
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Orange Boulevard Small Scale Land Use Amendment and Rezone

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

AUTHORIZED BY: Dori DeBord

CONTACT: Ian Sikonia

EXT: 7398

MOTION/RECOMMENDATION:

1. APPROVE the request and enact an ordinance for a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and enact an ordinance for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.25± acres, located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard, and approve the attached Preliminary Master Plan and Development Order, based on staff's findings, and authorize the Chairman to execute the aforementioned documents; (Rob Wassum, applicant); or
2. DENY the request for a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.25± acres, located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard and authorize the Chairman to execute the Denial Development Order; (Rob Wassum, applicant); or
3. CONTINUE the item to a time and date certain.

District 5 Brenda Carey

Ian Sikonia

BACKGROUND:

The applicant requests a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on approximately 4.25 acres, located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard. The requested zoning and land use will allow a maximum of nine lots that are a minimum of 9,000 square feet, with a recreation area and a wet detention pond. The density of the proposed PUD is 2.86 dwelling units per net buildable acre.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on August 1, 2007 and voted 5 to 0 to recommend APPROVAL of the request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.25± acres, located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard, and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order, per staff findings.

STAFF RECOMMENDATION:

Staff recommends the Board approve the request and enact an ordinance for a Small Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and enact an ordinance for a rezone from A-1 (Agriculture) to PUD (Planned Unit Development) on 4.25± acres, located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard, and approve the attached Preliminary Master Plan and Development Order, based on staff’s findings, and authorize the Chairman to execute the aforementioned documents.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Zoning and Land Use Map
4. Aerial Map
5. Preliminary Master Plan
6. Development Order
7. Ordinance
8. Ordinance
9. Applicant Justification Statement
10. School Analysis
11. Denial Development Order
12. Minutes

Additionally Reviewed By: <input checked="" type="checkbox"/> County Attorney Review (Kathleen Furey-Tran)
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Orange Boulevard SSLUA and Rezone	
APPLICANT	Rob Wassum
PROPERTY OWNER	Mario Diaz
REQUEST	SSLUA from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)
PROPERTY SIZE	4.25 ± acres
HEARING DATE (S)	P&Z: August 1, 2007 BCC: September 25, 2007
PARCEL ID	16-19-30-5AB-1700-0010
LOCATION	Located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard.
FUTURE LAND USE	Suburban Estates (SE)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2006-16
COMMISSION DISTRICT	#5 – Carey

Proposed Development:

The applicant is proposing a residential subdivision consisting of nine lots (9,000 square feet minimum lot size) with a recreational area and a wet detention pond.

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 on the north side of Orange Boulevard which contains a mixture of property zoned A-1 and urban subdivisions. Over the past several years the area has transitioned from primarily agricultural uses to residential developments. There are two PUD's in the immediate area which have smaller minimum lot sizes than the 9,000 square foot minimum proposed on the subject property. The Lake Forest PUD and the Retreat at Wekiva PUD consist of 6,700 to 8,750 square foot lots and allow 257 and 1,016 single-family dwelling units, respectively. Prior approvals in the immediate area indicate that this area is changing and that the subject property warrants a different Future Land Use designation.

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

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

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

Staff Evaluation

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

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering. However, there appears to be no wetlands or flood prone areas on the subject property

The subject property is not located within any special or restrictive district.

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

Staff Evaluation

The subject property is a vacant parcel which is situated in an area that has potential for residential growth. West of the property is the Seminole Community Church, to the east is the Retreat at Wekiva PUD, to the south is the Lake Forest PUD, and to the north is the Suburban Estates Future Land Use. Staff finds that the proposed Preliminary Master Plan demonstrates a compatible transition from the Seminole Community Church to the west and the 257 lot Retreat at Wekiva PUD to the east.

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

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**

4. Economic development

5. Reduction in transportation impacts on area-wide roads

6. Mass transit

Staff Evaluation

The subject property is in an urban area with adequate public facilities. Therefore, the applicant is not proposing any additional facility improvements. Staff is proposing setback and buffering standards that are in excess of the Seminole County Land Development Code requirements. The applicant's proposal does not consider affordable housing, economic development, mass transit, nor reduction in transportation impacts.

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 in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is in a transitioning area, with the Seminole Community Church to the west, the Retreat at Wekiva PUD to the east, the Lake Forest PUD to the south, and the Suburban Estates Future Land Use to the north. The applicant is proposing a density of 2.86 units per net buildable acre. The proposed density of the PUD is slightly higher than the density of the Retreat at Wekiva PUD, due to the small size of the proposed development (approximately 4 acres) and is equivalent to the Low Density Residential (LDR) Future Land Use designation (up to 4 dwelling units per net buildable acre). However, the proposed minimum lot size is larger than what is required in the surrounding PUDs. There is existing LDR land use in the vicinity of the proposed project, on the south side of Orange Boulevard. The table below compares

acreage, density and number and size of dwelling units for the proposed and surrounding PUDs:

	Proposed	Retreat at Wekiva	Lake Forest
Total # of Acres	4±	87±	538±
Net Density	2.86 DU/Acre	2.8 DU/Acre	3.5 DU/Acre
Allowable Units	9	257	1,016
Min. Lot Size	9,000 sq.ft.	7,500 sq.ft.	6,700 sq.ft.

The densities of the Retreat at Wekiva and Lake Forest PUDs are equivalent to the Low Density Residential (LDR) Future Land Use designation. Staff finds that the proposed land use of PD with a maximum density of 2.86 dwelling units per net buildable acre, up to a maximum of nine dwelling units, is a compatible transitional land use to the adjacent church, Retreat at Wekiva PUD, and the Lake Forest PUD. If the proposed density is approved it will be reflected as a note on the Future Land Use Map.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following tables depict the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (PUD)
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	30 feet	7.5 feet
(Street) Side Yard Setback	50 feet	20 feet
Rear Yard Setback	10 feet	20 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

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

Uses	A-1 (Agriculture)	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,	Single-Family Dwelling, Home Occupations, Community Residential Homes, Home Offices.

