

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: ETOR PUD (Planned Unit Development) Major Amendment

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

AUTHORIZED BY: Dori DeBord

CONTACT: Austin Watkins

EXT: 7440

MOTION/RECOMMENDATION:

1. Deny the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer's Commitment Agreement, and authorize the Chairman to execute the Denial Development Order, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd, based on staff findings (Robert Horian, applicant); or
2. Approve the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer's Commitment Agreement, and authorize the Chairman to execute the aforementioned documents, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd (Robert Horian, applicant); or
3. Continue the item to a time and date certain.

District 4 Carlton D. Henley

Austin Watkins

BACKGROUND:

The ETOR PUD (Planned Unit Development) was originally approved in 1994 as a multi-use Office, Retail and Multi-Family development. In 1994 Tract "C" was approved for 12.41 acres of Office. At this time, the applicant, Robert Horian, is requesting to amend the approved uses of Tract "C" from Office to Multi-Family and increase the density within Tract "C".

Tract "C" is approved for 5.47 acres of Office, 3.00 acres of Neighborhood Commercial and 3.94 acres of attached single-family residential. The applicant is proposing to reduce the office uses allowed from the approved 5.47 acres to the existing-built 2.53 acres of office and allow for a seven story (six floors of residential on top of one floor of parking) 80 dwelling unit condominium development to be constructed on the remaining 2.94 acres. The proposed seven (7) story condominium will be located on the north side of S. Sun Drive and is labeled Tract C-2 on the Revised Final Master Plan.

In 2004, Tract C-4 was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The applicant is also requesting to change the 3.94 acres approved for townhomes to condominiums and increase the number of approved dwelling units from 39 to 108. This tract is on the south side of S. Sun Drive and is labeled Tract C-4 on the Revised Final Master Plan.

The applicant's request would increase the net density for Tract C-4 from 12.26 dwelling units per net buildable acre to 33.96 dwelling units per net buildable acre and change Tract C-2 from office to residential condominiums, with a net density of 34.04 dwelling units per net

buildable acre.

Section 30.451(d) of the Seminole County Land Development Code limits building height to 35, unless otherwise approved by the Board of County Commissioners. The current PUD Agreement limits the maximum building height of residential development adjacent to Tract “F” (retention pond to the south) to two stories and all other residential development to 35’ and three stories. The applicant is requesting to amend the maximum building height to 75’ (seven stories) for Tract C-2 and 45’ (four stories) for Tract C-4 (adjacent to Tract “F”).

Additionally, the applicant is proposing to amend the setbacks for residential development per the table below:

Zoning Requirement	Existing Zoning	Proposed Amendment Tract C-2	Proposed Amendment Tract C-4
Front Yard Setback	25 feet (C-2)	25 feet	25 feet/one-story
	35 feet (C-4)		45 feet/four-story
Side Yard Setback	0 feet (C-2)	10 feet	15 feet adjacent to retail or office
	35 feet (C-4)		25 feet adjacent to multi-family
(Street) Side Yard Setback	25 feet (C-2)	25 feet	25 feet/one-story
	35 feet (C-4)		45 feet/four-story
Rear Yard Setback	10 feet (C-2)	10 feet	0 feet
	35 feet (C-4)		

The applicant is proposing to provide the required 25% common open space for Tract C-2 through the creation of a dogwalk and a residential rooftop amenity. The common open space for Tract C-4 would include a club house, recreation area and pool with spa.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on February 6, 2008 and voted 5 to 0 to recommend denial of the requested PUD Major Amendment and Revised Final Master Plan, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd.

STAFF RECOMMENDATION:

Staff recommends the Board deny the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer’s Commitment Agreement, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd, based on staff findings.

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Surrounding Densities and Maximum Building Heights Map
5. Revised Final Master Plan
6. Denial Development Order
7. Addendum 3 to the DCA
8. Developer's Commitment Agreement
9. February PZ Minutes
10. School Impact Analysis

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

ETOR PUD Major Amendment		
APPLICANT	Robert Horian, Suncor Properties	
PROPERTY OWNER	Suncor Properties, Regal Point Park North and Rivera Townhome Association	
REQUEST	Major Amendment to the ETOR PUD to allow for an increase in the maximum building height, modification of internal setbacks, increased residential densities and amending office to residential uses.	
PROPERTY SIZE	6.75 ± acres	
HEARING DATE (S)	P&Z: February 6, 2008	BCC: March 25, 2008
PARCEL ID	18-20-30-520-0A00-0000; 18-20-30-521-0A00-0000	
LOCATION	S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd	
FUTURE LAND USE	PD (Planned Development)	
ZONING	PUD (Planned Unit Development)	
FILE NUMBER	Z2006-78	
COMMISSION DISTRICT	#4 – Henley	

ANALYSIS OVERVIEW:

ZONING REQUEST

DISTRICT REGULATIONS	Existing Zoning (PUD)	Proposed Zoning (PUD)
Minimum Lot Size	N/A	N/A
Minimum House Size	N/A	N/A
Front Yard Setback	35 feet (C-4) 25 feet (C-2)	25 feet/one-story (C-4) 45 feet/four-story (C-4) 25 feet (C-2)
Side Yard Setback	35 feet (C-4) 0 feet (C-2)	15 feet adjacent to retail or office (C-4) 25 feet adjacent to multi-family (C-4) 10 feet (C-2)
(Street) Side Yard Setback	35 feet (C-4) 25 feet (C-2)	25 feet/one-story (C-4) 45 feet/four-story (C-4) 25 feet (C-2)
Rear Yard Setback	35 feet (C-4) 10 feet (C-2)	0 feet (C-4) 10 feet (C-2)
Maximum Building Height	35 feet (C-4) 35 feet (C-2)	45 feet/four-story (C-4) 75 feet/seven-story (C-2)

PERMITTED & SPECIAL EXCEPTION USES

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

Zoning District	Permitted Uses	Special Exception
<p>PUD (existing)</p>	<p>Tract C-4, individually-owned townhouses on fee-simple lots.</p> <p>Tract C-2, Dental and medical clinics, dental and medical laboratories. General office buildings. Insurance, real estate, architects, engineering, attorneys, and other professional business services. Accounting, auditing and bookkeeping services, finance offices. Telephone business offices and exchanges, post offices, public parks, public, private and parochial schools, playgrounds, fire stations, and administrative public buildings. Churches and attendant educational buildings. Day care facilities, kindergartens. Public and private elementary schools, middle schools and high schools. Adult living facilities and community residential homes (group homes and foster care facilities) housing more than six (6) permanent unrelated residents.</p>	<p>Tract C-2, Single-family dwelling unit in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted and no residence shall occupy ground-floor frontage. Accessory parking for passenger vehicles when intended for a permitted adjacent commercial use. A parking lot operated as a commercial enterprise shall not be permitted. Public utility and service structures. Banks, savings and loan and similar financial institutions, and drive-in teller facilities, when located on a roadway having a right-of-way width of not less than eighty (80) feet. Private vocational, business, and professional schools which do not have an industrial character. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Hospitals and nursing homes. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required. Nonresidential, nonprofit clubs, lodges and fraternal organizations when located on a roadway having a right-of-way width of not less than eighty (80) feet. Funeral homes when located on a roadway having a right-of-way width of not less than eighty (80) feet. Communication towers.</p>
<p>PUD (proposed)</p>	<p>Multiple-story apartments and their customary accessory and personal service uses, apartment dwellings having no commercial business connected therewith, but may be equipped to serve meals to their tenants, general office buildings, motels when located on officially designed State or Federal highway and public and private elementary schools.</p>	<p>Any special exception permitted in the R-4 zoning district. Public and private middle and high schools, churches, water and sewer treatment plants, adult living and group homes, hospitals, sanitariums, convalescents, groups homes, communication towers and private recreational facilities constructed as an accessory use to civic, fraternal or social organizations.</p>

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding property within the ETOR PUD includes commercial (C-1 and CN uses), multi-family and professional office uses. The property to the north and east of the subject property is approved for commercial and professional office uses. South of the subject properties are a retention pond (Tract F), single-family and multi-family developments within the Greenwoods Lakes PUD and ETOR PUD. Tract E of the ETOR PUD is located south of Tract C-2 and abuts Tract C-4 on the western property boundary. Tract E is approved for multi-family residential and has a maximum building height of 35' and a net buildable density of 17.6 dwelling units per acre.

The Seminole County Comprehensive Plan, Vision 2020 Policy FLU 2.11 provides a methodology for determining compatibility in the Planned Unit Development (PUD) Zoning Classification. The policy states that, "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."

Staff has reviewed the request for compatibility with surrounding properties and has identified density and building height as two major concerns that have resulted in our recommendation of denial. Staff's concerns are addressed in detail below and a map depicting the approved building heights and densities for the surrounding area is attached.

Density

Tract C-2 is 2.94 acres and is currently approved for office uses. The requested Major Amendment would allow 80 condominium units in a seven story building. The proposed net density for Tract C-2 is 34.04 dwelling units per net buildable acre and the requested maximum building height is 75 feet. The maximum densities within a ½ mile radius from the site range from 3.0 to 17.6 dwelling units per acre. Tract E, immediately south of Tract C-2 across Sun Drive, contains a 3-story apartment complex with a net density of 17.6 dwelling units per acre. The proposed Major Amendment represents an increase in net density from 17.6 dwelling units per net acre on Tract E to 34.04 dwelling units per acre on Tract C-2, which is an almost 100% increase. At the same time, the applicant is also requesting to reduce the required setback adjacent to Sun Drive, across from Tract E, from 35' to 25', with a 10' landscape buffer.

Tract C-4 is 3.94 acres and in 2004, it was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The requested Major Amendment is for 108 condominiums with a net density of 33.9 dwelling units per net buildable acre and a maximum building height of 45'. The proposed amendment represents a nearly 100% increase from the established density of 17.6 dwelling units per acre in Tract E, which is adjacent to Tract C-4 on the western property line. At the same time, the applicant is also requesting to reduce the required

setback adjacent to Tract E (west), from 35' to 25' and the setback adjacent to Tract F (south) from 35' to 0'.

Building Height

The area surrounding the subject property has a maximum building height of 35' within unincorporated Seminole County. The surrounding properties in the City of Lake Mary have a maximum building height of 40' to 55'6 ". The tallest building within a ½ mile radius of the subject property is the Sandefur Professional Office Building, located at 740 North Sun Drive. The Sandefur building is approved for a maximum building height of four stories, not to exceed 55 feet and 6 inches and was approved as a conditional use by the City of Lake Mary.

The proposed Major Amendment is for a 75' building on Tract C-2 and a 45' building on Tract C-4. The proposed 75' constitutes an increase of 20' and three stories above the maximum building height approved for the Sandefur building. Additionally, the proposed amendment would result in an increase in the maximum allowable building height from 35' on Tract E to 75' on Tract C-2. The increase in maximum allowable building height for Tract C-2 versus Tract E represents over a 100% increase in maximum allowable building height. It would also allow 45', four story buildings adjacent to Tract F, with a 0' setback. All development adjacent to Tract F is currently limited to a maximum of two stories, with a 35' setback.

The proposed setbacks are also not consistent with surrounding properties. The Sandefur building has a setback of 80' from Sun Drive and has a maximum building height of 4-stories or 55 feet and 6 inches. Tract E of the ETOR PUD has a 45' setback from Sun Drive and has a maximum allowable building height of 35'.

Staff Conclusions

Staff has determined that the proposed increases in density and building height, coupled with the proposed setback reductions, do not provide an appropriate transition to adjacent properties and are not compatible with surrounding development patterns. The proposal constitutes nearly a 100% increase in net density for both Tract C-2 and C-4 versus any currently approved developments within a ½ mile radius of the site. The proposed building heights are also not consistent with the surrounding one-story retail developments to the north and east and three-story residential development to the south and west.

SITE ANALYSIS:

PUBLIC FACILITY IMPACTS

Transportation / Traffic:

The property proposes access on to Sun Drive, which is classified as a local road. Sun Drive is currently operating at a level-of-service “A” and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The School Capacity Analysis is attached for reference.

Buffers and Sidewalks:

The applicant is providing a 10’ average buffer for the internal property lines and a 10’ buffer adjacent to Sun Drive. There is an existing 5-foot sidewalk on Sun Drive.

APPLICABLE POLICIES:

Fiscal Impact Analysis

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

Special Districts

The site is not located within any special or restrictive overlay districts.

