
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Dello Russo Residence Rezone from PUD (Planned Unit Development) to PUD

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

AUTHORIZED BY: Dori DeBord

CONTACT: Austin Watkins

EXT: 7440

MOTION/RECOMMENDATION:

1. Approve the requested rezone from PUD (Planned Unit Development) to PUD, Development Order and Preliminary Master Plan and authorize the Chairman to execute the Rezone Ordinance and Development Order for 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate, based of staff findings (Robert Dello Russo, applicant); or
2. Deny the requested rezone from PUD (Planned Unit Development) to PUD, Development Order and Preliminary Master Plan and authorize the Chairman to execute the Denial Development Order for 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate (Robert Dello Russo, applicant); or
3. Continue this item until a time and date certain.

District 5 Brenda Carey

Austin Watkins

BACKGROUND:

This is a companion item to item #7, the Alaqua Lakes PUD Major Amendment. As the previous item outlined, the applicant Robert Dello Russo desires to remove 10.29 ± acres from the Alaqua Lakes PUD and create a separate PUD, referred to as the "Dello Russo Residence PUD". The PUD will allow for one single-family dwelling no larger than 36,000 square feet and one guest house no larger than 6,000 square feet. The applicant is proposing access through an existing driveway on Markham Woods Road, a 6' masonry or brick wall with a landscaped berm adjacent to the Markham Woods right-of-way and a 100' natural buffer and building setback adjacent to Markham Woods Road. All conditions outlined in the original Alaqua Lakes PUD Development Order and Developer's Commitment Agreement, as they pertain to this tract will be retained in the Dello Russo PUD. The assigned Future Land Use designation of the subject property is PD (Planned Development) which allows the requested use and zoning district.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on May 7, 2008 and voted unanimously (7-0) to recommend approval of the requested rezone from PUD (Planned Unit Development) to PUD, Development Order and Preliminary Master Plan for 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate, based of staff findings.

STAFF RECOMMENDATION:

