

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: James Dicks Development/Trepanier West Lake Mary Blvd. Property (A.K.A. L&L Acres) Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development); (Canin Associates, applicant).

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

AUTHORIZED BY: Dori DeBord **CONTACT:** Tina Williamson **EXT:** 7375

MOTION/RECOMMENDATION:

1. ADOPT an ordinance for a Large Scale Future Land Use Amendment, from Suburban Estates (SE) to Planned Development (PD); and adopt an ordinance for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, and approve the Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings (Canin Associates, Ronald Manley, applicant); or
2. DENY the requested Large Scale Future Land Use Amendment and rezone of 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, from Suburban Estates (SE) to Planned Development (PD); and from A-1 (Agriculture) to PUD (Planned Unit Development) and authorize the Chairman to execute the Denial Development Order (Canin Associates, Ronald Manley, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 Brenda Carey

Tina Williamson

BACKGROUND:

The applicant is requesting a Large Scale Future Land Use Amendment and rezoning of 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, from Suburban Estates (SE) to Planned Development (PD); and from A-1 (Agriculture) to PUD (Planned Unit Development). The proposed use is 130 single-family lots at a maximum density of 1.4 dwelling units per net buildable acre. The proposed lot sizes will range from 1-acre or larger adjacent to the A-1 zoning along the west property line to a minimum of 8,400 square feet adjacent to the retail and condominiums in the Oakmonte PUD along the east property line. The property is proposed to be developed in a maximum of three phases.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on February 7, 2007 and voted 4 to 0 to recommend TRANSMITTAL of the requested Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and approval of the rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for 116.74± acres, located on the south side

of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, and approval of the Preliminary Master Plan and Development Order, based on staff findings and subject to the following additional conditions:

1. The maintenance shed cannot be located on the south end of the property;
2. The six-acre parcel bounded by Markham Woods Road, Lake Mary Boulevard and Rice Lake is limited to one dwelling unit and it shall be the only dwelling unit that is allowed to have access to Rice Lake. Access to Rice Lake from any other part of the development is prohibited.
3. Canals connecting the future retention ponds to the existing lakes are prohibited.
4. The proposed retention ponds cannot negatively impact the existing lakes in any way.

BOARD OF COUNTY COMMISSIONERS ACTION:

The Board of County Commissioners met on March 13, 2007 and voted 5 to 0 to TRANSMIT the requested Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) for 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard to the Florida Department of Community Affairs for review, based on staff findings.

RESPONSE TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) OBJECTIONS, RECOMMENDATIONS, AND COMMENTS REPORT (ORC) DATED MAY 25, 2007:

Staff received the Florida Department of Community Affairs ORC report on May 28, 2007. The report consisted of an objection regarding establishing the maximum allowable density for this Future Land Use Amendment to Planned Development as 1.4 dwelling units per net buildable acre. If the Board approves this amendment, staff will draft a response to DCA regarding the the ORC and addressing the history of the PD land use designation and its implementation.

STAFF RECOMMENDATION:

Staff recommends the Board adopt an ordinance for a Large Scale Future Land Use Amendment, from Suburban Estates (SE) to Planned Development (PD); and adopt an ordinance for the rezone from A-1 (Agriculture) to PUD (Planned Unit Development), for 116.74± acres, located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard, and approve the Preliminary Master Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings.

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Maps and Aerials
4. Maps and Aerials
5. Preliminary Master Plan
6. Ordinance
7. Ordinance
8. Approval Development Order
9. Public Comment
10. Applicant Justification Statement
11. Denial Development Order
12. LPA P and Z Meeting Minutes
13. Prior BCC Minutes
14. School Facilities Analysis
15. DCA Objections, Recommendations and Comments Report

Additionally Reviewed By:

County Attorney Review (Kimberly Romano)

James Dicks Development/Trepanier West Lake Mary Blvd. Property (A.K.A. L&L Acres) Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)		
APPLICANT	Canin Associates, Ronald Manley, applicant	
PROPERTY OWNER	Lois Mae Paulucci Revocable Trust	
REQUEST	LSLUA from SE to PD and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development)	
PROPERTY SIZE	116.74 ± acres	
HEARING DATE (S)	P&Z: February 7, 2007	BCC: March 13, 2007 (Transmittal)
PARCEL ID	13-20-29-300-0020-0000, 13-20-29-300-002A-0000, 11-20-29-300-007A-0000	
LOCATION	Located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-75	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing 130 single-family lots at a maximum density of 1.4 dwelling units per net buildable acre.

ANALYSIS OVERVIEW:

The applicant is proposing a Large Scale Future Land Use Amendment from Suburban Estates (1 dwelling unit per net buildable acre) to Planned Development. The Planned Development future land use (FLU) designation provides for a variety of land uses and intensities within a development site to: preserve conservation areas above and beyond Land Development Code requirements, reduce public investment in provision of services, to encourage flexible and creative site design and provide sites for schools, recreation and other public facilities which provide an areawide benefit to the community. The specific uses defined in the Vision 2020 Comprehensive Plan include residential developments with a range of unit types and densities, which the proposed project is consistent with.

The Comprehensive Plan also requires that PUD (Planned Unit Development) and PCD (Planned Commercial Development) zonings within the Planned Development land use designation must be accompanied by a site/master plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting and building heights, to ensure compatibility with adjacent uses.

Staff has reviewed the proposed Preliminary Master Plan and has determined that it is consistent with the provisions of the Comprehensive Plan and the Land Development Code, if subject to the conditions in the attached Development Order.

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	A-1 (existing)	PUD (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single-family residential, home office, home occupation.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	N/A
Minimum Lot Size	1-Acre	8,400 sq. ft.

CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

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

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The subject property is located in a transitional area between existing subdivisions with a minimum lot size of 1-acre to the west and the commercial, office, retail and condominium uses in the Oakmonte PUD to the east.

Staff finds that the character of the area has not changed enough to warrant a substantial density increase other than 1 dwelling unit per net buildable acre. However, the character change created by transitioning of commercial, office and condominiums on the east to 1-acre lots on the west does warrant special consideration for a FLU designation that serves as a transition between the different densities and intensities. Staff finds that the proposed 1.4 dwelling units per net buildable acre and transitioning lot sizes achieves this.

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

Staff Evaluation

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

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

Staff Evaluation

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering.

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

Staff Evaluation

The subject property is in the Wekiva Study Area. Demonstration of compliance with the Study Area regulations and Comprehensive Plan policies FLU 15.1 and 15.2 will be required at the time of Final Master Plan approval in order to proceed.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

Policy FLU 2.11: Determination of Compatibility in the Planned Unit Development Zoning Classification states that the County shall consider uses or structures proposed within the Planned Unit Development (PUD) and Planned Commercial Development (PCD) zoning classifications on a case by case basis evaluating the compatibility of the proposed use or structure with surrounding neighborhoods and uses. Compatibility may be achieved by application of development standards such as, but not limited to, lot size, setbacks, buffering, landscaping, hours of operation, lighting, and building heights. The Board of County Commissioners shall have discretion as to the uses and structures approved with a PUD or PCD zoning classification.

The subject property is located in a transitional area between existing subdivisions with a minimum lot size of 1-acre to the west and the retail and condominium uses in the Oakmonte PUD to the east. The Vision 2020 Comprehensive Plan Objective FLU 2 requires the County to ensure the long term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses.

Staff finds that the proposed Preliminary Master Plan demonstrates a compatible transition between the existing land uses by providing 1-acre lots along the west property line, which are adjacent to existing 1-acre lots and providing smaller lot sizes along the east property line, which are adjacent to commercial, retail, office and multi-family uses, while maintaining a density of 1.4 dwelling units per net buildable acre.

F. Whether the proposed use furthers the public interest by providing:

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**

Staff Evaluation

The proposed Preliminary Master Plan does not provide sites for public facilities or facility improvements in excess of Land Development Code requirements.

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

Staff Evaluation

The proposed Preliminary Master Plan does not indicate any dedications or contributions in excess of Land Development Code requirements that would further the public interest.

3. Affordable housing

Staff Evaluation

The proposed development does not provide for affordable housing.

4. Economic development

Staff Evaluation

The application is strictly for a residential product and the applicant has not provided an economic analysis or other data demonstrating that the proposed development will generate economic development.

5. Reduction in transportation impacts on area-wide roads

Staff Evaluation

The applicant has not submitted a traffic study, or other data, demonstrating that traffic impacts on area-wide roads will be reduced.

6. Mass transit

Staff Evaluation

No mass transit facilities are proposed as part of this application.

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

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

Policy FLU 2.5: Transitional Land Uses

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

Staff Evaluation

Exhibit FLU: Appropriate Transitional Land Uses (see attached table) in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is located in a transitional area between properties with Suburban Estates (one dwelling unit per net buildable acre) Future Land Use to the west and a PUD with Planned Development Future Land Use, consisting of a mix of commercial, office and multi-family uses to the east. The proposed Large Scale Future Land Use Amendment to Planned Development (PD) is equivalent to Suburban Estates Future Land Use along the west property line and transitions to smaller lot sizes equivalent to Low Density Residential (four dwelling units per net buildable acre) Future Land Use as it approaches the east. The proposed overall (aggregate) net density of 1.4 dwelling units per acre achieves transition, while maintaining the established character of the area.

Exhibit FLU: Appropriate Transitional Land Uses states that Suburban Estates and Low Density Residential are compatible transitional land uses. It also states that Low Density Residential and Commercial can be compatible transitional uses with sensitive site design. Staff finds that the proposed Future Land Use Amendment to PD and associated rezone to PUD are compatible with the adjacent land uses, subject to the conditions contained in the attached Development Order.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM maps 12117C0020E and 12117C0040E, with an effective date of April 17, 1995, there appears to be 18± acres of floodzone AE (100 year floodplain) and 15± acres of floodzone A (100 year floodplain) on the subject property. A larger area is floodprone per preliminary updated DFIRMs. There is a recently submitted LOMC (letter of map change) for the vicinity of this property that may reduce the amount of floodplain for portions of the site. The developer will have to comply with the Seminole County land development regulations for floodprone areas at the time of Final Engineering.

Wetland Impacts:

Based on the Preliminary Master Plan submitted and Seminole County wetland map analysis, a portion of the property (15 ± acres) contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required at the time of Final Engineering.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to Final Engineering approval

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)*	Proposed Development (130 Lot PUD)	Net Impact
Water (GPD)	40,600	45,500	4,900
Sewer (GPD)	34,800	39,000	4,200
Traffic (ADT)	1,604	1,738	134

*116 Lots

Utilities:

The site is located in the Northwest utility service area, and will be required to connect to public utilities. There is a 16-inch water main on the north side of Lake Mary Boulevard and a 10-inch force main on the north side of Lake Mary Boulevard. There is also a 16-inch reclaimed water main on the north side of Lake Mary Boulevard that the project will be required to connect to. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property proposes access onto Lake Mary Boulevard which is classified as a collector roadway. Lake Mary Boulevard is currently operating at a level-of-service "A" and does not have any improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in the school capacity numbers. This analysis is included as an attachment to this report.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #36, which is located at 6200 Lake Mary Boulevard. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Little Wekiva and Soldiers Creek drainage basins, and has limited downstream capacity. Based on preliminary review, the site will have to be designed to hold the 100 year/24 hour storm event. A detailed drainage analysis will be required at the time of Final Engineering.

Parks, Recreation and Open Space:

In accordance with Section 30.451 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in useable open space (29.19± acres) dedicated to the homeowner association. Per Section 30.1344 (e), the useable open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources. The applicant is proposing a clubhouse/pool area as a recreational amenity on the east side of the property. The location and amenities associated with the useable open space will be determined at the time of Final Master Plan approval.

Buffers and Sidewalks:

At time of development, a 5-foot wide sidewalk is required to be installed along the property frontage on Lake Mary Boulevard and a pedestrian access must be provided to the Seminole Wekiva Trail.

The following buffer and setback requirements, contained in the attached Development Order, shall apply to the external property boundaries:

1. North Property Line (adjacent to Lake Mary Boulevard): Shall contain a 6' brick wall and a 20' landscape buffer and must comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards, which includes the following:
 - a. a minimum 50' building setback from the Lake Mary Boulevard ROW line, and
 - b. a landscape buffer of at least 20' in width planted with live oaks, of four (4) inch diameter at breast height (dbh) at planting, along a line ten (10) feet back from the right-of-way line. The trees shall be planted every forty (40) feet and staggered so as to be midway between the live oaks planted in the adjacent right-of-way. A minimum of four (4) sub-canopy trees per one hundred (100) feet of road frontage shall be planted in and abut access points and intersections.
2. West Property Line (adjacent to existing 1-acre lots): Minimum 25' building setback with a 15' landscape buffer in a tract, containing at a minimum 4 canopy trees (minimum 2.5" caliper with an average of 3") per 100 linear feet of buffer.
3. East/South Property Lines (adjacent to the Seminole Wekiva Trail and commercial): An Active Buffer/Setback in compliance with Section 30.1232 SCLDC shall apply, which will include the following:

- a. A minimum 30' building setback from the PUD boundary for accessory structures and pool screen enclosures and a minimum 40' building setback from the PUD boundary for principal structures.
- b. A 25' landscape buffer containing a minimum 6' brick or masonry wall and a minimum of 8 canopy trees (minimum 2.5" caliper with an average of 3") and 4 sub-canopy trees per 100 linear feet of buffer. The wall is required to be staggered and placed on the inner edge of the 25' buffer adjacent to the proposed lots and the landscaping is required to be planted on the outer edge of the buffer, adjacent to the trail, in order to provide a visual amenity for the Trail and buffer the proposed lots from the adjacent commercial uses. A break in the wall shall be provided in the clubhouse tract to allow pedestrian access from the proposed development to the Trail.
- c. If the existing lakes adjacent to the east property line remain post-development, a break may be provided in the wall to allow the lakes to serve as a buffer and a visual amenity for the Trail.

All other internal setbacks for the individual subdivision phases will be determined at the time of Final Master Plan approval.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is located within the Lake Mary Boulevard Gateway Corridor Overlay District and the Wekiva Study Area. Demonstration of compliance with the requirements of both of these districts will be required at the time of Final Master Plan approval.

COMPREHENSIVE PLAN (VISION 2020)

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

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

Policy FLU 1.2: Flood Plain Protection

Policy FLU 1.3: Wetlands Protection

Policy FLU 2.1: Subdivision Standards

Policy FLU 2.5: Transitional Land Uses

Policy FLU 2.11: Determination of Compatibility in the Planned Unit Development District

Policy FLU 15.1 Wekiva Study Area Open Space

Policy FLU 15.2 Wekiva Study Area Natural Resource Protection
FLU Exhibit 2: Appropriate Transitional Land Uses
Policy CON 3.7: Open Space Regulations
Policy PUB 2.1: Public Safety Level-of-Service

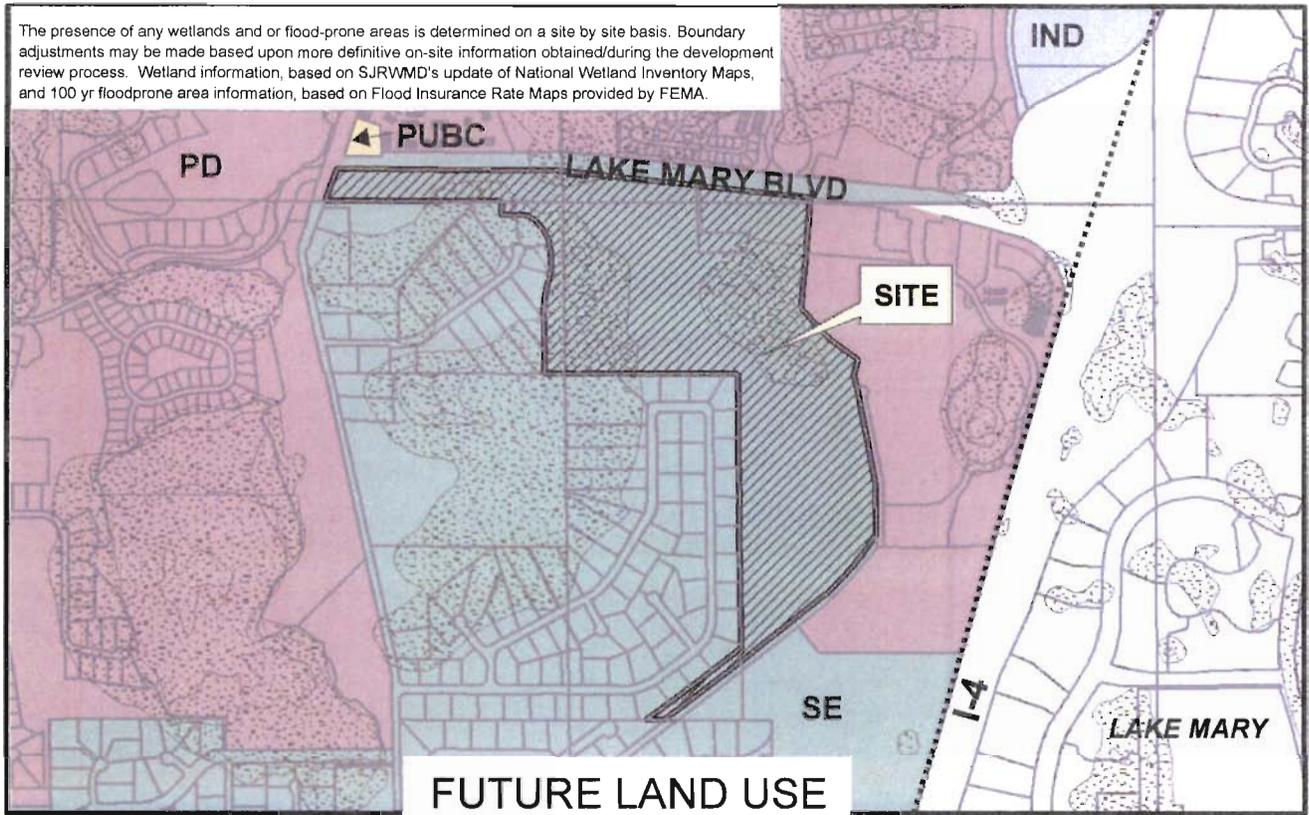
INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice was sent to the Seminole County School District and the City of Lake Mary on January 16, 2007. The School District has provided a School Capacity Report, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received several letters of support and opposition, which are attached.