Uses	A-1 (Agriculture)	PUD (proposed)
	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.	
Special Exception Uses	Special Exceptions 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	43,560 sq. ft.	9,000 sq. ft.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map 12117C0030E, with an effective date of April 17, 1995, as well as preliminary DFIRMs, the property appears to lie in floodzone X, outside the 100 year floodplain.

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern 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 (PUD)¹	Net Impact
Water (GPD)	1,400	3,150	+1,750
Sewer (GPD)	1,200	2,700	+1,500
Traffic (ADT)	38	86	+48

* Numbers are based on a 4 unit residential subdivision.

¹ Proposed PUD Development is based on 9 unit residential subdivision.

Utilities:

The site is located in the Northwest Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the south side of Orange Blvd. and a 4-inch force main on the south side of Orange Blvd. The subject property is in the ten year master plan for reclaimed water. The irrigation system must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property is adjacent to Orange Boulevard which is classified as collector roadway. Orange Boulevard is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

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

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #34, which is located at 4905 Wayside Drive. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Lake Monroe Drainage Basin, and has limited downstream capacity. Based on preliminary review, the site will have to be designed to hold the 100 year/24 hour pre-post volume difference.

Parks, Recreation and Open Space:

The applicant will need to designate 1.01 acres of useable open space, per Section 30.451 (e) of the Land Development Code. The specific locations of the required 25% useable open space will be designated at the time of Final Master Plan approval.

Buffers and Sidewalks:

The proposed buffers consist of a 10 foot Landscape buffer along the west, north, and east perimeter of the PUD. The required plantings for the buffer will be determined at the time of Final Master Plan. The applicant is required to build a sidewalk along the frontage of Orange Boulevard. At this time there are no sidewalks along the north side of Orange Boulevard, however if the adjacent properties develop they will be required to build sidewalks to connect to the proposed sidewalk.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

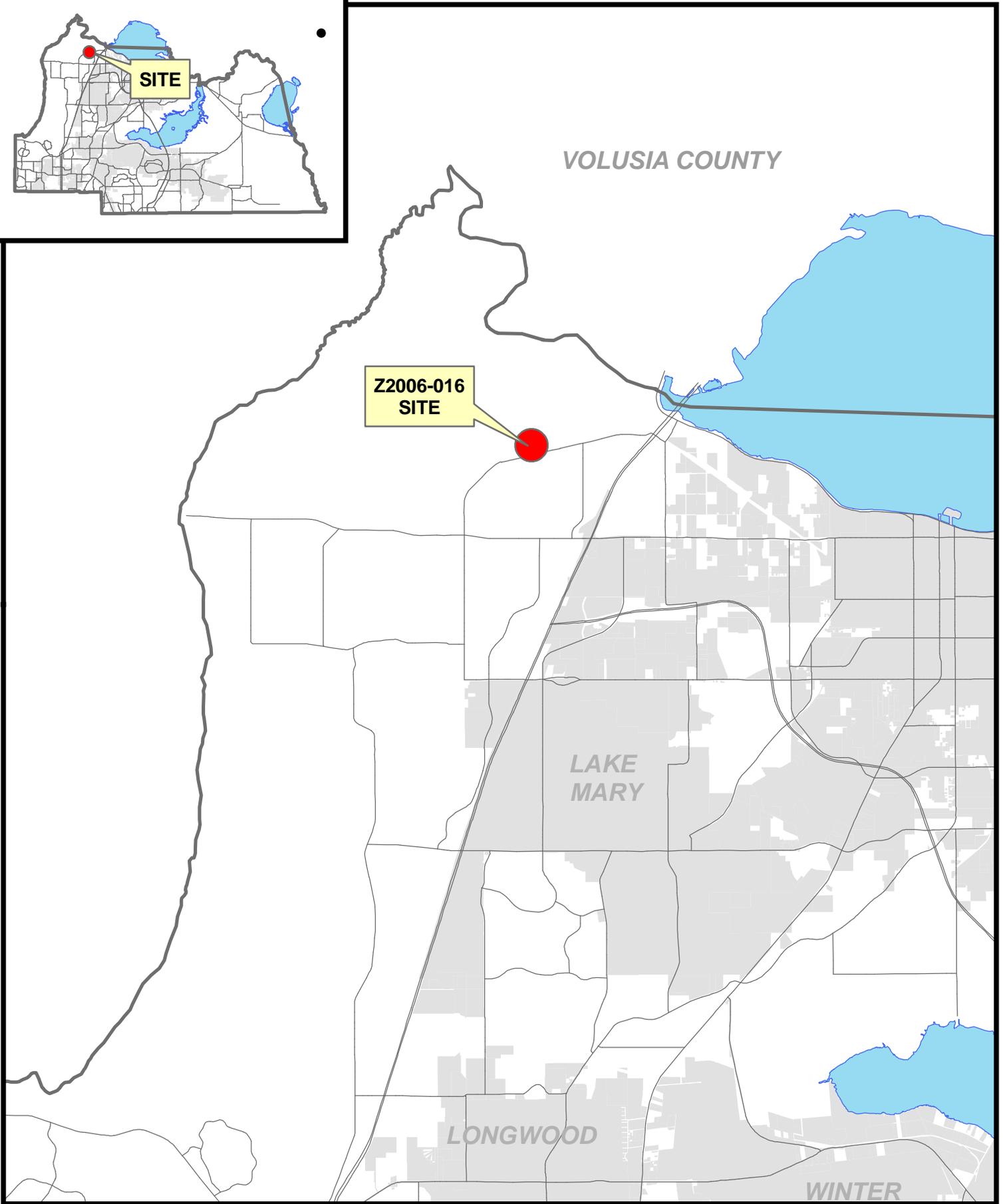
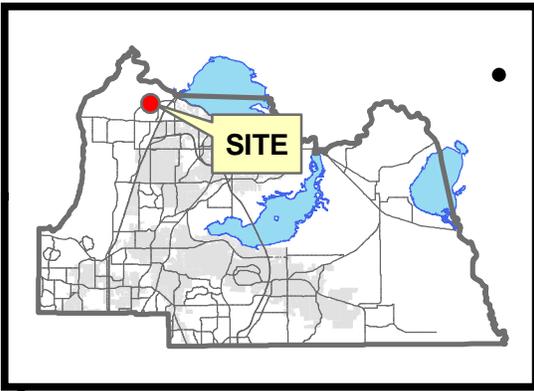
- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