Comprehensive Plan (Vision 2020)

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

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

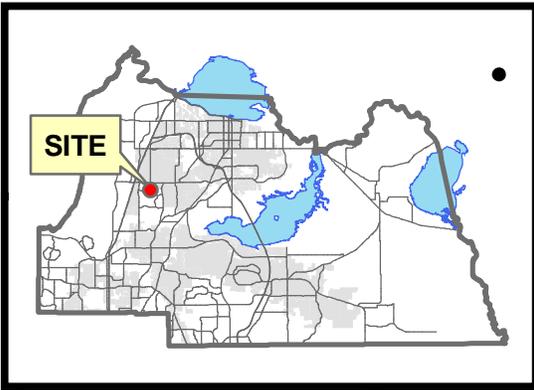
Policy FLU 2.11:	Determination of Compatibility in the PUD Zoning Classification
Policy FLU 5.2:	Mixed Commercial/Residential Use Development
Policy FLU 12.4:	Relationship of Land Use to Zoning Classifications
Policy FLU 12.5:	Evaluation Criteria of Property Rights Assertions
Policy POT 4.5:	Extension of Service to New Development
Policy SAN 4.4:	Extension of Service to New Development

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were sent to the Seminole County School Board and the City of Lake Mary on December 31, 2007.

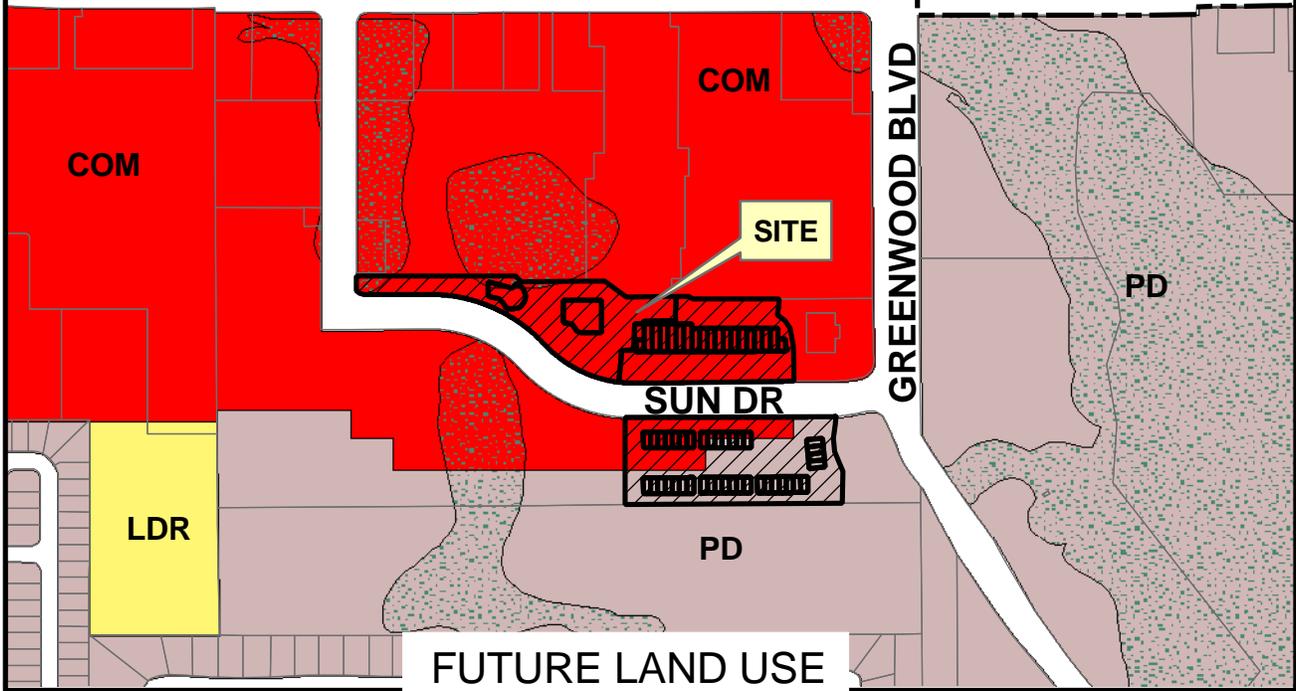
LETTERS OF SUPPORT OR OPPOSITION:

Staff has not received any letters of concern.



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

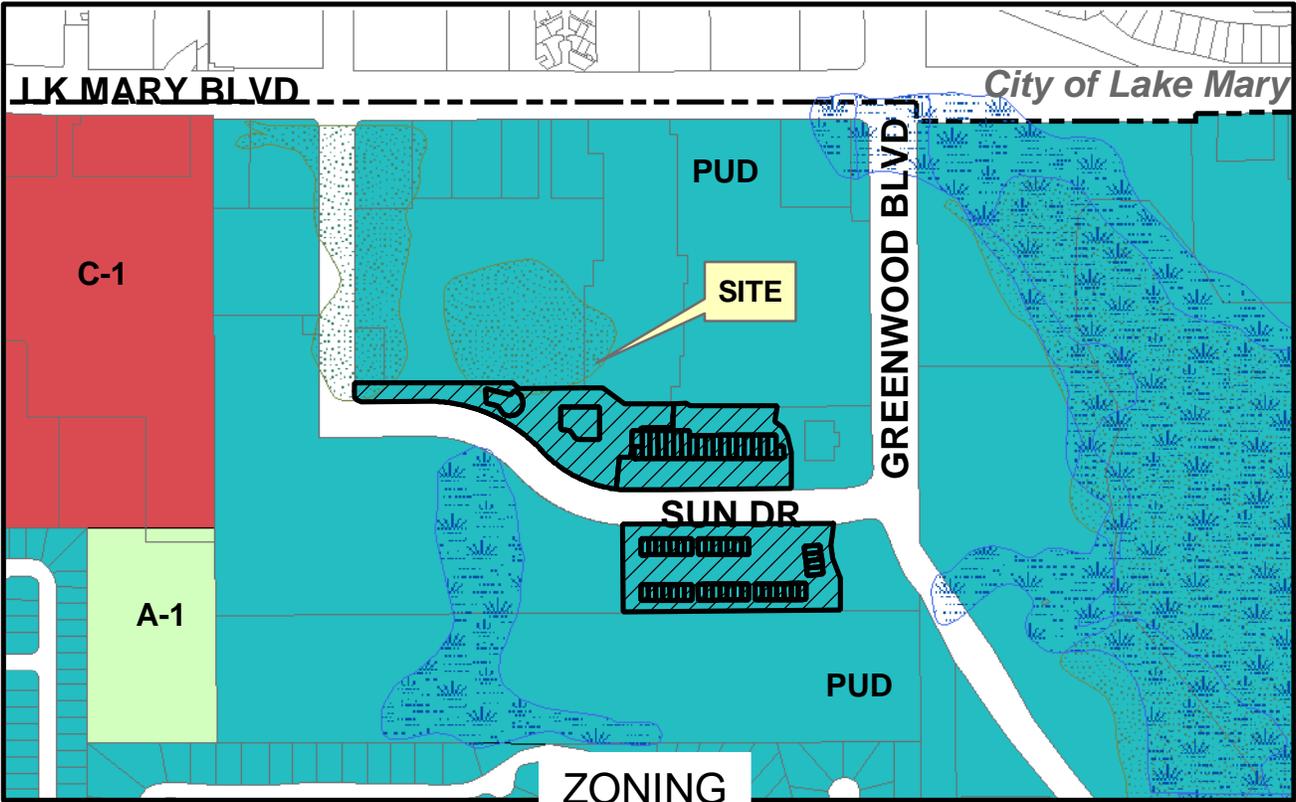
City of Lake Mary



LDR
 COM
 PD
 Site
 CONS
 Municipality

Applicant: Robert Horian
 Physical STR: 18-20-30
 Gross Acres: 16.29 +/- BCC District: 4
 Existing Use: office
 Special Notes: _____

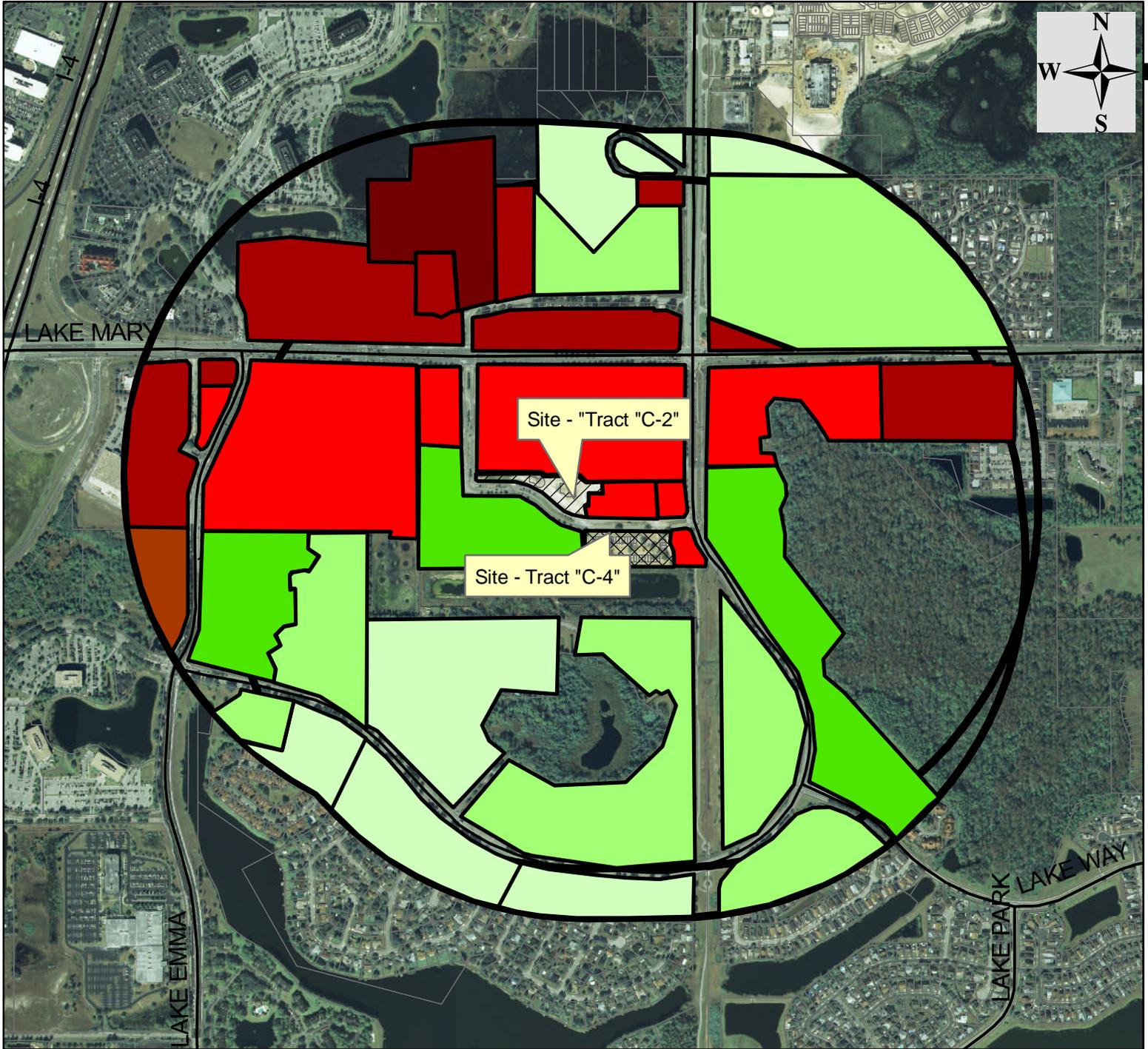
	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-078	PUD	PUD