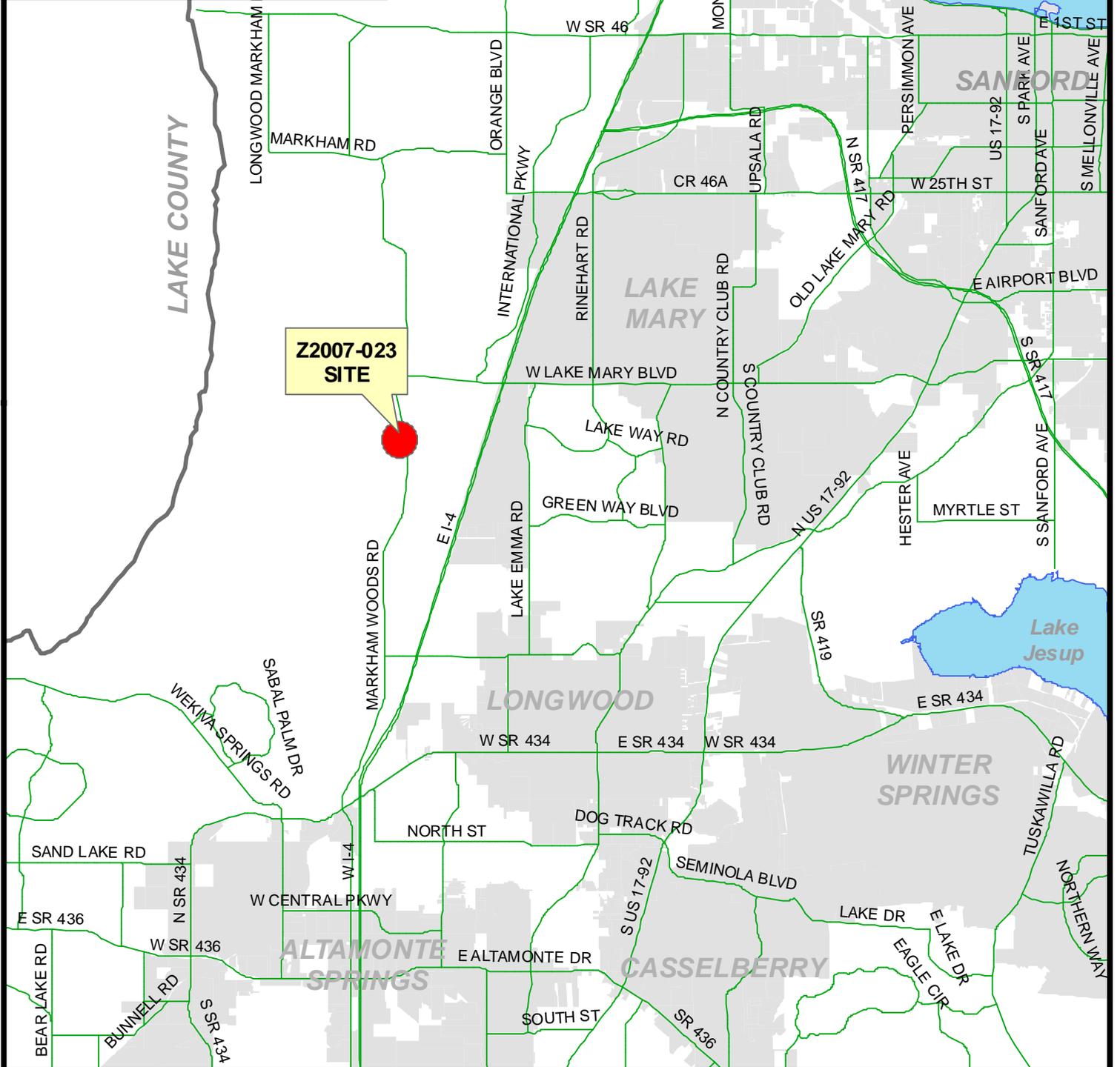
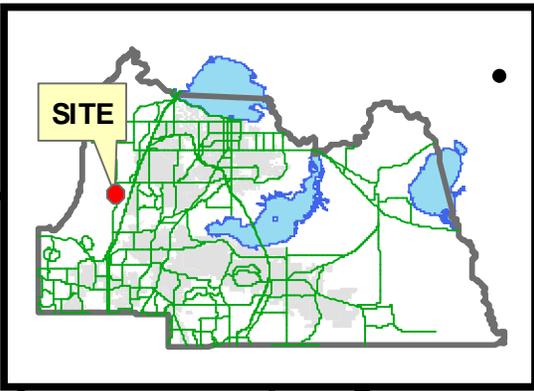
Staff recommends that the Board the requested rezone from PUD (Planned Unit Development) to PUD, Development Order and Preliminary Master Plan and authorize the Chairman to execute the Rezone Ordinance and Development Order for 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate, based of staff findings.

ATTACHMENTS:

