SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Silverleaf Park Large Scale Future Land Use Amendment and Rezone (Continued from 1/22/08)

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

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

MOTION/RECOMMENDATION:
[Continued From 1/22/2008]
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 28.25 ± 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 (Reed Berlinsky, KB Home Orlando, LLC, 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 28.25 ± acres, located on the east side of Oregon Street, approximately a ½ mile north of the intersection of SR 46 and Oregon Street (Reed Berlinsky, KB Home Orlando, LLC, 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 of 28.25 ± 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 20 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 Silverleaf PUD is essentially 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 558 units, which is an increase of 158

total units. The Silverleaf PUD proposed to increase the approved maximum building height of 35 feet or two stories to 50 feet or three stories. They are maintaining the same permitted uses of condominium, townhomes, and proposing to add multi-family rental units to the Development Order. The Silverleaf PUD is also proposing to remove conditions from the previous Development Order regarding minimum house size, lot width, setback, and other design related conditions to allow for more flexibility when designing the Final Master Plan.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on December 5, 2007 and heard the requested Large Scale Land Use Amendment and Rezone. The commission made one failed motion of approval, one failed motion of denial, and then the commission voted 6 to 0 to send this application forward without a recommendation to the Board of County Commissioners.

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 28.25 ± 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 Produced by the Applicant
8. Large Scale Ordinance
9. Rezone Ordinance
10. School Analysis
11. 12-5-07 Planning Commission Minutes
12. Denial Development Order
13. Opposition Letter

Additionally Reviewed By:

☑ County Attorney Review (Kathleen Furey-Tran)

Silverleaf Park 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	Reed Berlinsky	
PROPERTY OWNER	KB Home Orlando, LLC	
REQUEST	LSLUA from MDR (Medium Density Residential) to HDR (High Density Residential) and rezone from PUD to PUD	
PROPERTY SIZE	28.25 ± acres	
HEARING DATE (S)	P&Z: December 5, 2007	BCC: February 12, 2008 (Transmittal) May 27, 2008 (Adoption)
PARCEL ID	20-19-30-300-0040-0000, 20-19-30-300-004F-0000	
LOCATION	Located on the east side of Oregon Street, approximately a 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	Z2007-61	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing a multi-family development consisting of a maximum 558 units with an amenitized retention pond.

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 previously approved 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. To the south are the NW 46 PUD and the Bill Heard Chevrolet PCD which consist of multi-family dwelling units and two (2) car dealerships. To the north of the subject property is the Medium Density Residential Future Land Use designation which is approved for a

maximum 400 unit townhome 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 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 that proposed future land use amendments must be evaluated. Because this is a small area 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 north 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, 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, 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 along International Parkway and accessibility to Interstate 4.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map panel 12117C0030E, with an effective date of 1995, there appears to be 8.0 acres of floodplains on the subject property.

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are no 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 (558 Multi Family Units)	Net Impact
Water (GPD)	140,000	195,300	55,300
Sewer (GPD)	120,000	167,400	47,400
Traffic (ADT)	1,554	2,768	1,214

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

Utilities:

The site is located in the Northwest Seminole County water and sewer utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the east side of N. Oregon St., a 12-inch force main on the east side of N. Oregon St., and an 8-inch reclaimed water main on the west side of N. Oregon St.

Transportation / Traffic:

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

School Impacts:

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

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is a 5 minute 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 25-year, 24-hour pre-development rate.

Parks, Recreation and Open Space:

The applicant is required to provide a minimum 25% of 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, east, and south property lines.

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):

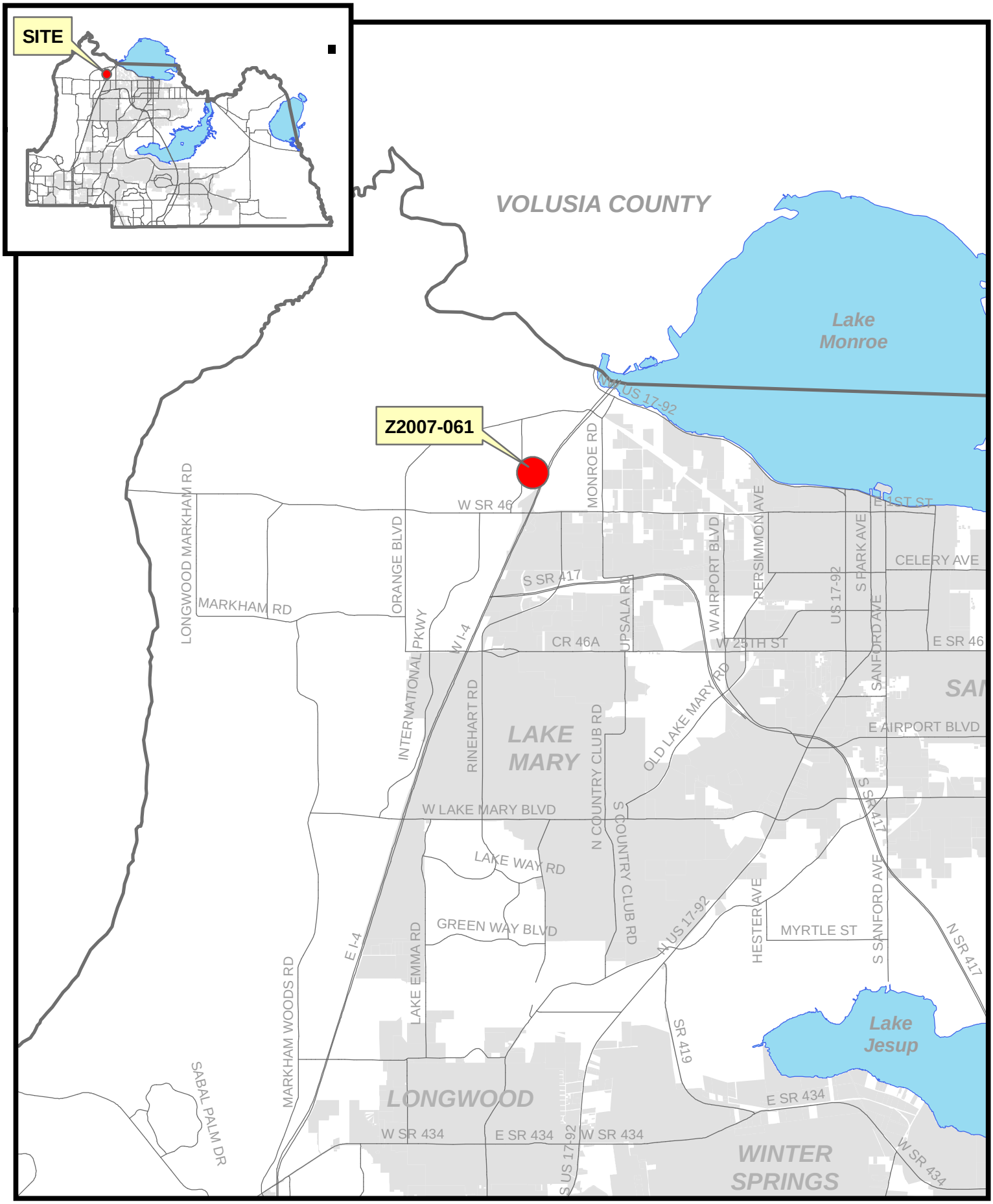
Policy FLU	2.1:	Subdivision Standards
Policy FLU	2.5:	Transitional Land Uses
Policy FLU	2.11:	Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications
Policy FLU	5.5:	Water and Sewer Service Expansion
Policy FLU	12.4:	Relationship of Land 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:

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:

Staff has received one email in opposition which is attached to this agenda item.



