# SEMINOLE COUNTY GOVERNMENT
# AGENDA MEMORANDUM

**SUBJECT:** Lake Forrest Large Scale Future Land Use Amendment and Rezone

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

**AUTHORIZED BY:** Dori DeBord **CONTACT:** Ian Sikonia **EXT:** 7398

**MOTION/RECOMMENDATION:**

1. Transmit the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for 26.8 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street, based on staff findings (James G. Willard, Shutts & Bowen, LLP, applicant); or

2. Deny the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for 26.8 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street, (James G. Willard, Shutts & Bowen, LLP, applicant); or

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

District 5 Brenda Carey Ian Sikonia

**BACKGROUND:**

The applicant is requesting a Large Scale Future Land Use Amendment and rezone of 26.8 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street, from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development). The applicant is requesting the Large Scale Future Land Use Amendment to allow for a multi-family residential development at a maximum density of 16.5 dwelling units per net buildable acre.

This property was previously approved on May 10, 2005 known as the NW 46 PUD which consisted of a townhome and condominium project allowing a maximum of 400 units. The specific regulations for these condominium and townhomes units were based on the R-3 and R-4 zoning districts. The NW 46 PUD allowed a maximum building height of 2 stories, not to exceed 35 feet. The Development Order of the NW 46 PUD specifically prohibited rental units.

The proposed Lake Forrest PUD is creating a new PUD while maintaining some of the previous conditions of the NW 46 PUD. The NW 46 PUD allowed for a maximum of 400 units while the proposed PUD is allowing for a maximum of 417 units, which is an increase of 17 total units. The Lake Forrest PUD is proposing to increase the approved maximum building

height of 35 feet, not to exceed two stories, to 50 feet, not to exceed three stories. They are also maintaining the same permitted uses of condominium, townhomes, and adding multi-family rental units to the Development Order.

**PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:**

The Planning and Zoning Commission met on December 5, 2007 and heard the request for a Large Scale Land Use Amendment and Rezone. The Commission made a motion to approve the request however, the motion failed due to a 3 to 3 vote. The Commission then made a motion to send the request to the Board of County Commissioners without a recommendation with a 6 to 0 vote.

**STAFF RECOMMENDATION:**

Staff recommends transmittal of the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for 26.8 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street.

**ATTACHMENTS:**

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Preliminary Master Plan
6. Development Order
7. Justification Statement
8. Large Scale Ordinance
9. Rezone Ordinance
10. School Analysis
11. 12-5-07 Planning and Zoning Commission Minutes
12. Denial Development Order

**Additionally Reviewed By:**

☑ County Attorney Review ( Kathleen Furey-Tran )

| Lake Forrest Large Scale Future Land Use Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) | | |
|---|---|---|
| **APPLICANT** | James G. Willard, Shutts & Bowen, LLP | |
| **PROPERTY OWNER** | NW 46 Ltd. & Jerome Youderian | |
| **REQUEST** | LSLUA from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD to PUD | |
| **PROPERTY SIZE** | 26.8 ± acres | |
| **HEARING DATE (S)** | P&Z: December 5, 2007 | BCC:<br>January 22, 2008 (Transmittal)<br>May 27, 2008 (Adoption) |
| **PARCEL ID** | 20-19-30-300-0040-0000 | |
| **LOCATION** | Located on the east side of Oregon Street, approximately ½ mile north of the intersection of SR 46 and Oregon Street. | |
| **FUTURE LAND USE** | MDR (Medium Density Residential) | |
| **ZONING** | PUD (Planned Unit Development) | |
| **FILE NUMBER** | Z2007-65 | |
| **COMMISSION DISTRICT** | #5 – Carey | |

**Proposed Development:**

The applicant is proposing a multi-family development consisting of a maximum of 417 multi-family units with customary recreational facilities such as a clubhouse, pool, and walking trail.

## ANALYSIS OVERVIEW:

### ZONING REQUEST

The applicant is proposing a Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development). The applicant proposes to change the zoning and land use in order to develop a more intense residential development than what was previously approved on May 10, 2005 in the NW 46 PUD.

### COMPATIBILITY WITH SURROUNDING PROPERTIES

The subject property is located in an area which is transitioning into a more intense mixture of commercial and higher density residential developments. Vision 2020, The Seminole County Comprehensive Plan FLU Exhibit - 2 *Appropriate Transitional Land Uses* identifies High Density Residential as a compatible transitional land use when adjacent to Low Density Residential, Medium Density Residential, and Commercial. The southern property line is adjacent to a Medium Density Residential Future Land

Use designation which has been approved for a townhouse and condominium subdivision. However, that property is also requesting a Large Scale Land Use Amendment to High Density Residential for multi-family units. To the north of the subject property is the Low Density Residential Future Land Use designation which is made up of wetland soils and is currently owned by Seminole County. To the west of the subject property across Oregon Street is the Lake Forrest PUD which is a residential subdivision approved for a maximum of 1016 units. To the East of the subject property is Interstate 4. This area is in transition from low density residential developments to higher density residential developments due to its close proximity to the employment centers located along International Parkway and accessibility to Interstate 4.

**CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:**

**FLU Element Plan Amendment Review Criteria:**

The Future Land Use Element in the Comprehensive Plan lays out certain criteria against which proposed future land use amendments must be evaluated. Because this is a Large Scale Future Land Use amendment with localized impacts, an individual site compatibility analysis is required utilizing the following criteria:

**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**

The subject property is located in an area transitioning to developments of higher intensity because of its proximity to employment centers to the south and accessibility to Interstate 4. The area near Interstate 4 and SR 46 recently consists of multi-family subdivisions and support commercial uses to accommodate the further growth of the employment centers located in nearby Heathrow, Lake Mary, and Sanford.

Staff finds that the character of the area has changed enough to warrant a density increase from Medium Density Residential to High Density Residential.

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

**C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.**

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

**Staff Evaluation**

The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed.

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.

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

**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**

The subject property would be an appropriate transition between more intensive FLU designations to the south and less intensive uses to the west and north of the property. The subject property is adjacent to Medium Density Residential to the south which is also proposing a FLU change to High Density Residential allowing for apartment units. This proposed increase in apartment units would provide more local housing options for existing and prospective citizens working in the surrounding areas of Heathrow, Lake Mary, and Sanford.

**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**

2. **Dedications or contributions in excess of Land Development Code requirements**

3. **Affordable housing**

4. **Economic development**

5. **Reduction in transportation impacts on area-wide roads**

6. **Mass transit**

**Staff Evaluation**

The applicant's development plan does not consider any of the above stated elements.

**G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.**

The following are other applicable Vision 2020 Policies and Exhibits and staff's evaluation:

**Policy FLU 2.5: Transitional Land Uses**

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, between varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. *Exhibit FLU: Appropriate Transitional Land Uses* is to be used in determining appropriate transitional uses.

**Staff Evaluation**

*Exhibit FLU: Appropriate Transitional Land Uses* in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is in an area that is transitioning from lower density development to higher density residential development. *Exhibit FLU: Appropriate Transitional Land Uses* states that High Density Residential is an appropriate transitional land use when adjacent to Medium Density Residential and Commercial. Current development trends indicate that the long-term development in the area will consist of higher density residential and commercial uses due to the proximity of employment centers in the surrounding area and accessibility of Interstate 4.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts*:

Based on FIRM map panel 12117C0030E with an effective date of 1995 there appears to be 9.0 acres of 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.

**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 will have on public facilities:

| Public Facility | Existing Zoning (PUD)* | Proposed Development (417 Multi-Family Units) | Net Impact |
|---|---|---|---|
| Water (GPD) | 140,000 | 145,950 | 5,950 |
| Sewer (GPD) | 120,000 | 125,100 | 5,100 |
| Traffic (ADT) | 1,484 | 2,161 | 677 |

*** Based on the NW 46 PUD Development Order approved on 5/10/05.**

*Utilities:*

The site is located in the Northwestern Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the south side of W. SR 46, a 12-inch force main on the south side of W. SR 46, and a 20-inch reclaimed water main on the south side of W. SR 46.

*Transportation / Traffic:*

The property is adjacent to Oregon Street which is classified as collector road. Oregon Street is not currently programmed to be improved according to the County 5-year Capital Improvement Program

*School Impacts:*

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

*Public Safety:*

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #34, which is located at 4905 Wayside Dr. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

*Drainage:*

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

*Parks, Recreation and Open Space:*

The applicant is required to provide a minimum of 25% open space for the site, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

*Buffers and Sidewalks:*

A 5-foot sidewalk will be constructed along the property frontage on Oregon Street. There will be a 15-foot landscape buffer along the west and a 10-foot buffer along the north and east property line.

