
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: River's Edge Preserve PUD Major Amendment (f/k/a Rivercrest PUD)

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

AUTHORIZED BY: Dori DeBord

CONTACT: Austin Watkins

EXT: 7440

MOTION/RECOMMENDATION:

1. Approve the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, and enact an ordinance for a rezone from PUD to PUD, for 9.99 + acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415, and authorize the Chairman to execute the aforementioned documents, based on staff findings (Daly Design Group, applicant); or
2. Deny the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, for 9.99 + acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415 and authorize the Chairman to execute the Denial Development Order (Daly Design Group, applicant); or
3. Continue the item until a time and date certain.

District 5 Brenda Carey

Austin Watkins

BACKGROUND:

The applicant, Daly Design Group is requesting a Major Amendment to the River's Edge Preserve PUD (f/k/a Rivercrest PUD). The rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and Small Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) was approved on March 27, 2007 by the Board of County Commissioners. The PUD is approved for a maximum density 3.9 dwelling units per net buildable acre, up to a maximum of 33 dwelling units. The approved Development Order requires a minimum lot size of 6,000 square feet for detached single-family dwellings and 2,250 square feet for townhomes.

The applicant is requesting the PUD Major Amendment to allow for an additional access point to the development and modifications to the approved buffering standards. The approved Preliminary Master Plan indicates one access point at the intersection of the proposed realignment of Celery Avenue and SR 415. The current proposal depicts the originally approved access point at Celery Avenue and SR 415 and an additional access point approximately 900 feet south of the approved access point. The proposed access point is an existing shared driveway for two single-family homes, one of which is within the River's Edge Preserve PUD and will remain after the development is completed.

The applicant is also requesting to amend the approved buffering standards. The applicant

states that the approved buffering standards are for a townhome development and they would like the flexibility of reduced buffering standards if the project is developed as detached single-family. The proposed amendment will allow the applicant to abide by the approved buffering standards for the West property line if the project is developed as townhomes and the following amendments if it is developed as detached single-family. The table below depicts the approved and proposed setbacks and buffering standards.

	Approved	Proposed
West (adjacent to SR 415)	Minimum 40' natural buffer in a separate tract. The retention pond is allowed to encroach a maximum of 20' into the buffer.	<u>Minimum 40' natural planted buffer in a separate tract. Plantings will be consistent with FPL planting standards and there shall be at least 6 sub-canopy trees and 10 shrubs every 100'. The retention pond is allowed to encroach a maximum of 20' into the buffer. (townhome and single-family)</u>
North	25' building setback from post development floodplain/wetlands and a 15' natural buffer in a separate tract.	<u>25' building setback from post development floodplain/wetland and a planted environmental drainage swale within a 15' easement. (single-family)</u>
East	25' building setback from post development floodplain/wetlands and a 15' natural buffer in a separate tract.	<u>25' building setback from post development floodplain/wetland and a planted environmental drainage swale within a 15' easement. (single-family)</u>
South	50' building setback and a 25' buffer in compliance with Section 30.1232 of the Seminole County Land Development Code Active/Passive buffer setback design standards.	<u>No buffer required. (single-family)</u>

Additionally, a 40' natural buffer is required along SR 415, however it conflicts with a Florida Power and Light (FPL) easement, which has been cleared. Staff is recommending that the applicant replant the easement area with species approved by FPL as part of this amendment, utilizing the following language contained in the attached Development Order:

West Property Line (adjacent to SR 415): Minimum 40' natural planted buffer in a separate tract. Plantings will be consistent with FPL planting standards and there shall be at least 6 sub-canopy trees and 10 shrubs every 100'. The retention pond is allowed to encroach a maximum of 20' into the buffer.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on January 9, 2008 and voted 5 to 0 to recommend approval of the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, for 9.99 ± acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415, per staff findings.

STAFF RECOMMENDATION:

Staff recommends the Board approve the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, for 9.99 ± acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415.