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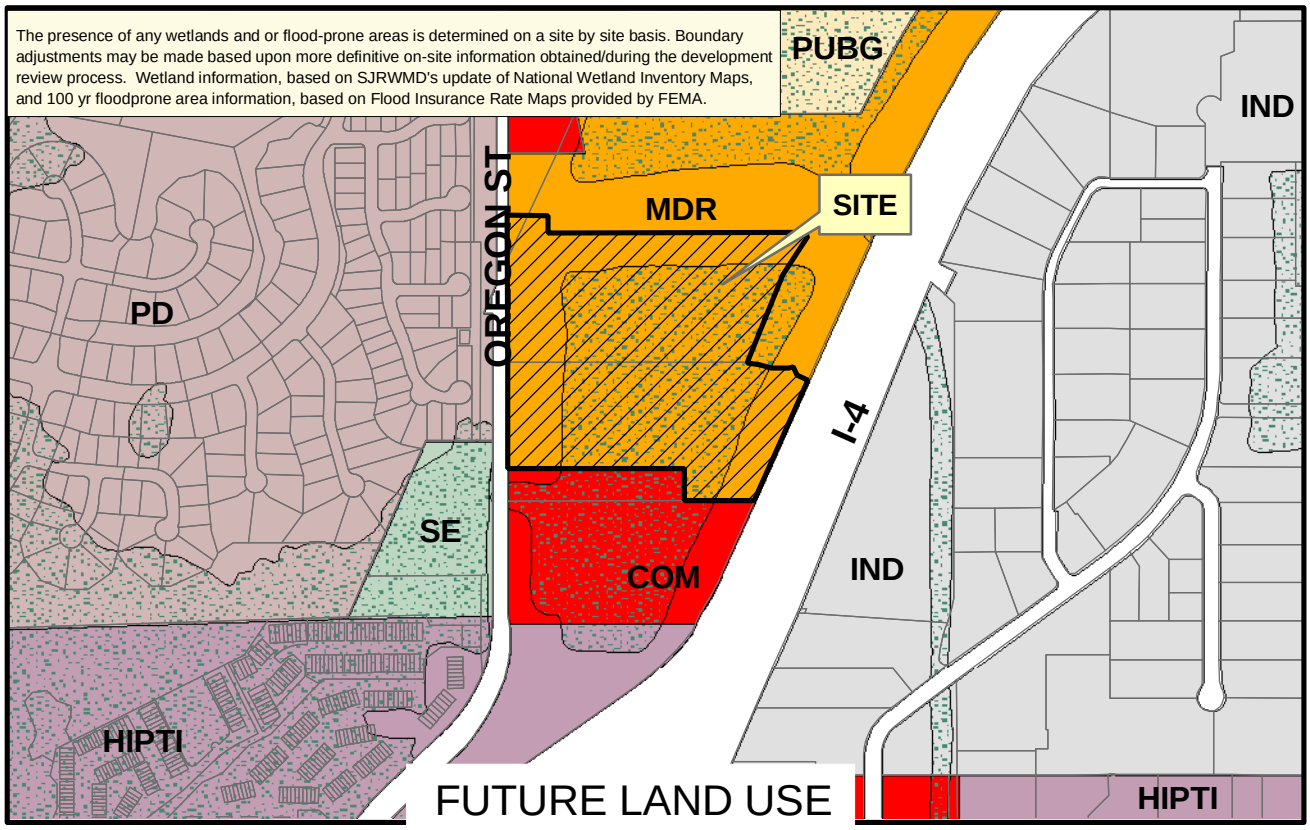
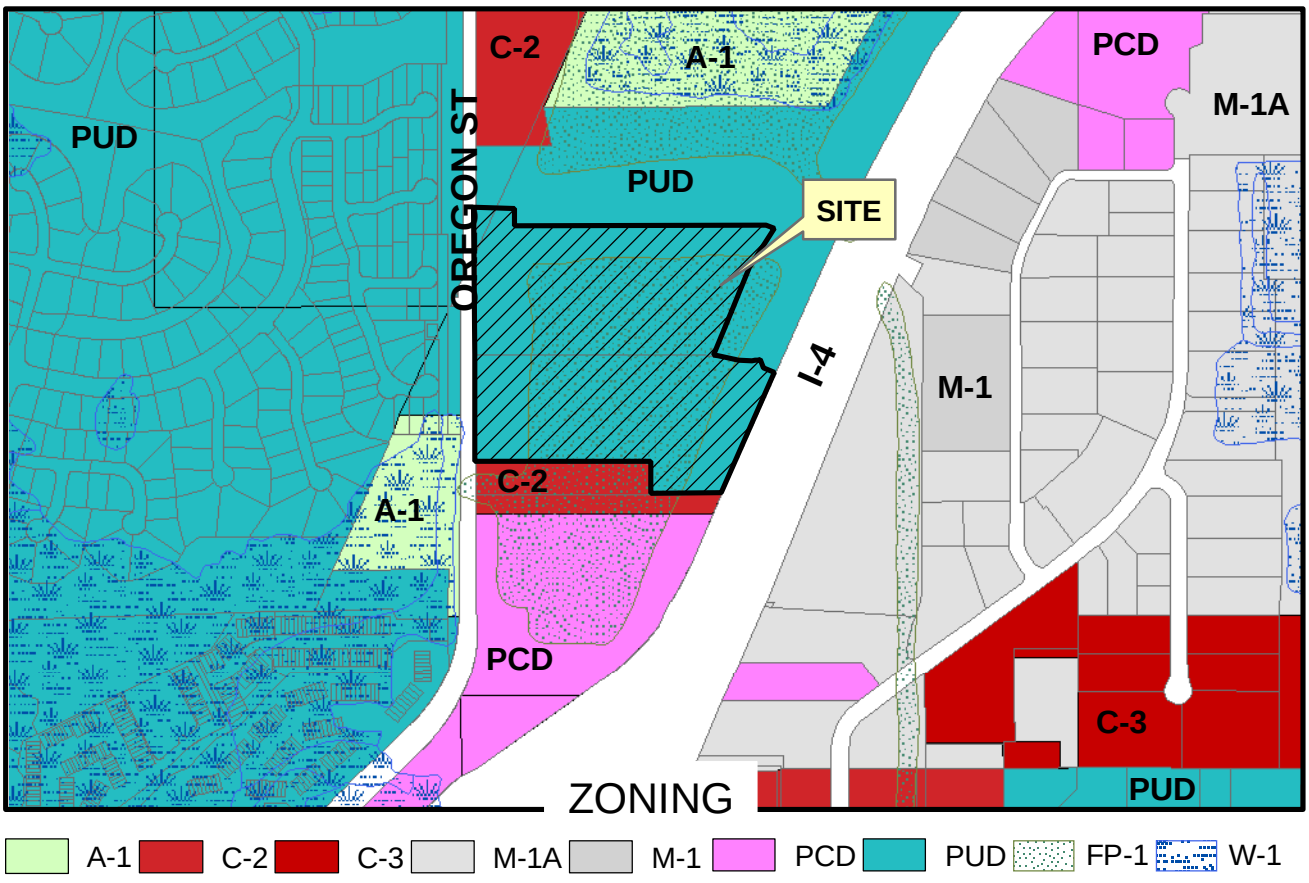