A-1
 C-1
 PUD
 FP-1
 W-1

ETOR PUD Major Amendment

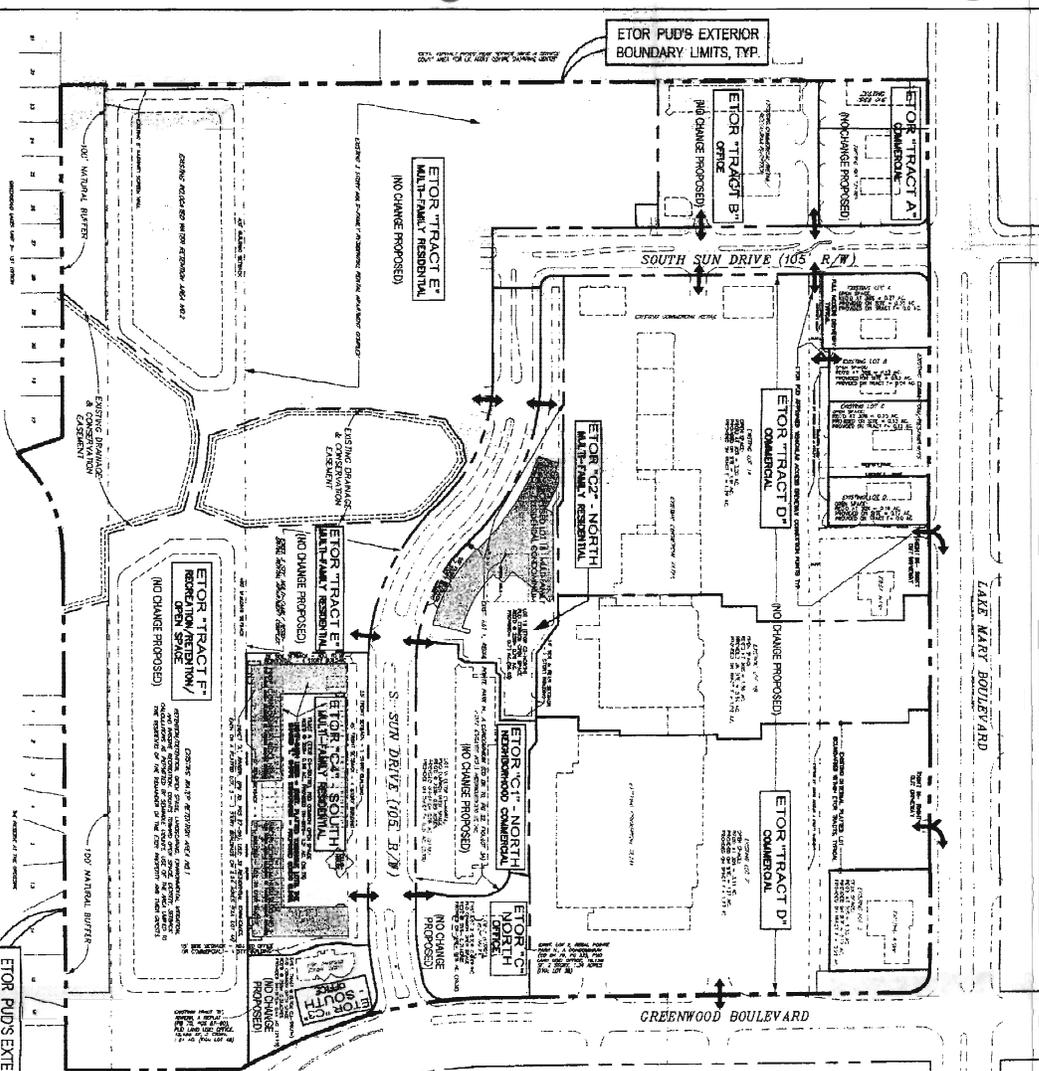
Surrounding Densities and Maximum Allowable Heights



Legend

- Residential less than 4 du/ac and 35' maximum building height
- Residential between 4 du/ac and 10 du/ac and 35' maximum building height
- Residential more than 10 du/ac and 35' maximum building height
- Non-Residential, 35' maximum building height
- Non-Residential, 40' maximum building height
- Non-Residential, 45' maximum building height
- Non-Residential, 56' maximum building height

0 550 1,100 2,200 Feet



DISCLAIMER NOTE:
DESIGN SERVICE GROUP, INC. (DSG) IS NOT THE ETOR PUD'S ORIGINAL DESIGNER. THE ORIGINAL DESIGNER IS UNIDENTIFIED. DSG HAS CONDUCTED VISUAL VERIFICATION OF THIS PLAN AND LEGIBILITY PURPOSES. PLEASE BE ADVISED THAT THE ACCURACY OF THIS SHOWN HEREIN WAS OBTAINED FROM A COUNTY RECORD FINAL MASTER PLAN, DATED 07/09/01, JOB NO. 0104, FOR ETOR PROPERTIES. THIS PLAN WAS PREPARED FOR INFORMATIONAL PURPOSES ONLY. TO ILLUSTRATE THE ETOR PUD'S EXTERIOR BOUNDARY LIMITS, DSG HAS CONDUCTED VISUAL VERIFICATION OF THE COUNTY RECORD FINAL MASTER PLAN, DATED 07/09/01, JOB NO. 0104, FOR ETOR PROPERTIES. DSG HAS NO SPECIAL KNOWLEDGE AND OFFERS NO WARRANTY AS TO WHETHER THE INFORMATION OBTAINED FROM COUNTY RECORDS IS EITHER CORRECT AND/OR CURRENT.