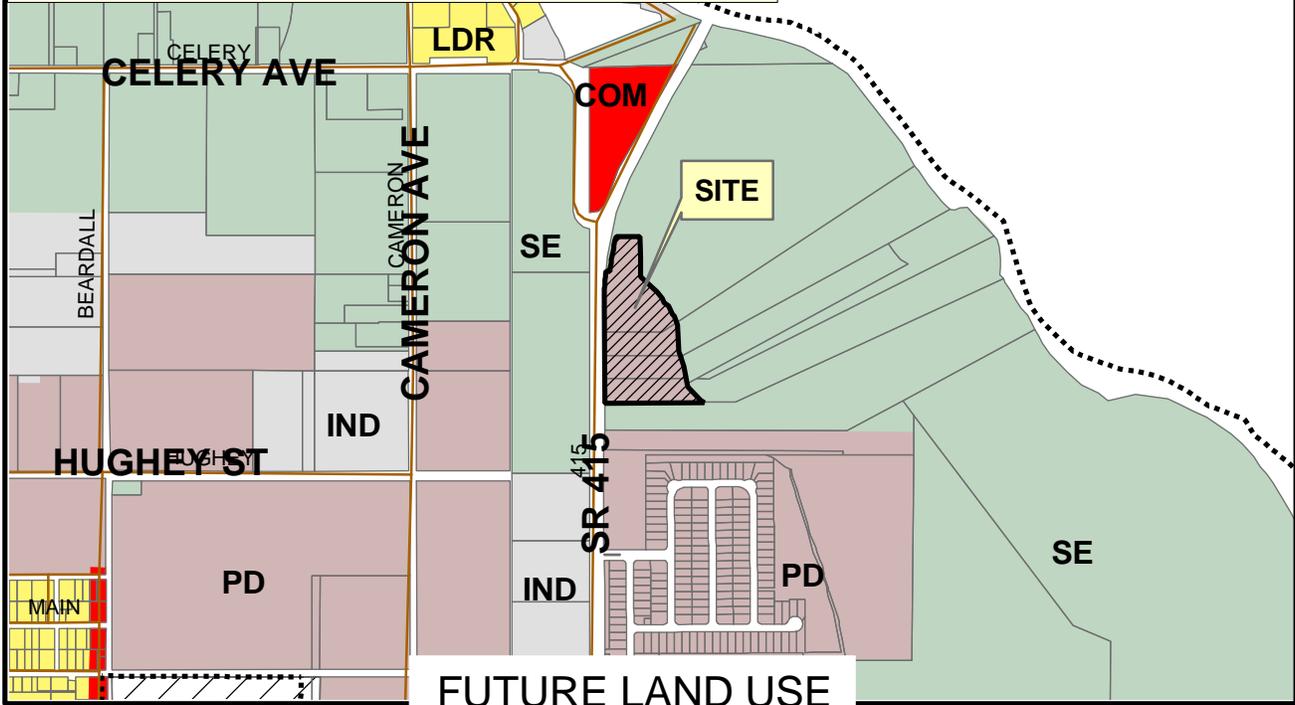
ATTACHMENTS:

1. Location Map
2. Zoning and Future Land Use Map
3. Aerial Map
4. Preliminary Master Plan
5. Revised and Restated Development Order
6. Rezone Ordinance
7. Denial Development Order
8. 2006 Development Order
9. January P&Z Minutes
10. Ownership Disclosure Form

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

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.

