

ITEM # \_\_\_\_\_

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Eaglewoods Trail Small Scale Land Use Amendment

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Alison Stettner **CONTACT:** Joy Williams **EXT.** 7399

**Agenda Date** 1/6/2010 **Regular**  **Work Session**  **Briefing**   
**Special Hearing – 6:00**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

1. **RECOMMEND APPROVAL** of the request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) on 9.98 acres, located on the south side of Eaglewoods Trail, approximately ¼ mile east of Sipes Avenue, based on staff findings; (Hugh Harling, applicant); or
2. **RECOMMEND DENIAL** of the request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) on 9.98 acres, located on the south side of Eaglewoods Trail, approximately ¼ mile east of Sipes Avenue, (Hugh Harling, applicant); or
3. **CONTINUE** until a time and date certain.

Joy Williams, Planner  
Jeff Hopper, Senior Planner

District #5 – Carey

**BACKGROUND:**

The applicant is requesting a Small Scale Future Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) on 9.98 acres located on the south side of Eaglewoods Trail, approximately ¼ mile east of Sipes Avenue.

The Low Density Residential future land use designation provides for, but does not guarantee, a maximum residential density of four (4) dwelling units per net buildable acre. A maximum of seven (7) dwelling units per net buildable acre is allowable in cases where single-family development meets the requirements of affordable housing. The application does not include an associated rezoning application.

**Reviewed by:** \_\_\_\_\_  
**Co Atty:** [Signature]  
**DFS:** \_\_\_\_\_  
**OTHER:** \_\_\_\_\_  
**DCM:** \_\_\_\_\_  
**CM:** \_\_\_\_\_

**File No. Z2009-27**

**STAFF RECOMMENDATION:**

Staff recommends approval of the request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) on 9.98 acres, located on the south side of Eaglewoods Trail approximately ¼ mile east of Sipes Avenue.

Attachments:

Location Map  
Zoning and Future Land Use Map  
Aerial Map  
Justification Statement provided by Applicant  
Ownership Disclosure Form  
Land Use Ordinance

<b>Eaglewoods Trail SSLUA from SE to LDR</b>	
<b>APPLICANT</b>	Hugh Harling
<b>PROPERTY OWNER</b>	Frederick Lenz
<b>REQUEST</b>	Small Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR)
<b>PROPERTY SIZE</b>	9.98 acres
<b>HEARING DATE (S)</b>	P&Z: January 6, 2010      BCC: February 23, 2010
<b>PARCEL ID</b>	03-20-31-5AY-0000-1040 & 104A
<b>LOCATION</b>	Located on the south side of Eaglewoods Trail approximately ¼ mile east of Sipes Avenue.
<b>FUTURE LAND USE</b>	Suburban Estates (SE)
<b>ZONING</b>	A-1 (Agriculture)
<b>FILE NUMBER</b>	Z2009-27
<b>COMMISSION DISTRICT</b>	#5 – Carey

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

The subject site is surrounded by the Suburban Estates (SE) Future Land Use designation and the A-1 (Agriculture) zoning classification on the south, east, and west property lines. The property to the north was approved by the Board of County Commissioners on December 8, 2009 for a Large Scale Future Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR). The requested Low Density Residential Future Land Use designation serves as an effective transitional use between more intense urban uses and Suburban Estates.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

**FLU Element Plan Amendment Review Criteria:**

The Future Land Use Element of the Comprehensive Plan establishes criteria to be used in the evaluation of proposed future land use amendments, consistent with requirements of State Law, and including individual site compatibility analysis. These criteria include:

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

**Information Provided by Applicant**

The requested land use provides for low density residential development with a maximum intensity of 7 dwelling units per buildable acre. The project is south of Eaglewoods Trail east of Beardall Avenue and West of Sipes Road providing convenient access in and out of the development to the local community. This land

area is also designated by Sanford and Seminole County as part of the Airport Interlocal Planning Area incorporating smart growth patterns for the growing Orlando Sanford Airport area. The permitted use being considered for this site is: non-attached single family residential.

The existing agriculture uses north of this site will be increased to higher densities and intensities per Seminole County's Comprehensive Plan to support the growing Orlando Sanford Airport area and the ancillary system surrounding it. These uses will include commercial, industrial, office and various types of residential uses. The agriculture density of one unit per acre on property which is currently being used for cattle and citrus will not be viable during the twenty year planning period. Higher intensity uses that are adjacent to existing agriculture uses will not create incompatibility but rather support the Seminole County Comprehensive Plan for planned growth, development and sustainability without urban sprawl.

This project will provide work force housing for existing and future employees working in Sanford and north Seminole County. It will also support and promote airport, municipal and County growth and redevelopment, and provide increased property and sales tax revenue for Seminole County, Sanford, the airport and Seminole County Public Schools.

