks, Recreation and Open Space:

The applicant will need to designate .81 acres of usable open space, per Section 30.451 (e) of the Land Development Code. The details of the open space and amenities will be provided at the time of the Final Master Plan Approval.

Buffers and Sidewalks:

The applicant is not proposing any buffers. The applicant is required to build a sidewalk along their frontage of Dike Road. At this time there are no sidewalks along the north side of Dike Road, however if the adjacent properties develop they will be required to build sidewalks to connect to the proposed sidewalk.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

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

COMPREHENSIVE PLAN (VISION 2020)

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

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

- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

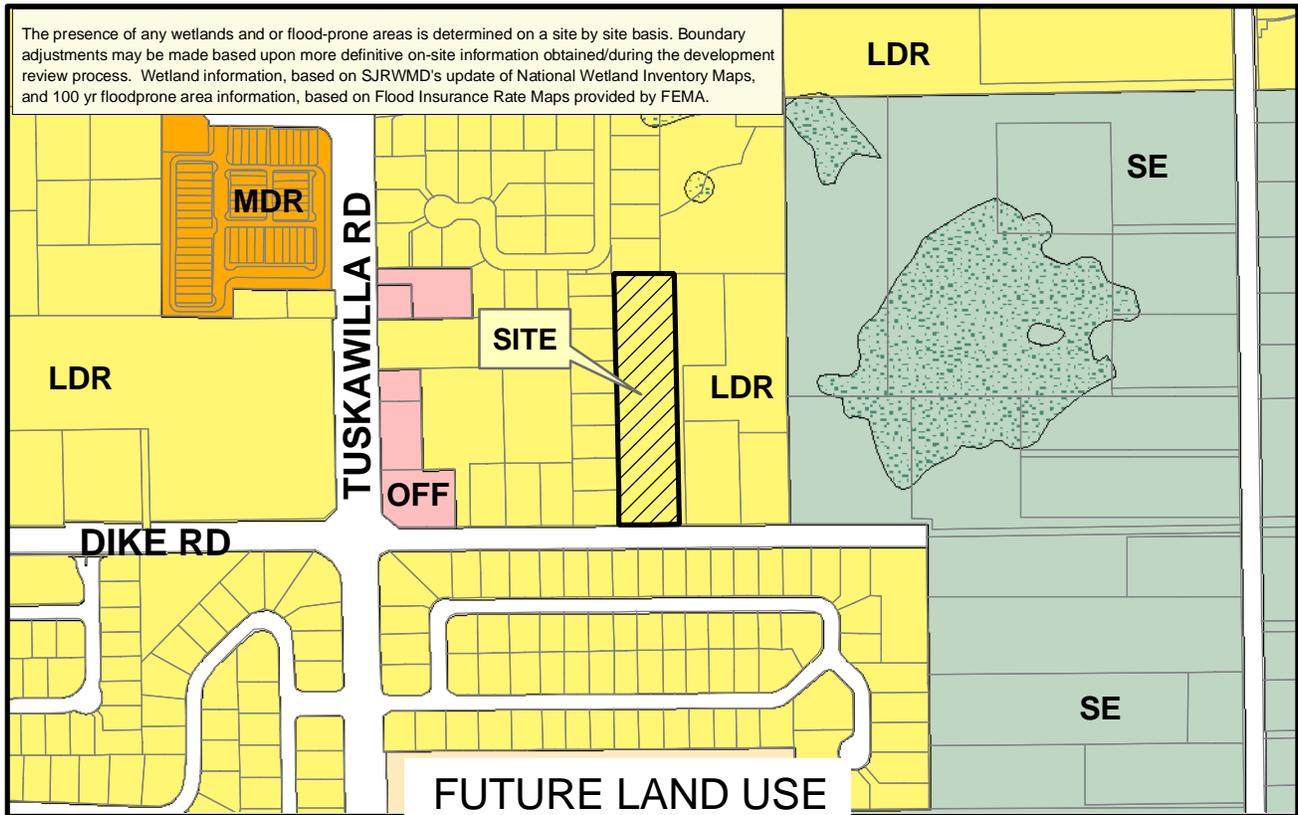
INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice was sent to the Seminole County School Board on May 11, 2007 and they have provided a School Capacity Analysis, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

Staff received one letter of support on August 19, 2007, which is attached.