Applicant: Reed Berlinsky
Physical STR: 20-19-30-300-0040 & 004F-0000
Gross Acres: 29.13 +/- BCC District: 5
Existing Use: vacant
Special Notes:

	Amend/ Rezone#	From	To
FLU	08S.FLU01	MDR	HDR
Zoning	Z2006-061	PUD	PUD



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FLU No: 08S-FLU01
From: MDR To: HDR

Rezone No: Z2007-061
From: PD To: PD

Parcel

Subject Property

Winter 2006 Color Aerials

filename: L:/pl/projects/p&z/GIS/staff_report_pkgs2007/site_aerials/Z2007-061 adaer 10/24/07

LEGAL 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 ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 680.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY; THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°16'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°39'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

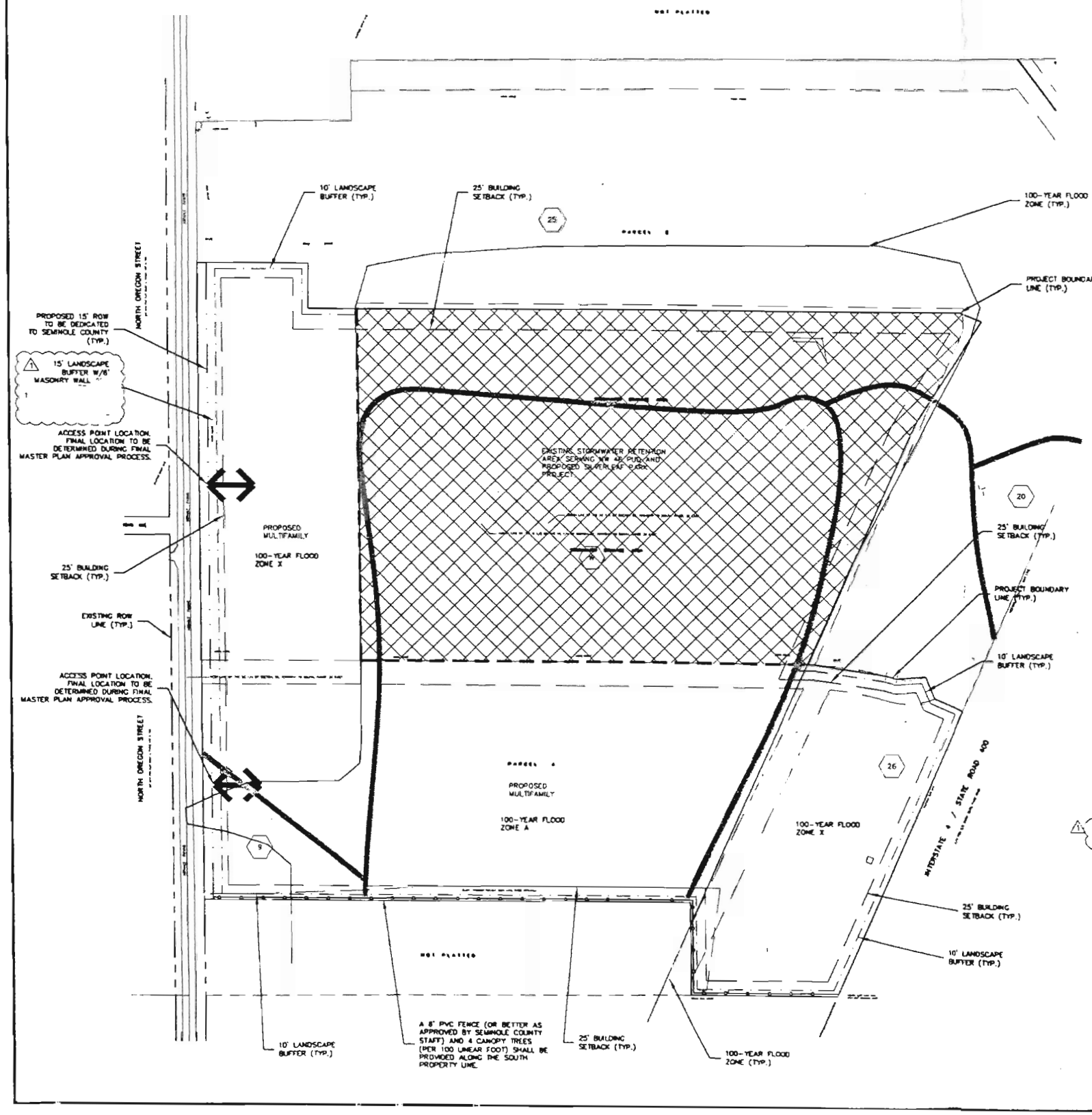
TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND:

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 ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 871.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 180.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 78.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.82 FEET; THENCE RUN S67°53'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.08 FEET; THENCE RUN S26°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS



SOILS LEGEND	
9	BASINGER AND DELRAY FINE SAND
20	MYAKKA AND EAUGALLIE FINE SAND
25	PINEDA FINE SAND
26	UDORTHENTS EXCAVATED
W	WATER
	SOILS LINE

PROJECT DENSITY

GROSS SITE AREA	28.25 AC
NET BUILDABLE AREA	27.88 AC
MAXIMUM PROPOSED UNITS	558

MAX. NET DENSITY = 558 UNITS/27.88 AC. = 20.0 UNITS/AC
MAX. GROSS DENSITY = 558 UNITS/28.25 AC. = 19.8 UNITS/AC

NET BUILDABLE AREA

GROSS SITE AREA	28.25 AC
EXTERNAL R/W DEDICATIONS	0.37 AC
NONRESIDENTIAL OUTPARCELS	0.00 AC
FLOOD PRONE AREAS	0.00 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	27.88 AC