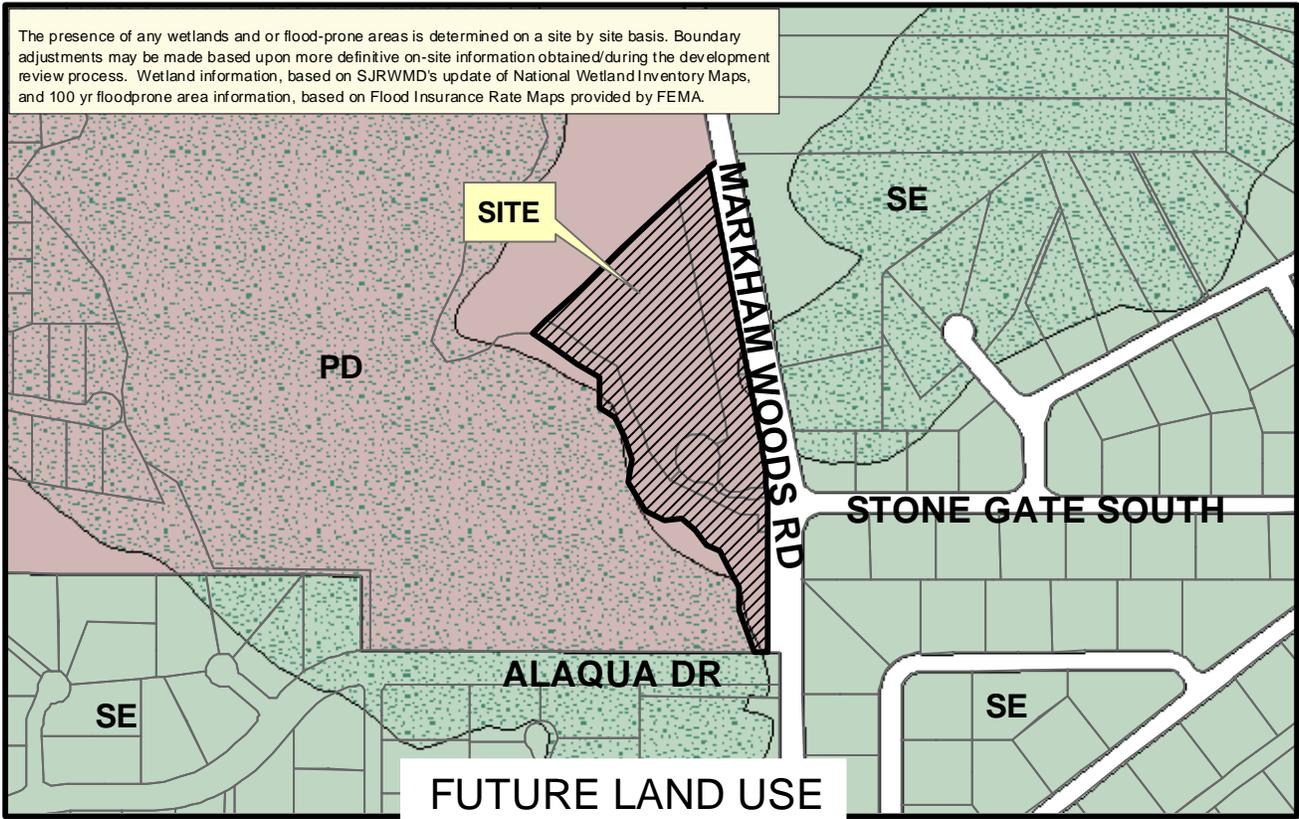
1. Location Map
2. Zoning and Future Land Use Map
3. Aerial Map
4. Preliminary Master Plan
5. Approval Development Order
6. Rezone Ordinance
7. Denial Development Order (applicable only if denied)
8. LPA P and Z Meeting Minutes

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)