## 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 Overlay District.

### 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 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):

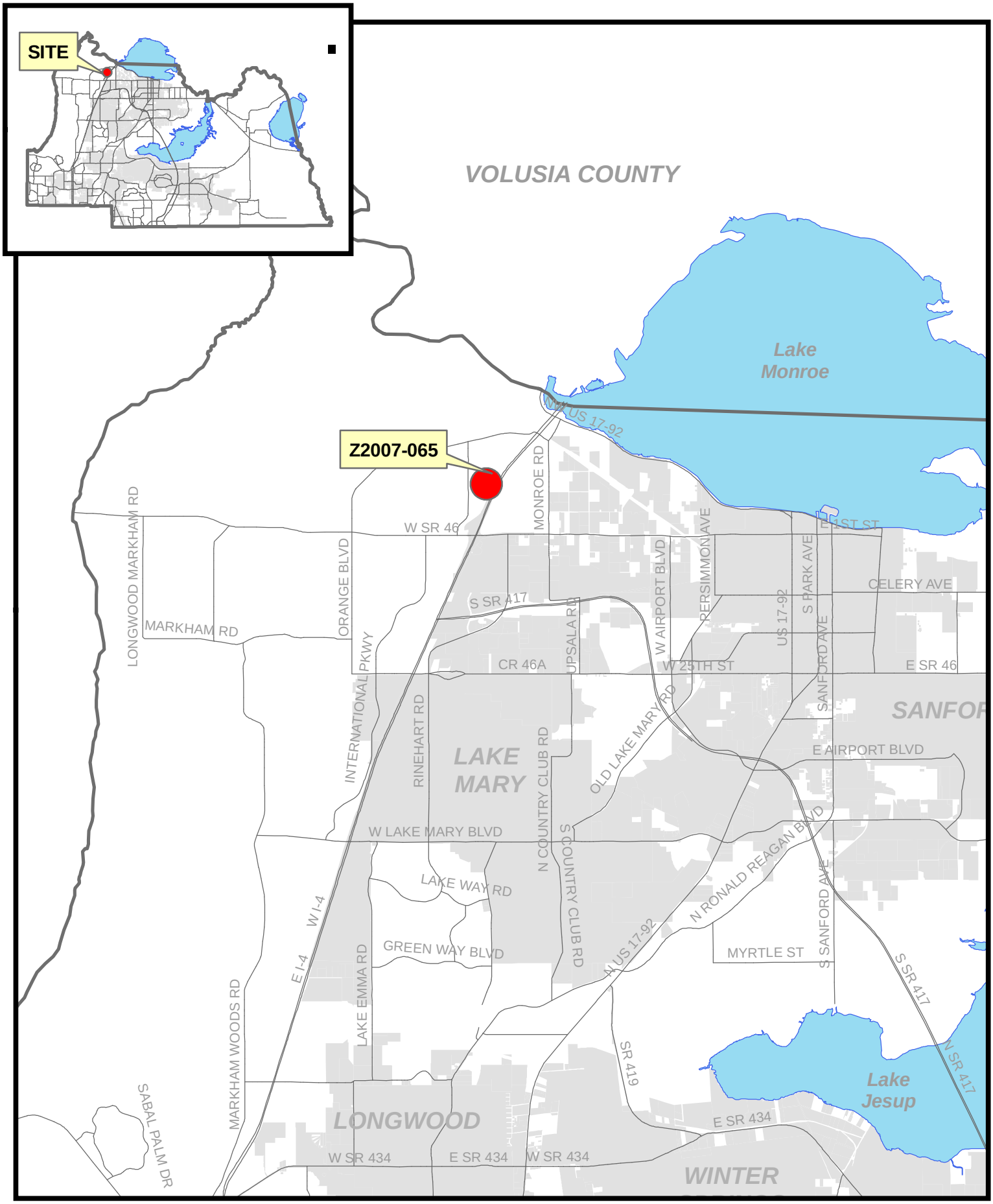
| | | |
|---|---|---|
| Policy FLU | 2.1: | Subdivision Standards |
| Policy FLU | 2.5: | Transitional Land Uses |
| Policy FLU | 2.11: | Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications |
| Policy FLU | 5.5: | Water and Sewer Service Expansion |
| Policy FLU | 12.4: | Relationship of Land Use to Zoning Classifications |
| Policy FLU | 12.5: | Evaluation Criteria of Property Rights Assertions |
| 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 District on November 2, 2007. The School District has provided a School Capacity Report, which is attached.

## LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

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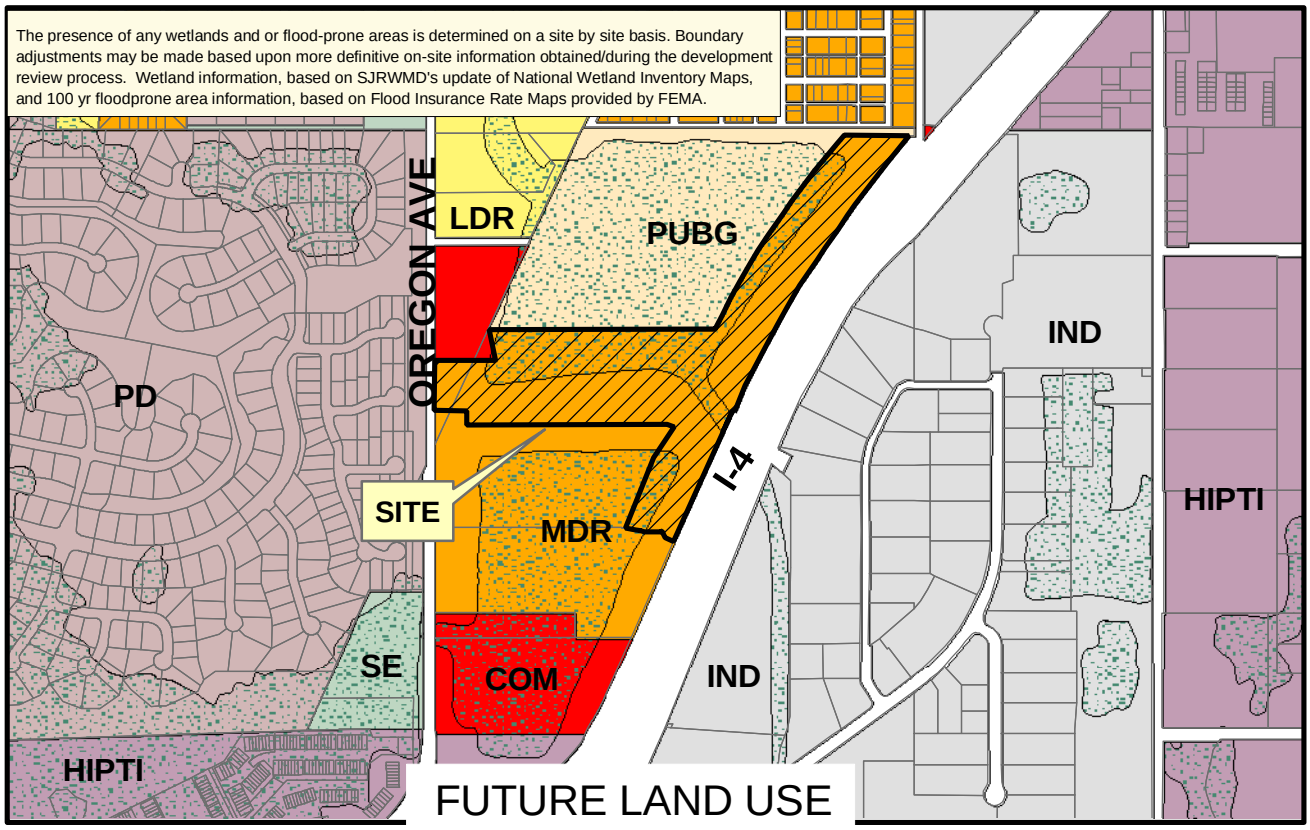
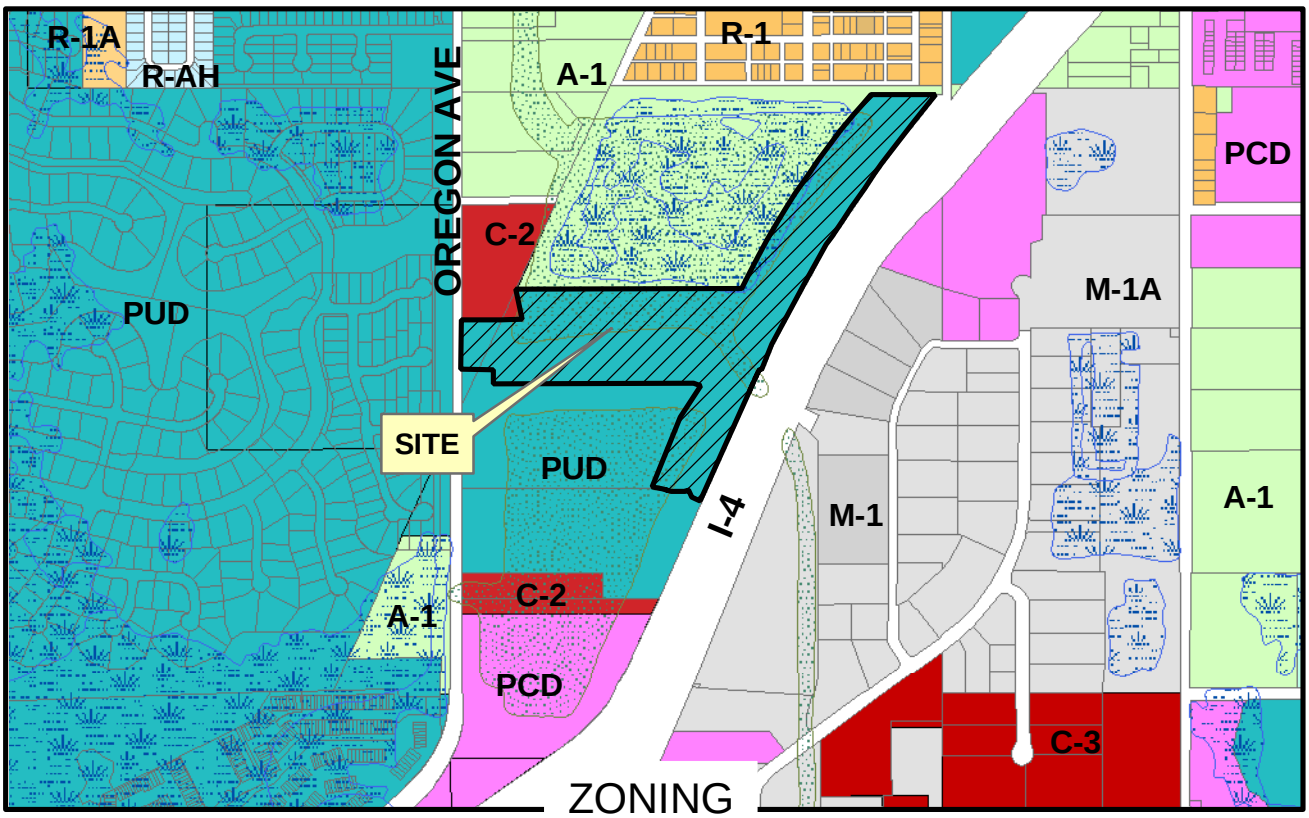