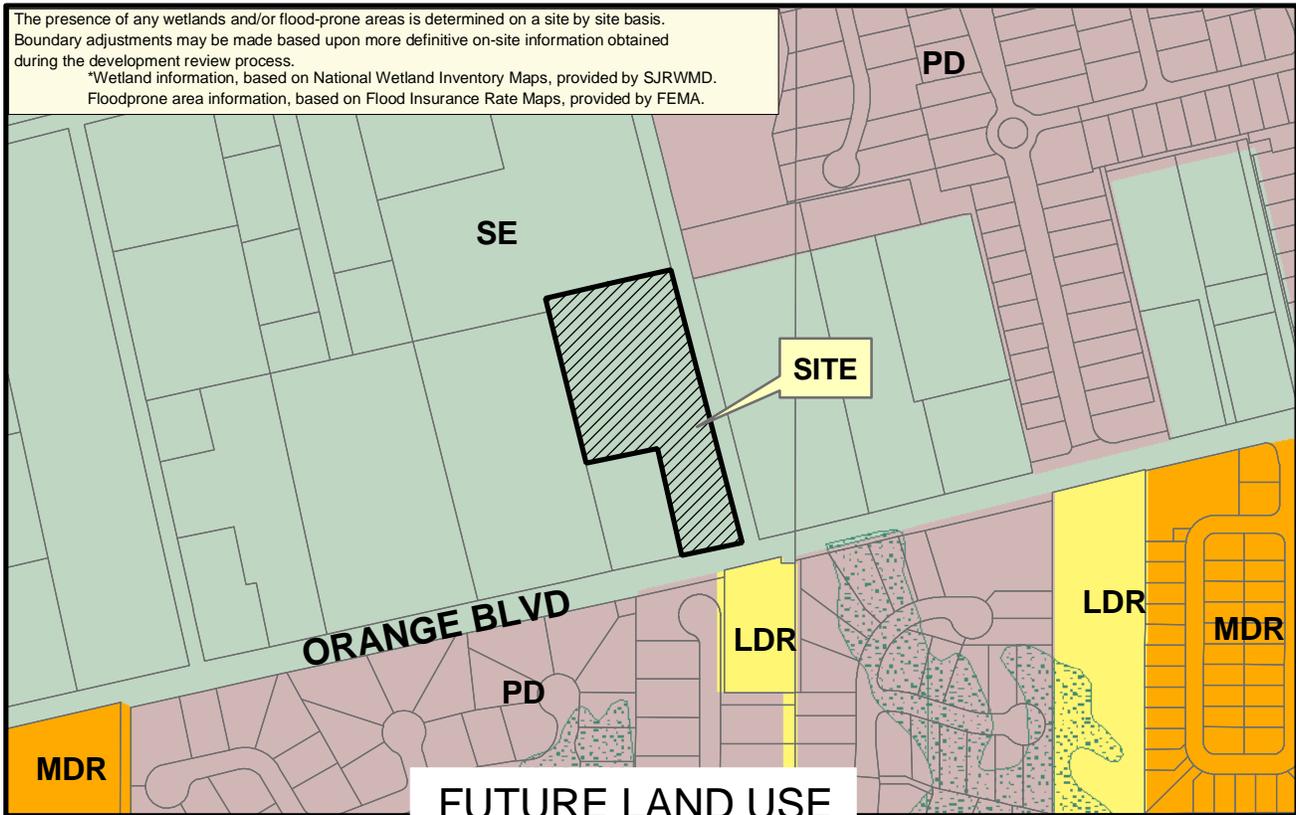
An intergovernmental notice was sent to the Seminole County School Board and they have provided a School Capacity Analysis, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.