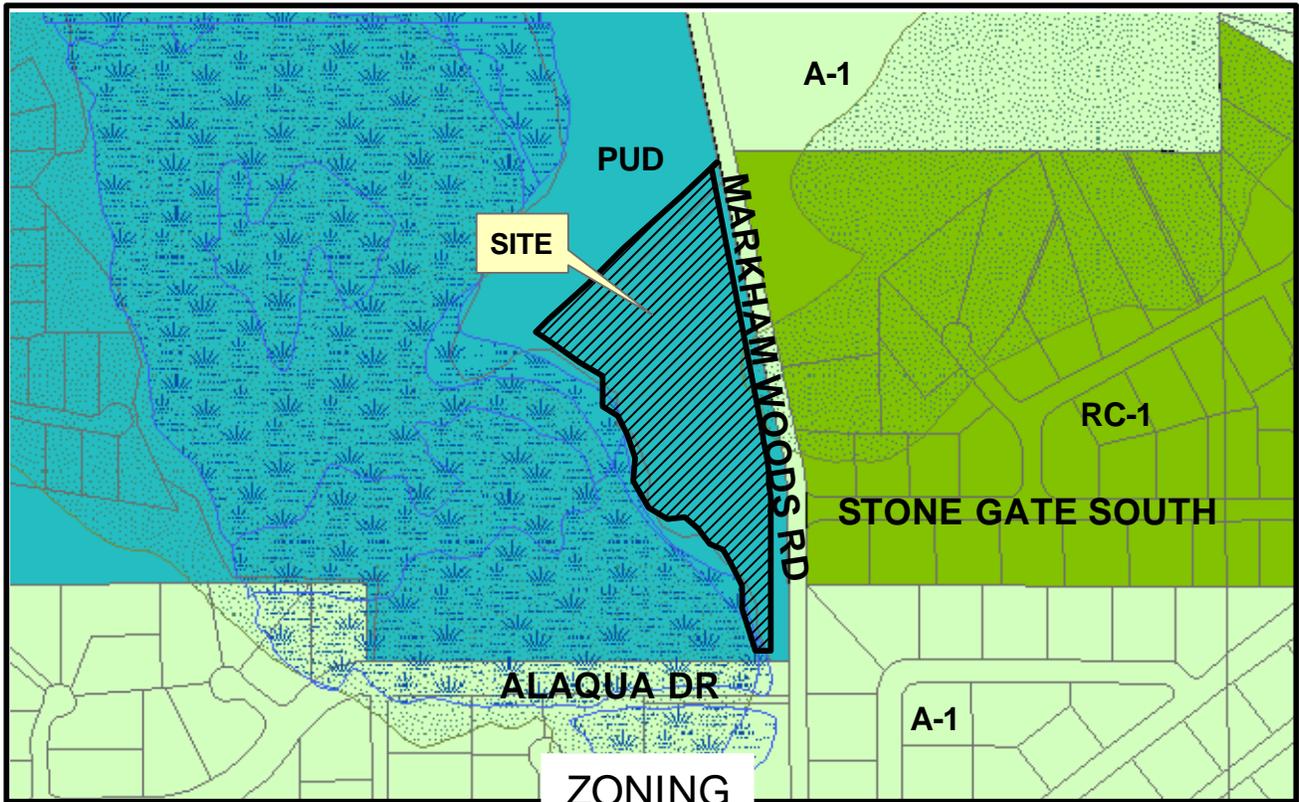
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



SE PD Site Municipality CONS

Applicant: Brian Davis, Libra Design Group
 Physical STR: 19-20-29-503-0000-0010
 Gross Acres: 8.5+/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	Z2007-023	PUD	PUD
Zoning	--	--	--