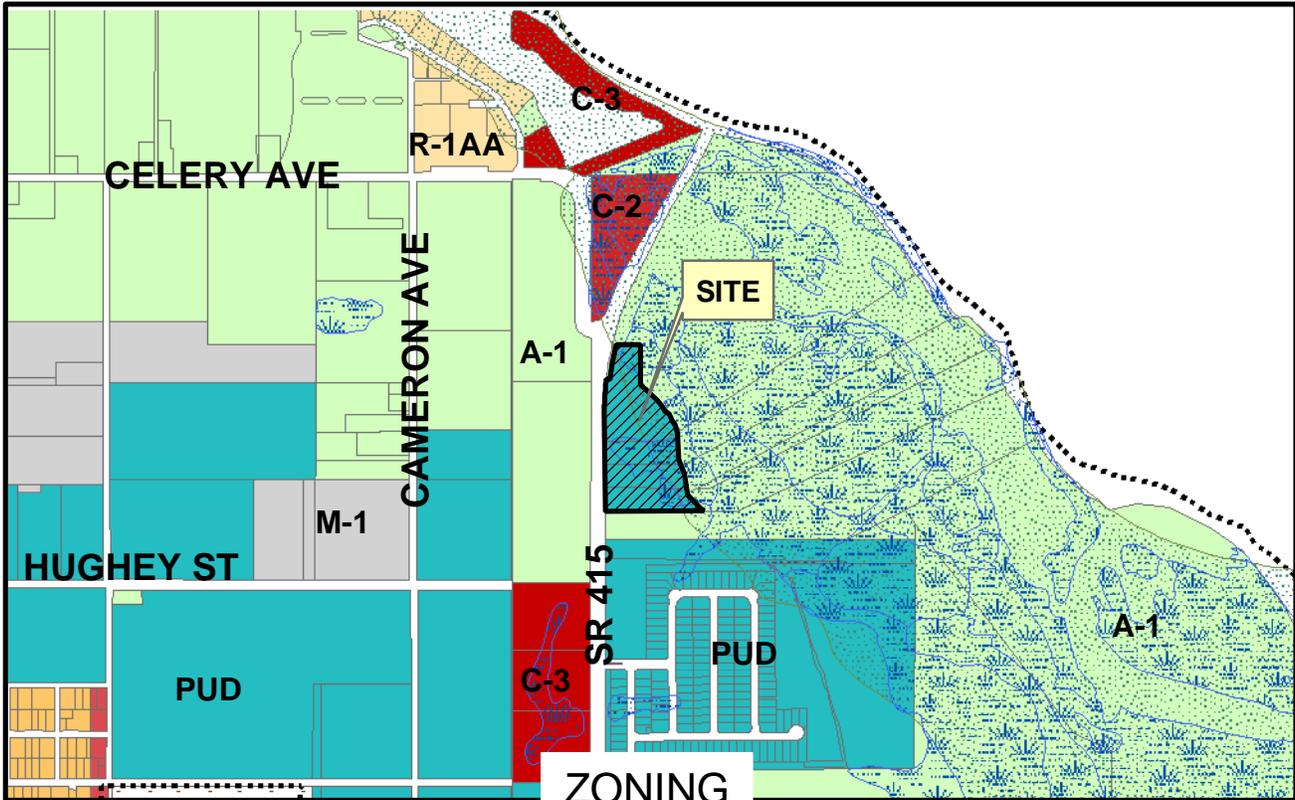


FUTURE LAND USE

Site
 Municipality
 SE
 LDR
 PD
 COM
 IND
 CONS

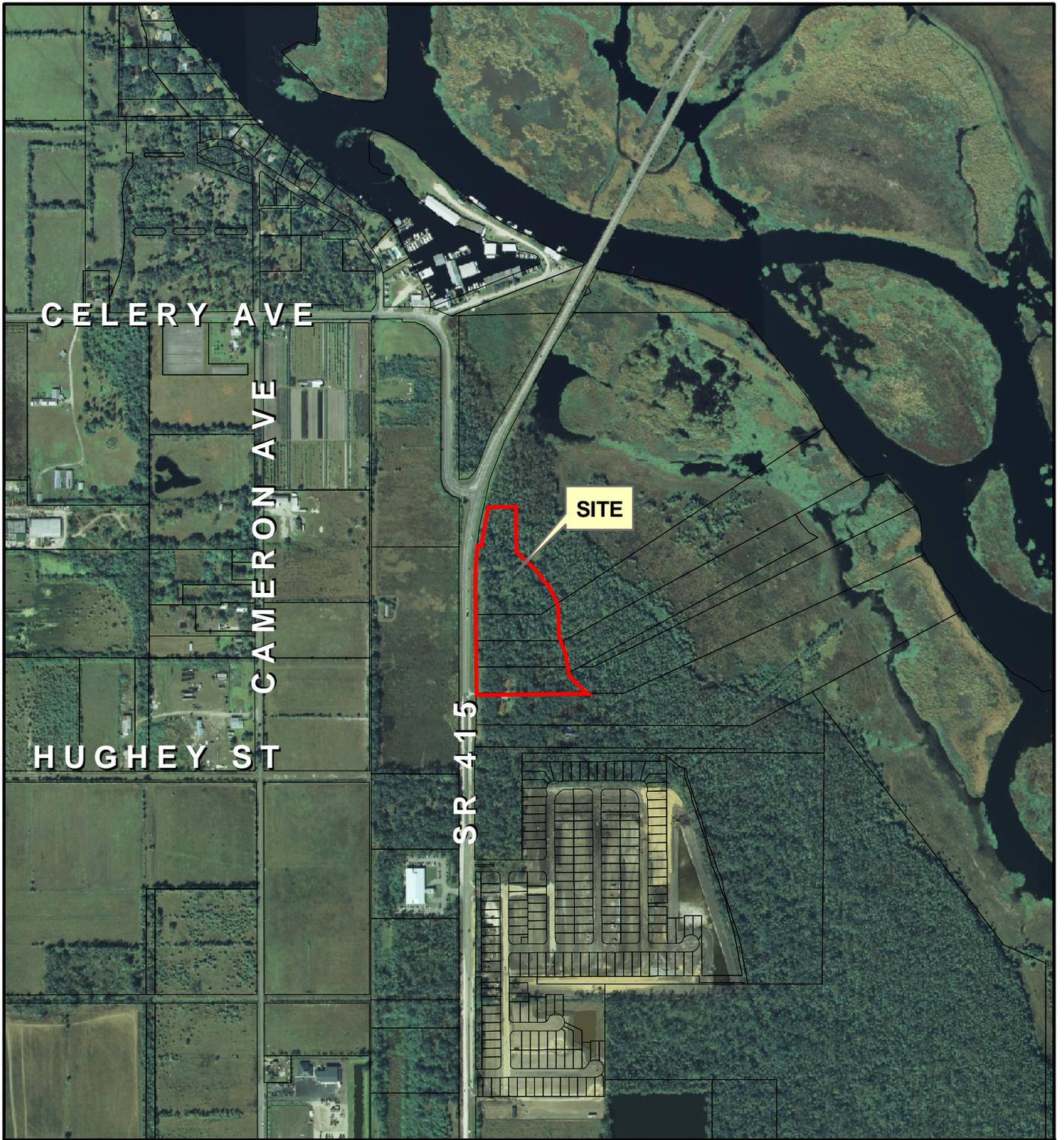
Applicant: Thomas Daly
 Physical STR: 34-19-31-300-006A, 006B, 006C, 006D, 006E
 Gross Acres: 9.99 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-077	PUD	PUD