LDR MDR SE COM IND HIPTI Site CONS CITY

Applicant: James Willard
Physical STR: 20-19-30 & 16-19-30
Gross Acres: 26.80 +/- BCC District: 5
Existing Use:
Special Notes:

| | Amend/ Rezone# | From | To |
|---|---|---|---|
| FLU | 08S.FLU02 | MDR | HDR |
| Zoning | Z2006-065 | PUD | PUD |




A-1 R-1A R-AH C-2 C-3 M-1A M-1 PCD PUD
FP-1 W-1

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FLU No: 08S-FLU02
From: MDR To: HDR

Rezone No: Z2007-065
From: PUD To: PUD

Parcel

Subject Property

N

Winter 2006 Color Aerials

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## PROJECT AREAS

| DESCRIPTION | ACREAGE |
|---|---|
| ROADWAY/IMPERVIOUS | 9.41 AC. |
| BUILDING FOOTPRINT | 5.4 AC. |
| OPEN SPACE | 9.91 AC. |
| REQUIRED 15' ROW DEDICATION | 0.12 AC. |
| LIFT STATION | 0.01 AC. |
| LANDSCAPE BUFFER | 1.95 AC. |
| TOTAL | 26.8 AC. |

## NET BUILDABLE AREA CALCULATION

| | |
|---|---|
| GROSS SITE AREA | 26.8 AC |
| EXTERNAL R/W DEDICATIONS | 0.12 AC |
| NONRESIDENTIAL OUTPARCELS | 0.00 AC |
| FLOOD PRONE AREAS | 1.40 AC |
| PUBLIC ROAD R/W | 0.00 AC |
| PRIVATE ROAD R/W | 0.00 AC |
| DRIVE ISLES (EXCL. ALLEYS) | 0.00 AC |
| LAKES | 0.00 AC |
| TRANSMISSION LINE EASEMENTS | 0.00 AC |
| NET BUILDABLE AREA | 25.28 AC |

## PROJECT DENSITY

| | |
|---|---|
| GROSS SITE AREA | 26.80 AC |
| NET BUILDABLE AREA | 25.28 AC |
| PROPOSED UNITS | 417 |
| NET DENSITY = 417 UNITS/25.28 AC. = | 16.5 UNITS/AC |
| GROSS DENSITY = 417 UNITS/26.8 AC. = | 15.56 UNITS/AC |

## SITE DATA:

1. PARCEL ID #: 20-19-30-300-0040-0000
2. EXISTING ZONING: PUD
3. TOTAL NUMBER OF APARTMENT UNITS PROPOSED = 417
4. BUILDING SETBACKS:
   DEVELOPMENT PERIMETER W, N, AND E = 25'
   DEVELOPMENT PERIMETER S = 0'
   BUILDING SEPARATION 20'
5. PROPOSED USES SHALL BE THOSE APPROVED WITH NW 46 PUD DEVELOPMENT ORDER #4-23000004 AND MULTIFAMILY USES.
6. MAXIMUM BUILDING HEIGHT SHALL BE 50' (3-STORIES)
7. SIDEWALKS SHALL BE PROVIDED ADJACENT TO ALL UNITS, VISITOR PARKING, AND LINKING TO FUTURE PUBLIC SIDEWALKS ALONG NORTH OREGON STREET.
8. LANDSCAPE BUFFERS WILL BE PROVIDED AS SHOWN.
9. MAINTENANCE OF THE LANDSCAPE BUFFERS AND COMMON AREAS WILL BE THE RESPONSIBILITY OF THE PROJECT OWNER.
10. OUTDOOR LIGHTING SHALL BE LIMITED TO 16 FT IN HEIGHT AND MEET ALL APPLICABLE STANDARDS OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE.
11. THIS PROJECT WILL UTILIZE RECLAIMED WATER.
12. LEFT AND RIGHT TURN LANES WILL BE PROVIDED ALONG NORTH OREGON STREET.
13. A 5' SIDEWALK WILL BE PROVIDED ALONG THE PROPERTY FRONTAGE ON NORTH OREGON STREET.
14. ADDITIONAL ROW WILL BE DEDICATED TO PROVIDE A MINIMUM 40' HALF ROW ALONG NORTH OREGON STREET.
15. PER THE FIRM MAP PANEL NO. 1211700030 E, DATED APRIL 17, 1995, THE SITE IS DESIGNATED ZONE X & ZONE A. ZONE X IS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN. NO BASE FLOOD ELEVATIONS DETERMINED FOR ZONE A.
16. UTILITY EASEMENTS DEDICATED TO SEMINOLE COUNTY SHALL BE PROVIDED OVER ALL WATER AND SEWER MAINS LOCATED OUTSIDE THE PUBLIC RIGHT OF WAY.
17. ALL UTILITY LINES AND STORM SYSTEM TO MEET SEMINOLE COUNTY SPECIFICATIONS.
18. ALL CONSTRUCTION MATERIALS AND OTHER PROPOSED IMPROVEMENTS WILL MEET THE APPLICABLE CODES OF SEMINOLE COUNTY. SEMINOLE COUNTY DETAILS WILL BE UTILIZED ON THE FINAL ENGINEERING PLANS.
19. TOTAL NUMBER OF PARKING SPACES:
    REQUIRED PARKING = 2 SPACES/UNIT = 834 SPACES

    PARKING PROVIDED:
    STANDARD 10'X20' = 694
    PARALLEL 10'X22' = 35
    GARAGE SPACE = 44
    GARAGE STACK SPACE = 44
    HANDICAPPED PARKING = 17