A-1 RC-1 PUD FP-1 W-1

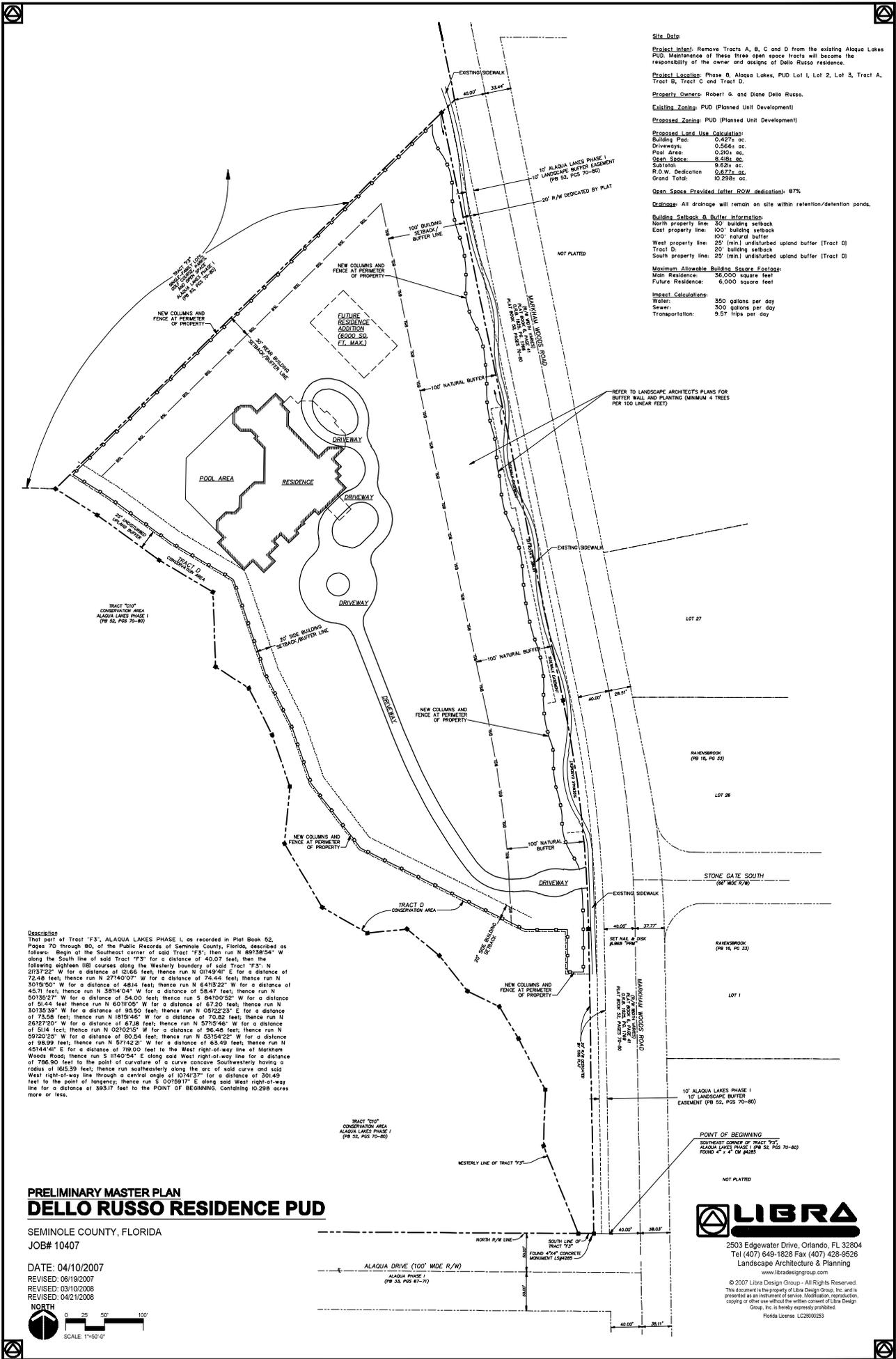


Rezone No: Z2007-023
From: PUD To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials



Site Data

Project Intent: Remove Tracts A, B, C and D from the existing Alqua Lakes PUD. Maintenance of these three open space tracts will become the responsibility of the owner and design of Dello Russo residence.

Project Location: Phase B, Alqua Lakes, PUD Lot 1, Lot 2, Lot 3, Tract A, Tract B, Tract C and Tract D.

Property Owners: Robert G. and Dana Delo Russo.

Existing Zoning: PUD (Planned Unit Development)

Proposed Zoning: PUD (Planned Unit Development)

Proposed Land Use Calculation:

Building Foot:	0.4274 ac
Driveways:	0.5665 ac
Pool Area:	0.2103 ac
Open Space:	8.4984 ac
Subtotal:	9.6212 ac
R.O.W. Dedication:	0.6777 ac
Grand Total:	10.2989 ac

Open Space Provided (after ROW dedication): 87%

Drainage: All drainage will remain on site within retention/detention ponds.

Building Setback & Buffer Information:

North property line: 50' building setback
 East property line: 100' building setback
 West property line: 25' (min) undisturbed upland buffer (Tract D)
 South property line: 25' (min) undisturbed upland buffer (Tract D)

Maximum Allowable Building Square Footage:

Main Residence: 36,000 square feet
 Future Residence: 6,000 square feet

Impact Calculations:

Water: 350 gallons per day
 Sewer: 300 gallons per day
 Transportation: 8.57 trips per day