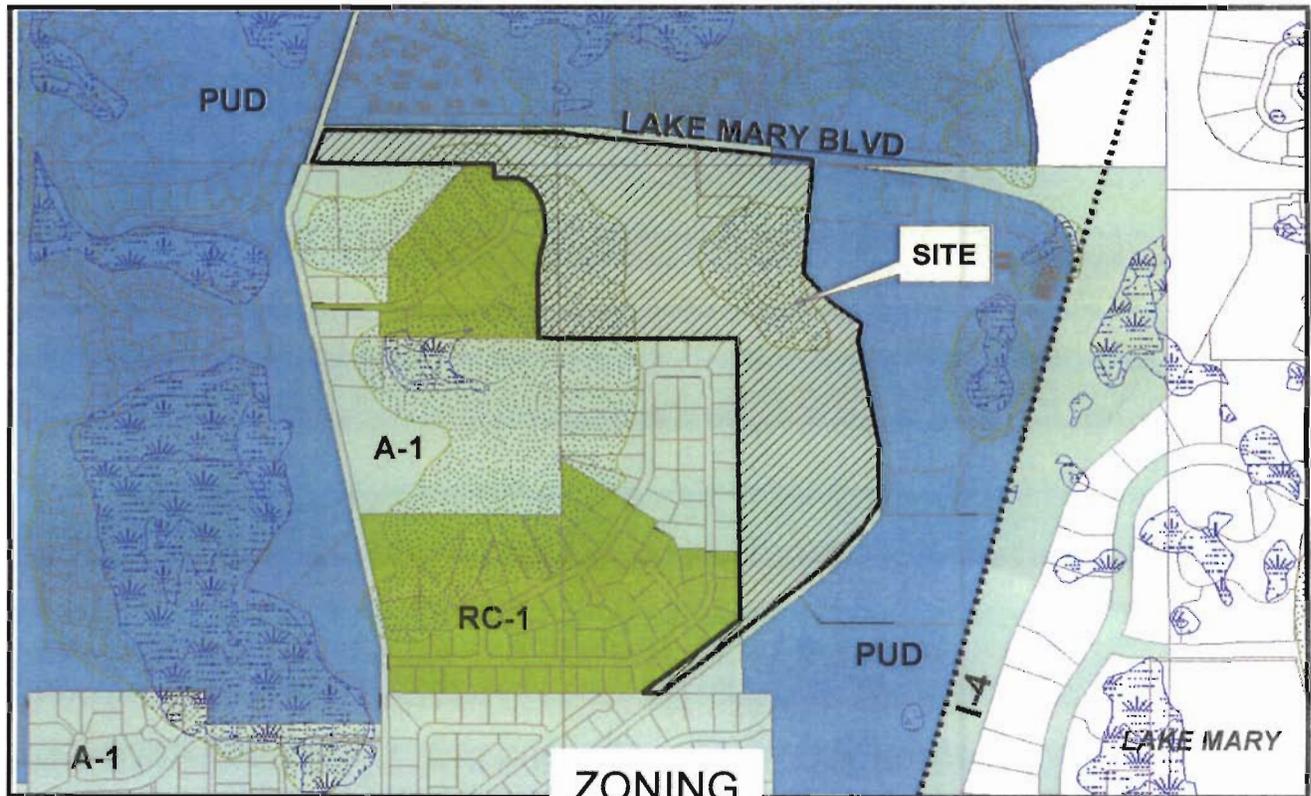
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



SE PD IND PUBC Site Municipality CONS

Applicant: Ronald Manley
 Physical STR: 11-20-29 & 13-20-29
 Gross Acres: 116.74 +/- BCC District: 5
 Existing Use: Agricultural Grazing Land and Single-Family
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	07S.FLU01	SE	PD
Zoning	Z2006-075	A-1	PUD



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



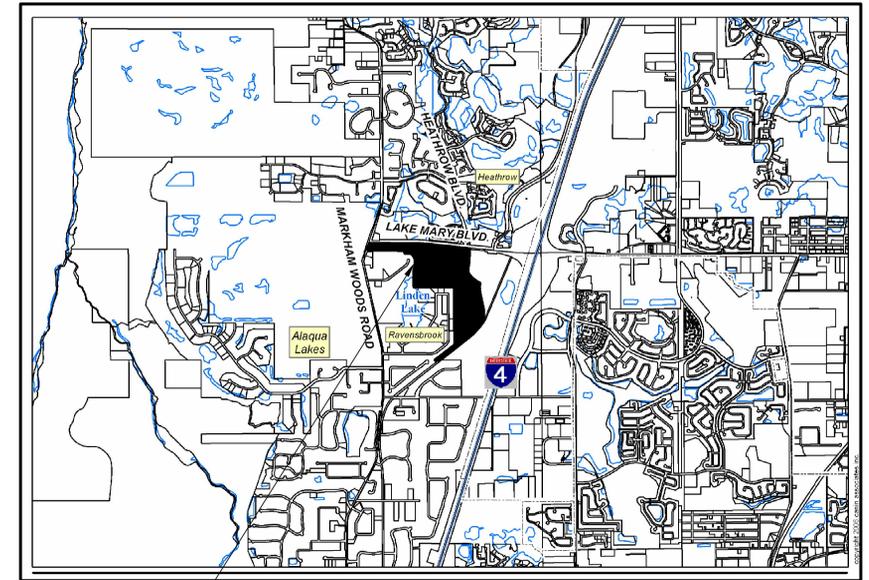
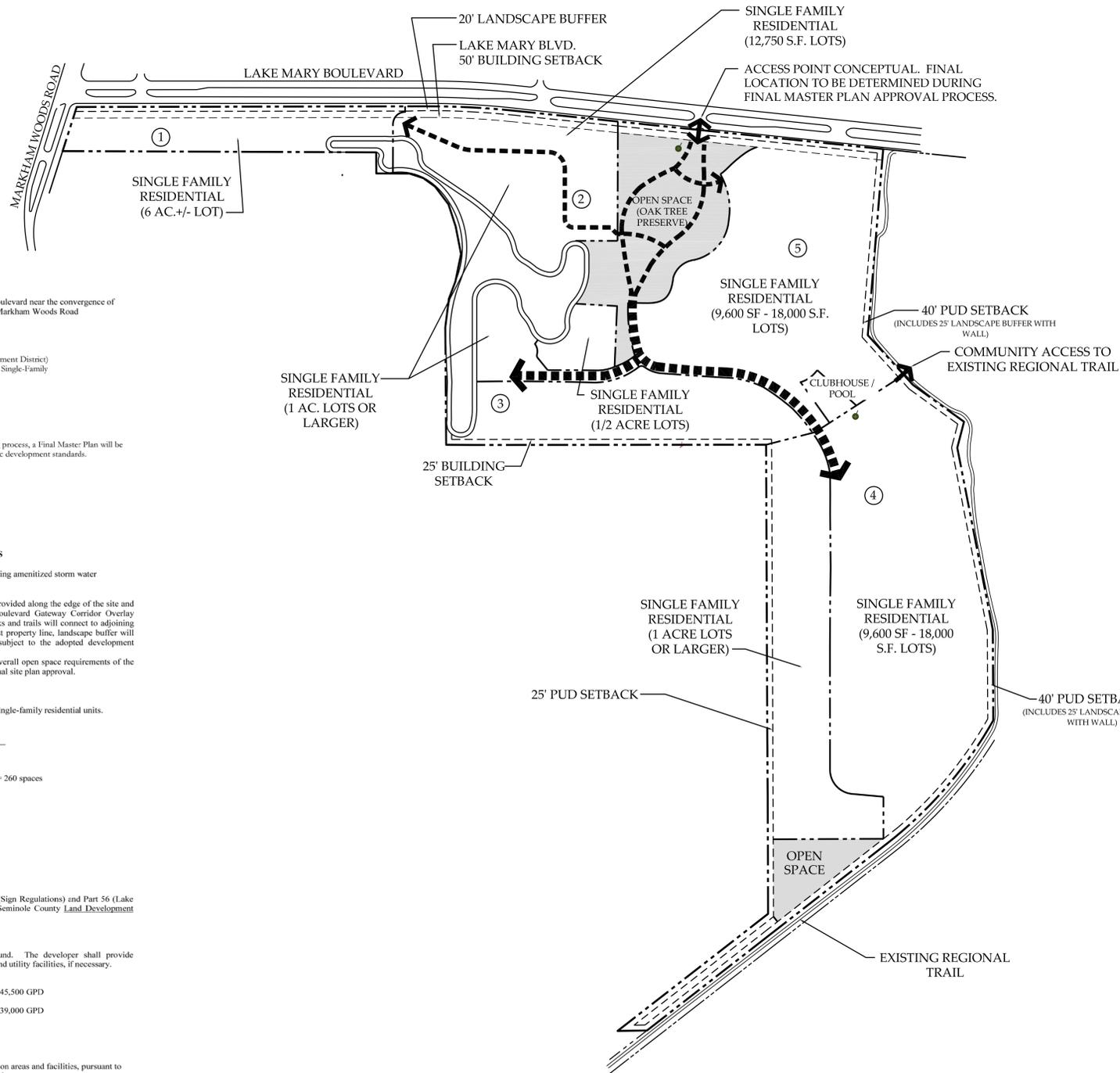
FLU No: 07S.FLU01
From: SE To: PD
Rezone No: Z2006-075
From: A-1 To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

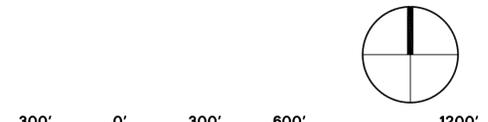
JAMES DICKS DEVELOPMENT/TREPANIER WEST LAKE MARY BOULEVARD PROPERTY (L & L ACRES)



LOCATION MAP

SITE

Legend
① PARCEL NUMBER



CANIN ASSOCIATES
urban planning • landscape architecture • architectural design
500 delaney avenue, orlando, florida 32801 (407) 422-4040

date	scale	job number	sht. no.
05 JAN 07	1"=300'	206068	3 of 9

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SITE DATUM

GENERAL INFORMATION

Location: South side of Lake Mary Boulevard near the convergence of Lake Mary Boulevard and Markham Woods Road
Parcel ID No: 13-20-29-300-0020-0000
Future Land Use: SE (Suburban Estates)
Current Zoning: A-1 (Agriculture District)
Proposed Future Land Use: PD (Planned Development)
Proposed Zoning: PUD (Planned Unit Development District)
Existing Use: Agricultural Grazing Land & Single-Family
Proposed Land Use: Single-Family Residential
Proposed Housing Type: Single-Family Detached
Proposed Phasing: Up to three (3) phases
Proposed Net Density: 1.4 dwelling units/acre
Proposed # of Units: 130
Proposed Height: Not to exceed 35 feet
Proposed PD Setback: 25-50 Feet
Lot Standards: Following the PUD rezoning process, a Final Master Plan will be submitted to establish specific development standards.

ACREAGE

Gross Acreage:	±116.74 Acres
Conceptual Wetlands:	± 24.18 Acres
Existing Uplands:	± 92.56 Acres
Roads:	± 12.72 Acres
Recreation Area:	± 12.08 Acres

OPEN SPACE, LANDSCAPED BUFFERS, & GREENWAYS

Percentage of Open Space: 25% or ±29.19 acres, including amenitized storm water management areas
Environmental Areas: ± 24.18 Acres
Buffers/Greenways: Peripheral buffers will be provided along the edge of the site and observe the Lake Mary Boulevard Gateway Corridor Overlay Standards; internal sidewalks and trails will connect to adjoining off-site facilities. Along east property line, landscape buffer will be 25' including a wall, subject to the adopted development order.
Wekiva Study Area: The project will meet the overall open space requirements of the Study Area at the time of final site plan approval.

PERMITTED USES

Permitted uses for the proposed PUD will include 130 detached single-family residential units.

TRANSPORTATION, ACCESS & PARKING

Average Daily Trips (ADTs):
Single-Family (ITE, 210): 130 units (x) 9.57 = 1,244 trips

From Lake Mary Boulevard: One (1) full access point
Parking Ratios: 2 spaces per single-family unit = 260 spaces

COMMUNITY FACILITIES

Major community facilities will include:

- Gatehouse & Concierge
- Clubhouse & Pool
- Pocket Parks & Connecting Trail System
- Homeowner's Association Maintenance Facility

SIGNAGE

Project signage shall conform to the standards listed in Part 65 (Sign Regulations) and Part 56 (Lake Mary Boulevard Gateway Corridor Overlay Standards) of the Seminole County Land Development Code.

UTILITIES & SERVICES

Utility Installation: All utilities shall be installed underground. The developer shall provide landscaping to screen permitted aboveground utility facilities, if necessary.

Water Provision:	Seminole County Utilities
Water Rate:	350 GPD/unit x 130 units = 45,500 GPD
Sanitary Sewer Provision:	Seminole County Utilities
Wastewater Rate:	300 GPD/unit x 130 units = 39,000 GPD
Electric:	Progress Energy
Solid Waste Collection:	Waste Pro

ADDITIONAL NOTES

Legal instruments will be created to ensure management of common areas and facilities, pursuant to Section 30.445(h) of the Seminole County Land Development Code.

Fire protection will be provided in accordance with all applicable Seminole County codes and regulations.

Parcel #1 - Horses will be permitted subject to the requirements of the adopted development order.

PRELIMINARY MASTER PLAN (Revised)

12 MAR 07
REVISED: 09 JULY 07

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

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

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

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

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

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

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

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

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

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

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

Section 2. Amendment To Future Land Use Map Designation.

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

Ord. Exh.	Name	Amendment Number	Land Use Change From - To	LPA Hearing Date	BCC Hearing Dates
A	James Dicks Development Trepanier West Lake Mary Boulevard Property (A.K.A. L&L Acres)	07S.FLU01	Suburban Estates(SE) to Planned Development PD)with a maximum of 130 single family dwelling units and a maximum density of 1.4 dwelling units per net buildable acre	02/07/07	03/13/07 07/24/07

Section 3. Severability.

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

(b) If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 4. Exclusion From County Code/Codification.

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of or as a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code codifier.

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

Section 5. Effective Date.

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be twenty-two (22) days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendment in compliance, if no affected party challenges the Plan amendment, or, if an affected party challenges the Plan amendment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining

that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if dependent upon an amendment, may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its effective status, a copy of said resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 24th day of July 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley, Chairman

Exhibit A

SE (Suburban Estates) to PD (Planned Development) (07S.FLU01)

SUBJECT PROPERTY ALSO DESCRIBED AS:

A tract of land being a portion of Sections 11, 12, 13 and 14, Township 20 South, Range 29 East, Seminole County, Florida being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 20 South, Range 29 East; thence North 89°36' 50" East along the North line of Section 13 for a distance of 194.68 feet; thence North 00°23' 10" West for a distance of 187.67 feet to a point on the South Right-of-Way of Lake Mary Boulevard and the POINT OF BEGINNING; thence South 84°05'23" East, along the South Right-of-Way of Lake Mary Boulevard a distance of 1677.21 feet to a point on the West boundary of Oakmonte Park, Plat Book 53, Page 75, Public Records of Seminole County, Florida; thence along said boundary South 04°45'41" West, a distance of 841.14 feet; thence South 42°22'34" East, a distance of 302.61 feet; thence South 54°17'27" East, a distance of 285.07 feet; thence South 14°33'59" West, a distance of 120.94 feet; thence South 11°05'27" East, a distance of 834.68 feet; thence South 00°18'48" East, a distance of 409.04 feet to a point on the Northwesterly Right-of-Way of the S.C.L. Railroad (Tribly Branch) and a point on a curve concave northwesterly having a tangent bearing of South 29°41'21" West and a radius of 1,884.80 feet; thence run southwesterly along the arc of said curve through a central angle of 22°31'39" for a distance of 741.07 feet to the Point of tangency; thence South 52°13'55" West, a distance of 676.10 feet; thence South 52°12' 07" West a distance of 695.77 feet; thence South 89°07'19" West, a distance of 133.05 feet; thence North 52°14'22" East, along the Southeasterly boundary of Ravensbrook First Addition, Plat Book 16, Page 30, Public Records of Seminole County, Florida a distance of 861.34 feet; thence continuing along said plat boundary North 00°10'31" West, a distance of 529.80 feet to the Northeast corner of said Plat; thence North 00°26'21" West along the East line of Ravensbrook Second Addition, Plat Book 25, Page 55, Public Records of Seminole County, Florida a distance of 258.15 feet to a point on the North line of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 20 South, Range 29 East; thence North 00°13'47" West, a distance of 1,325.05 feet; to the Northeast corner of the aforesaid plat thence South 89°56'58" West, a distance of 1,322.70 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 20, Range 29 East; thence North 89°36'19" West, a distance of 124.70 feet to the Southeast corner of Isle of Windsor, Plat Book 15, Page 91, Public Records of Seminole County, Florida; thence along the East line of said plat North 00°25'55" West, a distance of 528.96 feet; thence North 07°11'07" East, a distance of 129.27 feet to the centerline of an existing canal; thence along the centerline of said canal the following eight (8) meandered courses: North 20°43'58" East, a distance of 83.73 feet; thence North 11°35'00" East, a distance of 126.59 feet; thence North 11°03'53" West, a distance of 126.16 feet; thence North 18°07'51" West, a distance of 104.80 feet; thence North 37°06'49" West, a distance of 100.50 feet; thence North 54°21'37" West, a distance of 65.61 feet; thence North 71°53'38" West, a distance of 65.61 feet; thence North 89°46'38" West, a distance of 150.00 feet; thence departing said canal North 00°18'47" West, a distance of 95.00 feet to a point on the North line of Section 11, Township 20 South, Range 29 East; thence North 89°46'38" West along said Section line to the East Right-of-Way of Markham Road a distance of 1,419.10 feet; thence North 17°46'24" East along said Right-of-Way a distance of 208.67 feet to the South Right-of- Way of Lake Mary Boulevard; thence North 89°53'23" East along said Right-of- Way a distance of 1,586.53 feet to a Point of Curvature of a curve concave Southerly having a radius of 3,758.33 feet; thence run Easterly along the arc of said curve through a central angle of 06°01'14" for a distance of 394.92 feet to the POINT OF BEGINNING

Containing 116.74 acres, more or less.