NOTE:
SHEETS 2, 3, 4 & 5 FOR LARGER SCALE DRAWINGS WHICH CONTAIN ADDITIONAL DETAILS REGARDING PROPOSED ETOR PUD LAND USE AMENDMENT EXHIBIT 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O, 1P, 1Q, 1R, 1S, 1T, 1U, 1V, 1W, 1X, 1Y, 1Z, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 3U, 3V, 3W, 3X, 3Y, 3Z, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 4M, 4N, 4O, 4P, 4Q, 4R, 4S, 4T, 4U, 4V, 4W, 4X, 4Y, 4Z, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L, 5M, 5N, 5O, 5P, 5Q, 5R, 5S, 5T, 5U, 5V, 5W, 5X, 5Y, 5Z, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, 6J, 6K, 6L, 6M, 6N, 6O, 6P, 6Q, 6R, 6S, 6T, 6U, 6V, 6W, 6X, 6Y, 6Z, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, 7M, 7N, 7O, 7P, 7Q, 7R, 7S, 7T, 7U, 7V, 7W, 7X, 7Y, 7Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 8M, 8N, 8O, 8P, 8Q, 8R, 8S, 8T, 8U, 8V, 8W, 8X, 8Y, 8Z, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 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17E, 17F, 17G, 17H, 17I, 17J, 17K, 17L, 17M, 17N, 17O, 17P, 17Q, 17R, 17S, 17T, 17U, 17V, 17W, 17X, 17Y, 17Z, 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K, 18L, 18M, 18N, 18O, 18P, 18Q, 18R, 18S, 18T, 18U, 18V, 18W, 18X, 18Y, 18Z, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 19H, 19I, 19J, 19K, 19L, 19M, 19N, 19O, 19P, 19Q, 19R, 19S, 19T, 19U, 19V, 19W, 19X, 19Y, 19Z, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H, 20I, 20J, 20K, 20L, 20M, 20N, 20O, 20P, 20Q, 20R, 20S, 20T, 20U, 20V, 20W, 20X, 20Y, 20Z, 21A, 21B, 21C, 21D, 21E, 21F, 21G, 21H, 21I, 21J, 21K, 21L, 21M, 21N, 21O, 21P, 21Q, 21R, 21S, 21T, 21U, 21V, 21W, 21X, 21Y, 21Z, 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H, 22I, 22J, 22K, 22L, 22M, 22N, 22O, 22P, 22Q, 22R, 22S, 22T, 22U, 22V, 22W, 22X, 22Y, 22Z, 23A, 23B, 23C, 23D, 23E, 23F, 23G, 23H, 23I, 23J, 23K, 23L, 23M, 23N, 23O, 23P, 23Q, 23R, 23S, 23T, 23U, 23V, 23W, 23X, 23Y, 23Z, 24A, 24B, 24C, 24D, 24E, 24F, 24G, 24H, 24I, 24J, 24K, 24L, 24M, 24N, 24O, 24P, 24Q, 24R, 24S, 24T, 24U, 24V, 24W, 24X, 24Y, 24Z, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 25H, 25I, 25J, 25K, 25L, 25M, 25N, 25O, 25P, 25Q, 25R, 25S, 25T, 25U, 25V, 25W, 25X, 25Y, 25Z, 26A, 26B, 26C, 26D, 26E, 26F, 26G, 26H, 26I, 26J, 26K, 26L, 26M, 26N, 26O, 26P, 26Q, 26R, 26S, 26T, 26U, 26V, 26W, 26X, 26Y, 26Z, 27A, 27B, 27C, 27D, 27E, 27F, 27G, 27H, 27I, 27J, 27K, 27L, 27M, 27N, 27O, 27P, 27Q, 27R, 27S, 27T, 27U, 27V, 27W, 27X, 27Y, 27Z, 28A, 28B, 28C, 28D, 28E, 28F, 28G, 28H, 28I, 28J, 28K, 28L, 28M, 28N, 28O, 28P, 28Q, 28R, 28S, 28T, 28U, 28V, 28W, 28X, 28Y, 28Z, 29A, 29B, 29C, 29D, 29E, 29F, 29G, 29H, 29I, 29J, 29K, 29L, 29M, 29N, 29O, 29P, 29Q, 29R, 29S, 29T, 29U, 29V, 29W, 29X, 29Y, 29Z, 30A, 30B, 30C, 30D, 30E, 30F, 30G, 30H, 30I, 30J, 30K, 30L, 30M, 30N, 30O, 30P, 30Q, 30R, 30S, 30T, 30U, 30V, 30W, 30X, 30Y, 30Z, 31A, 31B, 31C, 31D, 31E, 31F, 31G, 31H, 31I, 31J, 31K, 31L, 31M, 31N, 31O, 31P, 31Q, 31R, 31S, 31T, 31U, 31V, 31W, 31X, 31Y, 31Z, 32A, 32B, 32C, 32D, 32E, 32F, 32G, 32H, 32I, 32J, 32K, 32L, 32M, 32N, 32O, 32P, 32Q, 32R, 32S, 32T, 32U, 32V, 32W, 32X, 32Y, 32Z, 33A, 33B, 33C, 33D, 33E, 33F, 33G, 33H, 33I, 33J, 33K, 33L, 33M, 33N, 33O, 33P, 33Q, 33R, 33S, 33T, 33U, 33V, 33W, 33X, 33Y, 33Z, 34A, 34B, 34C, 34D, 34E, 34F, 34G, 34H, 34I, 34J, 34K, 34L, 34M, 34N, 34O, 34P, 34Q, 34R, 34S, 34T, 34U, 34V, 34W, 34X, 34Y, 34Z, 35A, 35B, 35C, 35D, 35E, 35F, 35G, 35H, 35I, 35J, 35K, 35L, 35M, 35N, 35O, 35P, 35Q, 35R, 35S, 35T, 35U, 35V, 35W, 35X, 35Y, 35Z, 36A, 36B, 36C, 36D, 36E, 36F, 36G, 36H, 36I, 36J, 36K, 36L, 36M, 36N, 36O, 36P, 36Q, 36R, 36S, 36T, 36U, 36V, 36W, 36X, 36Y, 36Z, 37A, 37B, 37C, 37D, 37E, 37F, 37G, 37H, 37I, 37J, 37K, 37L, 37M, 37N, 37O, 37P, 37Q, 37R, 37S, 37T, 37U, 37V, 37W, 37X, 37Y, 37Z, 38A, 38B, 38C, 38D, 38E, 38F, 38G, 38H, 38I, 38J, 38K, 38L, 38M, 38N, 38O, 38P, 38Q, 38R, 38S, 38T, 38U, 38V, 38W, 38X, 38Y, 38Z, 39A, 39B, 39C, 39D, 39E, 39F, 39G, 39H, 39I, 39J, 39K, 39L, 39M, 39N, 39O, 39P, 39Q, 39R, 39S, 39T, 39U, 39V, 39W, 39X, 39Y, 39Z, 40A, 40B, 40C, 40D, 40E, 40F, 40G, 40H, 40I, 40J, 40K, 40L, 40M, 40N, 40O, 40P, 40Q, 40R, 40S, 40T, 40U, 40V, 40W, 40X, 40Y, 40Z, 41A, 41B, 41C, 41D, 41E, 41F, 41G, 41H, 41I, 41J, 41K, 41L, 41M, 41N, 41O, 41P, 41Q, 41R, 41S, 41T, 41U, 41V, 41W, 41X, 41Y, 41Z, 42A, 42B, 42C, 42D, 42E, 42F, 42G, 42H, 42I, 42J, 42K, 42L, 42M, 42N, 42O, 42P, 42Q, 42R, 42S, 42T, 42U, 42V, 42W, 42X, 42Y, 42Z, 43A, 43B, 43C, 43D, 43E, 43F, 43G, 43H, 43I, 43J, 43K, 43L, 43M, 43N, 43O, 43P, 43Q, 43R, 43S, 43T, 43U, 43V, 43W, 43X, 43Y, 43Z, 44A, 44B, 44C, 44D, 44E, 44F, 44G, 44H, 44I, 44J, 44K, 44L, 44M, 44N, 44O, 44P, 44Q, 44R, 44S, 44T, 44U, 44V, 44W, 44X, 44Y, 44Z, 45A, 45B, 45C, 45D, 45E, 45F, 45G, 45H, 45I, 45J, 45K, 45L, 45M, 45N, 45O, 45P, 45Q, 45R, 45S, 45T, 45U, 45V, 45W, 45X, 45Y, 45Z, 46A, 46B, 46C, 46D, 46E, 46F, 46G, 46H, 46I, 46J, 46K, 46L, 46M, 46N, 46O, 46P, 46Q, 46R, 46S, 46T, 46U, 46V, 46W, 46X, 46Y, 46Z, 47A, 47B, 47C, 47D, 47E, 47F, 47G, 47H, 47I, 47J, 47K, 47L, 47M, 47N, 47O, 47P, 47Q, 47R, 47S, 47T, 47U, 47V, 47W, 47X, 47Y, 47Z, 48A, 48B, 48C, 48D, 48E, 48F, 48G, 48H, 48I, 48J, 48K, 48L, 48M, 48N, 48O, 48P, 48Q, 48R, 48S, 48T, 48U, 48V, 48W, 48X, 48Y, 48Z, 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I, 49J, 49K, 49L, 49M, 49N, 49O, 49P, 49Q, 49R, 49S, 49T, 49U, 49V, 49W, 49X, 49Y, 49Z, 50A, 50B, 50C, 50D, 50E, 50F, 50G, 50H, 50I, 50J, 50K, 50L, 50M, 50N, 50O, 50P, 50Q, 50R, 50S, 50T, 50U, 50V, 50W, 50X, 50Y, 50Z, 51A, 51B, 51C, 51D, 51E, 51F, 51G, 51H, 51I, 51J, 51K, 51L, 51M, 51N, 51O, 51P, 51Q, 51R, 51S, 51T, 51U, 51V, 51W, 51X, 51Y, 51Z, 52A, 52B, 52C, 52D, 52E, 52F, 52G, 52H, 52I, 52J, 52K, 52L, 52M, 52N, 52O, 52P, 52Q, 52R, 52S, 52T, 52U, 52V, 52W, 52X, 52Y, 52Z, 53A, 53B, 53C, 53D, 53E, 53F, 53G, 53H, 53I, 53J, 53K, 53L, 53M, 53N, 53O, 53P, 53Q, 53R, 53S, 53T, 53U, 53V, 53W, 53X, 53Y, 53Z, 54A, 54B, 54C, 54D, 54E, 54F, 54G, 54H, 54I, 54J, 54K, 54L, 54M, 54N, 54O, 54P, 54Q, 54R, 54S, 54T, 54U, 54V, 54W, 54X, 54Y, 54Z, 55A, 55B, 55C, 55D, 55E, 55F, 55G, 55H, 55I, 55J, 55K, 55L, 55M, 55N, 55O, 55P, 55Q, 55R, 55S, 55T, 55U, 55V, 55W, 55X, 55Y, 55Z, 56A, 56B, 56C, 56D, 56E, 56F, 56G, 56H, 56I, 56J, 56K, 56L, 56M, 56N, 56O, 56P, 56Q, 56R, 56S, 56T, 56U, 56V, 56W, 56X, 56Y, 56Z, 57A, 57B, 57C, 57D, 57E, 57F, 57G, 57H, 57I, 57J, 57K, 57L, 57M, 57N, 57O, 57P, 57Q, 57R, 57S, 57T, 57U, 57V, 57W, 57X, 57Y, 57Z, 58A, 58B, 58C, 58D, 58E, 58F, 58G, 58H, 58I, 58J, 58K, 58L, 58M, 58N, 58O, 58P, 58Q, 58R, 58S, 58T, 58U, 58V, 58W, 58X, 58Y, 58Z, 59A, 59B, 59C, 59D, 59E, 59F, 59G, 59H, 59I, 59J, 59K, 59L, 59M, 59N, 59O, 59P, 59Q, 59R, 59S, 59T, 59U, 59V, 59W, 59X, 59Y, 59Z, 60A, 60B, 60C, 60D, 60E, 60F, 60G, 60H, 60I, 60J, 60K, 60L, 60M, 60N, 60O, 60P, 60Q, 60R, 60S, 60T, 60U, 60V, 60W, 60X, 60Y, 60Z, 61A, 61B, 61C, 61D, 61E, 61F, 61G, 61H, 61I, 61J, 61K, 61L, 61M, 61N, 61O, 61P, 61Q, 61R, 61S, 61T, 61U, 61V, 61W, 61X, 61Y, 61Z, 62A, 62B, 62C, 62D, 62E, 62F, 62G, 62H, 62I, 62J, 62K, 62L, 62M, 62N, 62O, 62P, 62Q, 62R, 62S, 62T, 62U, 62V, 62W, 62X, 62Y, 62Z, 63A, 63B, 63C, 63D, 63E, 63F, 63G, 63H, 63I, 63J, 63K, 63L, 63M, 63N, 63O, 63P, 63Q, 63R, 63S, 63T, 63U, 63V, 63W, 63X, 63Y, 63Z, 64A, 64B, 64C, 64D, 64E, 64F, 64G, 64H, 64I, 64J, 64K, 64L, 64M, 64N, 64O, 64P, 64Q, 64R, 64S, 64T, 64U, 64V, 64W, 64X, 64Y, 64Z, 65A, 65B, 65C, 65D, 65E, 65F, 65G, 65H, 65I, 65J, 65K, 65L, 65M, 65N, 65O, 65P, 65Q, 65R, 65S, 65T, 65U, 65V, 65W, 65X, 65Y, 65Z, 66A, 66B, 66C, 66D, 66E, 66F, 66G, 66H, 66I, 66J, 66K, 66L, 66M, 66N, 66O, 66P, 66Q, 66R, 66S, 66T, 66U, 66V, 66W, 66X, 66Y, 66Z, 67A, 67B, 67C, 67D, 67E, 67F, 67G, 67H, 67I, 67J, 67K, 67L, 67M, 67N, 67O, 67P, 67Q, 67R, 67S, 67T, 67U, 67V, 67W, 67X, 67Y, 67Z, 68A, 68B, 68C, 68D, 68E, 68F, 68G, 68H, 68I, 68J, 68K, 68L, 68M, 68N, 68O, 68P, 68Q, 68R, 68S, 68T, 68U, 68V, 68W, 68X, 68Y, 68Z, 69A, 69B, 69C, 69D, 69E, 69F, 69G, 69H, 69I, 69J, 69K, 69L, 69M, 69N, 69O, 69P, 69Q, 69R, 69S, 69T, 69U, 69V, 69W, 69X, 69Y, 69Z, 70A, 70B, 70C, 70D, 70E, 70F, 70G, 70H, 70I, 70J, 70K, 70L, 70M, 70N, 70O, 70P, 70Q, 70R, 70S, 70T, 70U, 70V, 70W, 70X, 70Y, 70Z, 71A, 71B, 71C, 71D, 71E, 71F, 71G, 71H, 71I, 71J, 71K, 71L, 71M, 71N, 71O, 71P, 71Q, 71R, 71S, 71T, 71U, 71V, 71W, 71X, 71Y, 71Z, 72A, 72B, 72C, 72D, 72E, 72F, 72G, 72H, 72I, 72J, 72K, 72L, 72M, 72N, 72O, 72P, 72Q, 72R, 72S, 72T, 72U, 72V, 72W, 72X, 72Y, 72Z, 73A, 73B, 73C, 73D, 73E, 73F, 73G, 73H, 73I, 73J, 73K, 73L, 73M, 73N, 73O, 73P, 73Q, 73R, 73S, 73T, 73U, 73V, 73W, 73X, 73Y, 73Z, 74A, 74B, 74C, 74D, 74E, 74F, 74G, 74H, 74I, 74J, 74K, 74L, 74M, 74N, 74O, 74P, 74Q, 74R, 74S, 74T, 74U, 74V, 74W, 74X, 74Y, 74Z, 75A, 75B, 75C, 75D, 75E, 75F, 75G, 75H, 75I, 75J, 75K, 75L, 75M, 75N, 75O, 75P, 75Q, 75R, 75S, 75T, 75U, 75V, 75W, 75X, 75Y, 75Z, 76A, 76B, 76C, 76D, 76E, 76F, 76G, 76H, 76I, 76J, 76K, 76L, 76M, 76N, 76O, 76P, 76Q, 76R, 76S, 76T, 76U, 76V, 76W, 76X, 76Y, 76Z, 77A, 77B, 77C, 77D, 77E, 77F, 77G, 77H, 77I, 77J, 77K, 77L, 77M, 77N, 77O, 77P, 77Q, 77R, 77S, 77T, 77U, 77V, 77W, 77X, 77Y, 77Z, 78A, 78B, 78C, 78D, 78E, 78F, 78G, 78H, 78I, 78J, 78K, 78L, 78M, 78N, 78O, 78P, 78Q, 78R, 78S, 78T, 78U, 78V, 78W, 78X, 78Y, 78Z, 79A, 79B, 79C, 79D, 79E, 79F, 79G, 79H, 79I, 79J, 79K, 79L, 79M, 79N, 79O, 79P, 79Q, 79R, 79S, 79T, 79U, 79V, 79W, 79X, 79Y, 79Z, 80A, 80B, 80C, 80D, 80E, 80F, 80G, 80H, 80I, 80J, 80K, 80L, 80M, 80N, 80O, 80P, 80Q, 80R, 80S, 80T, 80U, 80V, 80W, 80X, 80Y, 80Z, 81A, 81B, 81C, 81D, 81E, 81F, 81G, 81H, 81I, 81J, 81K, 81L, 81M, 81N, 81O, 81P, 81Q, 81R, 81S, 81T, 81U, 81V, 81W, 81X, 81Y, 81Z, 82A, 82B, 82C, 82D, 82E, 82F, 82G, 82H, 82I, 82J, 82K, 82L, 82M, 82N, 82O, 82P, 82Q, 82R, 82S, 82T, 82U, 82V, 82W, 82X, 82Y, 82Z, 83A, 83B, 83C, 83D, 83E, 83F, 83G, 83H, 83I, 83J, 83K, 83L, 83M, 83N, 83O, 83P, 83Q, 83R, 83S, 83T, 83U, 83V, 83W, 83X, 83Y, 83Z, 84A, 84B, 84C, 84D, 84E, 84F, 84G, 84H, 84I, 84J, 84K, 84L, 84M, 84N, 84O, 84P, 84Q, 84R, 84S, 84T, 84U, 84V, 84W, 84X, 84Y, 84Z, 85A, 85B, 85C, 85D, 85E, 85F, 85G, 85H, 85I, 85J, 85K, 85L, 85M, 85N, 85O, 85P, 85Q, 85R, 85S, 85T, 85U, 85V, 85W, 85X, 85Y, 85Z, 86A, 86B, 86C, 86D, 86E, 86F, 86G, 86H, 86I, 86J, 86K, 86L, 86M, 86N, 86O, 86P, 86Q, 86R, 86S, 86T, 86U, 86V, 86W, 86X, 86Y, 86Z, 87A, 87B, 87C, 87D, 87E, 87F, 87G, 87H, 87I, 87J, 87K, 87L, 87M, 87N, 87O, 87P, 87Q, 87R, 87S, 87T, 87U, 87V, 87W, 87X, 87Y, 87Z, 88A, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 88I, 88J, 88K, 88L, 88M, 88N, 88O, 88P, 88Q, 88R, 88S, 88T, 88U, 88V, 88W, 88X, 88Y, 88Z, 89A, 89B, 89C, 89D, 89E, 89F, 89G, 89H, 89I, 89J, 89K, 89L, 89M, 89N, 89O, 89P, 89Q, 89R, 89S, 89T, 89U, 89V, 89W, 89X, 89Y, 89Z, 90A, 90B, 90C, 90D, 90E, 90F, 90G, 90H, 90I, 90J, 90K, 90L, 90M, 90N, 90O, 90P, 90Q, 90R, 90S, 90T, 90U, 90V, 90W, 90X, 90Y, 90Z, 91A, 91B, 91C, 91D, 91E, 91F, 91G, 91H, 91I, 91J, 91K, 91L, 91M, 91N, 91O, 91P, 91Q, 91R, 91S, 91T, 91U, 91V, 91W, 91X, 91Y, 91Z, 92A, 92B, 92C, 92D, 92E, 92F, 92G, 92H, 92I, 92J, 92K, 92L, 92M, 92N, 92O, 92P, 92Q, 92R, 92S, 92T, 92U, 92V, 92W, 92X, 92Y, 92Z, 93A, 93B, 93C, 93D, 93E, 93F, 93G, 93H, 93I, 93J, 93K, 93L, 93M, 93N, 93O, 93P, 93Q, 93R, 93S, 93T, 93U, 93V, 93W, 93X, 93Y, 93Z, 94A, 94B, 94C, 94D, 94E, 94F, 94G, 94H, 94I, 94J, 94K, 94L, 94M, 94N, 94O, 94P, 94Q,

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On March 25, 2008, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Suncor Properties, Inc., Regal Pointe Park North Condominium Association, Inc. and Riviera Townhome Owner's Association, Inc.