Description

That part of Tract 'F3', ALAQUA LAKES PHASE I, as recorded in Plat Book 52, Pages 70 through 80, of the Public Records of Seminole County, Florida, described as follows: Begin at the Southeast corner of said Tract 'F3'; then run N 89°38'54" W along the South line of said Tract 'F3' for a distance of 40.07 feet; then the following eighteen (18) courses along the Westerly boundary of said Tract 'F3', N 2°13'22" W for a distance of 120.66 feet; thence run N 0°149'41" E for a distance of 72.48 feet; thence run N 27°14'07" W for a distance of 74.44 feet; thence run N 30°15'50" W for a distance of 48.14 feet; thence run N 64°13'22" W for a distance of 45.71 feet; thence run N 58°14'04" W for a distance of 58.47 feet; thence run N 50°35'27" W for a distance of 24.00 feet; thence run S 84°10'52" W for a distance of 51.44 feet; thence run N 60°11'00" W for a distance of 67.20 feet; thence run N 58°12'20" W for a distance of 67.88 feet; thence run N 57°15'46" W for a distance of 98.99 feet; thence run N 18°14'46" W for a distance of 70.82 feet; thence run N 58°12'20" W for a distance of 67.88 feet; thence run N 57°15'46" W for a distance of 98.99 feet; thence run N 57°42'21" W for a distance of 63.49 feet; thence run N 45°44'41" E for a distance of 799.00 feet to the West right-of-way line of Markham Woods Road; thence run S 11°40'54" E along said West right-of-way line for a distance of 786.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 165.59 feet; thence run Southwesterly along the arc of said curve and said West right-of-way line through a central angle of 107°41'37" for a distance of 301.49 feet to the point of tangency; thence run S 0°15'17" E along said West right-of-way line for a distance of 393.17 feet to the POINT OF BEGINNING, containing 10,298 acres, more or less.

PRELIMINARY MASTER PLAN
DELLO RUSSO RESIDENCE PUD

SEMINOLE COUNTY, FLORIDA
 JOB# 10407

DATE: 04/10/2007
 REVISED: 06/19/2007
 REVISED: 03/10/2008
 REVISED: 04/21/2008



LIBRA

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SEMINOLE COUNTY DEVELOPMENT ORDER

On June 10, 2008, Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

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

FINDINGS OF FACT

Property Owner(s): Robert G. and Diane M. Dello Russo

Project Name: Dello Russo Residence PUD

Requested Development Approval: Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development).

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

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

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

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - A. Permitted Uses: one (1) single-family dwelling up to a maximum of 36,000 gross square feet in size and one (1) guest house up to a maximum of 6,000 gross square feet in size.
 - B. The setbacks shall be as follows:
 - North: 30'
 - South: 25'
 - East: 100'
 - West: 25'
 - C. The buffers shall be as follows:
 - South: 25' minimum undisturbed upland buffer (Tract D)
 - East: 100' natural buffer
 - West: 25' minimum undisturbed upland buffer (Tract D)
 - D. A 6' masonry or brick wall with an associated landscaped berm is permitted within the 100' natural buffer (eastern property line) adjacent to the Markham Woods Road right-of-way. At least 4 canopy trees every 100' linear feet must be provided in-between the wall and Markham Woods Road. No canopy trees over 8' in diameter may be removed to install the wall. The wall and adjacent landscaping shall comply with the Wall Cross Section attached as Exhibit "C".
 - E. 25% usable open space shall be provided on the subject property.
 - F. The maximum allowable building height is 35'.
 - G. Retention of a 100 foot natural buffer between Parcel V and the right-of-way line of Markham Woods Road.
 - H. Developer shall demonstrate that at least fifty percent (50%) of the trees located within the developable areas of Tract V, including areas subject to residential platting, are preserved on-site. When fifty percent (50%) of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented as provided for in the Land Development Code of Seminole County. This ratio shall require an increasing number of replacement trees based upon the size of a tree's caliper.
 - I. An upland buffer average 50 feet but no less than 25 feet in width shall be maintained surrounding areas assigned the Conservation land use designation or

FP-1 or W-1 zoning classification or properties which have been designated as conservation areas of conservation easement within or adjacent to Tract V.

J. Development shall comply with the Preliminary Master Plan attached as Exhibit "B".

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the owners, Robert and Diane Dello Russo , on behalf of itself and its heirs agents, 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.