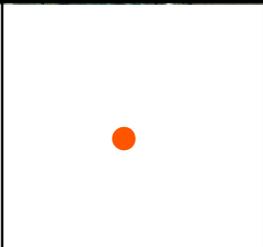


ZONING

A-1
 R-1AA
 PUD
 C-2
 C-3
 M-1
 FP-1
 W-1



Rezone No: Z2007-077
 From: PUD To: PUD
 □ Parcel
 □ Subject Property



Winter 2006 Color Aerials

**REVISED AND RESTATED DEVELOPMENT
ORDER**

The Rivercrest PUD Development Order dated March 27, 2007 is hereby further revised on February 12, 2008 to read as follows:

Legal description attached as Exhibit "A"

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

FINDINGS OF FACT

Property Owner: Palm Ranch, Inc./Rolf Bergmann
2521 CR 415A
Sanford, FL 32771

Project Name: River's Edge Preserve PUD Major Amendment (fka Rivercrest PUD)

Requested Development Approval:

Major Amendment to the Rivercrest PUD 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 aforescribed 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 (underlines are additions, strikethroughs are deletions):

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The maximum density shall not exceed 3.9 dwelling units per net buildable acre, up to a maximum of 33 dwelling units.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. The minimum lot size for detached dwellings shall be 6,000 square feet. The minimum lot size for townhomes shall be 2,250 square feet.
- e. Permitted uses shall be townhomes, single-family detached dwellings, customary accessory structures, home offices, home occupations and customary recreational facilities for the use of the residents.
- f. All landscape buffers and common areas shall be maintained by a homeowners association.
- g. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- h. A minimum of 25% useable open space shall be provided for the entire PUD. The location of and the amenities associated with the open space shall be provided at the time of Final Master Plan.
- i. Garages shall not be converted to living space.
- j. No outdoor storage of boats or RVs is allowed.
- k. The internal lot setbacks (principal and accessory structures) shall be determined at the time of Final Master Plan.
- l. Subdivision plats establishing residential lots within the limits of the subject property shall include a note (font size twelve point or larger) stating the following:

This property is located in proximity to an airport noise zone. The properties delineated on this plat are subject to aircraft noise that may be objectionable.

- m. The sale of each residential lot shall include a deed containing the following language in bold type face:

NOTICE OF AIRPORT NOISE

This property is located in proximity to an airport noise zone. Residents will be subject to aircraft noise that may be objectionable.

In addition, the developer shall execute an avigation easement, in a form provided by the County Attorney's Office, which shall be recorded prior to platting. The avigation easement shall apply to all property upon which any residential use is to be constructed.

- n. The following setback and buffer standards shall apply to the external property boundary of the entire PUD for a townhome development:

1. West Property Line (adjacent to SR 415): Minimum 40' ~~natural~~ planted buffer in a separate tract. Plantings will be consistent with FPL planting standards and there shall be at least 6 sub-canopy trees and 10 shrubs every 100'. The retention pond is allowed to encroach a maximum of 20' into the buffer.
2. North Property Line (adjacent to floodplain/wetland): 25' building setback from post development floodplain/wetlands and a 15' natural buffer in a separate tract.
3. East property line (adjacent to floodplain/wetland): 25' building setback from post development floodplain/wetlands and a 15' natural buffer in a separate tract.
4. South Property Line: 50' building setback and a 25' buffer in compliance with Section 30.1232 of the Seminole County Land Development Code Active/Passive buffer setback design standards.

- o. The following setback and buffer standards shall apply to the external property boundary of the entire PUD for a single-family development:

1. West Property Line (adjacent to SR 415): Minimum 40' ~~natural~~ planted buffer in a separate tract. Plantings will be consistent with FPL planting standards and there shall be at least 6 sub-canopy trees and 10 shrubs every 100'. The retention pond is allowed to encroach a maximum of 20' into the buffer.
2. North Property Line (adjacent to floodplain / wetland): 25' building setback from post development floodplain/wetland and a planted environmental drainage swale within a 15' easement.
3. East Property Line (adjacent to floodplain / wetland): 25' building setback from post development floodplain/wetland and a planted environmental drainage swale within a 15' easement.
4. South Property Line: No buffer required.