Project Name: ETOR PUD Major Amendment

Requested Development Approval: The applicant is requesting a Major Amendment to the ETOR PUD for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd.

The Board of County Commissioners has determined that the requested Major Amendment to the ETOR is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "ETOR PUD Major Amendment" and all evidence submitted at the public hearing on March 25, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Major Amendment to the ETOR PUD should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

EXHIBIT "A"**Legal Description****EXISTING TRACT "A"**

TRACT "A", TOGETHER WITH TOWNHOME LOTS 1 THRU 39, RIVIERA, A REPLAT OF LOT 4, GREENWOOD AT LAKE MARY PHASE 2, AS RECORDED IN PLAT BOOK 70, PAGES 87 – 90, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, CONTAINING 2.94 ACRES.

DESCRIPTION: LOT 1A

FROM THE MOST NORTHWESTERLY CORNER OF LOT 3, GREENWOOD AT LAKE MARY PHASE 2, AS RECORDED IN PLAT BOOK 54, PAGES 48 THROUGH 51, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, RUN ALONG THE BOUNDARY OF SAID LOT 3 THE FOLLOWING COURSES AND DISTANCES: N89°48'27"E A DISTANCE OF 489.96 FEET; THENCE S53°57'05"E A DISTANCE OF 20.30 FEET; THENCE N89°48'27"E A DISTANCE OF 255.50 FEET; THENCE S53°57'05"E A DISTANCE OF 81.19 FEET; THENCE N89°48'27"E A DISTANCE OF 145.32 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING THE NORTHERLY BOUNDARY OF SAID LOT 3 RUN S00°11'33"E A DISTANCE OF 30.00 FEET; THENCE S04°50'50"W A DISTANCE OF 24.09 FEET; THENCE S00°11'33"E A DISTANCE OF 26.27 FEET; THENCE S89°48'27"W A DISTANCE OF 96.22 FEET; THENCE S40°47'39"W A DISTANCE OF 11.56 FEET; THENCE S89°48'27"W A DISTANCE OF 19.60 FEET; THENCE S02°40'25"W A DISTANCE OF 68.03 FEET; THENCE S25°24'33"W A DISTANCE OF 14.14 FEET; THENCE S89°48'27"W ON A NON-RADIAL BEARING A DISTANCE OF 32.05 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWEST AND HAVING A RADIUS OF 250.00 FEET; THENCE FROM A CHORD BEARING OF S03°39'51"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°32'03" A DISTANCE OF 24.15 FEET TO THE P.T. OF SAID CURVE; RUN THENCE S06°25'52"W A DISTANCE OF 65.48 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF SAID LOT 3; SAID POINT OF INTERSECTION BEING ON THE ARC OF A CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 372.50 FEET; THENCE FROM A CHORD BEARING OF S86°01'23"E RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 3; THROUGH A CENTRAL ANGLE OF 08°20'20" A DISTANCE OF 54.21 FEET TO THE P.T. OF SAID CURVE; RUN THENCE N89°48'27"E A DISTANCE OF 498.39 FEET; THENCE DEPARTING THE SOUTHERLY LINE OF SAID LOT 3 RUN N00°11'36"W A DISTANCE OF 38.00 FEET; THENCE N08°46'55"E A DISTANCE OF 37.06 FEET; THENCE N00°33'32"W A DISTANCE OF 70.39 FEET TO THE P.C. OF A CURVE CONCAVE SOUTHWEST AND HAVING A RADIUS OF 62.00 FEET; RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 79°16'46" A DISTANCE OF 85.79 FEET; THENCE FROM A CHORD BEARING OF S40°11'55"E RUN N10°09'42"E ON A RADIAL BEARING A DISTANCE OF 43.72 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 3; RUN THENCE ALONG THE NORTHERLY LINE OF SAID LOT 3 THE FOLLOWING COURSES AND DISTANCES; S89°48'30"W A DISTANCE OF 270.43 FEET; THENCE N56°21'48"W A

DISTANCE OF 27.24 FEET; THENCE S89°48'27"W A DISTANCE OF 44.94 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.75 ACRES

DESCRIPTION: LOT 1B

FROM THE MOST NORTHWESTERLY CORNER OF LOT 3, GREENWOOD AT LAKE MARY PHASE 2, AS RECORDED IN PLAT BOOK 54, PAGES 48 THROUGH 51, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS A POINT OF BEGINNING, RUN ALONG THE BOUNDARY OF SAID LOT 3 THE FOLLOWING COURSES AND DISTANCES: N89°48'27"E A DISTANCE OF 489.96 FEET; THENCE S53°57'05"E A DISTANCE OF 20.30 FEET; THENCE N89°48'27"E A DISTANCE OF 255.50 FEET; THENCE S53°57'05"E A DISTANCE OF 81.19 FEET; THENCE N89°48'27"E A DISTANCE OF 145.32 FEET; THENCE DEPARTING THE NORTHERLY BOUNDARY OF SAID LOT 3 RUN S00°11'33"E A DISTANCE OF 30.00 FEET; THENCE S04°50'50"W A DISTANCE OF 24.09 FEET; THENCE S00°11'33"E A DISTANCE OF 26.27 FEET; THENCE S89°48'27"W A DISTANCE OF 96.22 FEET; THENCE S40°47'39"W A DISTANCE OF 11.56 FEET; THENCE S89°48'27"W A DISTANCE OF 19.60 FEET; THENCE S02°40'25"W A DISTANCE OF 68.03 FEET; THENCE S25°24'33"W A DISTANCE OF 14.14 FEET; THENCE S89°48'27"W ON A NON-RADIAL BEARING A DISTANCE OF 32.05 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWEST AND HAVING A RADIUS OF 250.00 FEET; THENCE FROM A CHORD BEARING OF S03°39'51"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°32'03" A DISTANCE OF 24.15 FEET TO THE P.T. OF SAID CURVE; RUN THENCE S06°25'52"W A DISTANCE OF 65.48 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF SAID LOT 3; SAID POINT OF INTERSECTION BEING ON THE ARC OF A CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 372.50 FEET; THENCE FROM A CHORD BEARING OF N62°23'00"W RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 3; THROUGH A CENTRAL ANGLE OF 38°56'25" A DISTANCE OF 253.16 FEET TO THE P.R.C. WITH A CURVE BEING CONCAVE SOUTHWEST AND HAVING A RADIUS OF 477.50 FEET RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°26'20" A DISTANCE OF 395.35 FEET TO THE P.T. OF SAID CURVE; RUN THENCE S89°38'52"W A DISTANCE OF 198.97 FEET TO THE P.C. OF A CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET; RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 39.27 FEET TO THE P.T. OF SAID CURVE; RUN THENCE N00°21'08"W A DISTANCE OF 26.06 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.81 ACRES

ETOR PROPERTIES
 Planned Unit Development
 Commitments, Classifications and District Description

ADDENDUM #3

On March 25, 2008, the Board of County Commissioners of Seminole County issued this Addendum to the “ETOR Planned Unit Development Commitments, Classifications and District Description” (the “PUD”) amending such PUD. Any aspects of that PUD not specifically amended herein or by Addendum #1 or Addendum #2 shall remain in effect as set forth in that PUD.

(for your references, underlines are additions, strikethroughs are deletions)

II. STATEMENT OF BASIC FACTS

Commercial Area	34.99 acres <u>34.74 acres</u>
Office Area	5.47 acres <u>2.53 acres</u>
Residential Area	21.02 acres <u>23.83 acres</u>
Mixed Office and Commercial Area	2.59 acres
Retention, Recreation & Open Space	19.81 acres
Right-of-way	6.32 acres <u>6.70 acres</u>
Total Area	90.20 acres
Residential Density (Tract C)	9.9 D.U.A. (gross density) 12.4 (net density)
<u>Residential Density (Tract “C2” - North)</u>	<u>34.1 D.U.A. (Net)</u>
<u>Residential Density (Tract “C4” - South)</u>	<u>33.9 D.U.A. (Net)</u>
Residential Density (Tract E)	17.6 D.U.A.

III. TRACT SUMMARY

TRACT DESIGNATION	LAND USE	AREA	% OF SITE
A	Commercial	2.08 acres	2% <u>2.3%</u>
B	Office, Commercial	2.59 acres	3% <u>3.2%</u>
€	Office	5.47 acres	6%
<u>C (North)</u>	Office	<u>1.32 acres</u>	<u>1.5%</u>
€	Neighborhood	3.00 acres	3.0%
<u>€ C1 (North)</u>	Commercial	<u>2.75 acres</u>	3.0%

<u>C2 (North)</u>	<u>Residential - 80 units</u>	<u>2.81 acres</u>	<u>3.1%</u>
<u>€ C3 (South)</u>	<u>Office</u>	<u>1.21 acres</u>	<u>1.2%</u>
€	Residential – 39 units	3.94 acres	4%
<u>C4 (South)</u>	<u>Residential – 108 units</u>		<u>4.4%</u>
D	Commercial	29.91 acres	33% <u>33.2%</u>
E	Residential - 300 units	17.08 acres	18.9% <u>19%</u>
F	Recreation, Open Space, Retention	19.81 acres	22%
R.O.W.	Public Streets	6.32 acres <u>6.70 acres</u>	7% 7.2%
	Total	90.20 Acres	100%

*The Owner shall provide a six-foot high fence wall along the south property line which shall be constructed of split-face block. The Owner shall also provide a row of canopy trees along the south property line

IV. SPECIFIC USES

Residential (~~Tract C~~) (Tracts “C2” – North and “C4” – South):

~~Shall be limited to individually owned townhouses on fee simple lots, together with recreational and open space amenities consistent with Seminole County usable common open space requirements. The Developer shall establish a mandatory homeowners association for the townhouse development in Tract C.~~

Shall comply with the Seminole County R-4 zoning classification (permitted uses only).

V. OPEN SPACE

Tract “F” Recreation/Retention/Open Space 19.81 acres
Use of area is limited to the residents of ETOR Properties and their guests.

20% of Tract “E” (17.08 Acres) 3.42 acres
Use of area is limited to the residents of Tract “E.”

~~25% of the residential portion of Tract “C” (3.94 acres,~~

to be evaluated at Final Engineering)	0.99 acres
<u>25% of Tract “C2” – North (2.81 Acres, to be evaluated at Final Engineering)</u>	<u>0.70 acres</u>
<u>25% of Tract “C4” - South (3.94 acres, to be evaluated at Final Engineering)</u>	<u>0.98 acres</u>
TOTAL OPEN SPACE	24.22 acres
	<u>24.91 acres</u>

VI. BUILDING RESTRICTIONS

<u>Residential</u> <u>(Tract “C2” – North)</u>	<u>Building Height:</u>	<u>75 feet maximum</u>
	<u>Number of Stories:</u>	<u>7-story maximum</u>
	<u>No accessory structures shall be permitted.</u>	

<u>Residential (Tract “C”)</u>	<u>Building Height:</u>	<u>35 feet maximum</u>
	<u>Number of Stories:</u>	<u>2-story maximum</u>
	<u>Minimum Lot Size:</u>	<u>900 square feet</u>
	<u>Minimum Lot Width:</u>	<u>20 feet</u>
	<u>No accessory structures shall be permitted</u>	

<u>Residential</u> <u>(Tract “C4” – South)</u>	<u>Building Height:</u>	<u>50 feet maximum</u>
	<u>Number of Stories:</u>	<u>4-story maximum</u>
	<u>Accessory Building Height:</u>	<u>35 feet maximum</u>
	<u>Accessory Number of Stories:</u>	<u>1 story maximum</u>

BUILDING SETBACKS

<u>Residential (Tract “C”)</u>	<u>Min. setback from site boundary:</u>	<u>35 feet</u>
	<u>Min. distance between buildings:</u>	<u>20 feet</u>

<u>Residential (Tract “C2” – North):</u>	<u>Front (7-Story Maximum)</u>	<u>25 feet</u>
	<u>Side (Adjacent to Retail or Office)</u>	<u>10 feet</u>
	<u>Rear (Adjacent to Retail or Office)</u>	<u>10 feet</u>

<u>Residential (Tract “C4” – South):</u>	<u>Front (1-Story Maximum)</u>	<u>25 feet</u>
	<u>Front (4-Story Maximum)</u>	<u>45 feet</u>
	<u>Side (Adjacent to Retail or Office)</u>	<u>15 feet</u>
	<u>Side (adjacent to Multi-Family Residential)</u>	<u>25 feet</u>
	<u>Rear</u>	<u>0 feet</u>
	<u>Minimum distance between buildings:</u>	<u>50 feet</u>

VII. VEHICULAR AND PEDESTRIAN TRAFFIC

- h. The Developer shall install an eastbound left turn lane on South Sun Drive at the proposed west entrance to Tract "C2" – North, a Multi-Family Residential Tract.