I:\pl\projects\comp plan\2007 spring cycle\adoption ordinance 6_26_07.doc

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 A-1 (AGRICULTURE) 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 "James Dicks Development/Trepanier LSLUA and Rezone."

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) 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 #06-23000002.

ENACTED this 24th day of July 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

A tract of land being a portion of Sections 11, 12, 13 and 14, Township 20 South, Range 29 East, Seminole County, Florida being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 20 South, Range 29 East; thence North 89°36' 50" East along the North line of Section 13 for a distance of 194.68 feet; thence North 00 23' 10" West for a distance of 187.67 feet to a point on the South Right-of-Way of Lake Mary Boulevard and the POINT OF BEGINNING; thence South 84 05'23" East, along the South Right-of-Way of Lake Mary Boulevard a distance of 1677.21 feet to a point on the West boundary of Oakmonte Park, Plat Book 53, Page 75, Public Records of Seminole County, Florida; thence along said boundary South 04°45'41" West, a distance of 841.14 feet; thence South 42°22'34" East, a distance of 302.61 feet; thence South 54°17'27" East, a distance of 285.07 feet; thence South 14°33'59" West, a distance of 120.94 feet; thence South 11°05'27" East, a distance of 834.68 feet; thence South 00°18'48" East, a distance of 409.04 feet to a point on the Northwesterly Right-of-Way of the S.C.L. Railroad (Tribly Branch) and a point on a curve concave northwesterly having a tangent bearing of South 29°41'21" West and a radius of 1,884.80 feet; thence run southwesterly along the arc of said curve through a central angle of 22°31'39" for a distance of 741.07 feet to the Point of tangency; thence South 52°13'55" West, a distance of 676.10 feet; thence South 52°12' 07" West a distance of 695.77 feet; thence South 89°07'19" West, a distance of 133.05 feet; thence North 52°14'22" East, along the Southeasterly boundary of Ravensbrook First Addition, Plat Book 16, Page 30, Public Records of Seminole County, Florida a distance of 861.34 feet; thence continuing along said plat boundary North 00°10'31" West, a distance of 529.80 feet to the Northeast corner of said Plat; thence North 00°26'21" West along the East line of Ravensbrook Second Addition, Plat Book 25, Page 55, Public Records of Seminole County, Florida a distance of 258.15 feet to a point on the North line of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 20 South, Range 29 East; thence North 00°13'47" West, a distance of 1,325.05 feet; to the Northeast corner of the aforesaid plat thence South 89°56'58" West, a distance of 1,322.70 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 20, Range 29 East; thence North 89°36'19" West, a distance of 124.70 feet to the Southeast corner of Isle of Windsor, Plat Book 15, Page 91, Public Records of Seminole County, Florida; thence along the East line of said plat North 00°25'55" West, a distance of 528.96 feet; thence North 07°11'07" East, a distance of 129.27 feet to the centerline of an existing canal; thence along the centerline of said canal the following eight (8) meandered courses: North 20°43'58" East, a distance of 83.73 feet; thence North 11°35'00" East, a distance of 126.59 feet; thence North 11°03'53" West, a distance of 126.16 feet; thence North 18°07'51" West, a distance of 104.80 feet; thence North 37°06'49" West, a distance of 100.50 feet; thence North 54°21'37" West, a distance of 65.61 feet; thence North 71°53'38" West, a distance of 65.61 feet; thence North 89°46'38" West, a distance of 150.00 feet; thence departing said canal North 00°18'47" West, a distance of 95.00 feet to a point on the North line of Section 11, Township 20 South, Range 29 East; thence North 89°46'38" West along said Section line to the East Right-of-Way of Markham Road a distance of 1,419.10 feet; thence North 17°46'24" East along said Right-of-Way a distance of 208.67 feet to the South Right-of- Way of Lake Mary Boulevard; thence North 89°53'23" East along said Right-of- Way a distance of 1,586.53 feet to a Point of Curvature of a curve concave Southerly having a radius of 3,758.33 feet; thence run Easterly along the arc of said curve through a central angle of 06°01'14" for a distance of 394.92 feet to the POINT OF BEGINNING

Containing 116.74 acres, more or less.

**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On July 24, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Lois Mae Paulucci Revocable Trust
201 W. First Street
Sanford, FL 32771

Project Name: James Dicks Development/Trepanier West Lake Mary Blvd. Property (A.K.A. L&L Acres) PUD

Requested Development Approval:

Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

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

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

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

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The parcel (Parcel 1) bounded by Markham Woods Road, Lake Mary Boulevard and Linden Lake shall be a minimum of 6 acres in size and shall be the only lot permitted to have horses. The horses must be kept inside the tract and cannot be ridden on any of the internal subdivision streets or in any common areas. No access to Markham Woods Road is permitted from this parcel.
- c. The six-acre parcel (Parcel 1) bounded by Markham Woods Road, Lake Mary Boulevard and Linden Lake is limited to one dwelling unit. This lot shall be allowed to have access to Linden Lake. Access to Linden Lake from any other part of the development is prohibited. No access to Markham Woods Road is permitted from this parcel.
- d. Access to both Linden Lake and Rice Lake shall be limited to only those one-acre and larger lots that have platted lake frontage. Access to Linden Lake and Rice Lake from any other part of the development is prohibited.
- e. The maximum density shall not exceed 1.4 dwelling units per net buildable acre, up to a maximum of 130 dwelling units.
- f. The maximum building height shall be two stories, not to exceed 35'.
- g. The minimum lot size shall be 8,400 square feet.
- h. Permitted uses shall be single-family detached dwellings, home offices, home occupations and customary recreational facilities for the use of the residents.
- i. All landscape buffers and common areas shall be maintained by a homeowners association.
- j. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development, including the Seminole Wekiva Trail.
- k. The project is allowed to be developed in a maximum of three phases. A minimum of 25% useable open space shall be provided for the entire PUD. The location of and the amenities associated with the open space shall be provided at the time of Final Master

Plan, however, the developer is required to provide a pool/clubhouse facility as part of the open space amenities.

- i. Upon assuming title to the property, the developer (and the Homeowner Association as successor in interest) shall be responsible for the installation, irrigation and maintenance of any landscaping south of the curb of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.
- m. Upon assuming title to the property, the developer (and the Homeowner Association as successor in interest) shall equally share the cost with the Heathrow Master Association, for the installation, irrigation and maintenance of any landscaping in the median of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.
- n. The developer shall be responsible for the cost and construction of the left turn lane in the median of westbound Lake Mary Boulevard at the entrance to the property and any repair to the landscaping and irrigation at that site.
- o. The internal lot setbacks (principal and accessory structures) for each individual subdivision phase shall be determined at the time of Final Master Plan, except as stated otherwise herein.
- p. The following setback and buffer standards shall apply to the external property boundary of the entire PUD:
 1. North Property Line (adjacent to Lake Mary Boulevard): Shall contain a minimum 6' wall and a 20' landscape buffer. The design of the wall and the required landscaping shall be determined at the time of Final Master Plan and approved by the Board of County Commissioners.
 2. West Property Line (adjacent to existing 1-acre lots): Minimum 25' building setback with a 15' landscape buffer in a tract, containing at a minimum 4 canopy trees (minimum 2.5" caliper with an average of 3") per 100 linear feet of buffer.
 3. East/South Property Lines (adjacent to Seminole Wekiva Trail and commercial): The following shall apply:
 - i. A minimum 30' building setback from the PUD boundary for accessory structures and pool screen enclosures and a minimum 40' building setback from the PUD boundary for principal structures.
 - ii. A 25' landscape buffer containing a minimum 6' wall. The design of the wall and the required landscaping shall be determined at the time of Final Master Plan and approved by the Board of County Commissioners. The wall must be staggered and placed on the inner edge of the 25' buffer adjacent to the proposed lots and the landscaping is required to be planted on the outer edge of the buffer, adjacent to the Trail, in order to provide a visual amenity for the trail and buffer the proposed lots from the adjacent commercial uses. A break in the wall shall be provided in the clubhouse tract to allow pedestrian access from the proposed development to the Trail as depicted on the Preliminary Master Plan.

- iii. If the existing lakes adjacent to the east property line remain post-development, a break may be provided in the wall to allow the lakes to serve as a buffer and a visual amenity for the Trail.

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

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

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman, Board of County Commissioners

EXHIBIT A

DESCRIPTION

SUBJECT PROPERTY ALSO DESCRIBED AS:

A tract of land being a portion of Sections 11, 12, 13 and 14, Township 20 South, Range 29 East, Seminole County, Florida being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 20 South, Range 29 East; thence North 89°36' 50" East along the North line of Section 13 for a distance of 194.68 feet; thence North 00 23' 10" West for a distance of 187.67 feet to a point on the South Right-of-Way of Lake Mary Boulevard and the POINT OF BEGINNING; thence South 84 05'23" East, along the South Right-of-Way of Lake Mary Boulevard a distance of 1677.21 feet to a point on the West boundary of Oakmonte Park, Plat Book 53, Page 75, Public Records of Seminole County, Florida; thence along said boundary South 04°45'41" West, a distance of 841.14 feet; thence South 42°22'34" East, a distance of 302.61 feet; thence South 54°17'27" East, a distance of 285.07 feet; thence South 14°33'59" West, a distance of 120.94 feet; thence South 11°05'27" East, a distance of 834.68 feet; thence South 00°18'48" East, a distance of 409.04 feet to a point on the Northwesterly Right-of-Way of the S.C.L. Railroad (Tribly Branch) and a point on a curve concave northwesterly having a tangent bearing of South 29°41'21" West and a radius of 1,884.80 feet; thence run southwesterly along the arc of said curve through a central angle of 22°31'39" for a distance of 741.07 feet to the Point of tangency; thence South 52°13'55" West, a distance of 676.10 feet; thence South 52°12' 07" West a distance of 695.77 feet; thence South 89°07'19" West, a distance of 133.05 feet; thence North 52°14'22" East, along the Southeasterly boundary of Ravensbrook First Addition, Plat Book 16, Page 30, Public Records of Seminole County, Florida a distance of 861.34 feet; thence continuing along said plat boundary North 00°10'31" West, a distance of 529.80 feet to the Northeast corner of said Plat; thence North 00°26'21" West along the East line of Ravensbrook Second Addition, Plat Book 25, Page 55, Public Records of Seminole County, Florida a distance of 258.15 feet to a point on the North line of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 20 South, Range 29 East; thence North 00°13'47" West, a distance of 1,325.05 feet; to the Northeast corner of the aforesaid plat thence South 89°56'58" West, a distance of 1,322.70 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 20, Range 29 East; thence North 89°36'19" West, a distance of 124.70 feet to the Southeast corner of Isle of Windsor, Plat Book 15, Page 91, Public Records of Seminole County, Florida; thence along the East line of said plat North 00°25'55" West, a distance of 528.96 feet; thence North 07°11'07" East, a distance of 129.27 feet to the centerline of an existing canal; thence along the centerline of said canal the following eight (8) meandered courses: North 20°43'58" East, a distance of 83.73 feet; thence North 11°35'00" East, a distance of 126.59 feet; thence North 11°03'53" West, a distance of 126.16 feet; thence North 18°07'51" West, a distance of 104.80 feet; thence North 37°06'49" West, a distance of 100.50 feet; thence North 54°21'37" West, a distance of 65.61 feet; thence North 71°53'38" West, a distance of 65.61 feet; thence North 89°46'38" West, a distance of 150.00 feet; thence departing said canal North 00°18'47" West, a distance of 95.00 feet to a point on the North line of Section 11, Township 20 South, Range 29 East; thence North 89°46'38" West along said Section line to the East Right-of-Way of Markham Road a distance of 1,419.10 feet; thence North 17°46'24" East along said Right-of-Way a distance of 208.67 feet to the South Right-of- Way of Lake Mary Boulevard; thence North 89°53'23" East along said Right-of- Way a distance of 1,586.53 feet to a Point of Curvature of a curve concave Southerly having a radius of 3,758.33 feet; thence run Easterly along the arc of said curve through a central angle of 06°01'14" for a distance of 394.92 feet to the POINT OF BEGINNING

Containing 116.74 acres, more or less.

FILE # Z2006-075

DEVELOPMENT ORDER # 06-2300002

EXHIBIT B

Williamson, Tina

From: Blaine Darrah [bdarrah3@cfl.rr.com]
Sent: Tuesday, January 30, 2007 10:28 AM
To: Lockhart, Amy; Williamson, Tina
Subject: Request from Heathrow HOA icw proposed L&L Acres Development

Brenda and Tina-

The following positions are hereby sent to you for your consideration as the L&L Acres Development moves through the Seminole County Approval Process. It is going to the Planning and Zoning Commission on 2/7/07 and then to the BCC.

Rezoning of L&L Acres Property for single family home development - A developer is requesting rezoning of the property (south of Lake Mary Blvd, west of Kinko's, and east of Markham Woods Road) to build 130 single family homes. This would increase the approved residential density from 1 unit per acre to 1.4 units per acre. The preliminary sketches from the developer show homes being constructed facing Lake Mary Blvd and the Shoppes at Oakmonte in the NE portion of the property - moving the "lake" directly across from Heathrow Blvd south and west of the current location.

The Heathrow Town Advisory Council (the elected representatives from our 28 neighborhoods) and the Heathrow Master Board have approved the following:

- a) The entrance to the property should be located where it is proposed by the developer - at the first break in the median WEST of Heathrow Blvd - at the grove of Oak trees where the residential driveway currently exists. The entry should NOT be at the signal intersection of Heathrow Blvd (as suggested by some County Engineers).
- b) If homes are to be constructed next to the Shoppes at Oakmonte east of the water or along Lake Mary Blvd east of the proposed entrance there should be significant screening like shown below (c) east of the entrance. If the "lake" is not moved and homes are not constructed along Lake Mary Blvd east of the entrance then minimal landscaping needs to be added between Lake Mary Blvd and the "lake".
- c) A berm, with hedge, trees, shrubs and a wall similar to the berms near the Heathrow Entrance should be placed along Lake Mary Blvd west of the proposed entrance to Markham Woods Road.

With previous direction of the Master Board, Heathrow Government Affairs has already communicated with Tina Williamson the request for the following sample language to be included in the development order for this project:

- 1) Upon assuming title to the property the developer (and any subsequent Homeowner Association) shall be responsible for the installation, irrigation and maintenance of any landscaping south of the curb of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.
- 2) Upon assuming title to the property the developer (and any subsequent Homeowner Association) shall share the cost (50/50), with the Heathrow Master Association, for the installation, irrigation and maintenance of any landscaping in the median of Lake Mary Boulevard from the eastern border of the property to Markham Woods Road.
- 3) The developer shall be responsible for the construction of the left turn lane in the median of westbound Lake Mary Boulevard at the entrance to the property and any repair to the landscaping and irrigation at that site.

FYI - in that request we also provided the County Planners the following background information:

The current contract with Girard Environmental Services is \$3800 per year for the maintenance of the south side of Lake Mary Blvd west of Kinko's and \$25,150 per year for the maintenance of the median in this same area. In addition there are irrigation inspection and repair costs of about \$3600 per year for the median. Bottom line split for the median would be about \$14,400 per year or \$1200 per month. Girard also maintains the property on the south side of Lake Mary Blvd for CNL Bank and for the Shoppes at Oakmonte. Subject to mutual agreement between the L&L developer, The Shoppes at Oakmonte and Heathrow there is a bid under consideration for the installation of Crepe Myrtle or Ligustrum trees all along the median from I-4 to Markham Woods Road. The developer's share of that project would be about \$12,000 (depending upon the quantity, type and size of trees installed).

Based upon the information we have recently received about the potential traffic flow arrangements during the

proposed potential trail underpass at Lake Mary Blvd and International Parkway the plan to consider the addition of trees in the median needs to wait until after the underpass and the new turn lane for the L&L development are both complete.

Amy Lockhart - please share these positions with all of the Seminole County Commissioners and with the County Staff.

Keep Smiling,
Blaine Darrah
Heathrow Government Affairs Committee Chairman

Williamson, Tina

From: JPDP1701@aol.com
Sent: Wednesday, January 31, 2007 1:17 PM
To: Williamson, Tina
Subject: Rezone of L&L acres

Good morning,

I would like to send my views on the proposed rezoning of the L&L acres. I would not be opposed to homes in this area as long as they remain one per acre as has long been established for that area near Markham Woods. The homes directly behind this area are all at least 1 home per acre and would suffer economically and visually if this were to change to smaller lots. I am a member of the Markham Woods Road Association and live nearby, so I would very much like this requirement (1 home per acre) to be inserted in the rezoning if necessary. Actually, it can still be kept as A-1 and build subdivisions that keep in step with the rest of our corridor.

Thank you for your attention.