### **Staff Evaluation**

As noted above, the proposed future land use of Low Density Residential (LDR) would create a potential for 7 units per net buildable acre with affordable housing (otherwise limited to a density of 4 units per acre). The subject site is relatively close to the airport and lies a quarter mile from the south boundary of the High Intensity Planned Development (HIP) designation at Kentucky Street. The property directly to the north of the subject site was approved by the Board of County Commissioners on December 8, 2009, for a Large Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR). The LDR Future Land Use is considered compatible with SE under FLU Exhibit 1 (Compatible Transitional Land Uses).

With regard to housing on the site, the future land use amendment would limit dwelling types to single family detached, but no condition could be placed on the property as to work force or other unit types related to income levels.

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

The potential maximum development on the site is 70 dwelling units. The following table provides adopted levels of service standards for public services and facilities, and potential impacts of the proposed amendment. Information in the Potential Impact section of the table was provided by the applicant.

Facility or Service Level of Service (LOS) And Provider	Potential Impact
Potable Water Facilities LOS:300 gallons/unit/day Provider: City of Sanford	21,000 gallons/day
Sanitary Sewer Facilities LOS: 270 gallons/unit/day Provider: City of Sanford	18,900 gallons/day
Recreation LOS: 3.6 total acres/1000 population 1.8 developed acres/1000 population Provider: Seminole County	0.66 undeveloped acres 0.33 developed acres
Mass Transit LOS: 1.03 revenue miles/capita Provider: LYNX/Seminole County	187.5 revenue miles
Solid Waste LOS: Seminole County Landfill LOS: 4.2 lbs/capita/day. Seminole County Transfer Station LOS: 4.3 lbs/capita/day	0.77 tons/year 0.4 tons/year
Schools	*18 elementary 8 middle school 10 high school
* See attached Seminole County School Board Report	

**Staff Evaluation**

The City of Sanford has not provided detailed information on available water and sewer capacity. Instead, it has provided a written statement that the City's water and wastewater treatment facilities have capacity for the development. However, because the site is more than one-half mile from an existing service line, the City cannot guarantee quality service to this area. Extended utility lines must meet the City's engineering standards and FDEP water quality standards. The developer may be required to provide treatment facilities or other improvements to meet the applicable standards.

The development's potential impacts on other public facilities appear to fall within available capacities.

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

**Staff Evaluation**

While the full area of both subject parcels includes wet and flood-prone lands associated with Lake Jesup, the applicant has provided a legal description that limits the FLU amendment to uplands only.

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

**Staff Evaluation**

Not applicable

**E. Whether the proposed Future Land Use is compatible with existing surrounding development and future land uses in accordance with *FLU Exhibit: Compatible Transitional Land Uses*.**

**Staff Evaluation**

As noted above under Paragraph A, the requested LDR future land use is considered compatible with SE under FLU Exhibit 1, Compatible Transitional Land Uses.

**F. Whether the proposed Future Land Use designation furthers the public interest by providing or enabling the provision of:**

A range of obtainable housing opportunities and choices, including affordable or workforce housing;

1. A range of obtainable housing opportunities and choices, including affordable or workforce housing;
2. Economic development (enabling higher paying jobs);
3. Reduction in transportation impacts on area wide roads;
4. Mass transit and a variety of transportation choices; and
5. Whether the proposed Future Land Use designation is consistent with other applicable Seminole County Comprehensive Plan Goals, Objectives and Policies, and supports and is consistent with the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan.

**Information Provided by Applicant**

Items 1-4: See Justification Statement excerpt provided under Paragraph A.

Item 5:

This project supports the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan by providing the following:

- Preserving the natural southern portion of the property that is wetland and natural habitat for the Lake Jesup area.
- Providing a variety of future transportation choices through a location close to employment for walking and/or bicycle use and bus stops
- Fostering distinct, attractive places to live
- Encouraging a diverse, globally competitive economy in relation to the growing International airport and related employers coming to the area.

- Creating a range of obtainable housing opportunities and choices that offer a community with existing educational, health, and cultural amenities.”

The proposed LDR development supports and is consistent with the Comprehensive Plan to provide sustainable development reducing urban sprawl, reducing automobile trips, providing workforce housing to support the HIP/AP areas to the north of Kentucky Street, the Sanford Orlando International Airport, Sanford and Seminole County businesses.

### **Staff Evaluation**

The proposed development would not encroach upon environmentally sensitive lands associated with Lake Jessup, and would provide housing in proximity to employment centers in and around the airport. While affordable and/or workforce housing is possible within the requested LDR designation, the land use amendment does not commit a developer to provide such housing.

### **SITE ANALYSIS:**

#### **ENVIRONMENTAL IMPACTS:**

##### *Floodplain Impacts:*

Based on FIRM map with an effective date of 2007, there appears to be floodplains located on the subject property.

##### *Drainage:*

The proposed project is located within the Lake Jessup drainage basin.