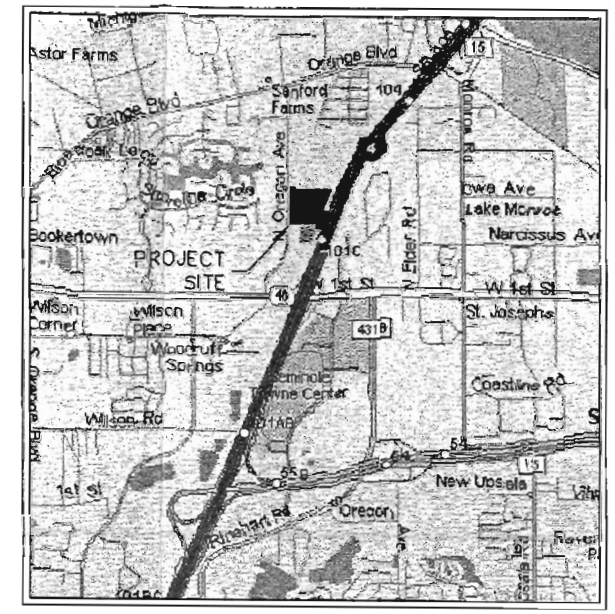
PUBLIC FACILITY IMPACTS:

1. POTABLE WATER - 558 UNITS X 350 GPD/UNIT = 195,300 GPD
2. SANITARY SEWER - 558 UNITS X 300 GPD/UNIT = 167,400 GPD
3. SCHOOL AGE CHILDREN:
   ELEMENTARY: (558 DU X 0.115 CHILD/DU) = 64 CHILDREN
   MIDDLE: (558 DU X 0.053 CHILD/DU) = 30 CHILDREN
   HIGH SCHOOL: (558 DU X .057 CHILD/DU) = 32 CHILDREN
   TOTAL SCHOOL AGE CHILDREN = 126
4. TRAFFIC - REFER TO TRAFFIC ANALYSIS SUBMITTED SEPARATELY

LINE/HATCHING LEGEND

- FEMA FLOOD ZONE
- LAND USE BOUNDARY LINE
- LANDSCAPE BUFFER LINE
- BUILDING SETBACK LINE
- DEDICATED ROW LINE
- OPEN SPACE/RETENTION AREA HATCHING

LOCATION MAP (N.T.S.)



SITE DATA:

1. TOTAL PROJECT ACREAGE = 28.25 AC.
2. PARCEL ID #: 20-19-30-300-004F-0000 AND, 20-19-30-300-0040-0000
3. EXISTING ZONING: PUD
4. PROPOSED ZONING = PUD
5. EXISTING FLU = MDR
6. PROPOSED FLU = MDR
7. PROPOSED MAXIMUM BUILDING HEIGHT = 50'/3-STORIES MAXIMUM
8. PROPOSED USES SHALL BE THOSE APPROVED WITH NW 46 PUD DEVELOPMENT ORDER #4-23000004 AND MULTIFAMILY USES.
9. MAXIMUM NUMBER OF MULTIFAMILY UNITS PROPOSED = 558
10. BUILDING SETBACKS:
    DEVELOPMENT PERIMETER - 25'
    BUILDING SEPARATION 20'
11. PER THE FIRM MAP PANEL NO. 12117C0030 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. HOWEVER THE POST DEVELOPMENT 100-YEAR FLOOD AREA WILL BE CONTAINED WITHIN THE EXISTING RETENTION POND. A LOMR WILL BE REQUIRED DURING FINAL ENGINEERING.
12. UTILITY EASEMENTS DEDICATED TO SEMINOLE COUNTY SHALL BE PROVIDED OVER ALL WATER AND SEWER MAINS LOCATED OUTSIDE THE PUBLIC RIGHT OF WAY.
13. ALL UTILITY LINES AND STORMWATER SYSTEM TO MEET SEMINOLE COUNTY SPECIFICATIONS.
14. 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.
15. OREGON AVENUE IMPROVEMENTS INCLUDING LEFT AND RIGHT TURN LANES AND A 5 FT SIDEWALK ALONG THE PROPERTY FRONTAGE WILL BE PROVIDED AT FINAL ENGINEERING.
16. FIRE PROTECTION WILL BE PROVIDED IN ACCORDANCE WITH ALL APPLICABLE SEMINOLE COUNTY CODES AND REGULATIONS.
17. 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.
18. PROJECT SIGNAGE WILL COMPLY WITH THE SEMINOLE COUNTY LAND DEVELOPMENT CODE.
19. A PEDESTRIAN AND VEHICLE LINKAGE SYSTEM WILL BE PROVIDED PER THE SEMINOLE COUNTY LAND DEVELOPMENT CODE.
20. LANDSCAPE BUFFERS WILL BE PROVIDED AS SHOWN.
21. STORMWATER SYSTEM WAS PREVIOUSLY MASTER PLANNED FOR THE NW 46 PUD BY THE SJRWMD AND SEMINOLE COUNTY.
22. A MINIMUM OF 25% OPEN SPACE (27.88 AC X 0.25 = 6.97 AC.) WILL BE PROVIDED. THIS WILL BE ACCOMPLISHED BY AMENITIZING THE EXISTING RETENTION POND.
23. LEGAL INSTRUMENTS WILL BE CREATED PROVIDING FOR THE MANAGEMENT OF COMMON AREAS AND FACILITIES.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

NORTH

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

PRELIMINARY MASTER PLAN FOR SILVERLEAF PARK

SEMINOLE COUNTY FLORIDA

CLIENT:
KB HOME ORLANDO, LLC
9102 S. PARK CENTER LOOP, SUITE 200
ORLANDO, FL 32819
407-587-3502

ENGINEER IN CHARGE:
CHADWYCK H. MOORHEAD, P.E. #61781
CERTIFICATE OF AUTHORIZATION NO. EB 0007723

DATE	REVISIONS
10/29/07	1 REVISED FOR SEMINOLE COUNTY COMMENTS
	2
	3
	4
	5
	6
	7
	8
	9
	10
	11

JOB # 25129
DATE: 9/28/07
SCALE: 1"=100'
DESIGNED BY: DAS
DRAWN BY: DAS
APPROVED BY: CHM

PMP-1

H:\Jobs\25129\Dwg\Plan\25129 PMP-1.dwg Oct 30, 2007-10:31:31 am

FILE # ~~Z2004-053~~Z2007-61 **DEVELOPMENT ORDER #~~4-23000004~~ 07 10000002**

FIRST AMENDED AND RESTATED
SEMINOLE COUNTY DEVELOPMENT ORDER

On ~~May 10, 2005~~,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: ~~ORIX TRIAD LAKE FOREST LLC NW 46 LTD.~~
KB Home Orlando, LLC
Project Name: ~~NW 46~~ Silverleaf Park PUD