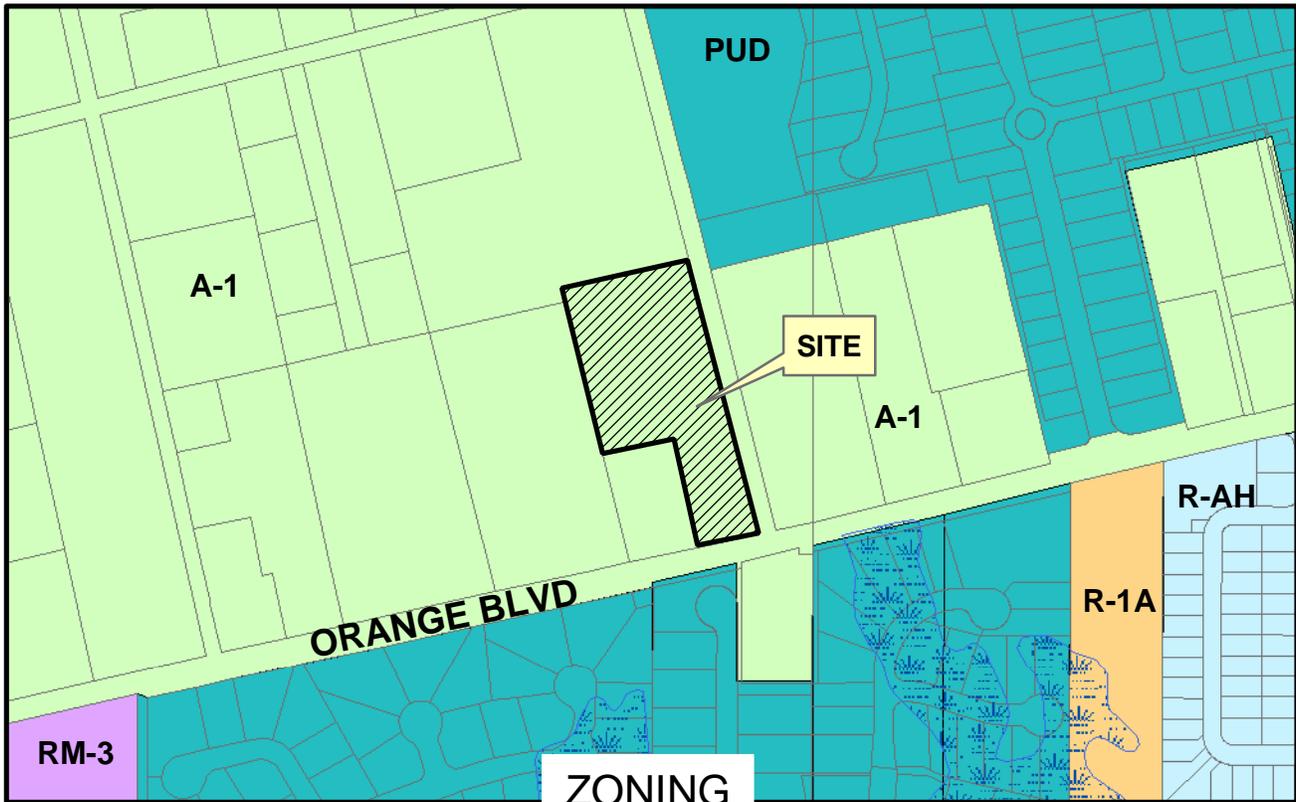
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR
 MDR
 SE
 PD
 CONS

Applicant: Rob Wassum
 Physical STR: 16-19-30-5AB-1700-0010
 Gross Acres: 4.25 BCC District: 5
 Existing Use: Agriculture
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	03-06SS.01	SE	PD
Zoning	Z2006-016	A-1	PUD



A-1
 R-1A
 R-AH
 RM-3
 FP-1
 W-1



Z2006-016
SITE

ORANGE BLVD

FLU No: 03-06SS.01
From: SE To: PD
Rezone No: Z2006-016
From: A-1 To: PUD

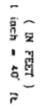
- Parcel
- Subject Property



Spring 2006 Color Aerials



GRAPHIC SCALE
1" = 40'