- p. In the event that the project consists of townhomes and single-family dwellings the buffers and setbacks established in Condition "n" of this Development Order shall apply.

(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: _____
Brenda Carey
Chairman, Board of County Commissioners

EXHIBIT "A"

DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 34-19-31 AND THE EAST RIGHT OF WAY LINE STATE ROAD 415; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°35'26" WEST, A DISTANCE OF 460.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FOUR COURSES AND DISTANCES: NORTH 00°35'26" WEST, A DISTANCE OF 636.08 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,859.86 FEET, A CENTRAL ANGLE OF 07°10'37" AND A CHORD DISTANCE OF 232.82 FEET WHICH BEARS NORTH 02°59'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 232.97 FEET; THENCE SOUTH 83°24'49" EAST, A DISTANCE OF 25.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,834.86 FEET, A CENTRAL ANGLE OF 07°11'24" AND A CHORD DISTANCE OF 230.10 FEET WHICH BEARS NORTH 10°10'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 230.25 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE NORTH 89°24'34" EAST, A DISTANCE OF 157.07 FEET; THENCE SOUTH 00°35'26" EAST, A DISTANCE OF 264.00 FEET TO A POINT ON THE 100 YEAR FLOOD PLANE LINE (ELEVATION=9.7'); THENCE ALONG SAID 100 YEAR FLOOD PLANE LINE THE FOLLOWING TWELVE COURSES AND DISTANCES: SOUTH 47°33'25" EAST, A DISTANCE OF 146.26 FEET; THENCE SOUTH 39°16'15" EAST, A DISTANCE OF 51.60 FEET; THENCE SOUTH 26°11'42" EAST, A DISTANCE OF 32.29 FEET; THENCE SOUTH 54°45'21" EAST, A DISTANCE OF 36.69 FEET; THENCE SOUTH 24°30'39" EAST, A DISTANCE OF 61.76 FEET; THENCE SOUTH 40°48'25" EAST, A DISTANCE OF 17.13 FEET; THENCE SOUTH 18°54' 54" EAST, A DISTANCE OF 60.11 FEET; THENCE SOUTH 02°32'45" EAST, A DISTANCE OF 173.12 FEET; THENCE SOUTH 19°47'08" EAST, A DISTANCE OF 105.76 FEET; THENCE SOUTH 09°53'19" EAST, A DISTANCE OF 132.13 FEET; THENCE SOUTH 43°55'45" EAST, A DISTANCE OF 122.29 FEET; THENCE SOUTH 54°05'27" EAST, A DISTANCE OF 29.99 FEET; THENCE DEPARTING SAID 100 YEAR FLOOD PLANE LINE SOUTH 89°24'34" WEST, A DISTANCE OF 647.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.99 ACRES (435,029 SQUARE FEET), MORE OR LESS.

EXHIBIT "B"
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 PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "River's Edge Preserve PUD Major Amendment", dated February 12, 2008.

(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 on the recording date of the Development Order #07-21700012 in the Official Land Records of Seminole County.

ENACTED this 12th day of February 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

A PORTION OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 34-19-31 AND THE EAST RIGHT OF WAY LINE STATE ROAD 415; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°35'26" WEST, A DISTANCE OF 460.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FOUR COURSES AND DISTANCES: NORTH 00°35'26" WEST, A DISTANCE OF 636.08 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,859.86 FEET, A CENTRAL ANGLE OF 07°10'37" AND A CHORD DISTANCE OF 232.82 FEET WHICH BEARS NORTH 02°59'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 232.97 FEET; THENCE SOUTH 83°24'49" EAST, A DISTANCE OF 25.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,834.86 FEET, A CENTRAL ANGLE OF 07°11'24" AND A CHORD DISTANCE OF 230.10 FEET WHICH BEARS NORTH 10°10'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 230.25 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE NORTH 89°24'34" EAST, A DISTANCE OF 157.07 FEET; THENCE SOUTH 00°35'26" EAST, A DISTANCE OF 264.00 FEET TO A POINT ON THE 100 YEAR FLOOD PLANE LINE (ELEVATION=9.7'); THENCE ALONG SAID 100 YEAR FLOOD PLANE LINE THE FOLLOWING TWELVE COURSES AND DISTANCES: SOUTH 47°33'25" EAST, A DISTANCE OF 146.26 FEET; THENCE SOUTH 39°16'15" EAST, A DISTANCE OF 51.60 FEET; THENCE SOUTH 26°11'42" EAST, A DISTANCE OF 32.29 FEET; THENCE SOUTH 54°45'21" EAST, A DISTANCE OF 36.69 FEET; THENCE SOUTH 24°30'39" EAST, A DISTANCE OF 61.76 FEET; THENCE SOUTH 40°48'25" EAST, A DISTANCE OF 17.13 FEET; THENCE SOUTH 18°54'54" EAST, A DISTANCE OF 60.11 FEET; THENCE SOUTH 02°32'45" EAST, A DISTANCE OF 173.12 FEET; THENCE SOUTH 19°47'08" EAST, A DISTANCE OF 105.76 FEET; THENCE SOUTH 09°53'19" EAST, A DISTANCE OF 132.13 FEET; THENCE SOUTH 43°55'45" EAST, A DISTANCE OF 122.29 FEET; THENCE SOUTH 54°05'27" EAST, A DISTANCE OF 29.99 FEET; THENCE DEPARTING SAID 100 YEAR FLOOD PLANE LINE SOUTH 89°24'34" WEST, A DISTANCE OF 647.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.99 ACRES (435,029 SQUARE FEET), MORE OR LESS.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 27, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A"