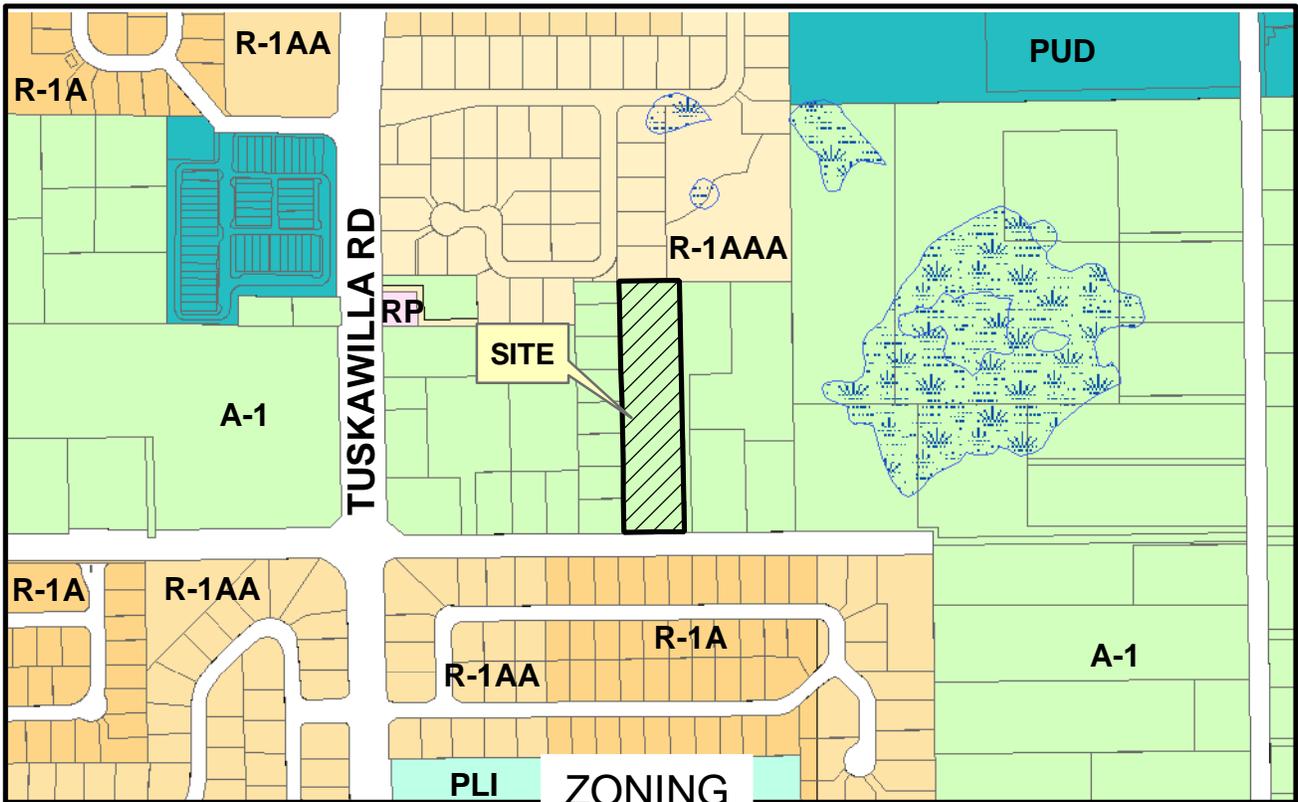
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR
 MDR
 OFF
 SE
 Site
 CONS

Applicant: Larry Hodges
 Physical STR: 25-2130-300-0120-0000
 Gross Acres: 3.34 +/- BCC District: 1
 Existing Use: Single Family Residential
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-025	A-1	PUD