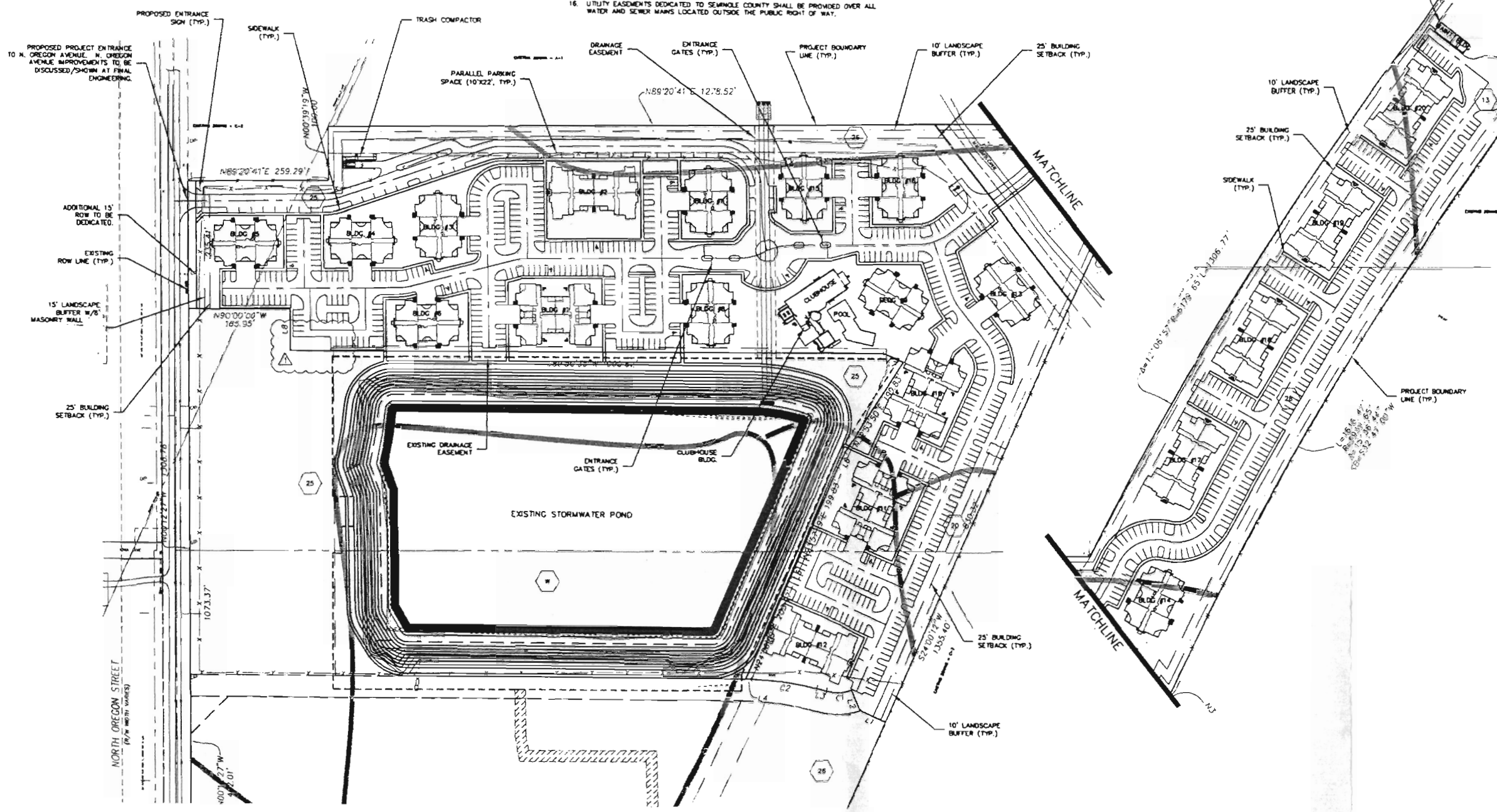
    TOTAL PARKING PROVIDED = 834
20. THE PROPOSED BUILDINGS THAT REQUIRE MORE THAN 150 FEET OF FIRE HOSE FOR PROVIDING FIRE SERVICE WILL BE SPRINKLED.
21. THE PROJECT SITE DOES NOT CONTAIN WETLANDS. THERE ARE EXISTING UPLAND CUT DITCHES ON-SITE WHICH HAVE BEEN PREVIOUSLY PERMITTED FOR REMOVAL BY THE SJRWMD. DETAILS WILL BE PROVIDED AT FINAL ENGINEERING.
22. A MINIMUM OF 25% OPEN SPACE (25.28 AC. X 25% = 6.32 AC.) WILL BE PROVIDED. THIS WILL BE ACCOMPLISHED BY AMENITIZING THE EXISTING RETENTION POND. THERE IS AN EXISTING RECIPROCAL USE EASEMENT BETWEEN THE SUBJECT PROPERTY AND THE ADJACENT PROPERTY OWNED BY KB HOMES. BOTH THIS PROJECT AND THE ADJACENT KB HOMES PARCEL WILL UTILIZE THE RETENTION POND TO MEET OPEN SPACE REQUIREMENTS. HOWEVER THE COMBINED AREA USED BY BOTH PARCELS WILL NOT EXCEED 100% OF THE RETENTION POND EASEMENT AREA.

GRAPHIC SCALE

( IN FEET )
1 inch = 100 ft.

## PUBLIC FACILITY IMPACTS:

1. POTABLE WATER - 417 UNITS X 350 GPD/UNIT = 145,950 GPD
2. SANITARY SEWER - 417 UNITS X 350 GPD/UNIT = 125,100 GPD
3. SCHOOL AGE CHILDREN:
   ELEMENTARY: (417 DU X 0.115 CHILD/DU) = 48 CHILDREN
   MIDDLE: (417 DU X 0.053 CHILD/DU) = 22 CHILDREN
   HIGH SCHOOL: (417 DU X .057 CHILD/DU) = 24 CHILDREN
   TOTAL SCHOOL AGE CHILDREN = 94
4. TRAFFIC - SEE TRAFFIC STUDY PROVIDED SEPARATELY




| SOILS LEGEND | |
|---|---|
| 9 | BASINGER AND DELRAY FINE SAND |
| 20 | MYAKKA AND EAUGALLIE FINE SANDS |
| 25 | PINEDA FINE SAND |
| 26 | UDORTHENTS EXCAVATED |
| W | WATER |
| 13 | EAUGALLIE AND MALABAR FINE SANDS |
| — | SOILS LINE |

MADDEN
CIVIL ENGINEERS
431 E. Horatio Avenue
Suite 260
Maitland, Florida 32751
(407) 629-8330

# PRELIMINARY MASTER PLAN FOR LAKE FORREST

SEMINOLE COUNTY FLORIDA

CLIENT
BROAD STREET PARTNERS
750 PARK AVENUE SOUTH
WINTER PARK, FL 32789
407-647-3290

ENGINEER IN CHARGE:
CHADWYCK H. MOORHEAD, P.E. #51781
CERTIFICATE OF AUTHORIZATION NO. EB-0007721

| DATE | REVISIONS |
|---|---|
| 10/15/07 | REVISED PER SEMINOLE COUNTY COMMENTS |

JOB # 27110
DATE: 7/23/07
SCALE: 1"=100'
DESIGNED BY: DAS
DRAWN BY: DAS
APPROVED BY: CHM

PMP-1

H:\Data\27110\DWG\27110 PMP.dwg Oct 30, 2007-9:54:42 am

# SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On May 27, 2008, 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**: NW 46 LTD
600 E. Colonial Dr.
Orlando, FL 32803

**Project Name**: Lake Forrest Large Scale Land Use Amendment and Rezone

**Requested Development Approval**:

Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development)

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

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

Prepared by:

Ian Sikonia, 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 16.5 dwelling units per net buildable acre, up to a maximum of 417 dwelling units
c. Maximum allowable building height shall be 50 feet or 3 stories.
d. The setbacks for the main structures shall be as follows:

| | | |
|---|---|---|
| Development Perimeter: | | |
| | North | 25' |
| | West | 25' |
| | East | 25' |
| | South | 0' |
| Building Separation: | | 20' |

e. The permitted uses shall be apartments, townhomes, condominiums, home occupations, and home offices.
f. There shall be one access point located on Oregon Street as shown on Exhibit "B".
g. Parking shall be pursuant to the Land Development Code requirement of two spaces per unit.
h. A 5' sidewalk will be provided along the property frontage on Oregon Street.
i. Sidewalks shall be provided adjacent to all units, visitor parking, and linking to future public sidewalks along Oregon Street.
j. All landscape buffers and common areas shall be maintained by a homeowners association.
k. The west buffer shall be 15' wide and contain a 6' masonry wall. The minimum number of allowable plantings within the buffer shall be 7 canopy

trees, 14 Understory trees, and 116 shrubs. Upon Final Master Plan approval the applicant may supply an alternative number of plantings for the west buffer if approved by the Planning Manager.

l. There shall be a 10' buffer along the north and east property lines with the required number of plantings according to the Land Development Code.
m. A minimum of 25% useable open space shall be provided for the entire PUD. This may be accomplished by amenitizing the existing retention pond. There is an existing reciprocal use easement between the subject property and the adjacent property to the south owned by KB Homes.
n. Interconnectivity with the property to south shall be allowable if agreed to by the south property owner.