Dee Pacha

Williamson, Tina

From: Charlotte Bedsole [shalee@vol.com]
Sent: Wednesday, January 31, 2007 3:48 PM
To: Williamson, Tina
Subject: Land use L&L Acres

From: William Bedsole

Subject: P&Z 2/7/07

CONSIDERATION OF LAND USE FOR L&L ACRES

(PREMIERE TRADE)

Tina,

I live on Rice Lake very near the L&L acres property as do many of my neighbors. Our day-to-day lifestyles will be greatly affected by the restrictions or lack of restrictions that are placed on this development. Some of this cannot be avoided, some can be if P&Z members and the commission take reasonable action to protect existing residents. The attachment describes one such action that we believe deserves consideration.

Since a pending medical procedure may prevent my presentation of this request at your meeting on Feb 7, I would appreciate your distribution of this request to the P&Z board members prior to that meeting. Perhaps one of them will introduce this request during the discussion of considerations for granting Premiere Trade's rezoning request.

Thank you for placing it in the proper hands.

William Bedsole

There is an issue of great concern for all Rice Lake property owners in regard to James Dicks planned development of the L & L Acres property. The concern is the possibility of multiple families from that development gaining access to Rice Lake for recreational use. This topic was mentioned briefly during the meeting between the Markham Woods Assoc., County Representatives and James Dicks on Dec. 4, 2006. At that time Mr. Dicks promised that access to the lake would be restricted to only his family. The assurance he provided was that he plans to build a home for his family on the only part of this property that has frontage on the lake (approx. 200ft).

I trust after almost forty years of activity by Markham Woods residents and County officials to prevent development disasters from occurring within our neighborhood, we clearly understand that something much more binding than a verbal promise is required to assure this protection.

There needs to be a properly- worded agreement prepared by the county attorney's office that addresses this restriction as a condition of the county's approval for the development. It should state specifically that only one family would have access to Rice Lake and identify that to be the family residing on the lakefront parcel. This agreement should explicitly prohibit lake access to the property owners of all other parcels in L&L acres as well as future assigns of those parcels. The reason this is needed is as follows:

Rice Lake varies in size, depending upon the annual rainfall amount, from approximately 40 acres to 60 acres. There is no public access to the lake and the entire lake bottom is plotted and owned by the lakefront property owners. No part of it is owned by the county, state, the St. John's Water Management authority, or the public. The state EPA office in Orlando does have regulatory authority regarding permits and control of lake maintenance procedures related to shoreline cleanup and water quality. The

state Game and Fish office in Leesburg has authority regarding activities affecting water quality for fish and wildlife in the lake. I live on the lake and have been serving as the point of contact between lakefront residents and those offices for the last twenty years for the purposes of lake inspections and obtaining permits for weed eradication and lakefront cleanups.

Ravensbrook currently has sixteen lakefront and canal front homes with five additional lake and canalfront lots that have not been built on. Isle of Windsor has six lakefront homes on Rice Lake and when Lake Club's construction is completed there will be six lakefronts there. Counting the existing and under-construction lakefront homes, there are currently twenty-five total with eight more that will have homes in the future.

That population creates thirty-three families that share small Rice Lake for canoeing, fishing and jet-skiing. Residents already find it necessary to take turns sharing the lake for some of the activities. The concern is that allowing more access will create an unmanageable situation making the lake a nuisance for those of us who own it.

It must be emphasized that this is a lake sitting on private property, not just a lake with no public access.

Thank you for taking this concern into account and assuring that the current lake owner's rights are protected in this process.

William Bedsole
Ravensbrook 407-333-9015

Williamson, Tina

From: Dale James [Dale@informasoftware.com]
Sent: Wednesday, February 07, 2007 5:15 PM
To: Williamson, Tina
Subject: L&L Acres Rezone

As a homeowner in the Markham Woods area, I would just like to say that after reviewing the initial plans and documents for this proposed development by Premier, I feel it is in keeping with the quality of the homes in our area. It offers an upscale community plan with many one-acre homesites consistent with those that surround the property on the Markham Woods side. The smaller lots along Lake Mary Blvd are in keeping with the Heathrow area, and most importantly are to be single-family residences.

Dale James

Williamson, Tina

From: Bastian, Jay [Jay.Bastian@NNNReit.com]
Sent: Monday, February 05, 2007 9:48 AM
To: Williamson, Tina
Subject: L and L Acres

Hi Tina-

I am a resident of Wingfield Reserve, and will not be able to attend the Markham Woods Homeowners association meeting tonight, but wanted to register my positive endorsement of the project. From what I've learned from the plans, they are just short of the acre per lot requirement, and plan an upscale community which could only enhance the area. Given the eventuality of the development of this parcel, and the potential other uses for the property, this seems to be suitable use with continuity to the surrounding area. Thank you

James Bastian
1745 Alvarado Court
Longwood, FL 32779

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Williamson, Tina

From: louis miscioscia [dadmiso@hotmail.com]
Sent: Tuesday, February 06, 2007 5:02 PM
To: Williamson, Tina
Subject: L + L Rezone and Land Development Amendment

Dear Ms. Williamson: I am a resident of Alaquia Lakes, a community clearly affected by the L + L Development. I am also a member of the Markham Woods Assn.. It appears to me that the developer is concerned about the surrounding community and is attempting to design a marketable product that will only enhance the the overall surroundings.

Of course people get accustomed over time to the serene settings of trees and ponds , however they also live in homes that were once on such sites. Of course we all want to maintain parks and green landscape. I just wanted to comment to you so that you have another perspective to those who sometimes oppose development simply because it is development!!

Sincerely, Louis P. Miscioscia, C.P.A.

Search for grocery stores. Find gratitude. Turn a simple search into something more.
[http://click4thecause.live.com/search/charity/default.aspx?
source=hmemtagline_gratitude&FORM=WLMTAG](http://click4thecause.live.com/search/charity/default.aspx?source=hmemtagline_gratitude&FORM=WLMTAG)

Williamson, Tina

From: Boswell, April
Sent: Wednesday, February 07, 2007 9:33 AM
To: 'rrickerds@cfl.rr.com'
Cc: MacDonald, Fran; Williamson, Tina
Subject: FW: Sem.Wekiva Trail crossing 434, LLL property development

From: Ronald Rickerds [mailto:rrickerds@cfl.rr.com]
Sent: Tuesday, February 06, 2007 8:42 PM
To: MacDonald, Fran
Subject: Sem.Wekiva Trail crossing 434, LLL property development

Mike....

1. I am against any development on the Lk Mary Blvd area by LLL or anyone....

2. There has long been a need for a connection for the Seminole/Wekiva Trail to cross 434....suggest that a simple bridge crossing, diagonally, connecting the trail's Markham Woods Rd and Douglas Ave. terminals (I have been told by trail planners that a tunnel was planned to begin construction on Oct '06).. To me this "plan" would be most costly and disruptive during such a "dumb" plan.....and I see no construction at this time????

**Respectfully,
Ron Rickerds**

Williamson, Tina

From: Boswell, April
Sent: Tuesday, January 02, 2007 8:12 AM
To: DeBord, Dori; Williamson, Tina
Subject: FW: Preserving the Seminole Bike Trail: Lake Mary Vista

FYI- this is referencing the project next to Panera on Lake Mary Blvd.

From: Fisher, Don
Sent: Saturday, December 30, 2006 7:24 AM
To: Deirdre Macnab
Cc: Boswell, April
Subject: RE: Preserving the Seminole Bike Trail: Lake Mary Vista

Thank you for your question. I agree that is a beautiful property and trail section. We will evaluate its protection if and when they start the application process. I am certain they will apply for the type of zoning that requires open space. We can talk with them about applying the open space to the trail area. Further, should they not be cooperative, the County Commission can require it and if the applicant does not agree, the development could be denied.

In terms of a tax credit, there are none, except that the tax rate would be reduced or eliminated for the open space areas.

I have copied April Boswell, Planning Manager, so that she is familiar with the issue and my comments should an application be filed.

Sorry for not replying sooner.

Sincerely,

Don Fisher
Deputy County Manager

From: Deirdre Macnab [mailto:didimacnab@earthlink.net]
Sent: Wed 12/13/2006 9:26 AM
To: Fisher, Don
Cc: Pat Southward
Subject: Preserving the Seminole Bike Trail: Lake Mary Vista

Dear Don,
I'm Deirdre Macnab, President of the League of Women Voters in Orange County. We met when we joined with the Seminole League to bring you Danny Alvarez from Miami to talk about dedicated funding for transit several weeks ago.

I'm writing to find out if there is anything that can be done to preserve PART of the property across from Panera's on Lake Mary BLVD which abuts the Bike Trail.

This is a really unique view, and I realize a large scale development is about to take place as the owner has sold the acreage. Is there any way to give a tax break for the owner to donate part of that land as Greenspace corridor for the bike path.

Here in Orange County we have the unenviable situation of homesites FOUR feet from

our bike trail. This severely detracts from the Greenspace experience and can NEVER be changed once built. The Seminole Wekiva trail is a jewel for the county, and I urge the county commissioners to consider taking both zoning and tax abatement steps to protect it for generations to come.

1. Offer tax abatements to developers who are constructing along bike trail to preserve green corridor.
2. Establish setbacks from the trail of at least 250 feet or more to ensure a green forest continues to buffer these healthy green corridors for citizens.

Please would you pass this along to your commissioners for their consideration?

Thank you,
Deirdre Macnab
President, League of Women Voters of Orange County
407-628-1766

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

SEMINOLE COUNTY APPLICATION

PremiereTrade Lake Mary Boulevard Property

CA Job No. 206068

Parcel ID Nos. 13-20-29-300-0020-0000 & 13-20-29-300-002A-0000

INTRODUCTION

This application is for a large-scale future land use map amendment (LSFLUA) and associated rezoning amendment to respectively change the future land use (FLU) and zoning designations of the ±116.74-acre subject property from SE (Suburban Estates) to PD (Planned Development) and A-1 (Agriculture District) to PUD (Planned Unit Development District). With the following Project Justification Narrative, we submit the request is consistent with the Seminole County Vision 2020 Comprehensive Plan and compatible with the surrounding development patterns.

PROPERTY AND SURROUNDING LAND USE DESCRIPTION

The property is located on the south side of Lake Mary Boulevard near the convergence of Lake Mary Boulevard and Markham Woods Road, as shown in Exhibit 1, Neighborhood Aerial) and Exhibit 2, Site Aerial. As previously stated, the site has a current FLU designation of SE, which allows up to one unit per acre and is compatibly zoned A-1, which allows agricultural uses, as well as residential units at a maximum density of one unit per acre. Exhibit 3, Future Land Use, and Exhibit 4, Existing Zoning, respectively depict the site's existing FLU and zoning by comparison to the surrounding area, as shown below in Table 1, Surrounding FLU & Zoning. By contrast, Exhibit 6, Proposed Future Land Use and Exhibit 7, Proposed Zoning, respectively depict the proposed future land use and zoning designations that formulate the basis of this request.

**Table 1
Surrounding FLU & Zoning**

Direction	Future Land Use	Zoning	Existing Land Use
North	Public/PD	PUD	Fire Station, Multi-Family, Single-Family & Conservation Area
South	SE	A-1/PUD	Single-Family & Vacant
East	PD	PUD	Vacant, Shoppes At Oakmont Commercial
West	SE/PD	A-1/PUD/RC-1	Single-Family, Vacant & Conservation Area

The current SE and A-1 designations are incompatible with the intended development program of the L&L Acres Property, which proposes single-family detached units on lot sizes ranging from 8,400 square feet to one acre. To achieve this program, the site's future land use and zoning must be amended to allow the establishment of a synergistic development that will effectively assimilate into the surrounding community of established single-family and commercial uses. Exhibit 8, Existing Land Use, presents the distribution of uses surrounding the property.

The following text details the intent and purpose of the requested PD FLU and PUD zoning, as respectively described in the Seminole County Vision 2020 Comprehensive Plan and Land Development Code. Based on these policy and code definitions, it is our contention that the proposed development program would be consistent with the Vision 2020 Comprehensive Plan and ultimately comply with the Land Development Code.

SITE DATUM

GENERAL INFORMATION

Location:	South side of Lake Mary Boulevard near the convergence of Lake Mary Boulevard and Markham Woods Road
Parcel ID No:	13-20-29-300-0020-0000
Future Land Use:	SE (Suburban Estates)
Current Zoning:	A-1 (Agriculture District)
Proposed Future Land Use:	PD (Planned Development)
Proposed Zoning:	PUD (Planned Unit Development District)
Existing Use:	Agricultural Grazing Land & Single-Family
Proposed Land Use:	Single-Family Residential
Proposed Housing Type:	Single-Family Detached
Proposed Phasing:	Multiple
Proposed Net Density:	1.4 dwelling units/acre
Proposed # of Units:	130
Proposed Height:	Not to exceed 35 feet
Lot Standards:	Following the PUD rezoning process, a Final Master Plan will be submitted to establish specific development standards.

ACREAGE

Gross Acreage:	±116.74 Acres
Conceptual Wetlands:	± 24.18 Acres
Existing Uplands:	± 92.56 Acres

OPEN SPACE, LANDSCAPED BUFFERS, & GREENWAYS

Percentage of Open Space:	25% or ±29.19 acres, including amenitized storm water management areas
Environmental Areas:	± 24.18 Acres
PD Buffer Width:	25-ft.
Buffers/Greenways:	Peripheral buffers will be provided along the edge of the site and observe the Lake Mary Boulevard Gateway Corridor Overlay Standards; internal sidewalks and trails will connect to adjoining off-site facilities.
Soils:	Exhibit 2, <u>Soils</u> , depicts the soils found on the subject property and arranges the soils according to this infiltration. Group A soils, which comprise the majority of the site, are those that have a high infiltration rate and, when thoroughly wet, have low runoff. Often these soils are deep,

well drained and sandy or gravelly. Group B/D soils, by contrast, have a very slow infiltration rate and high runoff. Group C soils have a permeability that exists between Groups A and D.

PERMITTED USES

Permitted uses for the proposed PUD will include 130 detached single-family residential units.

TRANSPORTATION, ACCESS & PARKING

Average Daily Trips (ADTs): 1,737.9 trips
Single-Family: 130 units (x) 6.02 (ITE, 210) = 783 trips

From Lake Mary Boulevard: One (1) full access point
Parking Ratios: 2 spaces per single-family unit = 260 spaces

SIGNAGE

Project signage shall conform to the standards listed in Part 65 (Sign Regulations) and Part 56 (Lake Mary Boulevard Gateway Corridor Overlay Standards) of the Seminole County Land Development Code.

UTILITIES & SERVICES

Utility Installation: All utilities shall be installed underground. The developer shall provide landscaping to screen permitted aboveground utility facilities, if necessary.

Water Provision: Seminole County Utilities
Water Rate: 350 GPD/unit x 130 units = 45,500 GPD
Sanitary Sewer Provision: Seminole County Utilities
Wastewater Rate: 300 GPD/unit x 130 units = 39,000 GPD
Electric: Progress Energy
Solid Waste Collection: Waste Pro

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

Planned Development Intent & Purpose

Planned Development FLU provides for a variety of land uses and intensities within a development site to preserve conservation areas above and beyond Land Development Code requirements, reduce public investment in provision of services, to encourage flexible and creative site design and provide sites for schools, recreation and other public facilities which provide an area-wide benefit to the community.

PUD (Planned Unit Development) and PCD (Planned Commercial Development) zonings within the Planned Development land use designation must be accompanied by a site/master plan as set forth in the Land Development Code. Such plans shall address, at a minimum, buffering, setbacks, lighting and building heights, to ensure compatibility with adjacent uses. Standard zoning provisions will apply, in addition to the Lake Mary Boulevard Gateway Corridor Overlay standards.

Additionally, architectural details may be considered by the Board of County Commissioners (Board) when determining if a planned development is compatible with the character of the area. Such standards shall include, but not be limited to, building style, design and scale; exterior building materials; roof design and construction; building size and placement; site furnishings; fences and entrance features; and the size and location of service areas. If the proposed plan does not or cannot achieve the desired level of compatibility, as determined by the Board, the Board may deny the rezoning request.

Uses

- a. Mixed use developments (residential and nonresidential uses on the development site);
- b. Residential developments with a range of unit types and densities;
- c. Nonresidential developments (office, commercial, industrial, etc.);
- d. Public elementary schools, public middle schools and public high schools; and
- e. Attendant on-site facilities such as utilities and recreation areas.

Zoning

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

Services and Facilities

Service and facility requirements will vary according to development intensity. Services and facilities are to be at a minimum, consistent with the requirements of comparable individual land use designations (residential, office, commercial, industrial, etc.) for uses on the development site (see Exhibit FLU: Services and Facilities By Classification).

Special Provisions

- a. Future Land Use Designation Requires Rezoning: Plan amendments to Planned Development must be accompanied by a rezoning request and preliminary master plan/site plan as provided for in the Land Development Code.
- b. Conservation/Open Space: Planned developments are required to provide protection of conservation areas and open space, and provide recreation and pedestrian circulation as a component of site design.
- c. Minimum Open Space: A minimum of 25 percent (%) of the site must be designated as recreation and common open space areas.