A-1
 R-1A
 R-1AA
 R-1AAA
 PUD
 RP
 PLI

FP-1
 W-1



TUSKAWILLA RD

DIKE RD

SITE

Rezone No: Z2007-025
From: A-1 To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

PRELIMINARY MASTER PLAN

FOR

BELLA WOODS

SEMINOLE COUNTY, FLORIDA

JUNE, 2007

OWNER/DEVELOPER:
MR. LARRY HODGES

H.L. R E INVESTMENTS, LLC
1803 SOUTH AUSTRALIAN AVENUE
WEST PALM BEACH, FL 33409

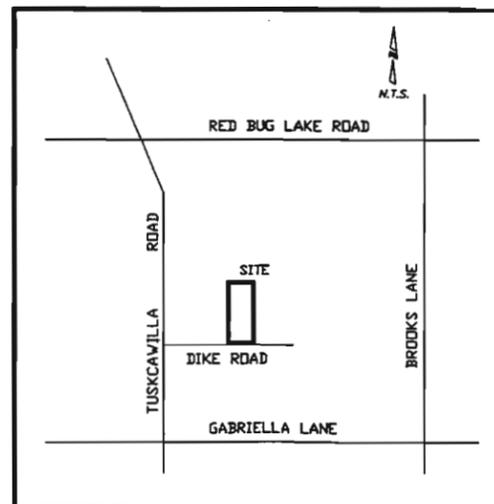
ENGINEER:
GEORGE GARRETT & ASSOCIATES, INC.

P.O. BOX 531085
ORLANDO, FLORIDA 32853
407-256-5862

PROJECT INFORMATION

SURVEYOR:	ACCURIGHT SURVEY 2012 E. ROBINSON STREET ORLANDO, FLORIDA 32803 407-884-6314
EXISTING FLU / ZONING:	LDR / A-1
PROPOSED FLU / ZONING:	LDR / PUD
SITE AREA:	3.34 ACRES
PROPOSED DEVELOPMENT:	7 SINGLE FAMILY LOTS
MINIMUM LOT SIZE:	11,000 sq. ft.
MINIMUM LOT WIDTH:	75 FEET AT BUILDING LINE
MAXIMUM HEIGHT:	35 FEET
MINIMUM LIVING AREA:	1,100 S.F.
NET DENSITY:	3.72 LOTS/ACRE (7 LOTS / 1.88 ACRE)
BUILDING SETBACKS:	FRONT - 25' (EXCEPT LOT 5 - 20') SIDE - 7.5' REAR - 25' SIDE STREET - 15'
ACCESSORY BUILDINGS, POOLS AND POOL ENCLOSURE SETBACKS:	PER R-1A ZONING DISTRICT REGULATIONS.
OPEN SPACE REQUIRED:	35,622 S.F. (25%)
OPEN SPACE PROVIDED:	STORMWATER TRACT "A" = 35,650 S.F. NOTE: STORMWATER AREAS SHALL BE LANDSCAPED/AMENITIZED PER SECTION 30.1344, SEMINOLE COUNTY LAND DEVELOPMENT CODE.
POTABLE WATER SERVICE:	SEMINOLE COUNTY (7 LOTS X 350 GPD = 2,450 GPD)
FIRE PROTECTION:	SEMINOLE COUNTY (500 GPM / 20 PSI RESIDUAL)
SEWER SERVICE:	SEPTIC TANK / DRAINFIELD
AVERAGE DAILY TRAFFIC:	7 UNITS X 10.1 = 71 ADT
SCHOOL AGE CHILDREN:	7 UNITS X 0.404 = 3 STUDENTS
EXIST. LAND USE:	VACANT
EXIST. VEGETATION:	PASTURE GRASS / SCATTERED TREES
CONSERVATION AREA:	NONE

VICINITY MAP



PARCEL ID: 25-21-30-300-0120-0000
ADDRESS: 4724 DIKE ROAD

LEGAL DESCRIPTION:

THE SOUTH 12 CHAINS OF THE W 1/2 OF THE EAST 1/2 OF THE NE 1/4 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 30 EAST LESS WEST 140 FEET OF THE SOUTH 12 CHAINS OF THE WEST 1/2 OF THE EAST 1/2 OF THE NE 1/4 OF THE NE 1/4, LYING NORTH OF HIGHWAY, SECTION 25, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA.