(4) This Development Order touches and concerns the aforedescribed 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: _____
Brenda Carey
Chairman, Board of County Commissioners

## OWNER'S CONSENT AND COVENANT

**COMES NOW,** the owner, NW 46 LTD, J. Steven Shrimsher, 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 J. Steven Shrimsher, President

_____
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 J. Steven Shrimsher 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:

## OWNER'S CONSENT AND COVENANT

**COMES NOW,** the owner, Jerome Youderian, 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 Jerome Youderian

_____
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 Jerome Youderian 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"

LAKE FOREST
TRACT A

DESCRIPTION:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N89°38'35"E along the South line of said East 1/2 for a distance of 25.00 feet to the East right-of-way line of Oregon Street; thence run N00°12'27"W along said East Right-of-way line for a distance of 1764.00 feet to the POINT OF BEGINNING; thence continue N00°12'27"W along said East right-of-way line for a distance of 235.41 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520, Page 535, of the Public Records of Seminole County, Florida; thence run N89°20'41"E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N00°39'19"W along said Easterly line for a distance of 100.00 feet to the Westerly prolongation of the South line of Borrow Pit No. 2 (retention pond); thence run N89°20'41"E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N32°35'43"E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N89°16'23"E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of- way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S32°47'00"W; thence run Southwesterly along said Westerly right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N37°21'01"W along said Northeasterly line and said Westerly right-of-way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S24°30'21"W; thence run Southwesterly along said Westerly right-of-way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet to the point of tangency; thence run S24°00'12"W along said Westerly right-of-way line for a distance of 830.32 feet to the North line of lands described in Official Records Book 6087, Page 553, of said Public Records; thence run Westerly along said North line the following six (6) courses: N65°59'48"W, 52.16 feet; thence N22°33'35"W, 40.00 feet to a point on a non-tangent curve concave Northerly having a radius of 75.00 feet and a chord bearing of S86°18'13"W; thence Westerly along the arc of said curve through a central angle of 37°43'35" for a distance of 49.38 feet to the point of tangency; thence N74°50'00"W, 18.48 feet to the point of curvature of a curve concave Southerly having a radius of 525.00 feet and a chord bearing of N82°05'46"W; thence Westerly along the arc of said curve through a central angle of 14°31'32" for a distance of 133.10 feet to a point on a non-tangent line and to the East line of lands described in Official Records Book 6087, Page 561, of said Public Records; thence run Northerly and Westerly along the East and North lines of said lands the following nine (9) courses: N24°00'09"E, 203.97 feet; thence N24°28'59"E, 20.06 feet; thence N23°57'19"E, 199.83 feet; thence N27°29'16"E, 31.73 feet; thence N32°53'50"E, 199.83 feet; thence N67°55'48"W, 40.26 feet; thence S89°50'35"W, 1090.62 feet; thence N00°00'00"E, 76.10 feet; thence N90°00'00"W, 185.95 feet to the POINT OF BEGINNING.

Containing 26.803 acres more or less and being subject to any rights-of-way restrictions and easements of record.

EXHIBIT “B”

Preliminary Master Plan
(See Attached)

**LARGE-SCALE FUTURE LAND USE AMENDMENT &
REZONING AMENDMENT JUSTIFICATION STATEMENT**

**SEMINOLE COUNTY APPLICATION**

**Lake Forrest**

Parcel ID Number: 20-19-30-300-0040-0000

This application is for a large-scale future land use map amendment (LSFLUA) and associated rezoning amendments to respectively change the future land use (FLU) designation of the 26.8-acre subject property from Medium Density Residential (MDR) to High Density Residential (HDR), to remove the property from the Silver Leaf Planned Urban Development (PUD) and to form a new PUD. With the following Project Justification Narrative, we submit the request is consistent with the Seminole County Vision 2020 Comprehensive Plan and compatible with the surrounding development patterns.

## RELATIONSHIP TO THE GOALS, OBJECTIVES AND POLICIES OF THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN

### High Density Residential Intent & Purpose

This land use provides for a range of residential development at intensities greater than 10 dwelling units per net buildable acre. High density residential development should be located adjacent to major collectors and arterial roadways to minimize traffic on local and minor collector roadways and to provide convenient access to transit facilities. This land use can act as an effective transitional use between nonresidential and Medium Density Residential uses.

Uses:

A. Condominiums, townhouses, apartment hotels, boarding and lodging houses and motels;

B. Public elementary schools, public middle schools and public high schools; and

C. Special exception uses such as churches, utilities, group homes, hospitals, convalescent and nursing homes, and accessory office uses.

Services and Facilities:

This land use requires a full range of urban services and facilities.

Special Provisions:

A. High density developments require maximum lot coverage, minimum open space, recreation, pedestrian walkways and transit facility requirements to enhance the living environment of residents and to provide convenient access to area schools, shopping and recreational facilities. On-site transit facilities (e.g. bus shelters and bays) may be required on a site specific basis.

B. Clustering of residential units to preserve conservation areas above and beyond current Land Development Code requirements and/or to provide sites for schools, recreation and other public facilities is permitted under the PUD zoning classification.

C. Increased building heights up to 60 feet may be allowed where compatible with adjacent uses to minimize urban sprawl.

Special Services;

Higher intensity development may require special services such as aerial fire equipment, transit facilities and effluent re-use to meet public safety needs and offset facility capacity impacts.

Zoning

Zoning classifications allowed in this land use designation are presented in Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications. PUD is an allowable zoning category in HDR FLU.

Services and Facilities

Services and facilities are to be at a minimum, consistent with the requirements of the land use designation for use of the development site.

*A PUD rezoning application and a Master Plan application are being submitted concurrent with this LSFLUA application. The Master Plan addresses the aforementioned concerns and, therefore, complies with the Seminole County Land Use Code.*

**Applicable Comprehensive Plan FLU Policies**

Vision 20/20—Future Land Use Element- Issue FLU 3 (page FLU-3)

Future Land Use Map Based On Growth Needs/Build-out. The Exhibit FLU: Future Land Use Map is based on the amount of land use by type needed to accommodate the County's projected growth over the planning period.

In Seminole County, both private and publicly owned properties are designated as one of the several future land use designations on the adopted Exhibit FLU: Future Land Use Map. The Exhibit FLU: Future Land Use Map is based on the amount of land use by type needed to accommodate the County's projected growth over the planning period.

Based on the currently adopted Exhibit FLU: Future Land Use Map, it is projected that between 2015 and 2020 the County will experience a shortage of vacant developable land for single family and multi-family development. Among the options available to address this shortage includes amending the Plan to allow increased densities within existing residential designation and creating infill parcels where a mix of residential and nonresidential uses would be allowed. Subsequent to adoption of the 2001 Plan Update, this issue should be fully assessed and recommended options prepared as part of the next Evaluation and Appraisal Report (EAR) of the Plan scheduled for 2005.

*The proposed development program is for apartments at an overall net density of 16.5 net dwelling units per acre, which is consistent with the stated objective and will assist Seminole County in dealing with the "shortage of vacant developable land for single-family development," including a source of housing for the aging population segment. The property is an infill tract surrounded by high-density residential, low-density residential and neighborhood-scale commercial developments. The creation of a planned community that adheres to sensitive site design, transitional buffers and green space will ensure neighborhood compatibility.*

Vision 20/20—Future Land Use Element- Issue FLU 4-Urban Sprawl (page FLU-4)

Rule 9J-5.006, FAC, requires that plans of local governments contain specific provisions to discourage urban sprawl. Urban sprawl can be defined as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important for natural resource protection. Types of urban sprawl land uses include leapfrog development, strip development along a roadway and large expanses of low density, single dimensional development.

Between Plan adoption in 1991 and completion of the County's Evaluation and Appraisal Report (EAR) in 1999, urban sprawl, as historically defined by the Florida Department of Community Affairs (Department) and repeated in the Plan, has not occurred in unincorporated Seminole County.

This absence of sprawl is due to extensive revisions to the County's Exhibit FLU: Future Land Use Map in 1987 to re-designate vacant, infill and urban fringe areas for urban development intensities. This major update, along with the long standing Conservation Land Use policies and regulations help to meet the Department's sprawl tests. In 1991, the Plan was amended to establish the East Rural Area and adoption of an urban/rural boundary. Additional steps such as creation of the Higher Intensity Planned Development future land use series, (i.e., Target Industry, Core and Transitional and Airport areas), purchase of natural lands, limiting commercial development to major roadway intersections, and providing for mixed use developments, joined with land development regulations, have effectively served as tools to address urban sprawl. The County's EAR fully addressed the sprawl indicators cited in Rule 9J-5.006(5), FAC. For a list of these indicators and the County's response, please refer to the EAR document.

*Developing the Lake Forrest site as a High Density Residential Development will not contribute to sprawl for the following reasons:*

- *As almost all of the surrounding land is already built-out, development of the site would occur in a responsible manner to ensure adequate transitioning of densities between surrounding and proposed uses.*

- *Development of the property would provide an opportunity for interconnected, pedestrian and user-friendly community consistent with the PD FLU'S definition of providing multi-modal access within the development.*

Vision 20/20—Future Land Use Element- Issue FLU 10-Trends in Comprehensive Planning (page FLU-7)

Since the 1991 Plan Update, two popular themes have emerged that have a direct relationship to comprehensive planning. The first of these, "sustainability", suggests the idea of the responsible use of resources to meet current needs without jeopardizing the needs of future residents. The second theme, "smart growth" involves the basic ideas of environmental protection, livable communities and efficient use of public funds. Both themes have in common the idea of community, economic opportunities and protection of the environment. In Seminole County "sustainability" and "smart growth" in land use are achieved through, but not limited to, application of the following planning techniques:

- Economic planning to create target industry areas;
- Acquisition of sensitive natural lands;
- Creation of an urban/rural boundary and Plan policies regarding protection of the Rural Area;
- Restricting densities and intensities within the Wekiva River and Econlockhatchee River areas;
- Applying a tiered level of service to encourage infill development and discourage sprawl; and
- Joint planning agreements.