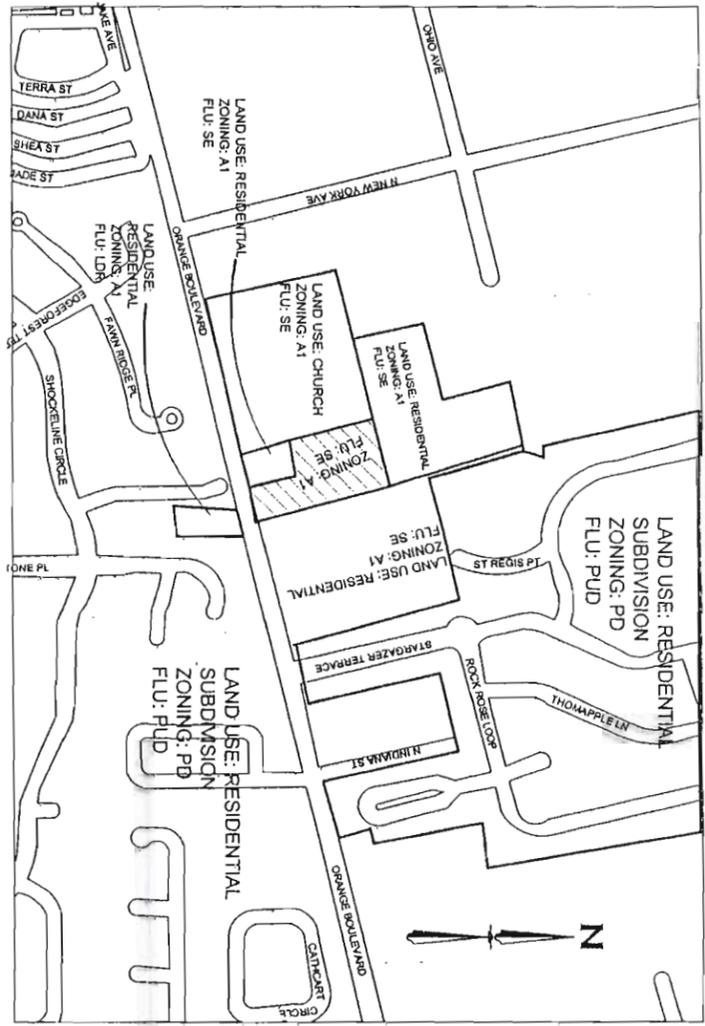
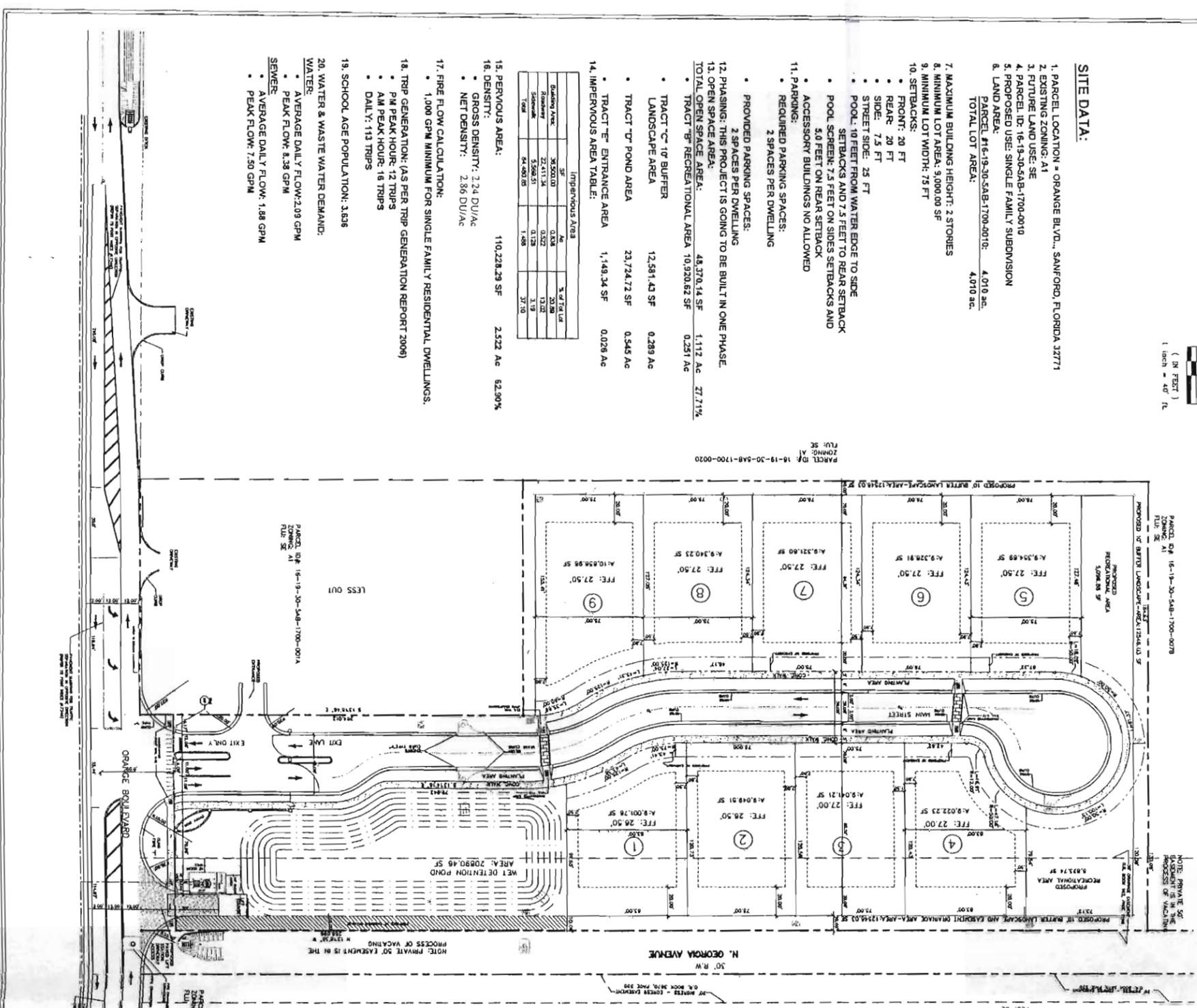
SITE DATA:

1. PARCEL LOCATION - ORANGE BLVD., SANFORD, FLORIDA 32771
2. EXISTING ZONING: A1
3. FUTURE LAND USE: SE
4. PARCEL ID: 16-19-30-5A-B-1700-0010
5. PROPOSED USE: SINGLE FAMILY SUBDIVISION
6. LAND AREA: 4.010 AC
7. TOTAL LOT AREA: 4,010 AC

7. MAXIMUM BUILDING HEIGHT: 2 STORIES
8. MINIMUM LOT AREA: 9,000.00 SF
9. MINIMUM LOT WIDTH: 75 FT
10. SETBACKS:
 - FRONT: 20 FT
 - REAR: 20 FT
 - SIDE: 7.5 FT
 - STREET SIDE: 25 FT
- POOL: 10 FEET FROM WATER EDGE TO SIDE SETBACKS AND 7.5 FEET TO REAR SETBACK
- POOL SCREEN: 7.5 FEET ON SIDES SETBACKS AND 5.0 FEET ON REAR SETBACK
- ACCESSORY BUILDINGS NOT ALLOWED
11. PARKING:
 - REQUIRED PARKING SPACES: 2 SPACES PER DWELLING
 - PROVIDED PARKING SPACES: 2 SPACES PER DWELLING
12. PHASING: THIS PROJECT IS GOING TO BE BUILT IN ONE PHASE.
13. OPEN SPACE AREA: 48,370.14 SF 1,112 AC 27.71%
14. TOTAL OPEN SPACE AREA: 10,920.62 SF 0.261 AC