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

FINDINGS OF FACT

Property Owner: Rolf Bergmann and Palm Ranch, Inc.
2521 CR 415A
Sanford, FL 32771

Project Name: River's Edge Preserve PUD Major Amendment (fka Rivercrest PUD)

Requested Development Approval:

Major Amendment to the Rivercrest PUD and rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a Major Amendment to the River's Edge Preserve PUD (fka Rivercrest PUD) is not compatible with the surrounding area.

After fully considering staff analysis titled "River's Edge Preserve PUD Major Amendment" and all evidence submitted at the public hearing on February 12, 2008, 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: _____
Brenda Carey, Chairman

EXHIBIT "A"

DESCRIPTION

SUBJECT PROPERTY ALSO DESCRIBED AS:

LEGAL DESCRIPTION

A PORTION OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 34-19-31 AND THE EAST RIGHT OF WAY LINE STATE ROAD 415; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°35'26" WEST, A DISTANCE OF 460.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FOUR COURSES AND DISTANCES: NORTH 00°35'26" WEST, A DISTANCE OF 636.08 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,859.86 FEET, A CENTRAL ANGLE OF 07°10'37" AND A CHORD DISTANCE OF 232.82 FEET WHICH BEARS NORTH 02°59'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 232.97 FEET; THENCE SOUTH 83°24'49" EAST, A DISTANCE OF 25.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,834.86 FEET, A CENTRAL ANGLE OF 07°11'24" AND A CHORD DISTANCE OF 230.10 FEET WHICH BEARS NORTH 10°10'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 230.25 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE NORTH 89°24'34" EAST, A DISTANCE OF 157.07 FEET; THENCE SOUTH 00°35'26" EAST, A DISTANCE OF 264.00 FEET TO A POINT ON THE 100 YEAR FLOOD PLANE LINE (ELEVATION=9.7'); THENCE ALONG SAID 100 YEAR FLOOD PLANE LINE THE FOLLOWING TWELVE COURSES AND DISTANCES: SOUTH 47°33'25" EAST, A DISTANCE OF 146.26 FEET; THENCE SOUTH 39°16'15" EAST, A DISTANCE OF 51.60 FEET; THENCE SOUTH 26°11'42" EAST, A DISTANCE OF 32.29 FEET; THENCE SOUTH 54°45'21" EAST, A DISTANCE OF 36.69 FEET; THENCE SOUTH 24°30'39" EAST, A DISTANCE OF 61.76 FEET; THENCE SOUTH 40°48'25" EAST, A DISTANCE OF 17.13 FEET; THENCE SOUTH 18°54'54" EAST, A DISTANCE OF 60.11 FEET; THENCE SOUTH 02°32'45" EAST, A DISTANCE OF 173.12 FEET; THENCE SOUTH 19°47'08" EAST, A DISTANCE OF 105.76 FEET; THENCE SOUTH 09°53'19" EAST, A DISTANCE OF 132.13 FEET; THENCE SOUTH 43°55'45" EAST, A DISTANCE OF 122.29 FEET; THENCE SOUTH 54°05'27" EAST, A DISTANCE OF 29.99 FEET; THENCE DEPARTING SAID 100 YEAR FLOOD PLANE LINE SOUTH 89°24'34" WEST, A DISTANCE OF 647.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.99 ACRES (435,029 SQUARE FEET), MORE OR LESS.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 27, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Palm Ranch, Inc./Rolf Bergmann
2521 CR 415A
Sanford, FL 32771

Project Name: Rivercrest PUD

Requested Development Approval:

Small Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) 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 aforescribed property.