These two themes are clearly evident in the goal of the Future Land Use Element, which is to achieve an appropriate balance between public and private interests in the protection of the environment, creation of favorable economic conditions and maintenance of established residential neighborhoods. The County's Plan and land development regulations set forth policies and provisions to ensure that these areas development in a manner to provide compatibility, accommodate necessary facilities and services and protect the natural environment.

*As an infill site, the property will be developed in a planned, harmonious manner to eliminate sprawl, as explained elsewhere in this justification statement. Accordingly, apartments will be provided to meet the future housing and service needs of Seminole County's projected population.*

Vision 20/20—Future Land Use Element- Objective 2-Protection of Residential Neighborhoods (page FLU-16)

The County shall ensure the long-term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses.

*The Lake Forrest site is compatible with surrounding land uses that includes*

*high density residential and single family residential.*

Vision 20/20—Future Land Use Element- Policy 2.1-Subdivision Standards (page FLU-16)

The County shall maintain the viability of established and future residential neighborhoods by continuing to enforce Land Development Code provisions relating to:

a. Development within flood prone areas;
b. Building setbacks and heights;
c. Roadway buffers;
d. Landscaping;
e. Tree preservation;
f. Signage;
g. On-site traffic circulation and parking;
h. Drainage and stormwater management;
i. Fences, walls and entrance features; and
j. Maintenance and use of common open space areas through homeowners associations.

*The proposed preliminary master plan will comply with all aspects of the Seminole County Land Development Code, including the above stated provisions, as permitted by the Planned Urban Development zoning designation.*

Vision 20/20—Future Land Use Element- Policy 2.3 Roadway Compatibility (page FLU-16)

The County shall encourage the viability of future residential neighborhoods adjacent to collector and arterial roadways by:

1. Requiring additional setbacks and buffers for residential development adjacent to future major collector and arterial roadways to minimize the impacts of future roadway improvements;
2. Requiring development plans to transition residential and nonresidential land use intensities at major intersections to maximize compatibility with existing residential neighborhoods;
3. Discouraging through traffic on local residential roadways; and
4. Enforcing Land Development Code standards providing when and where pedestrian, bicycle and vehicular linkages between abutting residential areas are required to provide convenient access to recreation, schools, libraries, and shopping. Vehicular connections between subdivisions shall be designed to serve local residents and discourage through traffic.

*Concurrent with the LSFLUA application, a PD rezoning application and associated Preliminary Master Plan are being submitted. The aforementioned concerns are addressed in this plan and consequently comply with the Seminole County Land Development Code.*

Vision 20/20—Future Land Use Element- Policy 2.11 Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications (page FLU-19)

The County shall consider uses or structures proposed within the Planned Unit Development (PUD) and Planned Commercial Development (PCD) zoning classifications on a case-by-case basis evaluating the compatibility of the proposed use or structure with surrounding neighborhoods and uses. Compatibility may be achieved by application of development standards such as, but not limited to, lot size, setbacks, buffering, landscaping, hours of operation, lighting, and building heights. The Board of County Commissioners shall have discretion as to the uses and structures approved with a PUD or PCD zoning classification.

*As previously stated, the Preliminary Master Plan is included in this concurrent LSFLUA and rezoning request to demonstrate buffering, setbacks, density, and ensure compatibility with adjacent uses. Specific development standards will be established in the Final Master Plan to achieve compatibility with surrounding development.*

Vision 20/20—Future Land Use Element- Objective 6: Public Facilities and Services (page FLU-33)

The County shall require that all development be consistent with the approved Capital Improvements Element or facility and service plans in order to discourage urban sprawl, meet adopted level of service standards and thereby minimize attendant public costs through the implementation of the following policies:

Vision 20/20—Future Land Use Element- Policy 6.1 Development Orders, Permits and Agreements (page FLU 33)

The County shall ensure that all development orders, permits and agreements are consistent with the adopted level of service standards and provisions of the Capital Improvements Element and the appropriate facility element as well as all other provisions of this Plan.

*A Development Order that outlines the future development parameters of the site and developer obligations will be drafted between the property owner and Seminole County to implement the proposed PUD zoning.*

Vision 20/20—Future Land Use Element- Policy 6.2 Concurrency Requirements (page FLU 33)

The County shall ensure that all development orders, permits and agreements are subject to the adopted Concurrency Management System standards and provisions to ensure that facilities and services needed to serve the development are available at the adopted level of service consistent with the Implementation Element of this Plan.

*There is sufficient infrastructure in place to adequately serve the Lake Forrest site. Any additional impact issues will be addressed in the Development Order*.

Vision 20/20—Future Land Use Element- Policy 6.3 Infrastructure and Phasing Requirements (page FLU 33)

The County shall require that all development provide services and facilities or phase the development as a condition of approval if development needs precede adopted service and facility plans and Capital Improvements Program and adopted levels of service can be maintained.

*Development of the site will comply with the services and facilities requirements.*

Vision 20/20—Future Land Use Element- Policy 6.4 Priority for Water and Sewer Services (page FLU 33)

The County shall evaluate the impact on delivering adequate service to residents within the established service area prior to the expansion of a potable water or sewer service area outside the adopted service area boundaries. The County will not expand a service area if the adopted level of service cannot be maintained.

*Seminole County Utilities will serve the site and has sufficient capacity to support development consistent with the proposed program.*

Vision 20/20—Future Land Use Element- Policy 6.5 Private Investment Above Land Development Code Regulations (page FLU 33)

The County shall require private investment in infrastructure improvements above and beyond Land Development Code requirements (e.g., feeder roads, aerial fire apparatus, right-of-way, signalization, access improvements, transit facilities, stormwater, etc.) where improvements are needed to accommodate the development and to minimize attendant public costs associated with growth.

*The developer will comply with this policy and address these issues as necessary in the Development Order with the County.*

## JUSTIFICATION STATEMENT – REZONING

The subject property is best suited for residential use due to its location and surrounding land use patterns. Amending the future land use designation from medium density residential to high density residential with a rezoning to planned urban development will permit creative design standards and a quality development program that is consistent with other development within Seminole County.

## CONCLUSION

The requested LSFLUA and zoning amendments are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. The County has a desire to "maintain the established residential character" of this location, and there is a continuing demand for residential housing of the type proposed. As stated elsewhere in this report, the subject

property is believed to be best suited for high density residential use due to its location, present market conditions and surrounding land use patterns. We believe that amending the future land use of the property from Medium Density Residential to High Density Residential would be consistent and compatible with the policies established by the Seminole County Vision 2020 Comprehensive Plan, particularly with regard to the policies and provisions related to the prevention of urban sprawl, maximization of land coverage, minimization of open space and the provision of recreational opportunities for residents. This request is compatible in the described location and is consistent with applicable Seminole County planning policies and applicable regulations.

**ORDINANCE NO.** **SEMINOLE COUNTY, FLORIDA**

**AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY BY VIRTUE OF A LARGE SCALE DEVELOPMENT AMENDMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Board of County Commissioners of Seminole County (hereinafter referred to as the "Board") enacted Ordinance Number 91-13, adopting the 1991 Seminole County Comprehensive Plan, which was subsequently amended in accordance with State law; and

**WHEREAS,** the Board enacted Ordinance Number 2001-21, which renamed the 1991 Seminole County Comprehensive Plan to the "Vision 2020 Seminole County Comprehensive Plan" (hereinafter referred to as the "Plan"); and

**WHEREAS,** the Board has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to Large Scale Plan Amendments; and

**WHEREAS,** the Board has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

**WHEREAS,** the Seminole County Land Planning Agency held a public hearing with all required public notice for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

**WHEREAS,** the Board held public hearings with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

**WHEREAS,** the Board hereby finds that the Plan, as amended by this ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, and the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council; and

**WHEREAS,** the Plan amendment set forth herein has been reviewed by all required State agencies and the Objectives, Recommendations and Comments Report prepared by the Department of Community Affairs has been considered by the Board; and

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

**Section 1. Legislative Findings.** The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.

**Section 2. Amendment To Future Land Use Map Designation** The Future Land Use Map of the Future Land Use Element of the Plan is hereby amended by changing the future land use designation assigned to the property depicted therein and legally described in Exhibit A (attached hereto and incorporated herein by this reference) as noted in the following table:

| **Ord. Exh.** | **Name** | **Amendment Number** | **Land Use Change From – To** | **LPA Hearing Date** | **BCC Hearing Dates** |
|---|---|---|---|---|---|
| A | Lake Forrest Large Scale Land Use Amendment and Rezone | 08S-FLU02 | Medium Denisty Residential (MDR) to High Denisty Residental (HDR) | 12/05/07 | 01/22/08<br>5/16/08 |

**Section 3. Severability.**

(a) The enactment of this Ordinance includes one (1) amendment to the Future Land Use Map.