CONTAINS: 145,323 SQUARE FEET OR 3.34 ACRES MORE OR LESS.

NOTES:

BEARING STRUCTURE BASED ON NORTH R/W LINE OF DIKE ROAD, BEING: S89°46'46"W. (ASSUMED)

THIS SITE IS NOT IN A FLOOD PRONE AREA, IT IS IN ZONE X, AN AREA OF MINIMAL FLOODING BASED ON FLOOD INSURANCE RATE MAP, PANEL NO. 120289 0145 E, SEMINOLE COUNTY, FLORIDA.

ELEVATIONS BASED ON NAVD 1988 DATUM, BM #4792501 BEING: 64.872 FEET.

TABLE OF CONTENTS

SHEET	TITLE
1	COVER SHEET
2	PRELIMINARY MASTER PLAN

REVISIONS:

6-04-07 REVISED PER DRC REVIEW COMMENTS - PROJECT # 07-20500001
7-03-07 REVISED PER DRC REVIEW (1st REVISION) COMMENTS - PROJECT # 07-20500001
7-25-07 REVISED PER DRC REVIEW (2nd REVISION) COMMENTS - PROJECT # 07-20500001

BELLA WOODS
PRELIMINARY MASTER PLAN

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On October 23, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

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

FINDINGS OF FACT

Property Owner: H. L. RE Investments LLC
1803 S. Australian Ave Ste. A
West Palm Beach, FL 33409

Project Name: Bella Woods PUD Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 3.34 acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforedescribed property.

Prepared by:
Austin Watkins, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. All development shall comply with the Preliminary Master Plan attached as Exhibit "B".
 - b. The maximum allowable density shall not exceed 2.59 dwelling units per net buildable acre, up to a maximum of 7 dwelling units
 - c. Maximum allowable building height shall be 35 feet.
 - d. The setbacks shall be as follows:

Front:	20 Feet (measured from the property line or edge of sidewalk, whichever is closer to the building)
Side:	7.5 Feet
Rear:	25 Feet
Side Street:	15 Feet
 - e. The minimum lot size for single-family dwellings shall be a minimum of 11,000 square feet.
 - f. The permitted uses shall be single-family detached dwellings, home offices, and home occupations.
 - g. All landscape buffers and common areas shall be maintained by a homeowners association.
 - h. A minimum of 25% useable open space shall be provided for the entire PUD. The stormwater retention pond shall be amenitized with a mulch path and bench to be counted towards common open space.
 - i. There shall be one access point on Dike Road as shown on Exhibit "B".
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly

covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, H. L. RE Investments LLC, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Larry W. Hodges, Authorized Agent

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Larry W. Hodges who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION

The South 12 Chains of the W $\frac{1}{2}$ of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 21 South, Range 30 East less West 140 feet of the South 12 Chains of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Lying North of Highway, Section 25, Township 21 South, Range 30 East, Seminole County, Florida.

Contains: 145,323 Square Feet or 3.34 Acres more or less.

EXHIBIT "B"

Preliminary Master Plan

PRELIMINARY MASTER PLAN

FOR

BELLA WOODS

SEMINOLE COUNTY, FLORIDA

JUNE, 2007

OWNER/DEVELOPER:
MR. LARRY HODGES

H.L. R E INVESTMENTS, LLC
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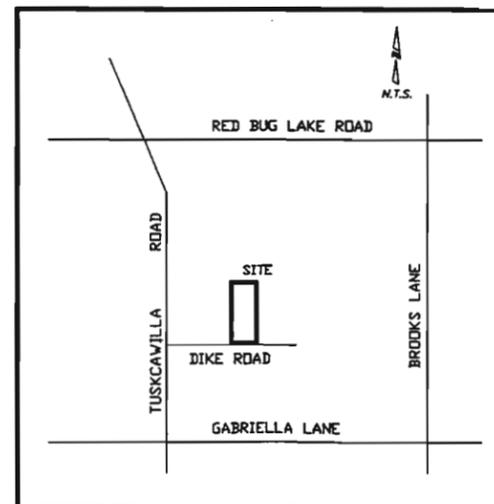
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THIS SITE IS NOT IN A FLOOD PRONE AREA, IT IS IN ZONE X, AN AREA OF MINIMAL FLOODING BASED ON FLOOD INSURANCE RATE MAP, PANEL NO. 120289 0145 E, SEMINOLE COUNTY, FLORIDA.