X. OTHER COMMITMENT

- m. The development shall comply with the Final Master Plan attached hereto as Exhibit "B", except that minor extensions, alterations or modifications of the Plan shall be permitted upon approval of the Planning Manager of Seminole County pursuant to the Land Development Code.

XIII. INTERPRETATION: RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPER'S COMMITMENT AGREEMENT

- a. This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developers Commitment Agreement shall control.

Done and Ordered this _____ day of _____, 2008.

By: _____
Brenda Carey, Chairman Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Suncor Properties, 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 Developer's Commitment Agreement.

Witness

Robert Horian, President

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Robert Horian 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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Rivera Townhome Owner's Association, Inc., 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 Developer's Commitment Agreement.

Witness

Ron Semans, President

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Ron Semans 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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Regal Pointe park North Condominium Association, Inc., 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 Developer's Commitment Agreement.

Witness

Ron Semans, President

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Ron Semans 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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Exhibit "A"
Legal Description

EXISTING TRACT "A"

TRACT "A", TOGETHER WITH TOWNHOME LOTS 1 THRU 39, RIVIERA, A REPLAT OF LOT 4, GREENWOOD AT LAKE MARY PHASE 2, AS RECORDED IN PLAT BOOK 70, PAGES 87 – 90, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, CONTAINING 2.94 ACRES.

DESCRIPTION: LOT 1A

FROM THE MOST NORTHWESTERLY CORNER OF LOT 3, GREENWOOD AT LAKE MARY PHASE 2, AS RECORDED IN PLAT BOOK 54, PAGES 48 THROUGH 51, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, RUN ALONG THE BOUNDARY OF SAID LOT 3 THE FOLLOWING COURSES AND DISTANCES: N89°48'27"E A DISTANCE OF 489.96 FEET; THENCE S53°57'05"E A DISTANCE OF 20.30 FEET; THENCE N89°48'27"E A DISTANCE OF 255.50 FEET; THENCE S53°57'05"E A DISTANCE OF 81.19 FEET; THENCE N89°48'27"E A DISTANCE OF 145.32 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING THE NORTHERLY BOUNDARY OF SAID LOT 3 RUN S00°11'33"E A DISTANCE OF 30.00 FEET; THENCE S04°50'50"W A DISTANCE OF 24.09 FEET; THENCE S00°11'33"E A DISTANCE OF 26.27 FEET; THENCE S89°48'27"W A DISTANCE OF 96.22 FEET; THENCE S40°47'39"W A DISTANCE OF 11.56 FEET; THENCE S89°48'27"W A DISTANCE OF 19.60 FEET; THENCE S02°40'25"W A DISTANCE OF 68.03 FEET; THENCE S25°24'33"W A DISTANCE OF 14.14 FEET; THENCE S89°48'27"W ON A NON-RADIAL BEARING A DISTANCE OF 32.05 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWEST AND HAVING A RADIUS OF 250.00 FEET; THENCE FROM A CHORD BEARING OF S03°39'51"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°32'03" A DISTANCE OF 24.15 FEET TO THE P.T. OF SAID CURVE; RUN THENCE S06°25'52"W A DISTANCE OF 65.48 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF SAID LOT 3; SAID POINT OF INTERSECTION BEING ON THE ARC OF A CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 372.50 FEET; THENCE FROM A CHORD BEARING OF S86°01'23"E RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 3; THROUGH A CENTRAL ANGLE OF 08°20'20" A DISTANCE OF 54.21 FEET TO THE P.T. OF SAID CURVE; RUN THENCE N89°48'27"E A DISTANCE OF 498.39 FEET; THENCE DEPARTING THE SOUTHERLY LINE OF SAID LOT 3 RUN N00°11'36"W A DISTANCE OF 38.00 FEET; THENCE N08°46'55"E A DISTANCE OF 37.06 FEET; THENCE N00°33'32"W A DISTANCE OF 70.39 FEET TO THE P.C. OF A CURVE CONCAVE SOUTHWEST AND HAVING A RADIUS OF 62.00 FEET; RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 79°16'46" A DISTANCE OF 85.79 FEET; THENCE FROM A CHORD BEARING OF S40°11'55"E RUN N10°09'42"E ON A RADIAL BEARING A DISTANCE OF 43.72 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 3; RUN THENCE

ALONG THE NORTHERLY LINE OF SAID LOT 3 THE FOLLOWING COURSES AND DISTANCES; S89°48'30"W A DISTANCE OF 270.43 FEET; THENCE N56°21'48"W A DISTANCE OF 27.24 FEET; THENCE S89°48'27"W A DISTANCE OF 44.94 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.75 ACRES

DESCRIPTION: LOT 1B

FROM THE MOST NORTHWESTERLY CORNER OF LOT 3, GREENWOOD AT LAKE MARY PHASE 2, AS RECORDED IN PLAT BOOK 54, PAGES 48 THROUGH 51, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS A POINT OF BEGINNING, RUN ALONG THE BOUNDARY OF SAID LOT 3 THE FOLLOWING COURSES AND DISTANCES: N89°48'27"E A DISTANCE OF 489.96 FEET; THENCE S53°57'05"E A DISTANCE OF 20.30 FEET; THENCE N89°48'27"E A DISTANCE OF 255.50 FEET; THENCE S53°57'05"E A DISTANCE OF 81.19 FEET; THENCE N89°48'27"E A DISTANCE OF 145.32 FEET; THENCE DEPARTING THE NORTHERLY BOUNDARY OF SAID LOT 3 RUN S00°11'33"E A DISTANCE OF 30.00 FEET; THENCE S04°50'50"W A DISTANCE OF 24.09 FEET; THENCE S00°11'33"E A DISTANCE OF 26.27 FEET; THENCE S89°48'27"W A DISTANCE OF 96.22 FEET; THENCE S40°47'39"W A DISTANCE OF 11.56 FEET; THENCE S89°48'27"W A DISTANCE OF 19.60 FEET; THENCE S02°40'25"W A DISTANCE OF 68.03 FEET; THENCE S25°24'33"W A DISTANCE OF 14.14 FEET; THENCE S89°48'27"W ON A NON-RADIAL BEARING A DISTANCE OF 32.05 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWEST AND HAVING A RADIUS OF 250.00 FEET; THENCE FROM A CHORD BEARING OF S03°39'51"W RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°32'03" A DISTANCE OF 24.15 FEET TO THE P.T. OF SAID CURVE; RUN THENCE S06°25'52"W A DISTANCE OF 65.48 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF SAID LOT 3; SAID POINT OF INTERSECTION BEING ON THE ARC OF A CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 372.50 FEET; THENCE FROM A CHORD BEARING OF N62°23'00"W RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 3; THROUGH A CENTRAL ANGLE OF 38°56'25" A DISTANCE OF 253.16 FEET TO THE P.R.C. WITH A CURVE BEING CONCAVE SOUTHWEST AND HAVING A RADIUS OF 477.50 FEET RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°26'20" A DISTANCE OF 395.35 FEET TO THE P.T. OF SAID CURVE; RUN THENCE S89°38'52"W A DISTANCE OF 198.97 FEET TO THE P.C. OF A CURVE CONCAVE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET; RUN THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 39.27 FEET TO THE P.T. OF SAID CURVE; RUN THENCE N00°21'08"W A DISTANCE OF 26.06 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.81 ACRES

Exhibit "B"
Revised Final Master Plan

ETOR PROPERTIES
PLANNED UNIT DEVELOPMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

APPROVED BY THE SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
ON JULY 30, 1991

FILED IN OFFICE
CITY COMMISSIONERS
91 AUG 14 AM 11:52
CLERK TO BOARD OF
SEM. COUNTY, FLA.
DEPUTY CLERK
CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEM. COUNTY, FLORIDA

I. LEGAL DESCRIPTION

From the East 1/4 Corner of Section 18, Township 20 South, Range 30 East, Seminole County, Florida, run North 00°34'14" West, along the East line of the Northeast 1/4 of said Section 18, a distance of 663.57 feet to the South line of the North 3/4 of the Northeast 1/4 of said Section 18, for a POINT OF BEGINNING, thence continue North 00°34'14" West, 382.24 feet to a point on a curve thence run Northwesterly along said curve concave Northeasterly having a radius of 1540.00 feet, a central angle of 06°39'34", a chord bearing of North 25°11'40" West, for an arc distance of 178.99 feet, thence run North 21°51'53" West, 11.46 feet, thence run Northwesterly along a curve concave Easterly having a radius of 1044.32 feet, a central angle of 21°17'40", a chord bearing of North 11°13'03" West, for an arc distance of 388.13 feet run North 00°34'13" West, 967.25 feet, thence run Northwesterly along a curve concave Southwesterly having a radius of 50.00 feet, a central angle of 89°37'27", a chord bearing of North 45°22'57" West, for an arc distance of 78.21 feet to a point on the South Right-of-Way line of Lake Mary Blvd., said South Right-of-Way being 40.00 feet South and parallel with the North line of the Northeast 1/4 of said Section 18, thence run South 89°48'19" West, along said Right-of-Way line 1949.36 feet to the East line of the West 389.498 feet of said Northeast 1/4 of Section 18, thence run South 00°21'16" East, along said East line 1959.52 feet to the South line of the North 3/4 of said Northeast 1/4, same being the North line of GREENWOOD LAKES UNIT 2, according to the Plat thereof as recorded in Plat Book 22, Pages 2 and 3, of the Public Records of Seminole County, Florida, thence run South 89°34'16" West, along said South line of the North 3/4 a distance of 770.81 feet to the Northeast corner of Lot 17, GREENWOOD LAKES UNIT 2 FIRST ADDITION, according to the Plat thereof as recorded in Plat Book 23, Page 52, said Public Records of Seminole County, Florida, thence run South 18°30'27" West, along the Easterly line of said Lot 17, a distance of 102.83 feet (Plat distance of 103.69 feet) to the North line of MORNING GLORY DRIVE as shown on said Plat of GREENWOOD LAKES UNIT 2 FIRST ADDITION, thence run Northeasterly along MORNING GLORY DRIVE and a curve concave Northwesterly having a radius of 166.82 feet, a central angle of 11°18'48", a chord bearing of North 51°16'56" East, for an arc distance of 32.94 feet to a point of reverse curve, thence run along a curve concave Southeasterly having a radius of 275.00 feet, a central angle of 44°00'00", a chord bearing of North 67°34'16" East, for an arc distance of 211.18 feet to the Northeast corner of said Plat of GREENWOOD LAKES UNIT 2 FIRST ADDITION, said Northeast corner being on the South line of the North 3/4 of said Northeast 1/4, thence run North 89°34'16" West, 1136.58 feet to the Point of Beginning. Containing 90.20 acres. Less the additional right-of-way for Lake Mary Boulevard.

II. STATEMENT OF BASIC FACTS

Commercial Area	31.99 Acres
Office Area	15.00 Acres
Residential Area	17.08 Acres
Retention, Recreation & Open Space	19.81 Acres
Right-of-Way	6.32 Acres
Total Area	90.20 Acres
Residential Density	17.6 D.U.A.

III. TRACT SUMMARY

<u>TRACT DESIGNATION</u>	<u>LAND USE</u>	<u>AREA</u>	<u>% OF SITE</u>
A	Commercial	2.08 Acres	2%
B	Office	2.59 Acres	6%
C	Office	12.41 Acres	11%
D	Commercial	29.91 Acres	33%
E	Residential-300 Units	17.08 Acres	19%
F	Recreation/Open Space Retention	19.81 Acres	22%
R.O.W.	Public Street	<u>6.32 Acres</u>	<u>7%</u>
	TOTAL	90.20 Acres	100%

IV. SPECIFIC USES

Residential: Uses consist of residential dwelling units plus the following additional uses: day care facilities, churches and adult congregate living facilities and group homes.

Office: Will comply with Seminole County OP zoning.

Commercial: Will comply with Seminole County C-2 zoning excluding the following permitted uses: outdoor advertising signs. And excluding the following conditional uses: drive-in theatres, flea markets-open air, paint and body shops, and adult entertainment establishment.

V. OPEN SPACE

Tract "F" Recreation/Retention/Open Space 19.81 Acres

Use of area is limited to the residents of Etor Properties and their guests.

20% of Tract "E" (17.08 Acres) 3.42 Acres

Use of area is limited to the residents of Tract "E".