- d. Compatibility with Adjacent Uses: Due to the ability to cluster units and provide for a mixture of uses onsite, planned developments require special consideration of the location, type and size of buffer yards to maximize compatibility with adjacent land uses.
- e. Nonresidential Use Locations: Commercial and other nonresidential uses within mixed use developments are encouraged to be placed in locations that will provide convenient vehicular, pedestrian and bicycle access for residents of the planned development community and will minimize the impact of commercial uses on adjacent and surrounding communities.
- f. Nonresidential Uses in Excess of 10 Percent (%) Discouraged: Nonresidential uses in excess of 10 percent (%) of the site's net acreage are discouraged unless greater nonresidential uses are justified to serve the area. If nonresidential uses are determined to serve a larger area, these uses may be located on external tracts of the site along collector or arterial roadways.
- g. Minimum Size: Mixed use planned developments are required to be a minimum of 10 acres in size in order to effectively design the site for residential and nonresidential uses.
- h. Planned Developments in Sensitive Areas: Planned developments adjacent to the Wekiva and Econlockhatchee Rivers and adjacent wetlands, as well as within the Rural Area of Seminole County, shall be designed to maintain the rural density, intensity and character of these areas, and where permitted, concentrate allowable units on those portions of the development site which are farthest from the surface waters and wetlands, and restrict required open space areas to passive recreational uses.
- i. Development Phasing: Development of the phases of a mixed use development must be timed concurrent with facility capacity to ensure the provision of adequate public services according to adopted standards (see Exhibit FLU: Services and Facilities By Classification) and facility plans. Each phase must be self-sufficient on a cumulative basis in case subsequent phases are delayed or abandoned.
- j. Access Within the Development: Planned developments shall be designed to have safe and plentiful ways for vehicles, bicycles and pedestrians to travel between and among the several uses and activities if developed as a mixed- use development. Sidewalks, cross access easement, connected parking lots, and other similar means of providing full internal access are typical components.
- k. Access to Adjacent Developments: If developed as a mixed use development, planned developments shall provide access for vehicles, bicycles and pedestrians from the mixed use development to adjacent activities for ease of travel and reduction of trips on main thoroughfares. Access to residential neighborhoods shall be designed to prevent cut-through traffic and intrusion of adverse impacts. Design concepts shall include a roadway design for mixed-use areas that does not adversely impact established residential areas.
- l. Shared Facilities: Planned developments are intended to offer advantages of integrated infrastructure (e.g., shared parking, stormwater facilities and signage, etc.) to reduce costs, reduce the provision of excess facilities and improve visual appearance.
- m. Special Services: Higher intensity development may require special services such as aerial fire equipment, transit facilities and effluent re-use to meet public safety needs and to offset facility capacity impacts.

Applicable Comprehensive Plan FLU Policies

Vision 20/20—Future Land Use Element- Issue FLU 2 (page FLU-3)

The Exhibit FLU: Future Land Use and Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications defines types, densities and intensities and allowable zoning classifications for all conventional land uses in the County. The Mixed Development, Planned Development and Higher Intensity Planned Development future land use designations (i.e., Target Industry, Core and Transitional and Airport areas) allow for both single use and mixed-use developments. These future land use designations are implemented through numerous Plan policies and land development regulations that address uses, location, timing, services and facilities, density/intensity, phasing, compatibility, and represent one of the County's techniques for discouraging urban sprawl.

The development proposed on the PremiereTrade West Lake Mary Boulevard site discourages Urban Sprawl as it will be processed as a PUD with concentrated development on an infill parcel located between existing neighborhood commercial, multifamily and single-family developments.

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

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

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

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

The proposed development program includes single-family residential lots at an overall net density of 1.4 dwelling unit per acre, which is consistent with the current Suburban Estates FLU. Providing unit diversity will assist Seminole County in dealing with the "shortage of vacant developable land for single-family development, including a source of housing for the aging population segment. The property is an infill tract surrounded by high-density residential, low-density residential and neighborhood-scale commercial developments with a comparable site density to surrounding single-family development. While a percentage of lots will be less than a typical one-acre lot in size, the creation of a planned community that adheres to sensitive site design, transitional buffers and green space, tree preservation, reduced intensities and building heights along the periphery of the development and concentrated development toward the center of the parcel will ensure neighborhood compatibility. As shown in Exhibit 10, Proposed Entry Details, the entrance to the development will be designed and located to preserve a robust stand of mature oaks, as well as comply with the Lake Mary Boulevard Gateway Corridor Overlay Standards to further compatibility of the development with surrounding uses.

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

Rule 9J-5.006, FAC, requires that plans of local government's contain specific provisions to discourage urban sprawl. Urban sprawl can be defined as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important for natural resource protection. Types of urban sprawl land

uses include leapfrog development, strip development along a roadway and large expanses of low density, single dimensional development.

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

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

The PremiereTrade West Lake Mary Boulevard property has remained primarily pastureland with only a small portion utilized for large-lot single-family homes. Although the majority of the site remains agricultural, this is an uncharacteristic use of property in an area comprised mostly of Suburban Estates neighborhoods that are built at a density of one dwelling unit per acre. Immediately east of the site are the Shoppes at Oakmont, a neighborhood-scale shopping center, located along Lake Mary Boulevard.

Developing the West Lake Mary Boulevard site as a Single-Family Planned Unit Development with a range of residential densities, would not contribute to sprawl for the following reasons:

- As almost all of the surrounding land is already built-out, development of the site would occur in a responsible manner to ensure adequate transitioning of densities between surrounding and proposed uses.*
- The proposed residential uses on the site would allow for the diversification of densities to compliment lower densities to the west and south, as well as higher densities to the north and east.*
- Development of the property would provide an opportunity for interconnected, pedestrian and user-friendly community consistent with the PD FLU's definition of providing multi-modal access within the development.*

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

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

- Economic planning to create target industry areas;
- Acquisition of sensitive natural lands;

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

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

Development will be concentrated on the upland portions of the site to avoid impacts to identified wetland areas shown in Exhibit 5, Environmental Conditions. As an infill site, the property will be developed in a planned, harmonious manner to eliminate sprawl, as explained elsewhere in this justification statement. Accordingly, a range of single-family lot sizes will be provided to meet the future housing and service needs of Seminole County's projected population.

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

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

In order achieve compatibility with surrounding neighborhoods, planning on the PremiereTrade West Lake Mary Boulevard site will involve transitioning development intensities from higher density residential development at the north, east and center of the site to lower residential densities along the southern and western periphery.

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

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

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

The proposed preliminary master plan will comply with all aspects of the Seminole County Land Development Code, including the above stated provisions.

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

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

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

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

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

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

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

Vision 20/20—Future Land Use Element- Objective 5: Future Land Use Map Foundation: Growth Management Policies for Compatibility, Mixed Use Development and Urban Sprawl (page FLU-22)

The County shall continue to develop and enforce innovative planning techniques and land development regulations designed to protect residential neighborhoods, enhance the economic viability of the community, promote the efficient use of infrastructure, and preserve natural resources. The Future Land Use Map series embodies strategies designed to build long-term community value, discourage urban sprawl and ensure that public facilities and services are provided in the most cost-effective and efficient manner.

Proposed development on the PremiereTrade West Lake Mary Boulevard site will create a "sense of place". Careful consideration has been taken to preserve the environmentally sensitive areas of the site. There are no planned wetland impacts and the lakefront will be largely unobstructed. Walking/hiking trails will be implemented to passive provide pedestrian access to the open space areas. Planned residential uses would be located adjacent to the existing trail system and, active recreational facilities and neighborhood commercial. To maintain compatibility with abutting low-density residential developments, buffers and comparably sized lots will abut the surrounding one-acre estate lots.

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

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

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

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

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

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

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

There is sufficient infrastructure in place to adequately serve the PremiereTrade West Lake Mary Boulevard site. Any additional impact issues will be addressed in the Development Order.

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

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

Development on the site is expected to occur in several phases. Concurrency issues will be assessed as each separate phase develops.

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

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

Seminole County Utilities currently serves the existing structures on the site and has sufficient capacity to support future development consistent with the proposed program. If it is determined that an additional lift station is needed for the future mixed-use development, the Development Order will address the issue.

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

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

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

JUSTIFICATION STATEMENT - REZONING

As stated elsewhere in this report, the subject property is believed to be best suited for residential uses of varying densities, due to its location on Lake Mary Boulevard and surrounding land use patterns. We believe that amending the future land use of the property from Suburban Estates to Planned Development in combination with rezoning it from A-1 to PUD would be consistent and compatible with the aforementioned policies established by the Seminole County Vision 2020 Comprehensive Plan. In addition, a combination PD/PUD application would have a positive effect on the surrounding land use as it would permit creative designs standards and a superior development program that couldn't otherwise be achieved within the base or conventional zoning districts.

CONCLUSION

The requested LSFLUA and zoning amendments are well supported by the policies described within the Seminole County Vision 2020 Comprehensive Plan. The County has a desire to "maintain the established residential character" of this location, and there is a continuing demand for residential housing of varying types as proposed. In conclusion, we believe this request would be compatible in the described location and thereby consistent with applicable Seminole County planning policies and applicable regulations.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 24, 2007, Seminole County issued this Development Order relating to and touching and concerning the property described in Exhibit A:

FINDINGS OF FACT

Property Owner: Lois Mae Paulucci Revocable Trust
201 W. First Street
Sanford, FL 32771

Project Name: James Dicks Development/Trepanier West Lake Mary Blvd. Property (A.K.A. L&L Acres) PUD

Requested Development Approval:

Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)

The Board of County Commissioners has determined that the request for a Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "James Dicks/Trepanier West Lake Mary Blvd. Property (A.K.A. L&L Acres) Large Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on July 24, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

ORDER

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

SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

EXHIBIT A

DESCRIPTION

SUBJECT PROPERTY ALSO DESCRIBED AS:

A tract of land being a portion of Sections 11, 12, 13 and 14, Township 20 South, Range 29 East, Seminole County, Florida being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 20 South, Range 29 East; thence North 89°36' 50" East along the North line of Section 13 for a distance of 194.68 feet; thence North 00 23' 10" West for a distance of 187.67 feet to a point on the South Right-of-Way of Lake Mary Boulevard and the POINT OF BEGINNING; thence South 84 05'23" East, along the South Right-of-Way of Lake Mary Boulevard a distance of 1677.21 feet to a point on the West boundary of Oakmonte Park, Plat Book 53, Page 75, Public Records of Seminole County, Florida; thence along said boundary South 04°45'41" West, a distance of 841.14 feet; thence South 42°22'34" East, a distance of 302.61 feet; thence South 54°17'27" East, a distance of 285.07 feet; thence South 14°33'59" West, a distance of 120.94 feet; thence South 11°05'27" East, a distance of 834.68 feet; thence South 00°18'48" East, a distance of 409.04 feet to a point on the Northwesterly Right-of-Way of the S.C.L. Railroad (Tribly Branch) and a point on a curve concave northwesterly having a tangent bearing of South 29°41'21" West and a radius of 1,884.80 feet; thence run southwesterly along the arc of said curve through a central angle of 22°31'39" for a distance of 741.07 feet to the Point of tangency; thence South 52°13'55" West, a distance of 676.10 feet; thence South 52°12' 07" West a distance of 695.77 feet; thence South 89°07'19" West, a distance of 133.05 feet; thence North 52°14'22" East, along the Southeasterly boundary of Ravensbrook First Addition, Plat Book 16, Page 30, Public Records of Seminole County, Florida a distance of 861.34 feet; thence continuing along said plat boundary North 00°10'31" West, a distance of 529.80 feet to the Northeast corner of said Plat; thence North 00°26'21" West along the East line of Ravensbrook Second Addition, Plat Book 25, Page 55, Public Records of Seminole County, Florida a distance of 258.15 feet to a point on the North line of the Northwest 1/4 of the Southwest 1/4 of Section 13, Township 20 South, Range 29 East; thence North 00°13'47" West, a distance of 1,325.05 feet; to the Northeast corner of the aforesaid plat thence South 89°56'58" West, a distance of 1,322.70 feet to the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 13, Township 20, Range 29 East; thence North 89°36'19" West, a distance of 124.70 feet to the Southeast corner of Isle of Windsor, Plat Book 15, Page 91, Public Records of Seminole County, Florida; thence along the East line of said plat North 00°25'55" West, a distance of 528.96 feet; thence North 07°11'07" East, a distance of 129.27 feet to the centerline of an existing canal; thence along the centerline of said canal the following eight (8) meandered courses: North 20°43'58" East, a distance of 83.73 feet; thence North 11°35'00" East, a distance of 126.59 feet; thence North 11°03'53" West, a distance of 126.16 feet; thence North 18°07'51" West, a distance of 104.80 feet; thence North 37°06'49" West, a distance of 100.50 feet; thence North 54°21'37" West, a distance of 65.61 feet; thence North 71°53'38" West, a distance of 65.61 feet; thence North 89°46'38" West, a distance of 150.00 feet; thence departing said canal North 00°18'47" West, a distance of 95.00 feet to a point on the North line of Section 11, Township 20 South, Range 29 East; thence North 89°46'38" West along said Section line to the East Right-of-Way of Markham Road a distance of 1,419.10 feet; thence North 17°46'24" East along said Right-of-Way a distance of 208.67 feet to the South Right-of- Way of Lake Mary Boulevard; thence North 89°53'23" East along said Right-of- Way a distance of 1,586.53 feet to a Point of Curvature of a curve concave Southerly having a radius of 3,758.33 feet; thence run Easterly along the arc of said curve through a central angle of 06°01'14" for a distance of 394.92 feet to the POINT OF BEGINNING

Containing 116.74 acres, more or less.

**MINUTES FOR THE REGULAR MEETING
OF THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, FEBRUARY 7, 2007
7:00 P.M.**

Members present for discussion: Jason Brodeur, Acting Chairman; Dudley Bates, Walt Eismann, and Kim Day

Also present: April Boswell, Planning Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

Prior to the start of this item, Chairman Brown declared a conflict of interest and removed himself from the discussion and voting. Vice-Chairman Brodeur took the gavel.

F. PremiereTrade (A.K.A. L&L Acres) Large Scale Land Use Amendment and Rezone; Canin Associates, Ronald Manley, applicant; 116.74± acres; Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the south side of Lake Mary Boulevard between Markham Woods Road and Heathrow Boulevard. (Z2006-75 / 07S.FLU01)

Commissioner Carey - District 5
Tina Williamson, Assistant Planning Manager

Tina Williamson presented the request for a large scale land use amendment from Suburban Estates to Planned Development and a rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development). The project encompasses approximately 116.7 acres and will have 130 single family lots. The density is 1.4 dwelling units per acre. The lot sizes vary from one acre to 8,400 square feet on the east property line. This project provides appropriate transitions to adjacent properties and is consistent with the Land Development Code (LDC). Staff recommendation is for transmittal of the item.

Hal Kantor spoke next, representing the applicant. He reviewed information presented by Ms. Williamson and said that the project will have direct access to Lake Mary Boulevard. He said that the grade schools in the area were crowded, but that the middle school and high school capacity were good. This project would be developed in 2008, giving time for the schools to adjust.

Mr. Kantor stated that the project was consistent with the County's Comprehensive Plan. There are transitional lot sizes. One lot is 6 acres. Smaller lots are on the east and one acre lots to the southwest. The county trail will be buffered. House here will cost between \$1m and \$6m.

Blaine Darrah of Heathrow spoke on behalf of the Heathrow Master Home Owners Association Board. His concern was with the placement of the entrance into the project. It is now placed opposite the entrance to Heathrow. This is not good. He favors the developer suggestion to move the entrance down to go through the clump of trees which he indicated on the map.

Mr. Darrah also stated that the estimated 33 students generated by project would put stress on the schools. He wanted the schools to be realigned. If the elementary schools were aligned the way the middle school and high schools were aligned, it would be good. The Heathrow Master Home Owners Association Board recommends approval of this request.

No one else spoke in favor of this project.

Marli Nelson – Sanchez of the Isle of Windsor wanted to know if the 6 acre parcel would be restricted to having one home, perhaps with horses.

Peter Kohn lives opposite the project. He stated that Lake Linden is a navigable waterway. It is no longer fed by springs. He is concerned with the development of the proposed water features. Mr. Kohn stated that the existing lakes may possibly be lost due to the pumping of water into the new water features. He said that Lake Rice has a submerged connection to the Wekiva River. Lake Linden drains into Lake Rice. The canal between the two was previously closed. Will this be reopened?

Mr. Kohn also had concern for the deer, panthers, bears, coyote, swallow tail kites, Sherman's fox burrows, eastern and indigo snakes, and sand hill cranes that live on the site, or use it for watering. The presence of the animals made fencing a major concern. How will the animals get to the water? Berms are expensive. He said that the 6 acre site was undevelopable. Will the developer deed this tract over to the County?

Gray Hudson of Windsor Isle said that this plan will have a negative effect on Rice Lake. He wanted to know how the water site on the west boundary was to be filled. This could hit the aquifer. Digging out the lake could harm the water quality or lower existing lake levels.

Michele Hudson spoke for Ravensbrook subdivision. She said that their concern was that the natural charm of the entire area could be lost. She expressed concern for the abundant wildlife in the area. They would like a minimum lot size of one acre with a perimeter of open space. She gave the example of the golf

course not having walls around it to keep the viewscape. The developer is proposing a 6-foot wall. She requested minimum fencing for preservation of the views.

Barbara Dini said that a document had been distributed on last Wednesday showing 3 homes per acre. Lots bordering Lake Linden are less than one acre. She would like to see the lot sizes compatible with surrounding lots. One acre lots should be at least 150 feet wide at the lake. Lots near Rice Lake are already zoned A-1. They should be one acre. This will preserve the wild life near Lake Linden. She also expressed concern for the heavy traffic on roads there.

Geoffrey Stagg of Windsor Isle said that excavating will affect lake levels. He has been in the area for 24 years and saw the lake levels lower with the construction across the road. He asked that the lots around the lake shore be left one acre lots; anything else would not be compatible.

Eric Duncan said that Lake Rice was misidentified as Linden Lake. He has lived there for 7 years. Lake Rice is a 40 – 60 acre private lake. Homeowner property lines go into the middle of the lake. James Dicks said that only one lot will have access to the lake. The potential for 129 new houses having access to Lake Rice will overcrowd the lake. He wanted to know where the water would come from for the water bodies proposed in the plan. He asked that the lake be protected by limiting the lake access to one family.

Commissioner Brodeur stated that this commission does not address wetlands issues. That is done at the time of final engineering.