ELEVATIONS BASED ON NAVD 1988 DATUM, BM #4792501 BEING: 64.872 FEET.

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7-25-07 REVISED PER DRC REVIEW (2nd REVISION) COMMENTS - PROJECT # 07-20500001

BELLA WOODS
PRELIMINARY MASTER PLAN

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

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bella Woods Rezone", dated October 23, 2007.

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

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

SEE ATTACHED EXHIBIT A

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

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

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 07-20500001 in the Official Land Records of Seminole County.

ENACTED this 23rd day of October 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

The South 12 Chains of the W $\frac{1}{2}$ of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 21 South, Range 30 East less West 140 feet of the South 12 Chains of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Lying North of Highway, Section 25, Township 21 South, Range 30 East, Seminole County, Florida.

Contains: 145,323 Square Feet or 3.34 Acres more or less.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 23, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

FINDINGS OF FACT

Property Owner: H. L. RE Investments LLC
1803 S. Australian Ave Ste. A
West Palm Beach, FL 33409

Project Name: Bella Woods PUD Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 3.34 acres, located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road.

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

After fully considering staff analysis titled "Bella Woods rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on October 23, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval 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: _____
Carlton D. Henley, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

The South 12 Chains of the W $\frac{1}{2}$ of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25, Township 21 South, Range 30 East less West 140 feet of the South 12 Chains of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Lying North of Highway, Section 25, Township 21 South, Range 30 East, Seminole County, Florida.

Contains: 145,323 Square Feet or 3.34 Acres more or less.

**MINUTES FOR THE
REGULAR MEETING OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

**WEDNESDAY, SEPTEMBER 5, 2007
7:00 P.M.**

Members present: Matthew Brown, Walt Eismann, Dudley Bates, Kim Day, Melanie Chase, and Rob Wolf.

Members absent: Ben Tucker

Also present: Tina Williamson, Acting Planning Manager; Herman Wright, Principal Planner; Austin Watkins, Senior Planner; Ian Sikonia, Senior Planner; Tom Helle, Acting Building Official; Kathy Furey-Tran, Assistant County Attorney; Tony Nelson, Senior Engineer; and Candace Lindlaw-Hudson, Clerk to the Commission.

A. Bella Woods Rezone; Larry Hodges / H.L. Re Investments, LLC, applicant; 3.34 ± acres; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); for 7 single-family lots; located on the north side of Dike Road approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road. (Z2007-25)

Commissioner Dallari – District 1
Austin Watkins, Senior Planner

Austin Watkins presented the application and staff findings for the Bella Woods rezone. The applicant is requesting a 7-lot subdivision with lot size of 11,000 square feet. The net density of the project is 2.59 dwelling units per acre.

Commissioner Eismann asked what the maximum allowable density was on the project.

Mr. Watkins stated that the maximum allowable density for the Future Land Use was 4 dwelling units per net buildable acre.

George Garrett spoke on behalf of the applicant. He stated that the project design meets the 25% open space standard. He is dedicating right-of-way for the widening of Dike Road.

Mark Crone (Stonehurst Development Company) stated that he had developed the project to the north. He owns parcel 1B. He stated that 4 nearby lots would be landlocked by the project. (Lots 11 B, F, G, and H) He also said that this

project is using septic systems, and there is a lift station 150 feet away, in Stonehurst. Storm water is a concern in the area. The water table is high in the area.