Requested Development Approval: Large Scale Land Use Amendment from Medium Density Residential (MDR) to High Density Residential (HDR) and rezoning 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. The development shall not exceed ~~400~~ 558 units or ~~10~~ 20 units per net buildable acre, whichever is less, as determined at Final Master Plan approval.
b. Permitted uses shall be apartments, townhouses, condominiums, home occupations and home offices. ~~Rental units shall not be permitted.~~
c. A minimum of 25 percent of the project area must be designated as usable common open space per the requirements of the Land Development Code. ~~Wet retention areas to be counted as open space shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code. The applicant shall demonstrate on the Final PUD Master Plan that the open space requirements have been met.~~ A minimum of 6.97 acres of open space will be provided on site. This will be accomplished by amenitizing the existing retention pond along with other allowable open space within the property.
d. Maximum building height shall be ~~2~~ 3 stories and not to exceed ~~35~~ 50 feet.
e. Sidewalks shall be provided adjacent to all units, visitor parking, and linking to future public sidewalks along North Oregon St.
f. ~~Townhouse~~ Building setbacks shall be as follows:

~~Development perimeter~~	~~25'~~
~~Front (w/ front entry garage)~~	~~20'~~
~~Front (w/ rear entry garage)~~	~~15'~~
~~Side (interior units)~~	~~0'~~
~~Side (end units)~~	~~10'~~
~~Side street~~	~~10'~~
~~Rear~~	~~20'~~
~~Building separation~~	~~20'~~

Development Perimeter	25'
Building Separation	20'

g. ~~Minimum living area shall be 1,300 square feet per unit~~.
h. ~~Setbacks and buffering for multi-unit condominium structures shall conform to R-3 standards~~.

i. ~~Accessory buildings shall not be permitted on individual townhouse lots~~.

j. ~~Where garages are entered from the front, there shall be a minimum distance of 20 feet from the front building line to the sidewalk~~.

k. All landscape buffers and common areas shall be maintained by a homeowners association.

l. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to public sidewalks outside the development.

m. ~~Minimum townhouse lot width shall be 15'~~.

n. ~~Front walls of townhouse units shall be staggered~~.

o. Mechanical units shall be ~~located and/or~~ screened to prevent visibility from North Oregon St. or adjoining single family development.

p. Garages shall not be converted to living space.

q. ~~Each unit shall have a minimum of a 1-car garage and driveway providing an additional parking space~~.

r. ~~Visitor parking shall be provided at the rate of 1 space per 3 units. The method for providing this parking shall be evaluated at Final Master Plan~~.

s. Parking of boats, trailers and recreational vehicles shall be prohibited within the development <u>except in the designated screened area which shall be determined at time of final master plan</u>.

t. A 6-foot PVC fence (or better quality as approved by County staff) and 4 canopy trees (per 100 linear feet) shall be provided along the south property line.

u. Outdoor lighting shall be limited to 16 feet in height and meet all applicable standards of the Seminole County Land Development Code.

v. Left- and right-turn lanes shall be provided at each of the project entrances.

w. The applicant shall dedicate adequate property to provide a 40-foot half right-of-way section along N. Oregon St. Additional right-of-way shall be provided as needed for off-site improvements.

x. The applicant shall be responsible for any signal modifications on SR 46 that may be warranted as a result of this development.

y. The site shall utilize reclaimed water.

z. At the time of Final Master Plan approval, the site layout shall be evaluated to minimize unit proximity to I-4.

aa. ~~All home buyers shall have deeds noting the development's proximity to Interstate 4.~~

bb. <u>The west buffer shall be 15' wide with a 6' masonry wall. The minimum required number of plantings within the west buffer shall be 32 canopy trees, 64 understory trees, and 540 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.</u>

cc. <u>The east and north buffer shall be 10' wide and contain the required amount plantings per the Land Development Code.</u>

dd. <u>Interconnectivity with the adjacent property to the north shall be allowable if a cross access agreement is agreed to by the north property owner.</u>

ee. <u>If the spacing of the access points meets the Land Development Code requirements the applicant will extend the turn lanes south on N. Oregon Street.</u>

(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

FILE # ~~Z2004-053~~Z2007-61 **DEVELOPMENT ORDER #~~4-23000004~~ 07 10000002**

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, KB Home Orlando LLC, Reed Berlinsky, 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 Reed Berlinsky, Authorized Agent

_____
Witness

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Reed Berlinsky, Agent, 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 _____, 2005.

_____

Notary Public, in and for the County and State Aforementioned

My Commission Expires:

EXHIBIT A

~~LEGAL DESCRIPTION NW 46 PROPERTY:~~

~~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 N 89°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 Avenue; thence run N 00°12'27" W along said East Right-of-Way line for a distance of 690.63 feet to the POINT OF BEGINNING; thence continue N 00°12'27" W along said East Right-of-Way line for a distance of 1308.78 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 N 89°20'41" E along said South line for a distance of 259.29 feet to the Easterly line of said Pond; thence run N 00°39'19" W along said Easterly line for a distance of 100.00 feet to the South line of Borrow Pit No. 2 (retention pond); thence run N 89°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 N 32°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 N 89°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 S 32°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 N 37°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 S 24°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; thence run S 24°00'12" W along said Westerly Right-of-Way line for a distance of 1355.40 feet; thence run S 89°38'22" W for a distance of 243.58 feet; thence run N 00°21'38" W for a distance of 157.35 feet; thence run N 90°00'00" W for a distance of 816.93 feet to the POINT OF BEGINNING.~~

~~Containing 55.050 acres more or less and being subject to any rights-of-way, restrictions and easements of record.~~

Legal 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 ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 690.63 FEET TO THE POINT OF

BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°18'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°59'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND

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 ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 671.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 185.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 76.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.62 FEET; THENCE RUN S67°55'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.06 FEET; THENCE RUN S24°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS

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

SEMINOLE COUNTY APPLICATION

SILVERLEAF PARK PROPERTY

Parcel ID Nos: 20-19-30-300-0040-0000 & 20-19-30-300-004F-0000

INTRODUCTION

This application is for a large-scale future land use map amendment (LSFLUA) and associated rezoning amendment to respectively change the Future Land Use (FLU) and zoning designations of the ±28.25 acre subject property from MDR (Medium Density Residential) to HDR (High Density Residential) and from PUD (Planned Unit Development District) to PUD (Planned Unit Development).

PROPERTY AND SURROUNDING LAND USE DESCRIPTION

The property is located on the east side of N. Oregon Avenue between SR46 and Orange Boulevard as shown in Exhibit 1, Neighborhood Aerial and Exhibit 2, Site Aerial. As previously stated, the site has a current FLU designation of MDR, which allows up to ten (10) units per acre and is compatibly zoned PUD, which allows multifamily uses at a maximum density of ten (10) units per acre. Site Datum (on next page) depict the site's existing FLU and zoning by comparison to the surrounding area, as shown below in Table 1, Surrounding FLU & Zoning.

Table 1
Surrounding FLU & Zoning

Direction	Future Land Use	Zoning	Existing Land Use
North	PUD/PUBC	A-1	Vacant & Conservation Area
South	COM	PCD/C-2	Commercial
East	---	----	Interstate 4
West	PD/SE	PUD	Single-Family

The current MDR and PUD designations are incompatible with the intended development program of the Silverleaf Park Property, which proposes multi-family apartment rental uses and those approved in Development Order #4-23000004. To achieve this program, the site's future land use and zoning must be amended to allow the establishment for a more intense development that will effectively assimilate into the surrounding community of established single-family and commercial uses.