(b) 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 4. Exclusion From County Code/Codification.**

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this

Ordinance as a separate document or as part of or as a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

**Section 5. Effective Date.**

(a) 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 State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be twenty-two (22) days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendment in compliance, if no affected party challenges the Plan amendment, or, if an affected party challenges the Plan amendment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if dependent upon an amendment, may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its

effective status, a copy of said resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

**ENACTED** this 27th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Brenda Carey, Chairman

# Exhibit A

LAKE FOREST
TRACT A

DESCRIPTION:

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Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N89°38'35"E along the South line of said East 1/2 for a distance of 25.00 feet to the East right-of-way line of Oregon Street; thence run N00°12'27"W along said East Right-of-way line for a distance of 1764.00 feet to the POINT OF BEGINNING; thence continue N00°12'27"W along said East right-of-way line for a distance of 235.41 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520, Page 535, of the Public Records of Seminole County, Florida; thence run N89°20'41"E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N00°39'19"W along said Easterly line for a distance of 100.00 feet to the Westerly prolongation of the South line of Borrow Pit No. 2 (retention pond); thence run N89°20'41"E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N32°35'43"E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N89°16'23"E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of- way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S32°47'00"W; thence run Southwesterly along said Westerly right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N37°21'01"W along said Northeasterly line and said Westerly right-of-way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S24°30'21"W; thence run Southwesterly along said Westerly right-of-way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet to the point of tangency; thence run S24°00'12"W along said Westerly right-of-way line for a distance of 830.32 feet to the North line of lands described in Official Records Book 6087, Page 553, of said Public Records; thence run Westerly along said North line the following six (6) courses: N65°59'48"W, 52.16 feet; thence N22°33'35"W, 40.00 feet to a point on a non-tangent curve concave Northerly having a radius of 75.00 feet and a chord bearing of S86°18'13"W; thence Westerly along the arc of said curve through a central angle of 37°43'35" for a distance of 49.38 feet to the point of tangency; thence N74°50'00"W, 18.48 feet to the point of curvature of a curve concave Southerly having a radius of 525.00 feet and a chord bearing of N82°05'46"W; thence Westerly along the arc of said curve through a central angle of 14°31'32" for a distance of 133.10 feet to a point on a non-tangent line and to the East line of lands described in Official Records Book 6087, Page 561, of said Public Records; thence run Northerly and Westerly along the East and North lines of said lands the following nine (9) courses: N24°00'09"E, 203.97 feet; thence N24°28'59"E, 20.06 feet; thence N23°57'19"E, 199.83 feet; thence N27°29'16"E, 31.73 feet; thence N32°53'50"E, 199.83 feet; thence N67°55'48"W, 40.26 feet; thence S89°50'35"W, 1090.62 feet; thence N00°00'00"E, 76.10 feet; thence N90°00'00"W, 185.95 feet to the POINT OF BEGINNING.

Containing 26.803 acres more or less and being subject to any rights-of-way restrictions and easements of record.

**ORDINANCE NO.** **SEMINOLE COUNTY, FLORIDA**
**Z2007-65**

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

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Lake Forrest Large Scale Land Use Amendment and Rezone."

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

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

**SEE ATTACHED EXHIBIT A**

**Section 3. EXCLUSION FROM 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 upon the date of filing with the Department.

ENACTED this 27th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Brenda Carey
Chairman

# EXHIBIT "A"
## LEGAL DESCRIPTION:

LAKE FOREST
TRACT A

DESCRIPTION:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N89°38'35"E along the South line of said East 1/2 for a distance of 25.00 feet to the East right-of-way line of Oregon Street; thence run N00°12'27"W along said East Right-of-way line for a distance of 1764.00 feet to the POINT OF BEGINNING; thence continue N00°12'27"W along said East right-of-way line for a distance of 235.41 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520, Page 535, of the Public Records of Seminole County, Florida; thence run N89°20'41"E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N00°39'19"W along said Easterly line for a distance of 100.00 feet to the Westerly prolongation of the South line of Borrow Pit No. 2 (retention pond); thence run N89°20'41"E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N32°35'43"E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N89°16'23"E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of- way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S32°47'00"W; thence run Southwesterly along said Westerly right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N37°21'01"W along said Northeasterly line and said Westerly right-of-way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S24°30'21"W; thence run Southwesterly along said Westerly right-of-way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet to the point of tangency; thence run S24°00'12"W along said Westerly right-of-way line for a distance of 830.32 feet to the North line of lands described in Official Records Book 6087, Page 553, of said Public Records; thence run Westerly along said North line the following six (6) courses: N65°59'48"W, 52.16 feet; thence N22°33'35"W, 40.00 feet to a point on a non-tangent curve concave Northerly having a radius of 75.00 feet and a chord bearing of S86°18'13"W; thence Westerly along the arc of said curve through a central angle of 37°43'35" for a distance of 49.38 feet to the point of tangency; thence N74°50'00"W, 18.48 feet to the point of curvature of a curve concave Southerly having a radius of 525.00 feet and a chord bearing of N82°05'46"W; thence Westerly along the arc of said curve through a central angle of 14°31'32" for a distance of 133.10 feet to a point on a non-tangent line and to the East line of lands described in Official Records Book 6087, Page 561, of said Public Records; thence run Northerly and Westerly along the East and North lines of said lands the following nine (9) courses: N24°00'09"E, 203.97 feet; thence N24°28'59"E, 20.06 feet; thence N23°57'19"E, 199.83 feet; thence N27°29'16"E, 31.73 feet; thence N32°53'50"E, 199.83 feet; thence N67°55'48"W, 40.26 feet; thence S89°50'35"W, 1090.62 feet; thence N00°00'00"E, 76.10 feet; thence N90°00'00"W, 185.95 feet to the POINT OF BEGINNING.

Containing 26.803 acres more or less and being subject to any rights-of-way restrictions and easements of record.

# SEMINOLE COUNTY PUBLIC SCHOOLS
## School Capacity Report

**To:** Seminole County Board of County Commissioners

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

**Date:** December 4, 2007

**RE.** **Lake Forest Large Scale FLUM Amendment & Rezone**

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

**Description** – 26.8+/- acres Located on the east side of Oregon Street, approximately ½ mile north of the intersection of SR 46 and Oregon Street. The applicant is requesting a change from MDR to HDR and rezone from PUD to PUD. The applicant is proposing to construct a multi-family dwelling unit subdivision, at a density of approximately 16.5 dwelling units per net buildable acre. The net residential density is proposed to increase from the 200 currently approved multi-family units to 417 units, a net increase of 217 units. Parcel ID #: 20-19-30-300-0400-0000.

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 |
| 217 | 0 | 217 |

| ***Student Generation*** | | | | | |
|---|---|---|---|---|---|
| ***Impacted Schools*** | ***Projected Number of Additional Students*** | ***Current Capacity*** | ***Current Enrollment*** | ***Percent Utilization*** | ***Students Resulting from Recently Approved Developments*** |
| **Elementary** Northwest Cluster | 27 | 4,283 | 4,333 | 101.2 | 165 |
| **Middle** Sanford | 10 | 1,414 | 1,316 | 93.1 | 98 |
| **High** Seminole | 10 | 3,049 | 3,135 | 102.8 | 185 |

**Terms and Definitions:**

**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 Middle school level resulting from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. Capacity is not available at the approved level of service for Elementary or High schools, and the additional students would not be able to be absorbed without the use of temporary capacity or significant increases in overcrowding. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected schools.

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.

**MINUTES FOR THE SEMINOLE COUNTY**
**LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION**
**DECEMBER 5, 2007**
**7:00 P.M.**

**Members present**: Matthew Brown, Dudley Bates, Walt Eismann, Rob Wolf, Melanie Chase, and Ben Tucker

**Member absent**: Kim Day

Also present: Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Asst. Planning Manager; Ian Sikonia, Senior Planner; Cynthia Sweet, Senior Planner; Austin Watkins, Senior Planner; James Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw - Hudson, Clerk to the Commission.

**Lake Forrest Large Scale Land Use Amendment and Rezone; Shutts & Bowen LLP, James Willard, applicant;** 26.8± acres; Large Scale Land Use Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development); located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street. (Z2007-65 / 08S.FLU02)

Commissioner Carey - District 5
Ian Sikonia, Senior Planner

Ian Sikonia stated that this property was previously approved on May 10, 2005 know as the NW 46 PUD which consisted of a town home and condominium project allowing a maximum of 400 units. The specific regulations for these condominium and townhome units were based pm the R-3 and R-4 zoning districts. The NW 46 PUD allowed a maximum building height of 2 stories or 35 feet for the subdivision. The Development Order of the NW 46 PUD specifically forbids townhome or condominium units to be used a rental units. The NW 46 PUD and the proposed Lake Forrest PUD are similar in uses but different in regard to intensity and density of the property.