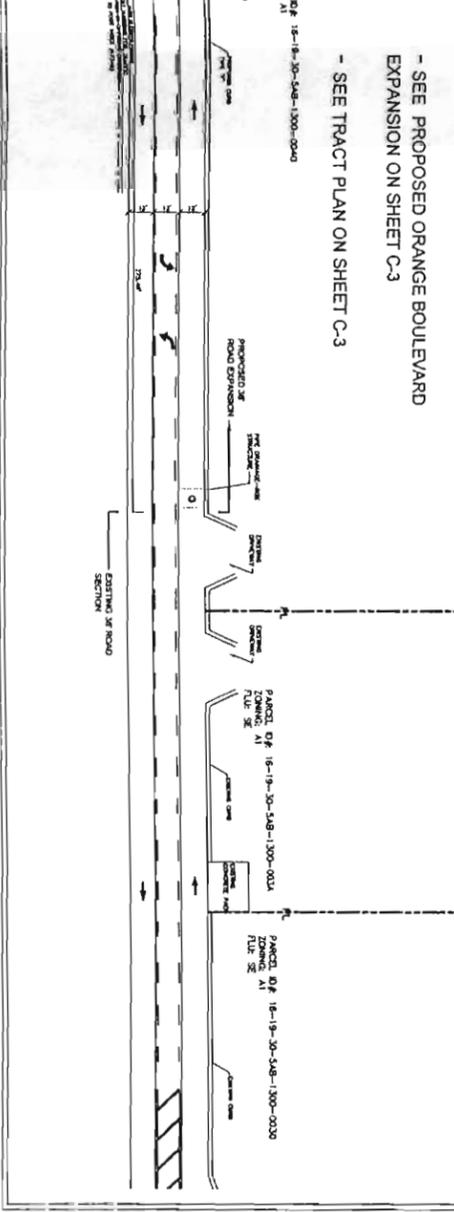
15. PERVIOUS AREA: 110,228.29 SF 2,522 AC 62.90%
16. DENSITY:
 - GROSS DENSITY: 2.24 DU/AC
 - NET DENSITY: 2.86 DU/AC
17. FIRE FLOW CALCULATION:
 - 1,000 GPM MINIMUM FOR SINGLE FAMILY RESIDENTIAL DWELLINGS.
18. TRIP GENERATION: (AS PER TRIP GENERATION REPORT 2006)
 - PM PEAK HOUR: 12 TRIPS
 - AM PEAK HOUR: 18 TRIPS
 - DAILY: 113 TRIPS
19. SCHOOL AGE POPULATION: 3,636
20. WATER & WASTE WATER DEMAND:
 - AVERAGE DAILY FLOW: 2.09 GPM
 - PEAK FLOW: 8.38 GPM
 - AVERAGE DAILY FLOW: 1.88 GPM
 - PEAK FLOW: 7.50 GPM

Tract	Area (SF)	Area (Ac)	% of Total
Tract A	12,581.43	0.289	0.32%
Tract B	23,724.72	0.545	0.61%
Tract C	1,149.34	0.026	0.03%
Tract D	110,228.29	2,522	62.90%
TOTAL	147,683.78	3,384.89	100%



Tract Area Table	Area (SF)	Area (Ac)	Density
TRACT A ¹ RESIDENTIAL UNITS AREA	12,581.43 SF	0.289 AC	7.21%
TRACT B ² RECREATIONAL AREA	23,724.72 SF	0.545 AC	13.99%
TRACT C ³ 10' BUFFER LANDSCAPE AREA	1,149.34 SF	0.026 AC	2.29%
TRACT D ⁴ WET DETENTION POND AREA	110,228.29 SF	2,522 AC	62.90%
TOTAL	147,683.78 SF	3,384.89 AC	100%

NOTE:
 - LEGAL INSTRUMENTS MUST BE CREATED TO PROVIDE THE MANAGEMENT OF COMMON AREAS AND FACILITIES.
 - SEE PROPOSED ORANGE BOULEVARD EXPANSION ON SHEET C-3
 - SEE TRACT PLAN ON SHEET C-3



**SEMINOLE COUNTY APPROVAL DEVELOPMENT
ORDER**

On September 25, 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: Mario Diaz
1837 Wingfield Dr.
Longwood, FL 32779

Project Name: Orange Boulevard PUD

Requested Development Approval:

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

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

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

Prepared by:
Ian Sikonia, Senior Planner
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

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

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The maximum allowable density shall not exceed 2.86 dwelling units per net buildable acre, up to a maximum of 9 dwelling units
- c. Maximum allowable building height shall be 35 feet.
- d. The setbacks should be as follows;

Front	20 Feet
Side	7.5 Feet
Rear	20 Feet
Side Street	20 Feet
- e. A pool shall maintain a minimum 10 foot side and rear yard setback and a pool screen enclosure shall maintain the same side yard setback applicable to the main residence and a minimum 5 foot rear yard setback.
- f. The front setbacks shall be measured from the front lot line or the nearest edge of sidewalk whichever is closer to the single-family structure.
- g. The minimum lot size for single-family dwellings shall be a minimum of 9,000 square feet.
- h. The permitted uses shall be single-family detached dwellings, home offices, community residential homes, home occupations and customary recreational facilities for the use of the residents.
- i. Accessory buildings shall be prohibited.
- j. All landscape buffers and common areas shall be maintained by a homeowners association.
- k. A minimum of 25% useable open space shall be provided for the entire PUD. The location of and amenities associated with the open space and buffers shall be provided at the time of Final Master Plan.
- l. There shall be one access point on Orange Boulevard as shown on Exhibit B.
- m. A cross access easement with the adjacent parcel to the southwest shall be required unless staff determines it is not feasible.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually

Z2006-16

Development Order # 06 22000002

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.