The following text details the intent and purpose of the requested HDR FLU and PUD zoning, as respectively described in the Seminole County Vision 2020 Comprehensive Plan and Land Development Code. Based on these policy and code definitions, it is our

contention that the proposed development program would be consistent with the Vision 2020 Comprehensive Plan and ultimately comply with the Land Development Code.

SITE DATUM

GENERAL INFORMATION

Location:	East side of North Oregon Avenue between SR 46 and Orange Boulevard
Parcel ID Nos:	20-19-30-300-0040-0000 & 20-19-30-300-004F-0000
Future Land Use:	MDR
Current Zoning:	PUD
Proposed Future Land Use:	HDR
Proposed Zoning:	PUD
Existing Use:	Vacant
Proposed Housing Type:	Multi-Family rental apartments
Proposed Net Density:	20 dwelling units / acre
Proposed # of Units:	558
Proposed Height:	Not to exceed 50 feet

ACREAGE

Gross Acreage:	±28.25 Acres
Conceptual Wetlands:	±0 Acres
Existing Uplands:	±28.25 Acres

OPEN SPACE, LANDSCAPED BUFFERS, & GREENWAYS

Percentage of Open Space:	25% or ±6.97 acres, including amenitized storm water management areas
Environmental Areas:	±0 Acres
PUD Setback Width:	25-ft
Buffers/Greenways:	North, South & Easts – 10-ft landscape buffer.
West	– 15-ft landscape buffer. In addition, South – 6-ft PVC fence or better as approved by Seminole County staff plus four canopy trees per 100 linear feet. West – 6-ft masonry wall with plantings per Seminole County Land Development Code.
Soils:	See Preliminary Master Plan “Soils Legend”

PERMITTED USES

Permitted uses are those approved in Development Order #4-23000004 and multi-family apartment rental units.

TRANSPORTATION, ACCESS & PARKING

Refer to Traffic Study by HDR Engineering.
Parking to be shown on the Final Master Plan per Seminole County Land Development Code.

SIGNAGE

Project signage shall conform to the standards listed in Part 65 (Sign Regulations) of the Seminole County Land Development Code.

UTILITIES & SERVICES

Utility Installation:	All utilities shall be installed underground. The developer shall provide landscaping to screen permitted aboveground utility facilities, if necessary.
Water Provision:	Seminole County Utilities
Water Rate:	350 GPD/unit x 558 units = 195,300 GPD
Sanitary Sewer Provision:	Seminole County Utilities
Wastewater Rate:	300 GPD/unit x 558 units = 167,400
Electric:	FP&L
Solid Waste Collection:	TBD

HIGH DENSITY RESIDENTIAL INTENT AND PURPOSE

This land use provides for a range of residential development at intensities greater then ten (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. Condominium, 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 (see *Exhibit FLU: Services and Facilities By Classification*).

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.

A. 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.

B. 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.

APPLICABLE COMPREHENSIVE PLAN FLU POLICIES

Vision 20/20 – Future Land Use Element – Issue FLU 1 (page FLU 3)

CONCURRENCY MANAGEMENT
Rule 9J-5.006(3)(c)3, Florida Administrative Code (FAC), requires that facilities and services at established level of service standards are available concurrent with the impacts of development, or that development orders and development permits are conditioned on the availability of facilities and services.

The Seminole County Comprehensive Plan (the "Plan") future land use designations were developed after a review of long range facility and service plans. The County's Concurrency Management System (CMS) is intended to serve the long term interests of the citizens of Seminole County by implementing a managed growth perspective that monitors the capacity of important concurrency public facilities and services and maintains the high quality of life that the citizens of Seminole County now enjoy. The CMS includes specific procedures and criteria to ensure that level of service standards adopted in the Plan will be achieved or exceeded. The CMS evaluates final development orders to ensure that the adopted levels of service standards for transportation, potable water, sanitary sewer, solid waste, mass transit, stormwater drainage, and recreation are met. Currently, impact fees are collected for roads, fire and rescue systems, libraries, and schools.

Concurrency was applied for in October, 2005 under Lake Forest Townhomes. This document addresses increases related to concurrency caused by the higher density requested by the Developer.

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 of the Plan scheduled for 2005.

The proposed development program seeks to increase the density from 10 units per acre to 20 units per acre and from 279 units to 558 units on a 28.25 acre site, accommodating projected growth while saving available land for future development.

<u>Vision 20/20 – Future Land Use Element – Issue FLU 4 – Urban Sprawl (page FLU-4)</u>

Rule 9J-5.006, FAC, requires that plans of local government's 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 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.

The proposed development program would counteract any existing or future urban sprawl by intensifying development in an area which transitions from Interstate 4. This program is also consistent with the Higher Intensity Planned Development lying just to the south of this property along Interstate 4.

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.

The proposed development sustains resources and promotes smart growth by avoiding sprawl, providing compatability, utilizing existing facilities and services and protecting the environment in the area.

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 existing residential neighborhoods to the west are adequately buffered by an earthen berm which will make the proposed development only visible when entering or exiting the subdivision. The traffic study indicates that the proposed development will have a minimal impact on local roadways. Adequate setbacks and landscape buffers

offer additional compatability. The property to the north is proposed for the same use as is being proposed in this request.

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.

The proposed development complies 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 structure approved with a PUD or PCD zoning classification.

This policy is met as stated in response to FLU 16, above. In addition, the commercial property to the south is more intense than the proposed development. Interstate 4 lies to the east.

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 Order, 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 Systems standards and provisions to ensure that facilities and services needed to serve the development are available at the adopted level of service consistence with the Implementation Element of this Plan.

There is sufficient infrastructure in place to adequately serve the proposed development. Any additional impact issues will be addressed in the Development Order.

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 currently serves the general area and has sufficient capacity to support future 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- FUTURE LAND USE CHANGE

As stated previously in this narrative, the subject property is believed to be best suited for high density residential apartments. There will be no market for the previously authorized townhomes approved in 2005. The property provides a desirable transition to the single family residential to the west from Interstate 4 to the east. The property to the north and south are compatible and adequate facilities and services exist for the proposed development. The additional intensity requested results in nominal impacts compared to the prior land use designation, while reducing urban sprawl. We believe that amending the future land use from Medium Density Residential to High Density Residential would be compatible and consistent with the aforementioned policies established by the Seminole County Vision 2020 Comprehensive Plan.

JUSTIFICATION STATEMENT- REZONING

As stated previously, the subject property has an existing PUD which simply needs to be amended to allow for the increased density requested. The request is consistent and compatible with the aforementioned policies of the Seminole County Vision 2020 Comprehensive Plan.