Debra Wert represented the group of homeowners whose homes back on the thin strip of land that was shown to be the future location of the maintenance shed. She stated that this is an 80-foot wide strip of pastureland. The view of the shed was a concern, as was the access road to it. Would the access road be secured with a gate? She wanted to know how the land would be used. Would there be boat and RV storage there? Would there be vehicles parked there? What will the hours of activity be there? Will there be hazardous chemicals stored there? Will there be written restriction as to the use of the land? It is dry pasture. Would there be restroom facilities there for workers? Will there be a septic tank? If possible, the shed should be moved closer to the development. Ms. Wert said that the adjacent property owners would like to buy the land behind their homes. She also mentioned the abundance of wildlife there and that there should be no walls to keep animals from getting to water.

Quentin Beitel is President of the Markham Woods Association. They would like to see one single family home per net buildable acre here. The board would like buffering on the outside of the property. He would like the board to check on the history of the property. When commercial – retail was granted in 1998, Suburban Estates was agreed on as the future land use. Markham Woods Association is

concerned with light pollution, height, lake access, the 6-acre lot, lake levels, wildlife conservation, and school overcrowding. Heathrow has a vested interest on cost of Lake Mary Boulevard maintenance. He questioned the allowance of home businesses.

Eric Cohen lives adjacent to the transition buffer zone. There the lots are less than one acre. He would like one-acre lots extended for the entire border of Windsor Isle.

Michael Duckhorn of Orange Ridge said that the L&L Acres property is a cornerstone to the quality of life in the area.

Commissioner Brodeur made a note of a letter submitted by Michael Barr's stating opposition to the project also.

James Dicks of Alaquia stated that he will not be putting the maintenance shed in the disputed location. He will deed the strip of land to the County. Also, there will only be one house going on Lake Rice. He will live there. The waterways are closed waterways. There will not be any canals. Mr. Dicks said that he bought the land from the previous developer to develop it himself, with lower density. 130 homes are better on this site than 16 units per acre, as is next door. He is aware of the wild life in the area. This property is surrounded by Markham Woods Road, Lake Mary Boulevard, and I-4.

Hal Kantor stated that the maintenance shed will be moved. There will be binding covenants and restrictions here. He would like to have contact information for the Isle of Windsor homeowners. Mr. Beitel made reference to a restriction made by a previous board in 1998. That cannot be done to future boards. 1.4 units per acre is sensitive to the area, considering the higher density. The plans shown are conceptual. There will be more stormwater retention than shown. It is a closed basin. Water levels in area lakes will be addressed at the time of final engineering. Traffic level in the area is level A. The access point that has been requested will work with the traffic. There will be only one property having access to the lake. There will be no community dock or boat ramp. The lake lot will be a private lot. Animals will be dealt with in the development process according to the regulations. Certain walls are required according to the LDC. A brick wall will be on the east on Lake Mary Boulevard; no wall on the west. This will be a long process. Details will be worked out over time.

The public hearing was now closed.

Commissioner Brodeur asked what the setbacks were for the area along the trail.

Tina Williamson stated that the staff is recommending a 50 foot building setback and a 25 foot landscape buffer adjacent to the trail. This would be 8 canopy trees and 4 sub canopy trees per 100 linear feet of buffer.

Commissioner Eismann asked if Heathrow is splitting the cost of the Lake Mary Boulevard maintenance.

Tina Williamson said that had been previously agreed to and is referred to in items I,J, and K of the Development Order.

Commissioner Eismann said that the land owner is working with the neighbors. He does like the direction the project is going, but he does not like the small lots adjacent to one acre lots.

Commissioner Day said that Rice Lake has several houses on it according to the diagram, not just one estate lot. She did not see how that worked out. Smaller lots adjacent to the commercial and multi family uses are appropriate, but the lots near the lake are confusing.

Commissioner Eismann agreed. The east side is an excellent transition. The one acre lots make a lot of sense. This board does not address wildlife. It is handled elsewhere. He is not sure which way to go on this.

Commissioner Bates has concern for the smaller lots. The transition zone is good. The feelings of those with concerns about the land being developed are understandable. He also has mixed feelings on this project. One acre lots are appropriate. We should not hold up this project because of the smaller lots. This is a complex project.

April Boswell said that the plan is a conceptual plan only. This commission may make recommendations to modify any terms of the development order; density or minimum lot size could be changed if you wish.

Commissioner Brodeur said fencing could be changed as well.

Commissioner Eismann said that if the minimum lot size were changed there could be a shuffling of the plan with the small lots.

April Boswell said that lot layout will occur in Final Master Plan approval. There could be lot shifting as this project moves forward.

Commissioner Eismann made a motion to recommend transmittal with the condition that there be no shed on the south end and that the developer commitment agreement include that the 6-acre parcel will be a single family residence with one family having access to the lake from there. No public access. Also, that the canals are not to be dug and the lakes should be kept the way they are with no connection to the future retention ponds. There should be no decline of the natural lakes because of this project.

Commissioner Bates seconded the motion. He asked if that was possible to put those restrictions on the approval.

Kathleen Furey-Tran stated that what was to be done with the lakes would be up to the Water District.

Commissioner Eismann said that putting the proper conditions in place will make a nice development for everyone.

Commissioner Brodeur commended the property owner, Mr. Dicks, for coming tonight.

The motion passed 4 – 0.

Cynthia Sweet presented the request stating the vacate is needed to close off that segment of the right-of-way for development of a private single-family residence. She stated Seminole County has park equipment located on the adjacent side of the subject right-of-way to the north and it is not affected by this request. The applicant has provided letters from the applicable utility companies stating they have no objections to the request. Therefore, staff recommends approval of the request.

No one spoke in support or in opposition.

Motion by Commissioner Carey, seconded by Commissioner Van Der Weide to adopt appropriate Resolution #2007-R-52, as shown on page _____, vacating and abandoning that portion of the unimproved public right-of-way known as Hughey Avenue located adjacent to Lot 19 of Roseland Park First Addition, in Section 32, Township 19S and Range 31E, as described in the proof of publication, John & Betty Johnson.

Districts 1, 2, 3, 4 and 5 voted AYE.

LAND USE AMENDMENT/REZONE/Canin Associates

Proof of publication, as shown on page _____, calling for a public hearing to consider request to transmit Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture) to Planned Unit Development (PUD) for 116.74+/- acres, located on the south side of Lake Mary Blvd. between Markham Woods Road and Heathrow Blvd., Canin Associates, Ronald Manley, received and filed.

Tina Williamson, Assistant Planning Manager, addressed the Board to present the request. She stated staff has received two letters (received and filed) from the Sierra Club

MARCH 13, 2007

and Mrs. Paige Barbara Woodall expressing their concerns. The applicant has revised the proposed preliminary master plan to address the concerns of neighboring residents by increasing some of the lot sizes and to allow the use of a master theme landscaping concept of the stormwater development. She submitted a copy of the development order with the following corrections. Item A has been amended to reflect the fact that a traffic study has been submitted and found sufficient by the Development Review Manager allowing the access point as proposed. Items B and C have been amended to call out the six-acre tract as Parcel 1 and to clarify that the lake being allowed for access is called Linden Lake; and Item D has been amended indicating that "Access to Rice Lake shall be limited to only those one-acre and larger lots that have platted lake frontage". She stated Items P1 and P3 have been amended to state that the wall design and landscaping materials within the buffers along Lake Mary Blvd. and the east property line shall be brought back to the Board for approval at the time of the Final Master Plan. The proposed use of the subject property is a maximum of 140 single-family lots and a maximum density of 1.4 dwelling units per net buildable acre. The lots will be divided among five tracts with lot sizes ranging from a maximum of six acres adjacent to existing A-1 zoning along the west property line to a minimum of 8400 sq. ft. adjacent to the retail and condominiums in the Oakmonte PUD along the east property line. The property will be developed in a maximum of three phases. Staff has reviewed the proposed amendment and rezone and has determined that they are consistent with the provisions of the Comprehensive Plan and Land Development Code subject to the conditions in the revised

MARCH 13, 2007

development order. Staff recommends transmittal of the amendment and rezone subject to the preliminary master plan and revised development order. The Planning & Zoning Commission recommended transmittal of the proposed amendment and rezone with the following conditions: (1) A maintenance shed cannot be located on the south end of the property; (2) Six-acre parcel bounded by Markham Woods Road, Lake Mary Blvd. and Linden Lake is limited to one dwelling unit; (3) Canals connecting the future retention ponds to the existing lakes are prohibited; and (4) The proposed retention ponds cannot negatively impact the existing lakes in any way.

Hal Kantor, Lowndes Drosdick, Doster, Kantor & Reed, addressed the Board to display a PowerPoint Presentation (received and filed). He began his presentation by reviewing the Amendment Considerations relating to acreage of the site, property designation, proposed use of the property, the project being transitional and buffers from higher densities, direct roadway access and necessary utilities available, nearest fire station, the middle and high school having sufficient capacity, and consistency with the Vision 2020 Comp Plan. He continued by displaying and reviewing an Aerial Neighborhood Map, an Existing Land Use Map, Consistency of Amendment with Seminole's Vision 2020, and Development Plan-Zoning relating to site parameters (transition, overall density, lot size, minimum lot width, setbacks and buffers, preservation of stand of oaks, and site access). He continued by reviewing the Vision Plan, the Conceptual Entry Plan, Conceptual Renderings of the Project; and Actions Taken and Status of Request by the Applicant. He requested the Board

MARCH 13, 2007

transmit this request to the Department of Community Affairs (DCA) for approval.

Mr. Kantor informed Commissioner McLean he doesn't know the amount of buildable acreage. He stated this is a closed basin and he will not know until the final engineering.

Chairman Henley reminded everyone that this is a transmittal hearing and not approval of the request and it will come back to the Board for review.

James Dicks, 3194 Taylor Loop, addressed the Board to point out that the most important thing for him was to try to accommodate all the neighbors and he feels he has done a good job in doing that. His intention was to make this project single-family residential. The problem he is faced with is this property abuts 16 units per acre and they are proposing to start from the east side of the property over to the west side that abuts all the one-acre home sites of Ravensbrook and Windsor Isle and about them with one-acre home sites. There were some questions with regard to access to Lake Rice. He stated he has met with all the homeowners and accommodated them as much as possible.

Upon inquiry by Commissioner Carey, Mr. Dicks advised the two-acre lot on the corner of the lake will be his home site.

Mr. Dicks informed Commissioner McLean that there will be no public access or boat ramps.

Debra Wert, 20 Stone Gate South, addressed the Board to request clarification from the Planning & Zoning (P&Z) Commission hearing in which she thought she heard they were recommending that nothing will be built on the lower pasture. She stated the pasture is only 80 ft. wide and it is basically landlocked once this project puts in the southern retention

MARCH 13, 2007

pond. She said the question she has is if it is designated green space, does it mean that nothing can be put on it from now on.

Chairman Henley stated there are stipulated conditions that go with the land and whatever conditions are placed on it, it stays with the land even when it is sold.

Ms. Wert expressed concerns relative to installing a traffic light as there is already one at the Heathrow entrance.

Jerry McCollum, County Engineer, addressed the Board to state any time they look at any type of access plan; they look to see if it makes sense to put a signal light there. There will be 130 homes coming in and that is not a substantial amount of traffic and 130 trips during the peak hour is not a lot of trips.

Glenn Housman, 27 Windsor Isle, addressed the Board to state he is in favor of the project with a few caveats that are not directly part of this plan. He stated a few years ago the residents of Ravensbrook hired a Professional Engineer to do test borings on the lakes and they collected quite a bit of data of how all the development in the area has affected Windsor Isle, Markham Woods Road and the Wekiva River basin.

Robert McMillan, County Attorney, left the meeting at this time.

Mr. Housman stated the proposed rules for development of this property precludes the drainage on anyone else's property. As part of the research, the 1987 aerial shows that the water service elevation of Rice Lake and Lake Linden were almost identical. He stated the data shows that what was done

in Heathrow affected them and they are concerned with what is going to go on the property next door.

Mr. McMillan reentered the meeting at this time.

Mr. Housman stated the previous Board members tried to do the best thing and got it wrong and he wants the BCC do it right this time.

Commissioner Carey stated she did research about fluctuating lakes in Florida and one of the issues that impact the lakes is when residents living around the lakes are irrigating out of the lakes. She would encourage everyone to look at possibly stopping that and keeping the lakes full.

Jack Hannah, 204 Orange Ridge Circle, addressed the Board to state he represents the Markham Woods Association and one issue that hasn't been discussed is the wells. He stated there are three wells on that property and he is not sure if they have been capped off. However, he doesn't want them used for water to keep up lake levels and irrigation. The Markham Woods Associations supports this project. He said he had eight issues and he has covered them with Mr. Dicks.

Commissioner Carey emphasized that this project will be required to hook up to the County's water and sewer and reclaim.

Gray Hudson, 32 Windsor Isle Dr., addressed the Board to state he likes the idea of a no community boat ramp and wants to make it clear they oppose a community fishing dock and parks, but he doesn't have a problem with the homeowners living on the lake having access to the lake. The residents are living on a very quiet and peaceful lake and it is very rare to have a boat out there.

MARCH 13, 2007

Geoff Stagg, 24 Windsor Isle, addressed the Board to state he is relieved to hear that a lot of things have changed. He stated he would like to see a change of one-acre lots along the lake shore to be in writing in the development order. He spoke with regard to the water issue.

Commissioner Carey stated all the lakes in Heathrow were done in 1983 and they are interconnected so they can fluctuate those ponds and lakes from the golf course to other areas though an interconnection of the DRI.

Mr. Stagg stated the dramatic change to their lake was that it was suddenly covered with lily pads and weeds.

Michelle Hudson, 32 Windsor Isle Dr., addressed the Board to state she wants the Board to be aware of how this project may further impact the water in the lakes. She stated the cornerstone of the Lake Mary/Heathrow area is centered around the L&L Acres property and the Seminole/Wekiva Trail. She said she is very concerned that many of the residents that have valued the beauty of this area are unaware that they will be looking at a wall and houses if development is approved. She reviewed some of the responses that she received when she interviewed several residents walking on the trail. Many of the residents felt that by not having this hearing at night, that precluded them from attending this afternoon's meeting. She stated a Longwood city commissioner responded to her that any open space should be preserved and protected. If this development goes through as is, then this region will lose some of the charm and natural beauty that attracted everyone there.

MARCH 13, 2007

Commissioner Carey advised that additional signs were posted on this property and she feels the applicant has made every effort to give people notice.

Eric Cohen, 30 Windsor Isle Dr., addressed the Board to state he has lived in Windsor Isle for about 25 years. Mr. Kantor's plan shows lots of water and what is lacking in this proposal is where will this water come from. He said he would like to see an explanation of the source of water because the plan shows that there will be retention ponds. He stated he would like to see water issue addressed in the final plan.

Chairman Henley stated the aquifer is down and the only way to get more water in there is to get it from the aquifer and that is not what they are trying to do. He added that this will be addressed during the engineering plan.

Barbara Dini, 36 Windsor Isle, addressed the Board to state she saw the updated plan late yesterday with regard to the abutting one-acre lots. She stated she has concerns that there is no final plan. The residents were only shown a preliminary master plan, and the final engineering has not been reviewed by the State; therefore, she is requesting that public input be given when the final master plan approval is presented to the BCC.

Ms. Boswell stated that this is a transmittal hearing and the other steps after this hearing is a second public hearing (adoption hearing) for the land use amendment, and the rezoning has a second part which is called the final master plan and it will come back to the Board at a public meeting.

Quentin Beitel, 4 Quail Run, addressed the Board to state he is not in favor of the request. He stated he feels there

MARCH 13, 2007

is plenty of room to remain one-acre single-family homes and he doesn't want it to be transmitted as a PUD.

Peter Kohn, 25 Windsor Isle, addressed the Board to display a map (received and filed) and stated he has outlined in yellow and orange where the 6 ft. brick walls will be constructed. He submitted and reviewed a list (received and filed) of rare species of animals observed on the L&L Acres property and adjacent property. He stated his concern is that by putting in the roadway and fence it will exclude the animals from this property.

Sarah McClendon, 250 Spring Lake Hills Dr., addressed the Board to read into the Record her comments relating to lakes and green space. She stated they need parks and green spaces and she hopes the Board will deny this use of land that they feel is so valuable.

No one else spoke in support or in opposition.

Written Comment Form from Olivia Simmons was received and filed.

Speaker Request Forms were received and filed.

District Commissioner Carey submitted a letter from Deborah Schafer, Sierra Club, and an e-mail (both received and filed) from Tom Haller expressing their concerns regarding the request. She stated she has lived in the area since 1957 and she is very familiar with it. She said she has seen four or five proposals on this piece of property and she feels that this proposal does the best balancing act. She read into the Record the following conditions of the proposed development order: (a) All development shall comply with the Preliminary Master Plan attached as Exhibit B, and the remaining words will be struck; (b) The parcel (Parcel 1) bounded by Markham

MARCH 13, 2007

Woods Road, Lake Mary Blvd. and Linden Lake shall be a minimum of 6 acres in size and shall be the only lot permitted to have horses. The horses must be kept inside the tract and cannot be ridden on any of the internal subdivision streets or in any common areas. There will be no access to Markham Woods Road from that lot; (c) The six-acre parcel (Parcel 1) bounded by Markham Woods Road, Lake Mary Blvd. and Linden Lake is limited to one dwelling unit. This lot shall be allowed to have access to Linden Lake. Access to Linden Lake from any other part of the development is prohibited. No access to Markham Woods Road from that lot; and (d) Access to Rice Lake and Linden Lake shall be limited to only those one-acre and larger lots that have platted lake frontage. Access to Linden and Rice Lakes from any other part of the development is prohibited. She stated the rest of the conditions would remain the same. Another change to the development order would be to strike out the word "brick" (wall) and the details for that will be dealt with during the final master plan.