WITNESSES:

OWNER:

Print Name:_____

Robert G. Dello Russo

Print Name:_____

Robert G. Dello Russo

WITNESSES:

OWNER:

Print Name:_____

Diane M. Dello Russo

Print Name:_____

Diane M. Dello Russo

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by _____, as _____, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

EXHIBIT "A"**Legal Description**

That part of Tract "F3", ALAQUA LAKES PHASE I, as recorded in Plat Book 52, Pages 70 through 80, of the Public Records of Seminole County, Florida, described as follows: Begin at the Southeast corner of said Tract "F3"; then run N 89°38'54" W along the South line of said Tract "F3" for a distance of 40.07 feet; then the following eighteen (18) courses along the Westerly boundary of said Tract "F3": N 21°37'22" W for a distance of 121.66 feet; thence run N 01°49'41" E for a distance of 72.48 feet; thence run N 27°40'07" W for a distance of 74.44 feet; thence run N 30°51'50" W for a distance of 48.14 feet; thence run N 64°13'22" W for a distance of 45.71 feet; thence run N 38°14'04" W for a distance of 58.47 feet; thence run N 50°35'27" W for a distance of 54.00 feet; thence run S 84°00'52" W for a distance of 51.44 feet thence run N 60°11'05" W for a distance of 67.20 feet; thence run N 30°35'39" W for a distance of 95.50 feet; thence run N 05°22'23" E for a distance of 73.58 feet; thence run N 18°51'46" W for a distance of 70.82 feet; thence run N 26°27'20" W for a distance of 67.18 feet; thence run N 57°15'46" W for a distance of 51.14 feet; thence run N 02°02'15" W for a distance of 96.48 feet; thence run N 59°20'25" W for a distance of 80.54 feet; thence run N 53°54'22" W for a distance of 98.99 feet; thence run N 57°42'21" W for a distance of 63.49 feet; thence run N 45°44'41" E for a distance of 719.00 feet to the West right-of-way line of Markham Woods Road; thence run S 11°40'54" E along said West right-of-way line for a distance of 786.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run southeasterly along the arc of said curve and said West right-of-way line through a central angle of 10°41'37" for a distance of 301.49 feet to the point of tangency; thence run S 00°59'17" E along said West right-of-way line for a distance of 393.17 feet to the POINT OF BEGINNING. Containing 10.298 acres more or less.

EXHIBIT "B"

Preliminary Master Plan

EXHIBIT "C"

Wall Cross Section

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 "Dello Russo Residence PUD"

(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 and recording of Development Order #07-21700003.

ENACTED this 10th day of June 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

That part of Tract "F3", ALAQUA LAKES PHASE I, as recorded in Plat Book 52, Pages 70 through 80, of the Public Records of Seminole County, Florida, described as follows: Begin at the Southeast corner of said Tract "F3"; then run N 89°38'54" W along the South line of said Tract "F3" for a distance of 40.07 feet; then the following eighteen (18) courses along the Westerly boundary of said Tract "F3": N 21°37'22" W for a distance of 121.66 feet; thence run N 01°49'41" E for a distance of 72.48 feet; thence run N 27°40'07" W for a distance of 74.44 feet; thence run N 30°51'50" W for a distance of 48.14 feet; thence run N 64°13'22" W for a distance of 45.71 feet; thence run N 38°14'04" W for a distance of 58.47 feet; thence run N 50°35'27" W for a distance of 54.00 feet; thence run S 84°00'52" W for a distance of 51.44 feet thence run N 60°11'05" W for a distance of 67.20 feet; thence run N 30°35'39" W for a distance of 95.50 feet; thence run N 05°22'23" E for a distance of 73.58 feet; thence run N 18°51'46" W for a distance of 70.82 feet; thence run N 26°27'20" W for a distance of 67.18 feet; thence run N 57°15'46" W for a distance of 51.14 feet; thence run N 02°02'15" W for a distance of 96.48 feet; thence run N 59°20'25" W for a distance of 80.54 feet; thence run N 53°54'22" W for a distance of 98.99 feet; thence run N 57°42'21" W for a distance of 63.49 feet; thence run N 45°44'41" E for a distance of 719.00 feet to the West right-of-way line of Markham Woods Road; thence run S 11°40'54" E along said West right-of-way line for a distance of 786.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run southeasterly along the arc of said curve and said West right-of-way line through a central angle of 10°41'37" for a distance of 301.49 feet to the point of tangency; thence run S 00°59'17" E along said West right-of-way line for a distance of 393.17 feet to the POINT OF BEGINNING. Containing 10.298 acres more or less.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 10, 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): Robert G. and Diane M. Dello Russo