CONCLUSION

The requested LSFLUA and zoning amendment are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. The County no longer has any demand for townhomes or condominiums after the recent increases in residential housing costs have made residential ownership more difficult and the inventory too large. The proposed development 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	Silverleaf Park Large Scale Land Use Amendment and Rezone	08S-FLU01	Medium Density Residential (MDR) to High Density Residential (HDR)	12/05/07	02/12/08 5/27/08

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

Legal 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 ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 690.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°18'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°59'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND

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 ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 671.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 185.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 76.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.62 FEET; THENCE RUN S67°55'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.06 FEET; THENCE RUN S24°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS

ORDINANCE NO. **SEMINOLE COUNTY, FLORIDA**
Z2007-61

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 "Silverleaf Park 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

THAT PART OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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CONTAINING 16.15 ACRES, MORE OR LESS

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 3, 2007

RE. **Silverleaf Park 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 – 28.25+/- 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 20 dwelling units per net buildable acre. The net residential density is proposed to increase from the 200 currently approved multi-family units to 558 units, a net increase of 358 units. Parcel ID #: 20-19-30-300-0400-0000 & 20-19-30-300-004F-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
358	0	358

Student Generation					
Impacted Schools	***Projected Number of Additional Students***	***Current Capacity***	***Current Enrollment***	***Percent Utilization***	***Students Resulting from Recently Approved Developments***
Elementary Northwest Cluster	44	4,283	4,333	101.2	165
Middle Sanford	16	1,414	1,316	93.1	98
High Seminole	17	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.

Silverleaf Park Large Scale Land Use Amendment and Rezone; KB Home Orlando LLC / Reed Berlinsky, applicant; 28.25± acres; Large Scale 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) and Major Amendment to a 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.
(Z2007-61 / 08S.FLU01)

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Mr. Sikonia stated that the applicant is requesting a large scale land use amendment from medium density residential to high density residential and a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development). The subject property contains approximately 28.25 acres. The applicant is requesting the Large Scale Future Land Use Amendment to allow for a multi-family residential development at a maximum density of 20 dwelling units per net buildable acre. This property was previously approved on May 10, 2005 and known as NW 46 PUD, which consisted of a townhome and condominium project allowing a maximum of 400 units. The proposed Silverleaf PUD is essentially 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 558 units, which is an increase of 158 units. The Silverleaf PUD is increasing the approved maximum building height of 35 feet or two stories to 50 feet or 3 stories. They are also maintaining the same permitted uses of condominium, townhomes, and adding multi-family rental units to the Development Order. The Silverleaf UD is removing conditions from the previous Development Order regarding minimum house size, lot width, setback and other design related conditions to allow for

more flexibility when designing the final master plan. The proposed PUD seems to allow for more flexibility when designing the final master plan. 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 recommended changes to the proposed Development Order: Condition C will have added "and with allowable open space within the property." The final version to read: "This will be accomplished by amenitizing the existing retention pond and with allowable open space within the property." Condition O: remove "located and / or" to read "Mechanical units shall be screened to prevent visibility from North Oregon St. or adjoining single family development." Condition S will add the words "except in the designated screened area which shall be determined at time of final master plan." Revised wording on S to read: "Parking of boats, trailers, and recreational vehicles shall be prohibited within the development except in the designated screened area which shall be determined at time of final master plan."

Mr. Sikonia said that Staff recommendation was for transmittal of the requested Large Scale Land Use Amendment from MDR to HDR and rezone from PUD to PUD.

Steve Coover spoke on behalf of KB Homes. He asked to address the questions from commissioners and public following public comment.

Dr. Ira Swartzberg of 5336 Lake Bluff Terrace stated that he is the President of the Lake Forest Home Owners Association. He is opposed to the request. This request does not provide adequate transition from HDR to single-family homes. He pointed out changes in water, sewer and traffic. Water requirements are going up either 40% or 77%. The numbers are differing within the report. Sewer and traffic changes differ in figures from increases of between 40% and 77%, depending what part of the report is being read. There is no public schools recommendation. This will exceed the capacity of the schools. Building height of 50 feet will have new residents looking down on the backyard of the single-family homes. Dr. Swartzberg said that he needed more information on the areas of discrepancy in the staff report.

Steve Devine of 689 Tree Line Place spoke for the Lake Forest HOA Board. He stated that Lake Forest HOA is opposed to the request. The current Medium Density is most compatible. They do not want the Comprehensive Plan changed. 3 story rental apartments are a significant change from the current planned use. Lake Forest is a Low Density residential development that has 732 homes on 520 acres bordering the west side of the subject property. The subject property is about 28 acres, 8 acres of which is comprised of the lake, leaving about 20 acres to build on. The density is going to be very high on the usable

land. Mr. Devine said that the applicant can use the pond/borrow pit as usable land for net buildable acres to calculate the 558 units. That is a significant difference between what Lake Forest is and the subject property.

Secondly, Mr. Devine said that traffic was a consideration in the area. The Oregon Street intersection has a significant delay at the SR 46 now. The realignment of the interstate will come in near Oregon Street, adding to traffic in the area. Traffic will back up across the off ramp. Mr. Devine said that a better transportation study was needed for the intersections and delays.

Mr. Devine pointed to the future development along SR 46 – townhomes, retail, offices – all going in the area near Oregon/SR 46 intersection.

Mr. Devine looked at the tables in the transportation report, noting the net impact of the increase of 1800 trips per day.

Mr. Devine said the condition of the schools should be corrected before more is put upon them.

No one else spoke from the audience.

Steve Coover said that the major question seems to be about transitions and buffering. There is a berm along Oregon Street that appears to be 30 to 40 feet tall. He questioned whether the top of the proposed buildings would be visible from Lake Forest because of the height of the berm. The Development Order - Paragraph 3X - proposes that the Developer will mitigate any problems that occur with the Oregon intersection on SR 46.

Mr. Coover said that they have requested concurrency on the property to be deferred. The school system anticipates a drop in enrollment within the next 5 years. The School Board does not plan any improvements in the area due to the projected drop in enrollment. He will wait until the concurrency has to be met. There is nothing concrete about the school figures.

Charles Madden spoke on the traffic issue. He said that the level of service on Oregon now and in the future will be Level of Service “A.” That is the best rating you can get for a roadway. He is prepared to alter the intersection on SR 46 during the time of final construction plans. Lake Forest will not be able to see this development. He has agreed to build a 6-foot wall along the right-of-way on Oregon Street , screening buildings and mechanical devices.

Mr. Madden said that he had been told by public utilities that there is adequate water for the project.

Mr. Coover said that this location is a prime place for apartments. He can not do much else there.

Commissioner Brown asked if the Lake Forest PUD has more than single-family residences in it, on other tracts.

Tina Williamson said that it was entirely single-family residential and within the 530 acres.

Commissioner Brown noted that the school report put the northwest cluster capacity at 101.2% and the high school at 102.8%. State guidelines deem a school as overcrowded once it reaches 110%. This is a ludicrous situation.

Commissioner Bates said the conditions may change for those conditions in the future.

Commissioner Chase made a motion to recommend transmittal of the Large Scale Land Use Amendment with the changes noted in the Development Order and rezone from PUD to PUD subject to staff findings.

Commissioner Eismann seconded the motion.