RETURN TO SANDY MCCANN

Prepared by:
Tina Williamson, Assistant Planning Manager
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 06780 Pgs 0701 - 707; (7pgs)
CLERK'S # 2007113599
RECORDED 06/03/2007 02:49:11 PM
RECORDING FEES 61.00
RECORDED BY S Harford

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 density shall not exceed 3.9 dwelling units per net buildable acre, up to a maximum of 33 dwelling units.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. The minimum lot size for detached dwellings shall be 6,000 square feet. The minimum lot size for townhomes shall be 2,250 square feet.
- e. Permitted uses shall be townhomes, single-family detached dwellings, customary accessory structures, home offices, home occupations and customary recreational facilities for the use of the residents.
- f. All landscape buffers and common areas shall be maintained by a homeowners association.
- g. The development shall provide a pedestrian circulation system giving access to all portions of the development, as well as connecting to existing sidewalks outside the development.
- h. A minimum of 25% useable open space shall be provided for the entire PUD. The location of and the amenities associated with the open space shall be provided at the time of Final Master Plan.
- i. Garages shall not be converted to living space.
- j. No outdoor storage of boats or RVs is allowed.
- k. The internal lot setbacks (principal and accessory structures) shall be determined at the time of Final Master Plan.
- l. Subdivision plats establishing residential lots within the limits of the subject property shall include a note (font size twelve point or larger) stating the following:

This property is located in proximity to an airport noise zone. The properties delineated on this plat are subject to aircraft noise that may be objectionable.

- m. The sale of each residential lot shall include a deed containing the following language in bold type face:

NOTICE OF AIRPORT NOISE

This property is located in proximity to an airport noise zone. Residents will be subject to aircraft noise that may be objectionable.

In addition, the developer shall execute an avigation easement, in a form provided by the County Attorney's Office, which shall be recorded prior to platting. The avigation easement shall apply to all property upon which any residential use is to be constructed.

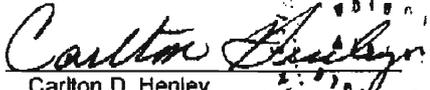
n. The following setback and buffer standards shall apply to the external property boundary of the entire PUD:

1. West Property Line (adjacent to SR 415): Minimum 40' natural buffer in a separate tract. The retention pond is allowed to encroach a maximum of 20' into the buffer.
2. North Property Line (adjacent to floodplain/wetland): 25' building setback from post development floodplain/wetlands and a 15' natural buffer in a separate tract.
3. East property line (adjacent to floodplain/wetland): 25' building setback from post development floodplain/wetlands and a 15' natural buffer in a separate tract.
4. South Property Line: 50' building setback and a 25' buffer in compliance with Section 30.1232 of the Seminole County Land Development Code Active/Passive buffer setback design standards.

(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

This is not a certified copy

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, Palm Ranch, Inc. and Rolf Bergmann, on behalf of themselves and their 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

Rolf Bergmann
Rolf Bergmann, as Registered agent for
Palm Ranch, Inc. and Rolf Bergmann,
Individually as owner

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 Rolf Bergman who is personally known to me or who has produced PERSONALLY KNOWN as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 23RD day of July, 2007.

William Glen Maki
Notary Public in and for the County and State
Aforementioned

My Commission Expires:

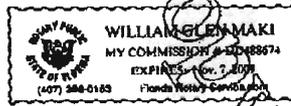


EXHIBIT A
DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF SECTION 34, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 1/2 OF SAID SECTION 34-19-31 AND THE EAST RIGHT OF WAY LINE STATE ROAD 415; THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°38'38" WEST, A DISTANCE OF 460.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FOUR COURSES AND DISTANCES: NORTH 00°25'28" WEST, A DISTANCE OF 638.08 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,859.86 FEET, A CENTRAL ANGLE OF 07°10'37" AND A CHORD DISTANCE OF 232.82 FEET WHICH BEARS NORTH 02°59'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 232.97 FEET; THENCE SOUTH 83°24'49" EAST, A DISTANCE OF 225.00 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1,834.86 FEET, A CENTRAL ANGLE OF 07°11'24" AND A CHORD DISTANCE OF 230.10 FEET WHICH BEARS NORTH 10°10'53" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 230.25 FEET; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE NORTH 88°24'54" EAST, A DISTANCE OF 157.07 FEET; THENCE SOUTH 00°35'26" EAST, A DISTANCE OF 264.00 FEET TO A POINT ON THE 100 YEAR FLOOD PLANE LINE (ELEVATION=9.7); THENCE ALONG SAID 100 YEAR FLOOD PLANE LINE THE FOLLOWING TWELVE COURSES AND DISTANCES: SOUTH 42°38'25" EAST, A DISTANCE OF 146.26 FEET; THENCE SOUTH 39°16'15" EAST, A DISTANCE OF 51.89 FEET; THENCE SOUTH 26°11'42" EAST, A DISTANCE OF 32.29 FEET; THENCE SOUTH 54°45'21" EAST, A DISTANCE OF 36.69 FEET; THENCE SOUTH 24°30'39" EAST, A DISTANCE OF 61.76 FEET; THENCE SOUTH 40°48'25" EAST, A DISTANCE OF 17.13 FEET; THENCE SOUTH 18°54'54" EAST, A DISTANCE OF 60.10 FEET; THENCE SOUTH 02°32'45" EAST, A DISTANCE OF 173.12 FEET; THENCE SOUTH 19°47'08" EAST, A DISTANCE OF 106.76 FEET; THENCE SOUTH 09°53'19" EAST, A DISTANCE OF 132.13 FEET; THENCE SOUTH 43°55'45" EAST, A DISTANCE OF 122.29 FEET; THENCE SOUTH 54°05'27" EAST, A DISTANCE OF 39.99 FEET; THENCE DEPARTING SAID 100 YEAR FLOOD PLANE LINE SOUTH 89°24'34" WEST, A DISTANCE OF 647.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.99 ACRES (435,029 SQUARE FEET), MORE OR LESS.