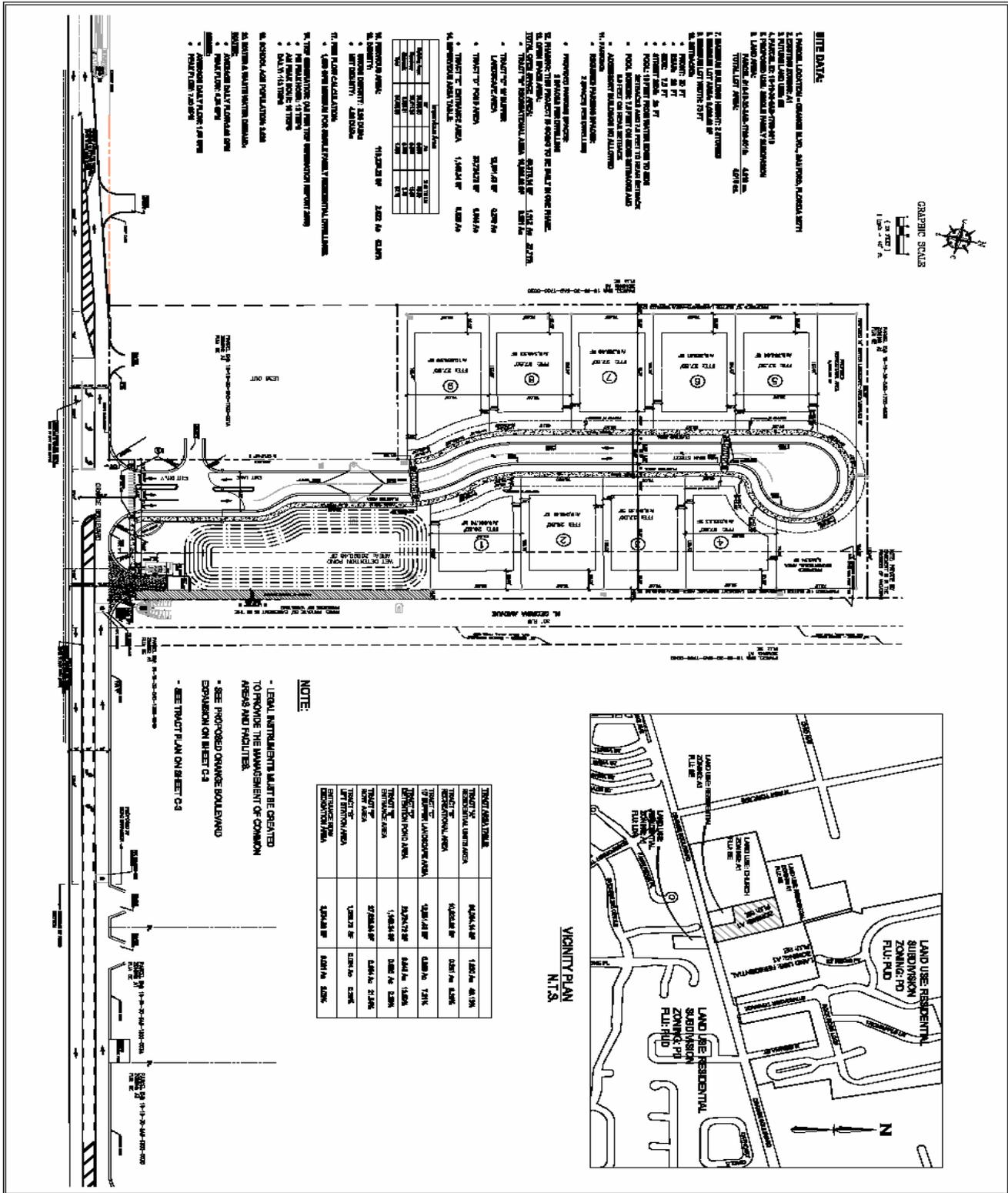
By: _____
Carlton D. Henley
Chairman, Board of County Commissioners

EXHIBIT A

LEGAL DESCRIPTION

The South 33 feet of Lot 8 and Lot 1 (less the Southerly 264 feet of the Westerly 165 feet of said Lot 1), Block 17, SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 ½, of the Public Records of Seminole County, Florida.

EXHIBIT B



<p>ORANGE BLVD. SUBDIVISION SEMINOLE COUNTY, FLORIDA</p> <p>PRELIMINARY MASTER PLAN</p>	<p>JCM CONSTRUCTION COMPANY, LLC 6066 OHIO AVENUE SANFORD, FLORIDA, 32771</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>APP</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	DESCRIPTION	APP													<p>CEG Civil Engineering Group, Inc.</p> <p>10000 W. US Highway 1, Suite 100 Sanford, FL 32771 Tel: 407-329-1111 Fax: 407-329-1112 www.cecivil.com</p>
DATE	DESCRIPTION	APP																

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM SUBURBAN ESTATES TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan (“the Plan”), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners 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 a Small Scale Development Amendment; and

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

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on August 1, 2007, 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 of County Commissioners held a Public Hearing on September 25, 2007, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

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

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

(b) The associated rezoning request was completed by means of Ordinance Number 07-_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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 the Board of County Commissioners 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 the Land Development Code of Seminole County in accordance with prior directions given to 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 and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the 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 thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, 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, development permits, or land use dependent on 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, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective

status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 25th day of September, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Carlton Henley, Chairman

APPENDIX A

LEGAL DESCRIPTION

The South 33 feet of Lot 8 and Lot 1 (less the Southerly 264 feet of the Westerly 165 feet of said Lot 1), Block 17, SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 ½, of the Public Records of Seminole County, Florida.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Orange Boulevard Rezone and Small Scale Land Use Amendment", dated September 25, 2007.

(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. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #06-22000002 in the Official Land Records of Seminole County.

ENACTED this 25th day of September 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

The South 33 feet of Lot 8 and Lot 1 (less the Southerly 264 feet of the Westerly 165 feet of said Lot 1), Block 17, SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 ½, of the Public Records of Seminole County, Florida.