TOTAL OPEN SPACE 23.23 Acres

VI. BUILDING RESTRICTIONS

Residential: Building Height: 35 Feet Maximum
Number of Stories: One, Two and Three
Limited to two story first tier adjacent to Tract "F".

BUILDING SETBACKS

Lake Mary Blvd.:		50 Feet
Sun Drive:	Commercial:	25 Feet
	Office:	25 Feet
	Residential:	25 Feet - Single Story
		35 Feet - Two Story
		45 Feet - Three Story
Greenwood Blvd.:	Commercial:	25 Feet
	Residential:	25 Feet - Single Story
		35 Feet - Two Story
		45 Feet - Three Story
Commercial Use:	Front:	25 Feet
	Side:	0 Feet
	Rear:	10 Feet
Office Use:	Front:	25 Feet
	Side:	0 Feet
	Rear:	10 Feet
Residential:	Front:	25, 35 and 45 Feet
	Side:	25, 35 and 45 Feet
	Rear:	0 Feet Adjacent to Tract "F"

BUFFERS

Lake Mary Blvd.:	15 Ft.
Greenwood Blvd.:	5 Ft. and 15 Ft. (Lake Mary Blvd. Gateway Corridor)
South Property Line:	100 Ft. Natural Buffer
Office Use:	10 Ft. Abutting Residential

A 6 foot high masonry block wall will be installed on the north side of the 100 foot natural buffer as shown on the Final Master Plan. Except as precluded by environmentally sensitive areas.

VII. VEHICULAR AND PEDESTRIAN TRAFFIC

- a. The Developer shall dedicate a 105 ft. right-of-way for the extension of Sun Drive from Lake Mary Boulevard to Greenwood Boulevard.
- b. The Developer shall dedicate an additional 52 ft. of right-of-way for Lake Mary Boulevard for a total 1/2 right-of-way width of 92 feet.
- c. The Developer shall dedicate a cross access easement through Tract D from Sun Drive eastward to Greenwood Boulevard.
- d.
 1. At the intersection of Lake Mary Boulevard and Greenwood Boulevard, construct a second northbound and southbound through lane on Greenwood Boulevard, a second westbound left turn lane on Lake Mary Boulevard and a continuous right turn lane on Lake Mary Boulevard from the northwest property corner to Greenwood Boulevard.
 2. At the intersection of Lake Mary Boulevard and Sun Drive, install an eight-phase traffic signal.
 3. At the intersection of Greenwood Boulevard and Sun Drive, install an eight-phase traffic signal.
 4. All roadway improvement commitments above will be completed prior to first C.O.
- e. Five foot wide pedestrian sidewalks will be provided along Sun Drive through the development as per the typical section shown on the Final Master Plan.

VIII. RECREATION

Recreational facilities, both active and passive, are to be included within the development. All recreational facilities within the residential development (Tract "E"), will be installed by the developer of said tract. Specific recreational facilities to be installed are swimming pool, tennis court, and jogging trail. These facilities will be completed prior to issuance of a C.O. for the 150th dwelling unit in the residential section.

IX. PUBLIC FACILITIES

1. Potable Water:

- a. There is an existing 12-inch water main along the west side of Greenwood Blvd. and a stubbed 12-inch water main along the south side of Lake Mary Blvd. at the northwest corner of the project and the northeast corner of the project. A proposed 12-inch water main will be constructed along the westerly and southerly side of Sun Drive from Lake Mary Blvd. to Greenwood Blvd. Water distribution by Seminole County. The commercial tracts, office tracts and residential tract shall be master metered for water service. Master meters will be provided for each final platted lot or tract.

2. Wastewater Collection:

- a. There is an existing 12-inch gravity sanitary sewer main along Greenwood Blvd. within the Florida Power Corporation easement. The tie-in point for the project will be at the southeast corner of the site. Wastewater treatment by Seminole County.

3. Stormwater Management:

- a. The stormwater collection and retention system will be designed in accordance with all Seminole County and St. Johns River Water Management District criteria. A 25 year/24 hour storm event will be the basis of design for storm routing and retention. The proposed drainage facilities, easements, and retention pond for the Lake Mary Blvd. improvements located within the project will be relocated as per the Joint Use Agreement between Etor Properties Ltd. and Seminole County dated March 7, 1991. Maintenance for the stormwater retention facilities will be funded by an owners association with Seminole County participating to the extent of their regular quarterly maintenance.

4. Re-Use Water System:

- a. This project will be required to connect to the County's re-use water system for irrigation when available at the project site.

X. OTHER COMMITMENTS

- A. A voluntary payment of \$350.00 per dwelling unit at the time of "Certificate of Occupancy", to the public school impact fund.

- B. The southerly 100 feet of the property will be maintained as a natural buffer (including the triangular shape extending into the Brandermill Subdivision).
- C. The adjacent 300 feet lying north of the 100 foot wide buffer will be reserved for recreation, open space, and stormwater retention and will be limited to the Etor property residents and their guests.
- D. A six-foot high masonry wall to be constructed east and west along the northerly boundary of the 100 foot buffer and south along the westerly line of the power line easement to the south property line. No wall or other type of fencing to be done in wetland areas.
- E. The first row of all buildings constructed adjacent to Tract "F" shall not exceed two (2) stories. The remainder may be three (3) stories but no structures may exceed 35 feet in height.
- F. All access to the Etor property will be from Lake Mary Boulevard or Greenwood Boulevard.
- G. This entire project shall comply with the lighting, landscaping, and signage standards contained in the Lake Mary Boulevard Gateway Corridor Ordinance. Lake Mary Boulevard Gateway Corridor Ordinance setbacks apply only to Lake Mary Boulevard.
- H. Trash receptacles must be contained in enclosed areas, either wood or masonry.
- I. The buffer area (including the triangular shaped area) shall be conveyed to the Brandermill and Reserve Homeowners Association. The conveyance should take place upon completion of construction of the fences and walls referred to in paragraph D.
- J. Tract "F" will count toward density calculations, open space, landscaping, and setbacks for the development of the remainder of the property.
- K. If any land use changes are contemplated from the current zoning classification within the next two years, the Brandermill and Reserve Homeowners Associations shall be notified in writing at least two (2) weeks prior to any public hearings.
- L. Any commitments with the Brandermill and Reserve Homeowners Association letter dated September 11, 1990, not outlined in the above paragraphs, shall be complied with.

XI. CODES AND ORDINANCES

Unless specifically addressed in this agreement, all development shall fully comply with all codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of issuance of any permit.

XII. DEVELOPER DEFINITION

1. When the term "Developer" is used herein, the same shall apply to the specific developer as noted below in the signature block of this agreement. All obligations, liabilities, and responsibilities shall be assumed by any and all successors.

For Etor Properties, Ltd.:

Witness: *[Signature]*

[Signature]

Witness: _____

For Seminole County:

Witness: *[Signature]*

[Signature]
Chairman of Seminole County
Board of County Commissioners

Witness: *[Signature]*

ETOR PROPERTIES

Planned Unit Development

ADDENDUM #1

ADDENDUM APPROVED ON JUNE 11, 2002

The Etor Properties Planned Unit Development Commitment Agreement dated July 30, 1991, and amended on December 11, 2001, is hereby amended as follows:

II. STATEMENT OF BASIC FACTS

Commercial Area	31.99 acres
Office Area	12.41 acres
Residential Area	17.08 acres
Mixed Office and Commercial Area	2.59 acres
Retention, Recreation & Open Space	19.81 acres
Right-of-Way	6.32 acres
Total Area	90.20 acres
Residential Density	17.6 D.U.A.

III. TRACT SUMMARY

<u>TRACT DESIGNATION</u>	<u>LAND USE</u>	<u>AREA</u>	<u>% OF SITE</u>
A	Commercial	2.08 acres	2%
B	Office, Commercial*	2.59 acres	6%
C	Office	12.41 acres	11%
D	Commercial	29.91 acres	33%
E	Residential-300 units	17.08 acres	19%
F	Recreation, Open Space, Retention	19.81 acres	22%
R.O.W.	Public Street	<u>6.32 acres</u>	<u>7%</u>
	TOTAL	90.2 acres	100%

*The Owner shall provide a six-foot high fence along the south property line which shall be constructed of split-face block. The Owner shall also provide a row of canopy trees along the south property line.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 04488 PG 0928
FILE NUM 2002923045
RECORDED 08/12/2002 09:18:37 AM
RECORDING FEES 15.00
RECORDED BY S Coatsy

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

Approved and Accepted:

By: ETOR Properties LLC

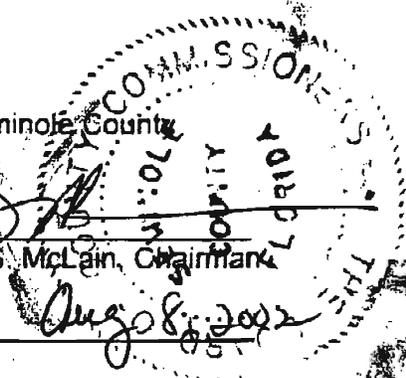
Jeno F. Paulucci
Jeno F. Paulucci, Manager

Date: 7/22/02

By Seminole County

Daryl G. McLain
Daryl G. McLain, Chairman

Date: Aug 8, 2002



FILE NUM 2002923045
OR BOOK 04488 PAGE 0929

RETURN TO SANDY MCCANN

ETOR PROPERTIES
Planned Unit Development
Commitments, Classifications and District Description

ADDENDUM #2

On June 8, 2004, the Board of County Commissioners of Seminole County issued this Addendum to the "ETOR Planned Unit Development Commitments, Classifications and District Description" (the "PUD") amending such PUD. Any aspects of that PUD not specifically amended herein or by Addendum #1 shall remain in effect as set forth in that PUD.

II. STATEMENT OF BASIC FACTS

Commercial Area	34.99 acres
Office Area	5.47 acres
Residential Area	21.02 acres
Mixed Office and Commercial Area	2.59 acres
Retention, Recreation & Open Space	19.81 acres
Right-of-Way	6.32 acres
Total Area	90.20 acres
Residential Density (Tract C)	9.9 D.U.A. (gross density)
	12.4 D.U.A. (net density)
Residential Density (Tract E)	17.6 D.U.A.

III. TRACT SUMMARY

TRACT DESIGNATION	LAND USE	AREA	% OF SITE
A	Commercial	2.08 acres	2%
B	Office, Commercial*	2.59 acres	3 %
C	Office	5.47 acres	6 %
C	Neighborhood Commercial	3.00 acres	3 %
C	Residential - 39 units	3.94 acres	4%
D	Commercial	29.91 acres	33%
E	Residential - 300 units	17.08 acres	19%
F	Recreation, Open Space, Retention	19.81 acres	22%
R.O.W.	Public Streets	6.32 acres	7%
	TOTAL	90.20 acres	100%

* The Owner shall provide a six-foot high fence along the south property line which shall be constructed of split-face block. The Owner shall also provide a row of canopy trees along the south property line.

12.4/

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05387 PGS 0435-0438
CLERK'S # 2004112036
RECORDED 07/16/2004 10:17:07 AM
RECORDING FEES 35.50
RECORDED BY J Eckenroth

IV. SPECIFIC USES

Residential (Tract E): Will comply with Seminole County R-4 zoning plus an additional use permitted will be day care facilities.

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY Eve Roub

Residential (Tract C): Shall be limited to individually-owned townhouses on fee-simple lots, together with recreational and open space amenities consistent with Seminole County usable common open space requirements. The Developer shall establish a mandatory homeowners association for the townhouse development in Tract C.

Neighborhood Commercial (Tract C):

Shall be limited to uses listed as permitted in the CN zoning classification per the Seminole County Land Development Code.

V. OPEN SPACE

Tract "F" Recreation/Retention/Open Space	19.81 acres
Use of area is limited to the residents of ETOR Properties and their guests.	
20% of Tract "E" (17.08 Acres)	3.42 acres
Use of area is limited to the residents of Tract "E".	
25% of the residential portion of Tract "C" (3.94 acres, to be evaluated at Final Engineering)	0.99 acre
TOTAL OPEN SPACE	24.22 acres

VI. BUILDING RESTRICTIONS

Residential (Tract "E"):

Building Height:	35 feet maximum
Number of Stories:	one, two and three
Limited to two story first tier adjacent to Tract "F".	

Residential (Tract "C"):

Building Height:	35 feet maximum
Number of Stories:	2-story maximum
Minimum Lot Size:	900 square feet
Minimum Lot Width:	20 feet
No accessory structures shall be permitted.	