The proposed Lake Forrest PUD is creating a new PUD while maintaining some to the previous conditions of the NW 46 PUD. The NW 46 PUD allowed for a maximum of 400 units while the proposed PUD is allowing for a maximum of 417 units. The Lake Forrest PUD is increasing the approved maximum building height of 35 feet or two stories to 50 feet or three stories. They are also maintaining the same permitted uses of condominium, townhomes, and adding

multi-family rental units to the Development Order. The proposed PUD seems to allow for more local housing options for the prospective and existing citizens of Seminole County due to the proximity of Interstate 4 and the numerous employment centers located in nearby Heathrow, Lake Mary and Sanford.

Mr. Sikonia stated that staff is recommending changes to the Development Order: Condition G, replacing "There shall be a minimum of 834 parking spaces located on site" to read "Parking shall be pursuant to the Land Development Code requirement of two spaces per unit." Condition M replacing "will" with "may" in the second sentence, to read: "This may be accomplished by amenitizing the existing retention pond."

Mr. Sikonia said that staff recommendation was for transmittal of the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) for 26.8 acres, located on the east side of Oregon Street, approximately ½ mile north of the intersection of SR 46 and Oregon Street.

Jim Willard spoke on behalf of the applicant. He gave a short history of the ownership of the tract and stated that market conditions have not supported what was approved 3 years ago. The market will support multi-family projects. This project will not be low-income housing. The location of the application is a good place for the placement of such a project. 16.5 units per acre with 3 stories in height is typical. This site is next to the interstate, with minimal Oregon Street exposure. What else could go here. This addresses workforce housing. Mr. Willard said that he does not want to put in a sound wall by the interstate. It is too costly. The owner could put a disclosure clause in the lease stating the proximity of the project to the interstate.

Dr. Ira Swartzberg spoke on behalf of the Lake Forest Homeowners Association. He stated that the berm referred to as a buffer is only 15 feet high. In reviewing the various traffic, school, and buffering figures, the report presented had conflicting figures. The Lake Forest Homeowners Association is opposed to this application.

Steve Devine spoke on behalf of the Lake Forest Homeowners Association Board. The HOA is opposed to the rezoning and change to the County Comprehensive Plan. This application is not compatible with the area. The schools cannot serve the influx of population, and the traffic will not be adequately served by the roads and intersections in the area. The current Comprehensive Plan design for the property is good. The density is increasing from 268 to 417 with this project. Silverleaf projected increases from 282 units to 558 dwelling units. Both will give 978 units for the two properties. Mr. Devine said that he was also concerned with the SR 46 intersection. The anticipated I-4 off-ramp is an upcoming problem. He took issue with the traffic study numbers

presented. A new study is needed. Traffic numbers varied from 100 additional trips to 677 extra trips.

Mr. Devine also said that the retention pond was being used for open space calculations by both this project and the KB Homes application for Silverleaf. He concluded by stating that the schools were overcrowded and did not have capacity.

Jim Willard said that the retention pond had not been double calculated. Both projects share the pond. There is enough open space using the pond.

Commissioner Tucker said that sound and the wall were an issue here. The wall is not the only answer. It is not enough to say that the interstate is there. Look at the airports. Homes can be sound-fitted. Given the current circumstances, it may be good use, but sound is an issue.

Commissioner Brown said that a third option was to put language in the deed.

Commissioner Tucker said that it should not be incumbent on the public to mitigate sound.

Commissioner Eismann asked how the County could prevent sound walls from being put up at taxpayer expense in the future.

Commissioner Chase said that such things were not going to be approved by the BCC in the future.

Commissioner Tucker said that the sound abatement wall is an FDOT approval, not BCC approval.

Commissioner Wolf asked why soundproofing or a wall should not be included for approval.

Commissioner Tucker added the potential of adding to deed restrictions.

**Commissioner Eismann made a motion to recommend transmittal of the requested Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) for 26.8 acres, located on the east side of Oregon Street, approximately ½ mile north of the intersection of SR 46 and Oregon Street with staff findings.**

**Commissioner Chase seconded the motion.**

Commissioner Brown said that this project is HDR next to I-4. That is the place for it.

Commissioner Wolf said that the application lacks transition between I-4 and MDR.

Commissioner Brown said the berm is 15 feet tall and 30 feet at the base.

Tina Williamson said that the width of the berm was not known.

Commissioner Wolf said that there were natural trees there now along the road that could be utilized for a natural buffer.

Commissioner Brown asked what good is accomplished by speaking to the local HOAs.

Commissioner Wolf said that changes could be made prior to finalization.

**The motion failed with a tie vote of 3 - 3.** Commissioners Brown, Eismann, and Chase voted "yes" while Commissioners Bates, Tucker and Wolf were opposed.

**Commissioner Wolf made a motion to send the request to the BCC without a recommendation.**

**Commissioner Bates seconded the motion..**

**The motion passed 6 – 0.**

# SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 27, 2008, 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**: NW 46 LTD
600 E. Colonial Dr.
Orlando, FL 32803

**Project Name**: Lake Forrest Large Scale Land Use Amendment and Rezone

**Requested Development Approval**:

Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a Large Scale Future Land Use Amendment from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled “Lake Forrest Large Scale Land Use Amendment and Rezone” and all evidence submitted at the public hearing on May 27, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should not be transmitted to the Department of Community Affairs.

## ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for transmittal is DENIED.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By:_____
Brenda Carey, Chairman

# EXHIBIT A

LAKE FOREST
TRACT A

DESCRIPTION:

That part of Section 20, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Commence at the Southwest corner of the East 1/2 of said Section 20; thence run N89°38'35"E along the South line of said East 1/2 for a distance of 25.00 feet to the East right-of-way line of Oregon Street; thence run N00°12'27"W along said East Right-of-way line for a distance of 1764.00 feet to the POINT OF BEGINNING; thence continue N00°12'27"W along said East right-of-way line for a distance of 235.41 feet to the South line of a Florida Department of Transportation Pond, as recorded in Official Records Book 3520, Page 535, of the Public Records of Seminole County, Florida; thence run N89°20'41"E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N00°39'19"W along said Easterly line for a distance of 100.00 feet to the Westerly prolongation of the South line of Borrow Pit No. 2 (retention pond); thence run N89°20'41"E along said South line for a distance of 1278.52 feet to a point on a non-tangent curve concave Southeasterly and the Easterly line of said Borrow Pit No. 2 having a radius of 6179.65 feet and a chord bearing of N32°35'43"E; thence run Northeasterly along the arc of said curve through a central angle of 12°06'57" for a distance of 1306.77 feet to a point on a line lying 50.00 feet South of and parallel with the North line of the South 5/8 of the East 1/2 of said Section 20; thence run N89°16'23"E along said Parallel line for a distance of 315.14 feet to a point on the Westerly Right-of- way line of Interstate 4 (State Road 400), as recorded in Official Records Book 3520, Page 535, of said Public Records, being a point on a non-tangent curve concave Southeasterly having a radius of 5939.65 feet and a chord bearing of S32°47'00"W; thence run Southwesterly along said Westerly right-of Way line and the arc of said curve through a central angle of 15°36'44" for a distance of 1618.47 feet to the Northeasterly line of the 90' wide County M. M. Smith Canal Easement as recorded in Official Records Book 3513, Page 1546, of said Public Records; thence run N37°21'01"W along said Northeasterly line and said Westerly right-of-way line for a distance of 22.57 feet to a point on a non-tangent curve concave Southeasterly having a radius of 5959.65 feet and a chord bearing of S24°30'21"W; thence run Southwesterly along said Westerly right-of-way line and along the arc of said curve through a central angle of 01°08'41" for a distance of 119.07 feet to the point of tangency; thence run S24°00'12"W along said Westerly right-of-way line for a distance of 830.32 feet to the North line of lands described in Official Records Book 6087, Page 553, of said Public Records; thence run Westerly along said North line the following six (6) courses: N65°59'48"W, 52.16 feet; thence N22°33'35"W, 40.00 feet to a point on a non-tangent curve concave Northerly having a radius of 75.00 feet and a chord bearing of S86°18'13"W; thence Westerly along the arc of said curve through a central angle of 37°43'35" for a distance of 49.38 feet to the point of tangency; thence N74°50'00"W, 18.48 feet to the point of curvature of a curve concave Southerly having a radius of 525.00 feet and a chord bearing of N82°05'46"W; thence Westerly along the arc of said curve through a central angle of 14°31'32" for a distance of 133.10 feet to a point on a non-tangent line and to the East line of lands described in Official Records Book 6087, Page 561, of said Public Records; thence run Northerly and Westerly along the East and North lines of said lands the following nine (9) courses: N24°00'09"E, 203.97 feet; thence N24°28'59"E, 20.06 feet; thence N23°57'19"E, 199.83 feet; thence N27°29'16"E, 31.73 feet; thence N32°53'50"E, 199.83 feet; thence N67°55'48"W, 40.26 feet; thence S89°50'35"W, 1090.62 feet; thence N00°00'00"E, 76.10 feet; thence N90°00'00"W, 185.95 feet to the POINT OF BEGINNING.

Containing 26.803 acres more or less and being subject to any rights-of-way restrictions and easements of record.