Commissioner Tucker stated that he will be voting against the motion. This is not transitional. Oregon Street is a 2-lane road and will be a continuing problem. He took the same position in 2005. The sound barrier wall along the Interstate should be addressed in the documents.

Commissioner Brown said that the wall was taken out with the rental property provisions being put in.

Commissioner Wolf said that he has a concern about the transitions and the net density. He will vote against this.

Commissioner Bates said that this is overloading the area infrastructure. He is opposed.

Commissioner Chase said that this is adjacent to I-4 and a large Chevrolet dealer. There has to be places for people to live in apartments.

Commissioner Eismann concurred.

Commissioner Bates said that he had reservations on the project presented in 2005. This is too much.

Commissioner Eismann said that the previous project should have been voted down if it was too much back in 2005.

Commissioner Wolf said the proportions and density are what he is opposed to.

Commissioner Eismann said that the omission of the wall had slipped by him. He would like the language about the noise abatement wall put back in.

Commissioner Brown said that "My Region.com" recommends packing development in by the Interstate. Would the applicant accept a lower number of units? The commission could recommend the request for rental units at a lower number.

Commissioner Wolf said that there should be greater transition next to Lake Forest on the west side of the property.

The vote was 3 – 3 on the motion. Commissioners Chase, Eismann and Brown voted "yes" while Commissioners Wolf, Tucker, and Bates voted "no." The motion failed.

Commissioner Tucker said that this application expands the envelope beyond what is acceptable. This is changing fee simple ownership to 3-story, high density rental units. That is a substantial impact on the single-family properties.

Commissioner Tucker made a motion to recommend denial of the request.

Commissioner Wolf seconded the motion.

Commissioner Brown said that the option of a third motion to send this forward without recommendation is also there.

Kathy Furey-Tran said that there could also be a motion to continue this until a full Board is present to break the tie.

The vote was 3 – 3 again, with Commissioners Chase, Eismann, and Brown opposed.

Commissioner Tucker made a motion to send this application forward to the BCC without recommendation.

Commissioner Bates seconded the motion.

Commissioner Brown said that he would like to see this go forward with 100 less units. Apartments fit here.

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: KB Home Orlando, LLC
9102 S. Park Center Loop Suite 200
Orlando, FL 32819

Project Name: Silverleaf Park 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 “Silverleaf Park 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

Legal 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 ½ OF SAID SECTION 20; THENCE RUN N89°38'35"E ALONG THE SOUTH LINE OF SAID EAST ½ FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET; THENCE RUN N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 690.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 402.01 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 1009.97 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 525.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°10'00" FOR A DISTANCE OF 138.97 FEET TO THE POINT OF TANGENCY, THENCE RUN S74°50'00"E FOR A DISTANCE OF 18.48 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 75.00 FEET AND A CHORD BEARING OF N86°18'13"E; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°43'35" FOR A DISTANCE OF 49.38 FEET TO A RADIAL LINE; THENCE RUN S22°33'35"E ALONG SAID RADIAL LINE FOR A DISTANCE OF 40.00 FEET; THENCE RUN S65°59'48"E FOR A DISTANCE OF 52.16 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3520, PAGE 535 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN S24°00'12"W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 525.08 FEET; THENCE RUN S89°38'22"W FOR A DISTANCE OF 243.58 FEET; THENCE RUN N00°21'38"W FOR A DISTANCE OF 157.35 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 816.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 12.098 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORDS.

TOGETHER WITH THOSE CERTAIN STORMWATER DRAINAGE EASEMENT RIGHTS INURING TO THE BENEFIT OF THE AFOREDESCRIBED PARCEL PURSUANT TO THAT CERTAIN NW 46 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS RECORDED OCTOBER 22, 1998 AT OFFICIAL RECORDS BOOK 3520, PAGE 588, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS THEREAFTER AMENDED.

AND

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 ½ OF SAID SECTION 20; THENCE RUN N00°12'27"W ALONG SAID WEST LINE OF THE EAST ½ OF SECTION 20 FOR A DISTANCE OF 1092.71 FEET; THENCE N89°47'33"E FOR A DISTANCE OF 25.00 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH OREGON STREET, THE POINT OF BEGINNING; THENCE N00°12'27"W ALONG SAID EAST RIGHT OF WAY LINE FOR A DISTANCE OF 671.36 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 185.95 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 76.10 FEET; THENCE RUN N89°50'35"E FOR A DISTANCE OF 1090.62 FEET; THENCE RUN S67°55'48"E FOR A DISTANCE OF 40.26 FEET; THENCE RUN S32°53'50"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S27°29'16"W FOR A DISTANCE OF 31.73 FEET; THENCE RUN S23°57'19"W FOR A DISTANCE OF 199.83 FEET; THENCE RUN S24°28'59"W FOR A DISTANCE OF 20.06 FEET; THENCE RUN S24°00'09"W FOR A DISTANCE OF 204.23 FEET; THENCE N89°59'06"W FOR A DISTANCE OF 1015.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 16.15 ACRES, MORE OR LESS

Sikonia, Ian

From: Mathews, Karen
Sent: Wednesday, January 16, 2008 2:06 PM
To: Sikonia, Ian
Cc: Hudson, Candace
Subject: FW: Silverleaf File No. Z2007-61 and Lake Forrest File No. Z2007-65

FYI: This letter came in through the Plan Desk folder today.

Karen Mathews
Staff Assistant
Seminole County Planning Division
1101 E. 1st St. Room 2201
Sanford, FL 32771
407 665-7371 (phone)
407 665-7385 (fax)
kmathews@seminolecountyfl.gov

From: Kathryn D. Tillman [mailto:kdtillman@bellsouth.net]
Posted At: Wednesday, January 16, 2008 8:17 AM
Posted To: Plan Desk
Conversation: Silverleaf File No. Z2007-61 and Lake Forrest File No. Z2007-65
Subject: Silverleaf File No. Z2007-61 and Lake Forrest File No. Z2007-65

RE: Silverleaf File No. Z2007-61
Lake Forrest File No. Z2007-65

We respectively request that the Comprehensive Plan changes and rezoning of the above cases be **denied.**

The reasons for the request are clear and the same ones for all the terrible "growth" in Seminole County:

1. Our schools are already overcrowded - and I don't have to tell you what the country thinks of Florida schools. I was reminded of that in November when a friend made the comment at a party I attended in Rhode Island that he would love to live in Florida - but if he did he would have to send his kids to boarding school out of state.
2. The traffic congestion will worsen at SR46 and Oregon. It's already terrible with the new construction of townhomes and retail stores in front of Lake Forest.
3. Rental apartments will bring down property values in Lake Forest even more than already has been by the the townhomes in front of the property.

It's time Seminole County put a stop to this "growth". We just can not handle any more - particularly high density rental apartments. This is bringing the County down in every respect. What about our water supply problem?

Also, it is my understanding that this property was just rezoned 2 years ago with one condition being rental apartments would be expressly prohibited.

Thank you.

John and Kathryn Tillman