Motion by Commissioner Carey, seconded by Commissioner Dallari to transmit the Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture) to Planned Unit Development (PUD) for 116.74+/- acres, located on the south side of Lake Mary Blvd. between Markham Woods Road and Heathrow Blvd., subject to the Preliminary Master Plan and amended Development Order, as shown on page _____, as described in the proof of publication, Canin Associates, Ronald Manley, based on staff findings and conditions made to the development order.

Under discussion, Commissioner Van Der Weide stated he feels this is the most reasonable development request that he

has seen since he has been a commissioner. He added that this is what you call transitional.

Upon inquiry by Commissioner Dallari, Ms. Williamson advised this project will be required to be reviewed by the St. Johns River Water Management District at the time of final engineering.

Districts 1, 2, 3, 4 and 5 voted AYE.

Commissioner Carey stated she feels this has been a fine process and Mr. Dicks has taken a lot of time to meet with the communities.

Chairman Henley recessed the meeting at 2:55 p.m., reconvening at 3:05 p.m., with Commissioner McLean entering late.

LEGISLATIVE UPDATE

Lisa Spriggs, Fiscal Services Director, addressed the Board to review Legislative issues (received and filed) that were submitted along with the actions taken during the session last week. She began her presentation by reviewing the funding for driver education programs for young adults.

Commissioner McLean reentered the meeting at this time.

Ms. Spriggs continued by reviewing the Rental Car Surcharge Tax, the Charter County Transit System Surtax, and the Article V \$2.00 Technology Fee.

Susan Dietrich, County Attorney's Office, addressed the Board to advise that FAC has selected the Charter County lobbyists (Ron Book and John Johnson). She further stated the Wekiva Parkway Protection Act (SB 2668) requires that all agencies and local governments submit an annual progress report to the Legislature. She stated the Anti-Murder

MARCH 13, 2007

Legislation was passed and the Governor signed the bill on Monday. She continued by reviewing the Traffic and Pedestrian Control Device Bill (SB 662) and the Florida Flies the Flag Act. She stated HB 871 prohibits local governments from enacting or enforcing an ordinance that would prohibit certain persons from displaying a U.S. flag in a respectful manner or require permit or payment of any fee to authorize such display.

Ms. Spriggs and Commissioner Van Der Weide discussed whether or not there is a funding component for the Drivers Education Bill and how they can get the \$2 surcharge passed.

Commissioner Carey requested staff to take a look at the mobile home/rezoning ordinance being proposed by the Senate to see what the implications will be.

Chairman Henley requested Mr. McMillan review the Cable Franchise item.

Ms. Spriggs referred to page 6 of the handout relating to the Property Tax Reform Update. She stated the cost summary is included in the handout and basically it has been heard by the committee and will be voted on this Friday. She reviewed the estimated impact to Seminole County and what the millage rates would be if the property tax proposal is implemented. She continued by reviewing the second portion of the proposal for eliminating property taxes and increasing the State sales tax and what the impact would be.

Commissioner Carey stated she would like staff to submit the analysis of the sales tax based on the current allocation. She also requested that staff send this information electronically to the Board so they can forward this information to the House and Senate Representatives.



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: January 17, 2007

RE: **Premiere Trade (AKA L & L Acres) Large Scale Land Use Amendment and PUD Rezone**

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

Description – 108+/- acres located on the south side of Lake Mary Boulevard, between Markham Woods Road and Heathrow Boulevard. The applicant is proposing the construction of 130 single-family dwelling units at a density of approximately 1.4 dwelling units per net buildable acre. Parcel ID #'s 13-20-29-300-0020-0000, 13-20-29-300-002A-0000, 13-20-29-300-007A-0000.

Based on information received from Seminole County Planning and from the Intergovernmental Notice Report for the request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
130		130		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Heathrow	33	862	1119	129.8	2
Middle Markham Woods	15	1251	852	68.1	0
High Lake Mary	16	2831	2589	91.5	19

Terms and Definitions:

Florida Inventory of School Houses (FISH): The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

Student Stations: The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

Current Enrollment: The number of students reported on October 10, 2006 (Second FTE reporting date).

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

Capacity: The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the "Utilization Factor". The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Class Size Reduction (CSR): Article IX of the Florida Constitution requires the legislature to "make adequate provision" to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

- i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
- ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
- iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established

the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

Projected Number of Additional Students is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Full Time Equivalent (FTE) - A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments:

The students generated at the middle and high school level resulting from the proposed development would at this point be able to be absorbed into the zoned schools without adverse affect. However, the students generated from the new residential dwelling units could not be absorbed into the elementary, without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. While there are no planned expansions/additions at Heathrow Elementary to relieve their overcrowding, a rezoning of Heathrow Elementary students to Lake Mary Elementary is under consideration. A target of moving 300 students from Heathrow to Lake Mary Elementary beginning in the 2008-09 school year has been established.



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

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Secretary

May 25, 2007

The Honorable Carlton D. Henley, Chairman
Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771-1468

Dear Chairman Henley:

The Department of Community Affairs has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA No. 07-1), which was received on March 28, 2007. Based on Chapter 163, Florida Statutes (F.S.), we have prepared the attached report outlining our findings concerning the amendment. It is particularly important that the County address the objection set forth in our report so that the issue can be resolved prior to adoption. We have also included for your consideration, a copy of the regional and state agency comments along with letters that we have received from concerned residents. Within the next 60 days, the County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The proposed amendment package contains an amendment to the Future Land Use Map, changing the designation for 116.74 acres, located within the Wekiva Study Area, from Suburban Estates to Planned Development. In order to assist the County as it moves toward adoption of this amendment, the Department has identified an issue that should be addressed. The Department is concerned about the lack of an established density standard for the proposed Future Land Use Map designation of Planned Development.

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Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781

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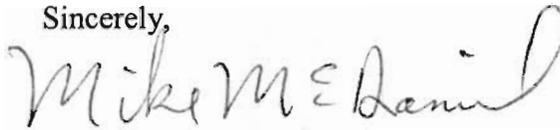
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2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Carlton D. Henley
May 25, 2007
Page Two

We are confident that this issue will be addressed satisfactorily by the County in the adoption amendment. We are available to work with your staff to assist the County in responding to our report and developing an effective resolution for this amendment. If you should have any questions, please call Caroline Knight, Principal Planner, at (850) 487-4545.

Sincerely,



Mike McDaniel, Chief
Office of Comprehensive Planning

MM/ck

Enclosures: Review Agency Comments
Transmittal Procedures

cc. ✓ Ms. Dori DeBord, Director, Planning and Development Department, Seminole County
Mr. Phil Laurien, Executive Director, East Central Florida Regional Council

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR
SEMINOLE COUNTY
AMENDMENT 07 - 1

May 25, 2007
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed Comprehensive Plan Amendment (DCA 07 -1) pursuant to Section 163.3184, Florida Statutes (F.S.).

Objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and an external agency's advisory objection or comment, the Department's objection will take precedence.

The County should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is "not in compliance." The Department may have raised an objection regarding missing data and analysis, or other items which the County might consider not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement. If the justification is sufficient, the objection will be considered to have been addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form a basis for determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies. These comments are advisory to the Department and may not form a basis for Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS AND COMMENTS

SEMINOLE COUNTY (DCA No. 07-1)

PROPOSED COMPREHENSIVE PLAN AMENDMENT

I. Consistency With Chapter 163, Part II, Chapter 369, Part III, Florida Statutes (F.S.), and RULE 9J-5, Florida Administrative Code (F.A.C.)

The Department has completed its review of the proposed amendment to Seminole County's Comprehensive Plan (DCA No. 07-1). The proposed amendment contains an amendment to the Future Land Use Map for 116.74 acres located within the Wekiva Study Area. The amendment changes the designation from Suburban Estates (1 dwelling unit /acre) to Planned Development (1.4 dwelling units/acre).

The Department has the following objection:

Objection: Planned Development Designation/Lack of Policy Limiting Density. The amendment is not supported by a policy establishing the specific density standard of 1.4 dwelling units for the Planned Development land use designation as required by Rule 9J-5.006(3)(c)7, F.A.C. The amendment has not demonstrated consistency with Seminole County Future Land Use Element (FLUE) Table 2.3 which specifies that density will be established by the comprehensive plan amendment.

[Sections 163.3177(2), 163.3177(6)(a), F.S.; Rules 9J-5.005(5), 9J-5.006(3)(c)7., F.A.C.]

Recommendation

Revise the amendment to establish that the allowable density standard of 1.4 dwelling units per acre is to be applied specifically to this amendment designating the Planned Development land use category. Support the Future Land Use Map amendment with a text policy establishing the density of 1.4 dwelling units per acre.

Comment

The Department notes the absence of karst and recharge area protection strategies on the proposed preliminary master plan for L & L Acres. The master plan does not address the site's location within the Wekiva Study Area. Also noted is the allocation on the proposed master plan of only 25% open space rather than the 40% open space requirement pursuant to FLUE Policy 15.2, B.3.a. The open space proposed on the master plan includes "active recreation" which is inconsistent with FLUE Policy 15.1. "Wekiva Area Open Space," which excludes "active" recreation, allowing only "passive" recreation within the definition of open space applied to the Wekiva Study Area. The Department understands that these Wekiva Study Area protection requirements (the dedication of additional open space to be limited to "passive" rather than "active" recreation pursuant to FLUE Policy 15.1, and recharge protection pursuant to FLUE Policy 15.2, B.3.a.), will be required by the County at the time of final site plan approval.

TRANSMITTAL PROCEDURES

The process for adoption of local government comprehensive plan amendments is outlined in s. 163.3184, F. S., and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, Seminole County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendments;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Phil Laurien, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that Section 163.3184(8)(c), F.S., requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings.

In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. Please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. In the event there are no citizens requesting this information, please inform us of this as well. For efficiency, we encourage that the information sheet be provided in electronic format.



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

April 26, 2007

D. Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

GJS

MAY 9 2007

Re: Seminole County Proposed Comprehensive Plan Amendment
DCA Amendment #07-1

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment. The proposed amendment consists of one change to the County's future land use map. The District staff review focuses on water supply availability and related water resource issues in an effort to link land use planning and water supply planning. In the review of water supply availability, District staff consider infrastructure, permitted allocation under consumptive use permits, and source. District staff have no comments because no substantial water supply availability or related water resource issues were identified.

We appreciate the opportunity to provide comments. If you have any questions or need additional information, please contact District Policy Analyst Peter Brown at (386) 329-4311/Suncom 860-4311 or pbrown@sjrwmd.com.

Sincerely,

Linda Burnette, Director
Office of Communications and Governmental Affairs

LB/GCS

- cc: Carlton Henley, Seminole County
- Bob Dallari, Seminole County
- Michael McLean, Seminole County
- April Boswell, Seminole County
- Andrew Landis, ECFRPC
- Nancy Christman, SJRWMD
- Jim Quinn, FDEP
- Jeff Cole, SJRWMD
- Peter Brown, SJRWMD

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6 JS
4/6/07

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

April 5, 2007

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Seminole County (07-1) Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Seminole County Comprehensive Plan.

We reviewed one proposed amendment to the Future Land Use Map to consider the potential effects of this action on historic resources. Although this tract does not contain any sites listed in the Florida Master Site File or the *National Register of Historic Places*, it remains the county's responsibility to ensure that potentially significant historic resources will not be adversely affected by this action. This parcel appears to have at least moderate archaeological site probability. The most effective way to guarantee that such sites are not damaged is for the county to sponsor or require historic resource surveys so that it can ensure its archaeological resources and historic structures fifty years of age or older will be considered when substantive changes in land use are proposed.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director

cc: Mr. James Stansbury

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

- | | | | |
|--|--|---|---|
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(850) 245-6444 • FAX: 245-6452 | <input checked="" type="checkbox"/> Historic Preservation
(850) 245-6333 • FAX: 245-6437 | <input type="checkbox"/> Historical Museums
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(904) 875-5015 • FAX: 875-5011 | <input type="checkbox"/> Central Florida Regional Office
(813) 777-3813 • FAX: 777-3310 | |



Eric D Cohen
<cohene@MIT.EDU>
04/27/2007 04:30 PM

To <ray.eubanks@dca.state.fl.us>
cc <caroline.knight@dca.state.fl.us>,
<ericcohen@gmail.com>
bcc

Subject James Dicks Development / Premiere Trade (A.K.A. L&L Acres)

Seminole Co. only

6 JS
4/30/07

Dear Mr. Eubanks,

Attached as a PDF document is a letter to you regarding the development of L&L Acres. I've also included the text of the letter, without graphics, in this email in the event you are unable to open the attachment. I'm sending hard copies and CD-ROM copies via post to you and Ms. Knight.

For your reference, my contact information is:

Eric Cohen
30 Windsor Isle Dr.
Longwood, FL 32779
Home: 407-333-0089
Cell: 617-447-4854 (preferred)
email: cohene@mit.edu (preferred)

Thank you so much for your attention to this matter.

Sincerely,

Eric Cohen

=====
April 26, 2007
Mr. Ray Eubanks
Plan Processing Administrator
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Fl 32399-2100

Dear Mr. Eubanks,

I am writing to you regarding the proposed development of L&L Acres, a 116 acre farm located in Seminole County. My property on Windsor Isle is adjacent to the proposed development area. Windsor Isle has been my home for over 25 years, and I intend to make it my home well into the future. Growing up here, I have personally spent countless days water skiing and fishing on Rice Lake, which my property abuts. The lake is an integral part of the tight-knit community surrounding it. This community has historically included not only Windsor Isle on the north shore, but also Ravensbrook on the south and southeastern shores. L&L Acres includes the northeastern shore between Ravensbrook and Windsor Isle, in addition to the northern shore of Linden Lake. Linden Lake is connected to Rice Lake by a man-made canal bordering Windsor Isle on the west and L&L Acres on the east (Figure 1).

Over the years, we have witnessed firsthand the fragility of Lakes Rice and Linden. We've seen our docks go from being nearly submerged to being completely out of the water, as they are presently. According to the

Seminole County Watershed Atlas (SCWA), Rice Lake has fluctuated by approximately 10 feet since 2000. To put this in perspective, with the average shoreline declination being about 6.5 degrees under my dock, every foot of lake depth equates to about 9 feet of shoreline. This means that if the average depth of the lake decreases by just two feet, the shoreline will recede almost 20 feet!

The development of L&L Acres proposed by Premier Trade appears to include numerous new man-made lakes and expansions of existing lakes on the property. Although representatives of Premier Trade have repeatedly stated that these are to be drainage ponds, every drawing and artist rendering Premier has presented has shown what appear to be large permanent retention ponds/lakes, as evidenced by fountains visible in two of the lakes (Figure 2) and by permanent bridges, seawalls and docks in the conceptual renderings (Figures 3, 4, and 5). I simply cannot reconcile what I've been told with what I've seen in writing.

Using Figure 2, I calculated the approximate additional surface area of the new and expanded bodies of water to be 10.2 acres, and the volume to be 9.9 million gallons assuming an average depth of 3 feet. This is about 24% of the area of Rice Lake, and about 20% of the volume based on SCWA statistics. This is water that would otherwise have contributed to Lakes Rice and Linden through runoff, seepage and percolation into the aquifer. It is also important to note the reduction in recharge area due to roads, driveways, homes and other impermeable barriers in the proposal. Referencing Figure 2, I calculated this very conservatively to be about 20 acres, resulting in a net reduction of recharge area on the property of about 17%. It defies logic to believe that these factors will have anything but a highly negative effect on the existing natural lakes. Even if this project results in only a one foot average decrease in lake level, our shoreline will recede by almost 10 feet. In the worst case scenario, Lakes Rice and Linden could be lost entirely. This would have a catastrophic effect on the surrounding community.

An additional hydrology issue stems from approximately six 6" well pumps already installed on the property. These pumps have historically been used infrequently for agricultural purposes, such as providing water to animals. It has not been made clear how these wells will be used in the Premier Trade development. According to Sta-Rite, a leading well pump manufacturer, 6" submersible pumps are commonly available in capacities in excess of 500 gallons per minute, resulting in a 3,000 GPM capacity across six pumps. This is enough capacity to pump the entire 50 million gallon volume of Rice Lake out of the aquifer every 12 days. Should this capacity be used to maintain the water levels of the proposed artificial lakes, in addition to irrigation and other uses, the underlying aquifer could be devastated. As described on page 25 of the Hydrology of Central Florida Lakes, this can result in a large increase of surficial seepage from the lake, causing the average lake level to decline dramatically.

I would like to make DCA aware of a number of simple changes to the development plan that would help address these issues. First, permanent retention ponds and lakes should be limited to what already exists on the property. As shown in Figure 1, the development area currently includes over 3,750 feet of shoreline on Lakes Rice, Linden and the canal. This is by far the largest single plot of shoreline on these bodies of water. The development area also includes its own private lake/pond consisting of an additional 3,250 feet of shoreline, for a combined total of about 7,000 feet of shoreline. This is about 45% of the entire 15,000 feet of shoreline around Lakes Rice, Linden and the canal. It seems grossly unfair to the existing lake front residents to allocate additional water

resources, scarce as they are, to this development.

In accordance with the specifications in Seminole County Land Development Code (SCLDC) Appendix B Section 4.2, the developer is required to provide adequate drainage and pollution abatement capacity. The current proposal meets this requirement with retention ponds that effectively serve as permanent man-made lakes. I would like DCA to direct the county and developer to modify the drainage plan to use detention ponds instead. Unlike retention ponds, detention ponds are specifically designed to discharge their water as rapidly as possible within certain environmental constraints. During drier periods, such ponds often serve as grassy parks, including trees and other plant life.

Regarding the 6" wells, since the property has been rezoned from A-1 to PUD to be served by municipal water supplies, there is no remaining purpose for these wells. All wells on the property should be capped and permanently disabled. The wells should under no circumstances be used to maintain the levels of any bodies of water on the property, nor used for irrigation purposes.