Neighborhood Commercial (Tract "C"):

Building Height:	35 feet maximum
------------------	-----------------

BUILDING SETBACKS

Residential (Tract "E"): no change
Residential (Tract "C"): Min. setback from site boundary: 35 feet
Min. distance between buildings: 20 feet
Neighborhood Commercial (Tract "C"):
Front: 25 feet
Side: 0 feet
Rear: 10 feet

VII. VEHICULAR AND PEDESTRIAN TRAFFIC

- f. The Developer shall install an eastbound left turn lane on Sun Drive at the proposed west entrance to the office and neighborhood commercial site on the north portion of Tract C.
- g. The Developer shall install an eastbound left turn lane on Sun Drive at Greenwood Boulevard.

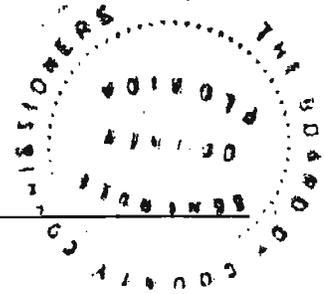
X. OTHER COMMITMENTS

- F. ~~All access to the ETOR property will be from Lake Mary Boulevard or Greenwood Boulevard.~~
- F. Landscaping and irrigation facilities shall be installed in the Sun Drive median strip adjacent to Tract C prior to issuance of the first certificate of occupancy for the townhouses and/or neighborhood retail center in that tract.

Done and Ordered this 8th day of June, 2004.

By: _____

Daryl G. McLain
Chairman
Seminole County Board of County Commissioners



**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
FEBRUARY 6, 2008**

Members present: Matthew Brown, Ben Tucker, Melanie Chase, Dudley Bates and Kim Day.

Members absent: Walt Eismann and Rob Wolf

Also present: Tina Williamson, Assistant Planning Manager; Austin Watkins, Senior Planner; Tony Walter, Principal Planner; Cynthia Sweet, Senior Planner; Tony Nelson, Senior Engineer; Kathy Furey – Tran, Assistant County Attorney; Dori DeBord, Director of Planning and Development; and Candace Lindlaw-Hudson, Clerk to the Commission.

Etor PUD Major Amendment: Robert Horian, Suncor Properties Inc., applicant; 16.29 ± acres; PUD (Planned Unit Development) Major Amendment for a change of use from Office to Multi-Family and Revised Final Master Plan; located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd; (Z2006-78)

Commissioner Henley – District 4
Austin Watkins, Senior Planner

Mr. Watkins introduced the ETOR PUD (Planned Unit Development) Major Amendment for 6.75 ± acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd.

Mr. Watkins stated that the PUD was originally approved in 1994 as a multi-use Office, Retail and Multi-Family PUD.

Tract “C” is approved for 5.47 acres of Office, 3.00 acres of Neighborhood Commercial and 3.94 acres of attached single-family dwellings. The applicant proposes to change the uses for Tract “C” from Office and attached single-family to multi-family and increase the maximum allowable building height and densities.

There are two separate tracts. A 7-story condo is proposed on Tract C-2, which is the northern tract, and a 4-story unit on Tract C-4 to the south.

The applicant is proposing to reduce the office uses allowed from the approved 5.47 acres to the existing-built 2.53 acres of office and allow for a seven-story (six floors of residential on top of one floor of parking) 80 dwelling unit condominium development to be constructed on the remaining 2.94 acres of Tract C-2. The net density is 34.04 dwelling units per net buildable acre and maximum building height is 7-stories or 75 feet.

In 2004, Tract C-4 was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The applicant is also requesting to change the 3.94 acres approved for townhomes to condominiums and increase the number of approved dwelling units from 39 to 108 and maximum building height to 4-stories or 45 feet.

The PUD limits the maximum building height of residential development adjacent to Tract "F" (retention pond to the south) to two stories and all other residential development to 35 feet and three stories.

The surrounding property within the ETOR PUD includes commercial (C-1 and CN uses), multi-family and professional office uses. The property to the north and east of the subject property is approved for commercial and professional office uses. South of the subject properties are a retention pond (Tract F), single-family and multi-family developments within the Greenwoods Lakes PUD and ETOR PUD. Tract E of the ETOR PUD is located south of Tract C-2 and abuts Tract C-4 on the western property boundary. Tract E is approved for multi-family residential and has a maximum building height of 35 feet and a net buildable density of 17.6 dwelling units per acre.

The Seminole County Comprehensive Plan, Vision 2020 Policy FLU 2.11 provides a methodology for determining compatibility in the Planned Unit Development (PUD) Zoning Classification. The policy states that, "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."

In addressing the density within the proposal Mr. Watkins stated that Tract C-2 is 2.94 acres and is currently approved for office uses. The requested Major Amendment would allow 80 condominium units in a seven - story building. The proposed net density for Tract C-2 is 34.04 dwelling units per net buildable acre and the requested maximum building height is 75 feet. The maximum densities within a ½ mile radius from the site range from 3.0 to 17.6 dwelling units per acre. Tract E, immediately south of Tract C-2 across Sun Drive, contains a 3-story apartment complex with a net density of 17.6 dwelling units per acre. The proposed Major Amendment represents an increase in net density from 17.6 dwelling units per net acre on Tract E to 34.04 dwelling units per acre on Tract C-2, which is an almost 100% increase. At the same time, the applicant is also requesting to reduce the required setback adjacent to Sun Drive, across from Tract E, from 35 feet to 25 feet, with a 10-foot landscape buffer.

Tract C-4 is 3.94 acres and in 2004, it was approved for 39 individually platted townhomes at a net density of 12.22 dwelling units per net buildable acre. The requested Major Amendment is for 108 condominiums with a net density of 33.9 dwelling units per net buildable acre and a maximum building height of 45 feet. The proposed amendment represents a nearly 100% increase from the

established density of 17.6 dwelling units per acre in Tract E, which is adjacent to Tract C-4 on the western property line. At the same time, the applicant is also requesting to reduce the required setback adjacent to Tract E (west), from 35 feet to 25 feet and the setback adjacent to Tract F (south) from 35 feet to 0 feet.

In addressing the building height in the area surrounding the subject property, Mr. Watkins pointed to a maximum building height of 35-feet within unincorporated Seminole County. The surrounding properties in the City of Lake Mary have a maximum building height of 40 feet to 55 feet 6 inches. The tallest building within a ½ mile radius of the subject property is the Sandefur Professional Office Building, located at 740 North Sun Drive. The Sandefur building is approved for a maximum building height of four stories, not to exceed 55 feet and 6 inches and was approved as a conditional use by the City of Lake Mary.

The proposed Major Amendment is for a 75-foot building on Tract C-2 and a 45-foot tall building on Tract C-4. The proposed 75 feet height constitutes an increase of 20 feet and four stories above the maximum building height approved for the Sandefur building. Additionally, the proposed amendment would result in an increase in the maximum allowable building height from 35 feet on Tract E to 75 feet on Tract C-2. The increase in maximum allowable building height for Tract C-2 versus Tract E represents over a 100% increase in maximum allowable building height. It would also allow 45 feet, four story buildings adjacent to Tract F, with a 0-foot setback. All development adjacent to Tract F is currently limited to a maximum of two stories, with a 35-foot setback.

The proposed setbacks are also not consistent with surrounding properties. The Sandefur building has a setback of 80 feet from Sun Drive and has a maximum building height of 4-stories or 55 feet and 6 inches. Tract E of the ETOR PUD has a 45-foot setback from Sun Drive and has a maximum allowable building height of 35 feet.

Mr. Watkins stated that staff has determined that the proposed increases in density and building height, coupled with the proposed setback reductions, do not provide an appropriate transition to adjacent properties and are not compatible with surrounding development patterns. The proposal constitutes nearly a 100% increase in net density for Tract C-2 and C-4, as well as building height, versus any currently approved developments within a ½-mile radius of the site. The proposed building heights are also not consistent with the surrounding one-story retail developments to the north and east and three-story residential development to the south and west.

Staff recommendation is for denial of the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer's Commitment Agreement, for 6.75+ acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Boulevard.

Ronald Henson with Design Services Group is the project engineer. Mr. Henson stated that there are density increases in the two areas under examination, but the net density of the PUD as a whole has not increased. The PUD is a multi-use development. Mr. Horian has been developing the commercial aspects of the PUD. Mr. Henson demonstrated on an overhead map the developed areas of the PUD and surrounding areas. He stated that Mr. Horian would like to change the nature of two small undeveloped areas of the PUD, which already have the infrastructure in place. The changes being made tonight will not change the vested trips. The two office buildings that are not going to be built were to be a three-story medical building and a single story office building. Tract C-4 had 36 townhomes which will be replaced with two four-story free standing structures. This will reduced the floor space occupied and increase the open space. Open space will be amenitized with interconnecting drives and pedestrian ways. A variety of uses will be available to the residents of the area. Such high intensity uses are recommended by the County in the areas of high use. Mr. Henson stated that the proposed developments would be well screened from the residential areas to the south and to Lake Mary Boulevard. He showed pictures with projected views of the proposed buildings. Mr. Henson stated that the buildings will not stand out. The seven-story building has the first floor as parking garage topped by a health spa and swimming pool area. The roof will have some resident amenities. We are trading medical office use for residential use. This PUD is almost 20 years old, and times change. This is more appropriate for the needs now. There is an abundance of townhomes. Mr. Henson said that the East Central Florida Regional Planning Council recommends less urban sprawl, less building area coverage, more preservation of green areas, and traffic contained in areas which accommodate the flow. This will be a good component to the existing PUD. The unit sizes range from 1,800 square feet to 2,500 square feet.

Bob Horian said that this is the last of the 40-acre tract he is developing. It is the center of the area, with 5 banks and 20 restaurants. Townhomes with two or three stories of staircases do not seem to be in vogue today. They are not selling. Subdivisions are sitting dormant. People want flats today. People like things one level with elevators servicing the building instead of stairs. There are two levels of development between the buildings. The tower will be luxury living with concierge service. The other building will be smaller, more affordable units. There projects are highly amenitized, which is what the County wants. The East Central Florida Regional Planning Group did a study of the area and this development comes out of that study.

No one spoke from the audience.

Commissioner Chase stated that this development is very large.

Commissioner Day asked if there were emergency vehicles that could service seven-story buildings in the area.

Mr. Watkins did not know what height the emergency vehicles could access.

Commissioner Day stated that the trucks that serve a seven-story building are different from those that service a three-story building.

Commissioner Brown said that by taking out office building uses we are “eating our seed corn.” Office buildings have less demands on our infrastructure than residential uses. We are looking at a negative here. The density of going from 39 units to 108 units is a concern.

Commissioner Tucker said that there is a classic argument about smart growth with infill projects differing from established existing uses in character. This does not appear to be the type density that was anticipated in the area.

Commissioner Bates concurred with Commissioner Tucker. This has redeeming qualities, but it is too intense for the area.

Commissioner Bates made a motion to deny of the PUD Major Amendment, Revised Final Master Plan and Addendum # 3 to the ETOR PUD Developer’s Commitment Agreement, for 6.75 + acres, located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd, based on staff findings.

Commissioner Chase seconded the motion.

The motion passed 5 – 0.



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Seminole County Board of County Commissioners

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

Date: January 18, 2008

RE: **ETOR PUD Major Amendment**

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

Description – Two parcels located on S. Sun Drive approximately 900 feet west of Greenwood Lakes Blvd. The applicant is requesting a major amendment to the existing PUD zoning approval. The applicant is proposing Conversion of a Retail Tract to High Density Residential (80 units) and increase of allowed density of another Tract from 39 units to 108 units. Parcel ID #: 18-20-30-520-0100-0000+; 18-20-30-521-0A00-0000.

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 table:

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elementary	E-9	5015	4999	20	1003	0	967
Middle	M-1	3739	3950	10	0	0	201
High	H-1	6377	6685	12	0	0	296

Comments:

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Any newly platted developments 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 based on future conditions.

Terms and Definitions:

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

Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

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.

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).

Level of Service Standard (LOS): A standard or condition established to measure utilization within a concurrency service area. Current Level of Service is determined by the sum of the FTE student count at the same type of schools within a concurrency service area, divided by the sum of the permanent FISH capacity of the same type of schools within a concurrency service area. Projected or future Level of Service is determined by the sum of the projected COFTE enrollments at the same type of schools within a concurrency service area, divided by the sum of the planned permanent FISH capacity of the same type of schools within a concurrency service area."

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.

Reserved Capacity: School capacity that is assigned to a proposed project once it has received a final development approval for the project's development application.

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

Students Resulting from Recently Approved Developments is the sum of students generated from residential developments receiving plats or final approved site plans since the January 1, 2008 implantation date for school concurrency. Student enrollment changes due to existing housing are excluded from these totals.

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%