Ian Phillips said that he is building a house on 4 acres adjacent to the proposed rezoning. He is concerned about compatibility with the existing area and the density. There is a stormwater erosion problem in the area. He showed a photo demonstrating 15 inches of water in his driveway.

Shar Moore lives adjacent to the project. She was very concerned about her well being polluted by stormwater run-off and the use of septic tanks in the 7 lots. She also was concerned that there was no wall or fence separating the subdivision from her property which has animals.

Jody Lazarus lives east of the project on 3.5 acres in A-1 zoning. She was concerned about the lack of a privacy wall between the houses and her land.

Tracie Blakey lives on Lot 13 bordering the subject property. She has 10 cows and horses there and is strongly opposed to the application. The project will drain onto her property and will not blend with any of the surrounding properties. She wanted an explanation of what Low Density Residential land use was. Stonehurst stormwater drains downhill onto her property and then onto Brooks Lane. Ms. Blakey said that the density of the project was too high to fit in to the area.

Chairman Brown noted that 4 other people had submitted comments objecting to the application.

Jim Womble stated that the proposed project was not in keeping with the area and that he was concerned with the drinking water issue.

Jack Sedlak was also opposed to the project, saying that it did not "flow" with the existing development in the area.

Bobbie Womble was also opposed.

Ray Womble was also opposed.

Pearl and Bruce Owen and Frank Owen were all opposed to the application.

George Garrett stated that the proposed density of this application is 2.5 dwelling units per acre, lower than the maximum of 4 dwelling units per acre. The lots are one-quarter acre lots. The lots in Tiffany Woods are smaller. There are no wells on this project. There is a 30-inch water main on Dike Road that the development will tap into.

Chairman Brown asked about the water retention situation.

Mr. Garrett said that the project has 25% open space. The retention pond is used a a portion of the green space, therefore the stormwater pond is oversized. A straight zoning would have only 12 – 15% of the project dedicated to stormwater retention. Also, Dike Road is being repaved and the swales along Dike Road are being repaired. There are no wetlands on the site.

Commissioner Brown asked Mr. Watkins why a PUD (Planned Unit Development) was requested instead of a straight zoning requirement.

Mr. Watkins explained that a PUD provides for 25% common usable open space and a flexibility of lot size and lot layout.

Commissioner Eismann asked about the access to the four lots that were mentioned by the first speaker.

Mr. Watkins said that Bodkin is a private easement or private road.

Tina Williamson stated that the 4 lots in question never had access from this property.

Commissioner Eismann summarized that by developing this property nothing was being taken away from the owners of the 4 lots.

Ms. Williamson agreed.

Commissioner Eismann asked about the kinds of improvements that would have to be given as Dike Road is upgraded.

Mr. Watkins pointed out that there is a detailed storm water plan in the Preliminary Master Plan, which shows swales on both sides of the road.

Commissioner Eismann wanted to know where the swales terminated.

Tony Nelson from the Development Review Division said that the swales on the north side go into the development and the retention pond. The south side swale was not part of the development.

Mr. Garrett said that the swales will have ditch blocks which stop the flow of water and provide for a certain amount of percolation of the stormwater.

Commissioner Brown said that the road widening should not make anyone's property condition any worse.

Commissioner Wolf asked if enlarging or widening the road changed the stormwater parameters.

Mr. Nelson said that he looks at the amount of impervious structure – roads and sidewalks – being proposed, which are not significant enough to change the stormwater for the roadway.

Commissioner Brown asked if soil could be changed out to make the area more pervious.

Mr. Nelson said that such a thing can be done. Further information is gathered at Final Engineering.

Commissioner Wolf said that it would make sense to increase the amount of water handling capacity with the increase in the slope and impervious surface. The analysis could come back that more stormwater retention is actually required.

Mr. Nelson said that is true.

Commissioner Brown asked about the open space.

Mr. Watkins said the retention pond is being counted toward the 25% open space and being amentized with benches and a mulch trail.

Commissioner Eismann said that he had received an invitation to attend a community meeting on this item, but he was unable to attend due to a planning conference.

Commissioner Wolf asked Mr. Watkins if a privacy wall was required to separate one subdivision from the next, as here.