July 9, 2007

Ms. April Boswell, Planning Manager
Seminole County
1101 E. First Street
Sanford, Florida 32771

JUSTIFICATION STATEMENT
FOR PROPOSED FUTURE LAND USE AMENDMENT

Tax Parcel Id #'s;

16-19-30-5AB-1700-0010

Introduction

The Civil Engineering Group, Inc. (CEG) has applied to Seminole County, Florida to change the future land use designation of a 4.25 acre site at the north side of Orange Boulevard, west of North Oregon Street from A-1 to PUD. The majority property is planned to be utilized as a single family residential development with nine units. The balance of the site is planned for recreation use and stormwater management systems required to support the development. Applicant has been asked to address the Future Land Use Element Plan Amendment Standards of Review, the definition of Planned Development, and Policy FLU 2.11. A copy of our application and all attachments are incorporated herein for purposes of information to be used by staff.

Analysis

The Vision 2020 Comprehensive Plan ("the Plan") presents four (4) major categories of Plan policies concerning standards of review, summarized as follows:

- A. Programs.
- B. Regulations.
- C. Development Policies.
- D. Coordination.

The Applicant does not believe that categories A or D require any discussion by the applicant and does believe that staff can adequately address these topics for the Board of County Commissioners ("BCC"), except to say that existing government services and facility programs are in place and no additional coordination activities will be required for the proposed uses .

Category B, regulations for managing growth and protecting the environment applicable to this discussion consist of meeting compatibility requirements by providing adequate setbacks, buffers and landscaping to the adjacent property to the west of the site. The site was originally part of a larger lot that extends to the north, so the compatibility of the proposed use with this adjacent parcel is clear. In order to discuss the compatibility issue, a quick review of existing land in the area, and nearby proposed developments should suffice.

The applicant and staff have agreed upon a setback/buffer/landscape plan which will permit Seminole County to achieve consistency with growth management plans and compatibility with adjacent parcels.

The applicant believes the proposed land use change is not only appropriate, but it reflects Seminole County's vision for quality residential developments.

The applicant also believes that the Plan would only require an individual site compatibility analysis. The applicant would address criteria A-F (at FLU-63) as follows:

A. There should be no disagreement that the character of the surrounding area has changed enough to warrant the proposed land use.

B. Public services and facilities are in place and at adopted levels of service.

C. The site is suitable in size and location for the proposed uses.

D. There are no special laws applicable to the site.

E. The proposed uses are compatible with surrounding development when combined with setbacks, buffers and landscaping.



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: July 9, 2007

RE. Z2006-16 Orange Blvd Subdivision

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 - 3.6–acres Located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard. The applicant is proposing to construct a9 single family dwelling unit subdivision, at a density of approximately 2.8 dwelling units per net buildable acre.
Parcel ID #: 16-19-30-5AB-1700-0010.

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

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
9		9		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Northwest Cluster	2	4284	4294	100.2	165
Middle Sanford	1	1408	1319	93.7	98
High Seminole	1	3049	3187	104.5	185

Terms and Definitions:

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

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

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

Elementary 100%, Middle 90%, High 95%

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

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

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

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations

iii) High: 2,800 student stations

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

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

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

Comments:

The students generated at the Elementary and 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. While there are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected schools, the addition of these students would not require consideration. In addition to the students generated from the proposal, the number of students expected from recent developments in the attendance areas of the affected schools would also place further pressures on the school system. These new developments may affect the provision of concurrent school facilities at the point of final subdivision approval.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 25, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

FINDINGS OF FACT

Property Owner: Mario Diaz
1837 Wingfield Dr.
Longwood, FL 32779

Project Name: Orange Boulevard Rezone and Land Use Amendment

Requested Development Approval:

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

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

After fully considering staff analysis titled "Orange Boulevard Small Scale Future Land Use Amendment from Suburban Estates (SE) to Planned Development (PD); and rezone from A-1 (Agriculture) to PUD (Planned Unit Development)" and all evidence submitted at the public hearing on September 25, 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

LEGAL DESCRIPTION

The South 33 feet of Lot 8 and Lot 1 (less the Southerly 264 feet of the Westerly 165 feet of said Lot 1), Block 17, SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 ½, of the Public Records of Seminole County, Florida.

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

WEDNESDAY, AUGUST 1, 2007

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

Members absent: Ben Tucker and Rob Wolf

Also present: Dori DeBord, Director of Planning and Development; Tina Williamson, Acting Planning Manager; Herman Wright, Principal Planner; Sheryl Stolzenberg, Principal Coordinator; Ian Sikonia, Senior Planner; Tony Walter, Principal Planner; Jim Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

Orange Boulevard Rezone and Land Use Amendment; Rob Wassum, P.E., applicant; 4.25± acres; Small 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 north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard. (Z2006-16 / 03-06SS.01)

Commissioner Carey – District 5
Ian Sikonia, Senior Planner

Ian Sikonia said that zoning and land use amendment will allow for a 9 unit subdivision with a recreation area and retention pond. The proposed density is 2.86 units per net buildable acre. Staff finds that the proposed density and the proposed maximum 9 units is an appropriate transition to the adjacent uses. This site will be required to connect to public utilities. Required plantings and buffers will be determined at the time of Final Master Plan. The applicant is required to build a sidewalk along the frontage of Orange Boulevard. Staff recommendation is for approval of the request. Mr. Sikonia said that he would like to amend the Development Order to include the addition of a few words to condition "E". Condition E will now read: "The front setbacks shall be measured from the front lot line or the nearest edge of sidewalk, whichever is closer to the single family structure."

The applicant was not present at the hearing.

No one spoke from the audience.

Commissioner Chase made a motion to recommend approval of the request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and rezone from A-1 (Agriculture) to PUD (Planned unit Development) on 4.25 acres, located on the north side of Orange Boulevard, approximately ¼ mile west of the intersection of Amanda Kay Circle and Orange Boulevard, and recommend approval of the attached Preliminary Master Plan, subject to the conditions in the attached Development Order (with amended language to condition “E”) subject to staff findings.

Commissioner Bates seconded the motion.

The motion carried 5 – 0.