Project Name: Dello Russo Residence PUD

Requested Development Approval: The applicant is requesting a rezoning from PUD (Planned Unit Development) to PUD for 10.29 ± acres, located at the northwest corner of Markham Woods Road and S. Stone Gate.

The Board of County Commissioners has determined that the requested rezone to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Dello Russo Residence from PUD to PUD" and all evidence submitted at the public hearing on June 10, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone to 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**

That part of Tract "F3", ALAQUA LAKES PHASE I, as recorded in Plat Book 52, Pages 70 through 80, of the Public Records of Seminole County, Florida, described as follows: Begin at the Southeast corner of said Tract "F3"; then run N 89°38'54" W along the South line of said Tract "F3" for a distance of 40.07 feet; then the following eighteen (18) courses along the Westerly boundary of said Tract "F3": N 21°37'22" W for a distance of 121.66 feet; thence run N 01°49'41" E for a distance of 72.48 feet; thence run N 27°40'07" W for a distance of 74.44 feet; thence run N 30°51'50" W for a distance of 48.14 feet; thence run N 64°13'22" W for a distance of 45.71 feet; thence run N 38°14'04" W for a distance of 58.47 feet; thence run N 50°35'27" W for a distance of 54.00 feet; thence run S 84°00'52" W for a distance of 51.44 feet thence run N 60°11'05" W for a distance of 67.20 feet; thence run N 30°35'39" W for a distance of 95.50 feet; thence run N 05°22'23" E for a distance of 73.58 feet; thence run N 18°51'46" W for a distance of 70.82 feet; thence run N 26°27'20" W for a distance of 67.18 feet; thence run N 57°15'46" W for a distance of 51.14 feet; thence run N 02°02'15" W for a distance of 96.48 feet; thence run N 59°20'25" W for a distance of 80.54 feet; thence run N 53°54'22" W for a distance of 98.99 feet; thence run N 57°42'21" W for a distance of 63.49 feet; thence run N 45°44'41" E for a distance of 719.00 feet to the West right-of-way line of Markham Woods Road; thence run S 11°40'54" E along said West right-of-way line for a distance of 786.90 feet to the point of curvature of a curve concave Southwesterly having a radius of 1615.39 feet; thence run southeasterly along the arc of said curve and said West right-of-way line through a central angle of 10°41'37" for a distance of 301.49 feet to the point of tangency; thence run S 00°59'17" E along said West right-of-way line for a distance of 393.17 feet to the POINT OF BEGINNING. Containing 10.298 acres more or less.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
MAY 7, 2008**

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

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; David Shields, Assistant County Attorney; Dori DeBord, Planning and Development Director; Larry Poliner, Development Review Manager; Ian Sikonia, Senior Planner; Austin Watkins, Senior Planner; Joy Williams, Planner; Sheryl Stolzenberg, Principal Planner; Tony Matthews, Principal Planner; Dick Boyer, Senior Planner; Jeff Hopper, Senior Planner; and Connie R. DeVasto, Clerk to the Commission.

9. Dello Russo PUD Rezone; Robert Dello Russo, applicant; 10.29 ± acres; Rezone from PUD (Planned Unit Development) to PUD; located at the northwest corner of Markham Woods Road and S Stone Gate. (Z2007-23)

Commissioner Carey – District 5
Austin Watkins, Senior Planner

Tina Williamson stated that at the pleasure of the Commission, Staff does not need to present this item as it is a continuation of the previous item creating the new PUD.

No one from the audience spoke in favor or opposition of this request.

Commissioner Chase made a motion to recommend approval the request.

Commissioner Wolf seconded the motion.

The motion passed unanimously 7 – 0.