Mr. Watkins said that a wall is not required in this instance.

Chairman Brown said that the wall is not required since the applicant is going up against other properties with the same zoning standards. The wall would be required if they were not deemed compatible.

Commissioner Wolf asked if the septic tanks in this project were a safe distance from wells in the surrounding neighborhood. How is that separation handled?

Tony Nelson said that there are distance requirements that will be followed.

Commissioner Bates said that he had concerns about the density of the development. This is too much. He had not heard anything definitive concerning the issues of stormwater and septic. The property would be better with fewer units, perhaps 4 units.

Commissioner Wolf asked about the minimum house size. 1,100 square feet was listed as the minimum house size.

The developer stated that the minimum house size will be 2,100 square feet of living space with 2-car garages off-set so that they do not face the road.

Commissioner Eismann asked the lot size of the 8 lots to the west.

Mr. Watkins stated that he did not know the dimensions of those lots, but they were less than one acre.

Commissioner Brown asked how many homes could go into this space if the zoning were R-1AAA .

Mr. Watkins said that R-1AAA zoning would accommodate 6 – 7 homes, roughly the same number as in this request. The main thin that would change would be an increase in the width at building line, which is the reason the applicant went for PUD zoning. These are 75-foot lots.

Commissioner Wolf made a motion to recommend approval, but with a R-1AAA zoning.

Commissioner Eismann seconded the motion for discussion purposes.

Commissioner Brown asked Kathy Furey-Tran said that the proposal is not what was being applied for.

Commissioner Wolf withdrew his motion.

Commissioner Bates made a motion to deny the request to rezone of 3.34 ± acres from A-1 (Agriculture) to PUD (Planned Unit Development) for 7 single-family lots located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike Road.

Commissioner Day seconded the motion.

Commissioner Eismann stated that his concern was that there are 8 lots next door to this site with similar sizes.

Commissioner Brown said that the trailers on the adjacent lots could be a temporary use and that the use there could change in the future.

The vote was 5 – 1 in favor of the motion for denial. Commissioner Eismann voted “no.”



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: August 14, 2007

RE. Z2007-25 Bella Woods Rezone

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

Description - 3.3—acres Located on the north side of Dike Road, approximately 900 feet east of the intersection of Tuskawilla Road and Dike road. The applicant is proposing to construct an 8 single family dwelling unit subdivision, at a density of approximately 2.4 dwelling units per net buildable acre.
Parcel ID #: 25-21-30-300-0120-0000.

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

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
8		8		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Red Bug	2	819	841	102.7	13
Middle Tuskawilla	1	1250	1153	92.2	33
High Lake Howell	1	2363	2241	94.9	36

Terms and Definitions:

Seminole County Public Schools, Facilities Planning Dept.

Printed 9/26/2007

Florida Inventory of School Houses (FISH): The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

Student Stations: The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, “utilization” is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

Capacity: The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the “Utilization Factor”. The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Class Size Reduction (CSR): Article IX of the Florida Constitution requires the legislature to “make adequate provision” to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

- i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
- ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

Projected Number of Additional Students: is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Full Time Equivalent (FTE) - A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments:

The students generated at the Elementary and Middle and High school level resulting from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. While there are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected schools, the addition of these students would not require consideration.

In addition to the students generated from the proposal, the number of students expected from recent developments in the attendance areas of the affected schools would also place further capacity pressures on the school system. These new developments combined with this proposal and any subsequent approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements.

Watkins, Austin

From: Marti Van Hoose [mvanhoose55@yahoo.com] **Sent:** Sun 8/19/2007 12:46 PM
To: Watkins, Austin
Cc:
Subject: Bella Woods Rezone
Attachments:

We live at 4651 Tiffany Woods Circle, Tiffany Woods Subdivision, and Dike Road runs right behind our house. Although we know that initially there will be a lot of construction sounds back there, we think it would be good to have residential there, rather than professional or commercial. So, as our opinion goes, build away!

Ronald and Martha Van Hoose
(407) 657-2233