I have attended both the Planning and Zoning Commission meeting (February 7, 2007, Item F) and the Board of County Commissioners meeting (March 13, 2007, Item 38), among others. During these meetings, I have been struck by the lack of specificity and general vagueness regarding the water management issues raised. Considering the nature of the area, issues of water management demand careful planning and total transparency. As part of the Wekiva Recharge Protection Basin, we would like to know how the proposed development complies with Division 40C of the Florida Administrative Code, including Section 40C-301, which states among other things that new construction "Will not cause adverse water quantity impacts to receiving waters and adjacent lands". We simply cannot afford to make a mistake—the stakes are too high. Once this project is completed, there is no turning back. If our lakes are ruined by reckless, poorly planned development, no amount of restitution will bring them back.

Thank you for considering these points, and I would be happy to answer any questions you may have.

Sincerely,

Eric Cohen and

Cheryl Jones

Brief summary of some of the important questions that remain to be answered:

- * How much additional water area and volume is being proposed, including retention ponds?
- * Where will this water come from?
- * What will happen when the lakes/ponds are low?
- * Will water be diverted from somewhere else to maintain the level of the lakes/ponds?
- * How will the new and expanded bodies of water affect the existing natural lakes, both long and short term?
- * How will the development affect the local recharge area?
- * How will the development comply with applicable state and federal regulations?
- * How will the development comply with Division 40C of the Florida

Administrative Code?

Proposed modifications to the development plan I would like DCA to investigate:

- * Strictly limit permanent lakes, retention ponds and other long term bodies of water to their current sizes and locations.
- * Modify the drainage plan to employ detention ponds instead of retention ponds.
- * Cap and permanently disable all existing wells on the property.



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Caroline
Knight/DCA/FLEOC
05/01/2007 07:56 AM

To Ray Eubanks/DCA/FLEOC@fleoc
cc
bcc
Subject Fw: L and L Property

6JS
5/1/07

5/1/07 07:1

For your files. I am not sure if you received this e-mail.
Caroline

--- Forwarded by Caroline Knight/DCA/FLEOC on 05/01/2007 07:55 AM ---



Deirdre Macnab
<didimacnab@earthlink.net>
04/26/2007 07:30 PM

To caroline.knight@dca.state.fl.us
cc
Subject L and L Property

Please respond to
Deirdre Macnab
<didimacnab@earthlink.net>

Dear Ms. Knight,
>My name is Deirdre Macnab, president of the League of Women Voters of Orange
>County. I am an avid cyclist and use the bike trail up to Lake Mary
>Blvd frequently, along with thousands of other cyclists, walkers, and
>skaters.
>
>I am also a member of the MyRegion.org Board of Directors, an organization
>that
>covers eight counties, and has interviewed over 9,000 citizens. Their
>finding?
>Citizens number ONE concern was the preservation of GREENSPACE. On the L and
>L
>property we have a beautiful piece of land that thousands of citizens can
>enjoy
>as they sit at the local restaurants and use the trail. This view and green
>oasis
>is about to be plowed under into a large subdivision, forever altering the
>beauty
>of that spot. If there is anything that the DCA can do to mitigate this
>project
>and push the houses somewhat to the side so some part of the view is
>maintained, at
>least around the lake, it would have the potential to at least help save part
>of
>the beauty and tranquility that so many citizens have enjoyed. I do not know,
>but
>I am also thinking this area is part of the Springs watershed, so perhaps
>there
>is the ability to make a case from that, if not for neighborhood beauty.
>
>Your attention on this project is needed immediately. Thank you for your
>stewardship
>of the few remaining beautiful places in Central Florida, and one that is
>currently
>being enjoyed by SO MANY CITIZENS. Please come next Saturday and have coffee
>at

>Panera's on Lake Mary Blvd..and you will instantly see why this property is worth
>preserving for our grandchildren.
>
>Thank you,
>
>Deirdre Macnab
>President, League of Women Voters of Orange County
>Board Member, MyRegion.org
>

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Caroline
Knight/DCA/FLEOC
05/01/2007 08:04 AM

To Ray Eubanks/DCA/FLEOC@fleoc
cc
bcc

Subject Fw: James Dicks Development - Premiere Trade (A.K.A. L&L Acres)

6 JS
5/11/07

Seminole Co. 071

Hi Ray,
Not sure if you got this e-mail.
Caroline

— Forwarded by Caroline Knight DCA/FLEOC on 05/01/2007 08:04 AM —



"GRAY HUDSON"
<grayhudson@msn.com>
04/27/2007 01:18 PM

To caroline.knight@dca.state.fl.us
cc

Subject James Dicks Development - Premiere Trade (A.K.A. L&L Acres)

Dear Ms. Caroline Knight:

I am writing you this letter so that you may have a clearer picture of what is going on with the James Dicks Development/Premiere Trade Project (AKA) L&L Acres - located in Seminole Country (District 5). I, and many of my friends and neighbors, have some serious concerns about this proposed development and its impact on the surrounding community and property owners.

L&L Acres is a unique piece of property consisting of 116.7 acres of rolling pastureland and two small ponds. It is bound on the north by West Lake Mary Blvd., on the west and south by 1 acre plus Estate homes, Linden and Rice Lakes, and on the east by the Seminole Wekiva Trail. Thousands of people each week enjoy this portion of the Trail and either walk, cycle, jog, rollerblade, or boat on the lakes that border the L&L Acres property. In other words, many of the citizens who live or visit Central Florida see and experience L&L Acres from all sides.

Because L&L Acres is bordered by two lakes, Linden and Rice, any development of the property will affect the hydrology of the land and the lakes. Based on the plans I have seen, the proposed development intends to create new "Bodies of Water" on the property, in addition to the two existing ponds. According to the plan, the two existing small ponds look to be increased in both size and depth. The newly created bodies of water don't appear to be just standard retention ponds but something more. The plans show many of these high-end homes will be positioned around these created or expanded bodies of water giving the homeowners the feel of lakefront property. Where will the developer get the water to fill - and keep filled - these bodies of water? I fear they will use the water that would normally have found its way to Lake Linden and Lake Rice through the underground aquifer and run-off to supply their needs.

The L&L Acres property falls into the Wekiva Recharge Protection Basin and I'm worried that the development of this land will negatively affect, not only our lakes, but the Wekiva River as well. Jay Exum, President of the "Friends of the Wekiva River" wrote me and said he thinks that both lakes Linden and Rice may be connected to an underground spring that feed the

Wekiva or Little Wekiva River. Jay wrote, "It is important that we (the community) not change water quality or water quantity any further to areas that feed the springs of the Wekiva system." Fred Harden, former president of the Friends of the Wekiva wrote: "The Wekiva River Protection Act was legislated specifically to help preserve the treasure of the Wekiva River, not just its water quality, but the watershed and its related ecosystems. It requires that land within the designated area remain rural in character...and rural character has been defined elsewhere in Seminole County as one unit per acre." The requested approval of the PUD is in contrast to the Act.

St. Johns River Water Management Recharge Standard states; "Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42 or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of run-off from all impervious areas proposed to be constructed on soils defined as a Type "A" Soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date)." I think that by holding the water on the property and preventing the water from recharging the aquifer and lakes, the developer appears to be in violation of this standard.

Not only will this development affect the hydrology of the area but also the "Character of the Community". As I have mentioned the eastern border of the L&L Acres property is bound by the Seminole Wekiva Trail. This walking, biking and jogging trail is hugely popular and scores of people use it each day. The most scenic part of the trail is where the trail leaves the Markham Woods Blvd. and curves back through the pastureland of the L&L Acres Ranch. If you ask anyone they will tell you is this is their favorite part of the Trail. The quiet of the countryside coupled with vast openness of the land make this section of the Trail the most enjoyable. I know for a fact that this attitude will change as soon as the trees come down and the six-foot-high wall goes up surrounding the proposed gated community. People using the Trail will be left to look at the back of two-story zero-lot-line homes, not green space with cattle and horses grazing the land.

It's not only the walkers and joggers who enjoy the scenic beauty but also the patrons of the two restaurants that sit on the eastern border of the L&L Acres Ranch. Panera Bread and the Peach Valley Café are famous for the outside tables that look upon the ranch land. You will find it hard to get a table outside on the weekends; it's a popular destination for the locals and people even travel from outside the community specifically for the ambiance this unique area offers. I fear this development will drastically change the character of our community and people who currently enjoy the natural setting and rustic views will be greatly impacted when they can no longer sip their morning coffee, as they are accustomed, in an environment they love. Being located next to this last patch of rural land within our city, is a big draw for these two businesses, so they too, stand to be negatively affected if L&L Acres becomes developed.

In the past the L&L Acres Ranch has been the site for the Annual Heathrow Art Festival, the Central Florida Boy Scout Jamboree and other community events. If the L&L Acres Ranch is turned into a walled and gated development, the character of our community will change forever. Once that's lost you can never get it back.

I also have some major concerns on the impact this development will have on our roads and schools. Any time you put a development of 130 homes into an un-incorporated rural area you will have an impact. The L&L Acres Ranch is bordered to the north by West Lake Mary Blvd. According to the plans I have seen the developer intends to make the entrance to the gated community where the existing dirt road meets West Lake Mary Blvd. I'm no traffic engineer but how can 260 cars (two per household) enter on to a major, four-lane grass-median divided road without a traffic light? Trying to do so without a traffic light is suicide and poses threats on the safety of our citizens.

An additional problem is if you put in a new traffic light, there is already an existing light less than a half a block away for the Heathrow subdivision.

Less than a mile away is Interstate 4; on any given day there is an accident forcing traffic to a stop. When that occurs, cars exit I-4 and use this portion of Lake Mary Blvd. and Markham Woods Rd. as an "interstate alternative" which causes a tremendous traffic burden. The two-hundred-sixty more cars this development has the potential to add to our roadways would only further add to an already congested area.

Every new development (unless its an adult only community) will have an impact on the local school system. In the Seminole Board of County Commissioner hearing, the report handed out shows the net impact of the proposed 130 homes will only produce 64 kids (33-elementary school, 15-middle school and 16-high school). Come on!!! Most studies show the average American family has two children, not a half a child. That would be a possible 260 children, not 64. But lets say for the sake of argument that the proposed development only produces 33 children for the local elementary school: that would put the school at 129.8% utilization, which is way over the legal limit. But the Planning & Zoning Board seems okay with it. To correct this over crowding they will have to rezone and bus these kids to another school; who's going to pay for that? The developer? No the taxpayer.

The State of Florida needs to take a serious look at this request for an Amendment and ask some hard questions. I don't see how this proposed development will be a positive thing for the local community. We don't have a housing shortage or need, especially the \$1 to 6 million-dollar type of home that the developer is talking about building.

On behalf of myself, and the many concerned neighbors and community members, I thank you and the DCA for your serious consideration of these matters at hand that will greatly impact our quality of life in Seminole County.

Respectfully,

Gray R. Hudson
32 Windsor Isle Dr.
Longwood, FL 32779
grayhudson@msn.com
407-333-9184
407-448-9956 (cell)

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6 JS
\$4107

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

Intermodal Systems Development
133 South Semoran Boulevard
Orlando, FL 32807-3230

STEPHANIE C. KOPELOUSOS
SECRETARY

April 9, 2007

Mr. Ray Eubanks, Community Program Administrator
Department of Community Affairs, State of Florida
Plan Review & DRI Processing Section
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENTS
LOCAL GOVERNMENT: SEMINOLE COUNTY
DCA #: 07-1

Dear Mr. Eubanks:

The Department of Transportation has completed its review of the above proposed comprehensive plan amendments as requested in your memorandum dated, March 28, 2007.

We appreciate the opportunity to participate in this review process and we offer our comments with this letter. If further information is received from the local government prior to the issuance of the ORC Report, the Department will revise the comments.

If you have any questions, please contact Judy Pizzo, Systems Planner, at 407-482-7880 or by e-mail at judy.pizzo@dot.state.fl.us.

Sincerely,

Jon V. Weiss, P.E.
Growth Management Supervisor

jp
attachment

cc: Rob Magee, FDOT-C/O
James Stansbury, DCA
April Boswell, Seminole County

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
 DCA Amendment #: 07-1
 Date of DCA's Request Memo: March 28, 2007
 Review Comments Deadline: April 27, 2007
 Today's Date: April 3, 2007

ELEMENT: Future Land Use Element: FLUM Amendment

RULE REFERENCE: 9J-5.006 Future Land Use Element
 9J-5.019 Transportation Element
 9J-11.006 Submittal Requirements
 9J-11.007 Data and Analysis Requirements

BACKGROUND INFORMATION:

L&L Acres: 116.74 acres; current future land use: Suburban Estates (1 unit/ acre); proposed future land use: Planned Development (130 single family units); affected state road: SR 400/ I-4 (SIS/ FIHS)

REVIEW COMMENTS:

The County's "Vision 2020 Comprehensive Plan" states the maximum density/ intensity allowed in the PD future land use category is determined at the time of the comprehensive plan amendment. In accordance with this provision, the applicant is proposing 130 single-family units with no non-residential uses. As shown in the table below, the proposed amendment represents a slight increase in density when only residential uses are assumed for the current future land use designation. Because the County's comprehensive plan allows limited non-residential uses (such as churches, country clubs and public schools) in the Suburban Estates future land use designation, the number of trips possible in the current condition may be underestimated. The increase in vehicle trips, if any, is insignificant and will not further degrade the state highway system (SHS).

Trip Generation Potential of FLUM Amendment

Scenario	Land Use Designation	Maximum Allowed Density/ Intensity	ITE Land Use Code	Size of Development		Daily Trips	PM Peak Trips
				Acres	Allowed Development		
Adopted	Suburban Estates	1 unit/ acre	210	116.74	116 units	1,192	123
Proposed	Planned Development	130 units	210	116.74	130 units	1,324	136
Change in Trips						+132	+13

1. FDOT's TIPS software was used for trip generation estimates

RECOMMENDATIONS:

The Department has no comments or recommendations regarding this proposed FLUM amendment.

FDOT Contact: Judy Pizzo, Systems Planner
 Telephone: 407-482-7880
 Fax: 407-275-4188
 E-mail: judy.pizzo@dot.state.fl.us
 File: J:\Growth Management\Comprehensive Plans\CommentsandCoverLetters\Seminole\Seminole07-1Comments040307.doc

Reviewed by: Ellen Bertoni, AICP
 Genesis Group
 904-730-9360
 904-730-7165
ebertoni@genesishgroup.com



marget reynolds
<margetreynolds@yahoo.com>

04/27/2007 01:52 PM

To ray.eubanks@dca.state.fl.us

cc

bcc

Subject development of L&LAcre land

See note on 07-1

6 JS
4/30/07

What are you thinking???

Markham road is such a beautiful road. With all of the trees and the animals on it. We have a wonderful trail that rides alongside it and the goal is to finish at Panera and sit and enjoy the view of the lake on the other side. Now it is going to be developed. Who wants to sit and stare at a bunch of concrete instead of nature.

I live on the Wekiva River and just how is this new development going to affect it?? Where is the developer going to get his water from to make his lakes?? Take it from a lake or water source that is already critically low?? Has the balance and Eco system even been taken into acct. We are trying so desperately to save the waterways that we have and now another one is going to be upset for the sake of a development???

The traffic. Markham Woods is bad enough during peak traffic hours and now you want to develop some more and put about two hundred plus cars on the road in addition to those that are already traveling on that stretch?? A traffic light will not be installed to the subdivision coming out?? How many accidents do you think that will cause. Not just the lack there of but the extra cars and typical impatience of people are surely to cause many more accidents along that stretch of road. How much is the travel time going to be increased once this development is in place?? What is going to happen to all of the wild life?? Has anyone thought about that yet or is it just how much money can be made that is in question here?? Gopher turtles are already protected aren't they?? How about the bears?? Where are they going to go?? And the panthers that are endangered. There have been several hit by cars in the past few months, how about when the L&L Acre land is developed?? Why does the wildlife have to suffer because a builder wants to develop this beautiful green area to make a buck??

Why do we have to have another subdivision on beautiful Markham Road. It is going to be a concrete mess. Why can't it be left alone and maybe make a park on it or something for kids and families alike to enjoy. Would you like to one day be looking at wonderful peaceful nature and the next day looking at a concrete wall and the backs of houses during a weekend breakfast at Panera or after walking the trail?? Explain to your young children why their weekend breakfasts at Panera are now spent looking at the ugly wall instead of the birds and turtles. Or does that not concern you either??

Where are the kids that move into those 150 pcs of concrete slab going to go to school?? Don't we already have a problem with overcrowding hence the rezoning and already newly built schools. Has infrastructure been considered???

They are already planning a subdivision off of the trail on farm land. Why does the entire stretch have to be concrete. Why can't it be left alone for us to enjoy and our children to enjoy and our children's children. This area is just becoming one subdivision after the next and the wildlife is just going away. Does anyone think about that?? Those of us that care should be heard and taken into big consideration. You are making a huge mistake by considering this development. Florida has to become concerned about our waterways and nature. Someone needs to do a study of how development has affected these areas in the past.

I am very much against this subdivision being developed. Markham woods is the most beautiful road and now either side of Lake Mary Blvd is becoming subdivision after subdivision. I am irate that money is the deciding factor here. Not the poor wildlife whom we are stripping of their habitats and the lakes and rivers that we are endangering due to greed.

Marget Reynolds

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Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

6 JS
4/30/07

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 27, 2007

Mr. D. Ray Eubanks
Bureau of Local Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Seminole County 07-1, Comprehensive Plan Amendment ORC Review

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed the proposed comprehensive plan amendment in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the proposed amendment, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the amendment pertains to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850)245-2172.

Sincerely,

SER

Suzanne E. Ray
Office of Intergovernmental Programs

/ser