EXHIBIT B

This is not a certified copy

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

WEDNESDAY, JANUARY 9, 2008

Commission members present: Ben Tucker, Melanie Chase, Dudley Bates, Walt Eismann, and Kim Day.

Commission members absent: Rob Wolf, Matthew Brown

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

River's Edge Preserve PUD Major Amendment; Tom Daly / Daly Design Group, applicant; 9.9± acres; Major Amendment to PUD (Planned Unit Development); located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415. (Z2007-77)

Commissioner Carey - District 5
Austin Watkins, Senior Planner

Austin Watkins presented the application for a PUD major amendment. The River's Edge PUD was approved in March of 2007 with an overall density of 3.9 dwelling units per net buildable acre, or a maximum number of dwelling units of 33. At this time the applicant is requesting an addition access point off of SR 415 to allow for an existing driveway which services an existing single-family house that will stay after the development has been completed. The original access point was not shown on the plan that was approved by the BCC in March of 2007. Additionally, the applicant is requesting some amendments to the approved buffering and setback standards that were approved. The setbacks and buffers were done for a townhome development. At this point, the applicant is seeking to develop single-family dwellings.

Buffers and setback will be: To the West: Minimum 40-foot planted buffer in a separate tract. Plantings will be consistent with FPL planting standards and there shall be at least 6 sub-canopy trees and 10 shrubs every 100 feet. The retention pond is allowed to encroach a maximum of 20' into the buffer. (townhome and single-family) To the North: 25-foot building setback from post development floodplain/wetland and a planted environmental drainage swale within a 15-foot easement. (single-family) To the East: 25-foot building setback from post development floodplain/wetland and a planted environmental drainage swale

within a 15-foot easement. (single-family) To the South: no buffer required (single family)

Staff recommendation is for approval of the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, for 9.99 ± acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415.

Tom Daly stated that originally a townhome development was planned. The density changed with a single-family development of 33 lots. Buffering standards are to be changed. There is an existing single-family home with entry by a dirt driveway which will remain within the subdivision. He will soon follow with a submittal of a Preliminary Subdivision Plan.

Commissioner Eismann made a motion to recommend approval for the requested Major Amendment to the River's Edge Preserve PUD, Revised and Restated Development Order and Revised Preliminary Master Plan, for 9.99 ± acres, located on the east side of SR 415, approximately 1 mile north of the intersection of SR 46 and SR 415.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07-21700012

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>ROLF BERGMANN</u>	Name: _____
Address: <u>2521 County Road 415A</u>	Address: _____
Phone #: <u>407.328.8255</u>	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: <u>PALM RANCH, INC.</u>	Name of Corporation: _____
Officers: <u>ROLF BERGMANN</u>	Officers: _____
Address: <u>2521 SR 415 SANFORD, FL. 32711</u>	Address: _____
Directors: <u>ROLF BERGMANN</u>	Directors: _____
Address: <u>2521 SR 415 SANFORD, FL. 32711</u>	Address: _____
Shareholders: <u>ROLF BERGMANN</u>	Shareholders: _____
Address: <u>2521 SR 415 SANFORD, FL. 32711</u>	Address: _____

(Use additional sheets for more space.)

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

Name of Trust: <u>N/A</u>	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: N/A Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: N/A Name: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

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

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

DEC. 29, '07
Date

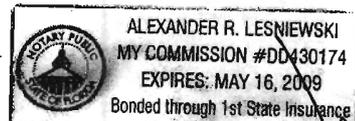
[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this 29 day of December, 2007 by _____

[Signature]
Signature of Notary Public

ALEXANDER LESNIEWSKI
Print, Type or Stamp Name of Notary Public



Personally Known [check] OR Produced Identification _____
Type of Identification Produced _____

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