##### *Wetland Impacts:*

Based on a preliminary aerial photo and County wetland map analysis, the subject property contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of the final site plan.

##### *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.

##### *Utilities:*

The site is located in the City of Sanford's water and sewer utility service area, and will be required to connect to public utilities.

*Transportation / Traffic:*

Eaglewoods Trail is classified as a local road and does not have improvements programmed in the County 5-year Capital Improvement Program. Eaglewoods Trail will need to be improved to local roadway standards from the parcel frontage to the nearest County Standard Roadway.

*School Impacts:*

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report. The attached school board report is based on the proposed Future Land Use Amendment to Low Density Residential.

**APPLICABLE POLICIES:**

**SPECIAL DISTRICTS**

The subject property is not located within any Overlay District.

**INTERGOVERNMENTAL NOTIFICATION:**

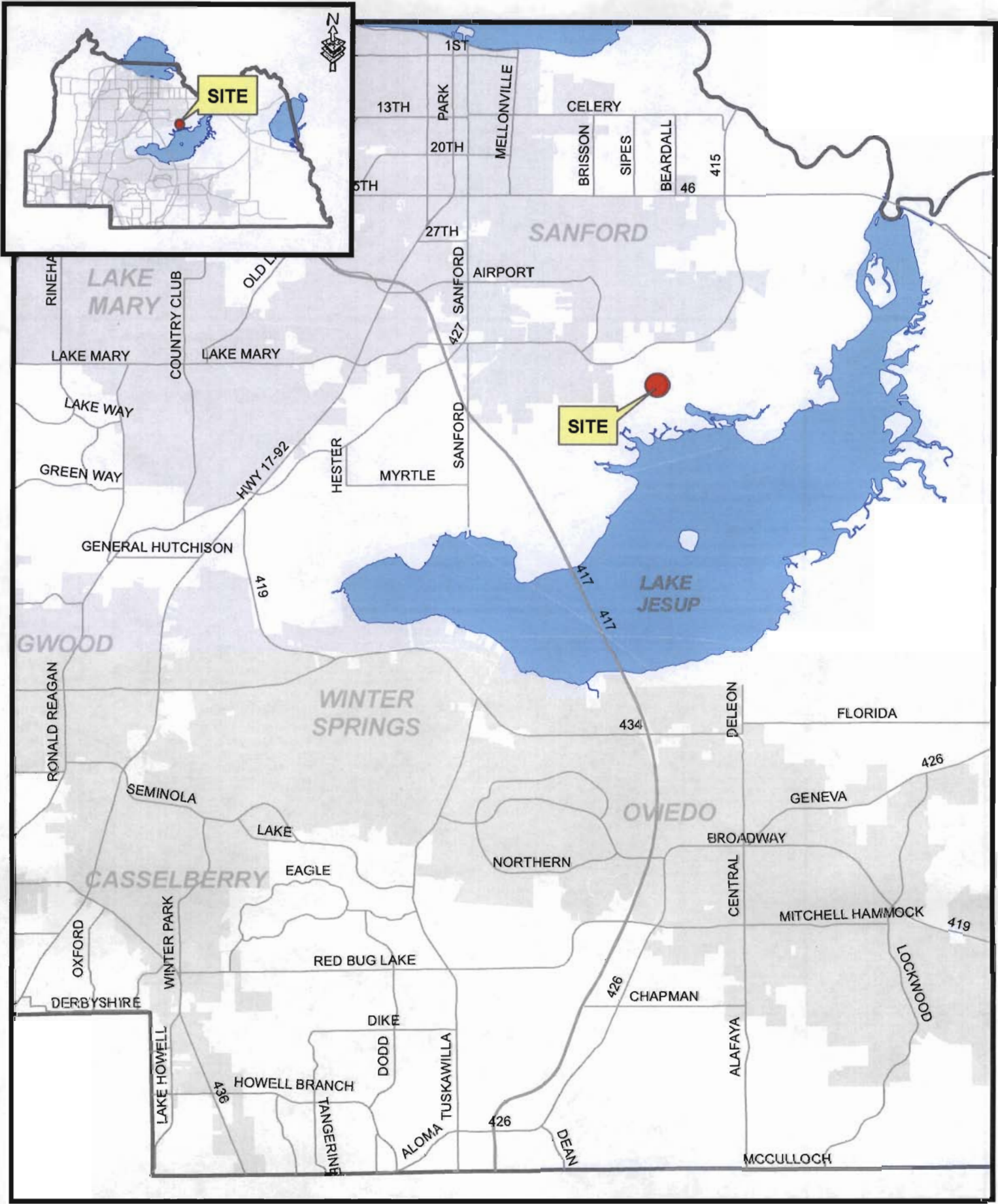
An Intergovernmental notice was sent to the City of Sanford on December 14, 2009.

**LETTERS OF SUPPORT OR OPPOSITION:**

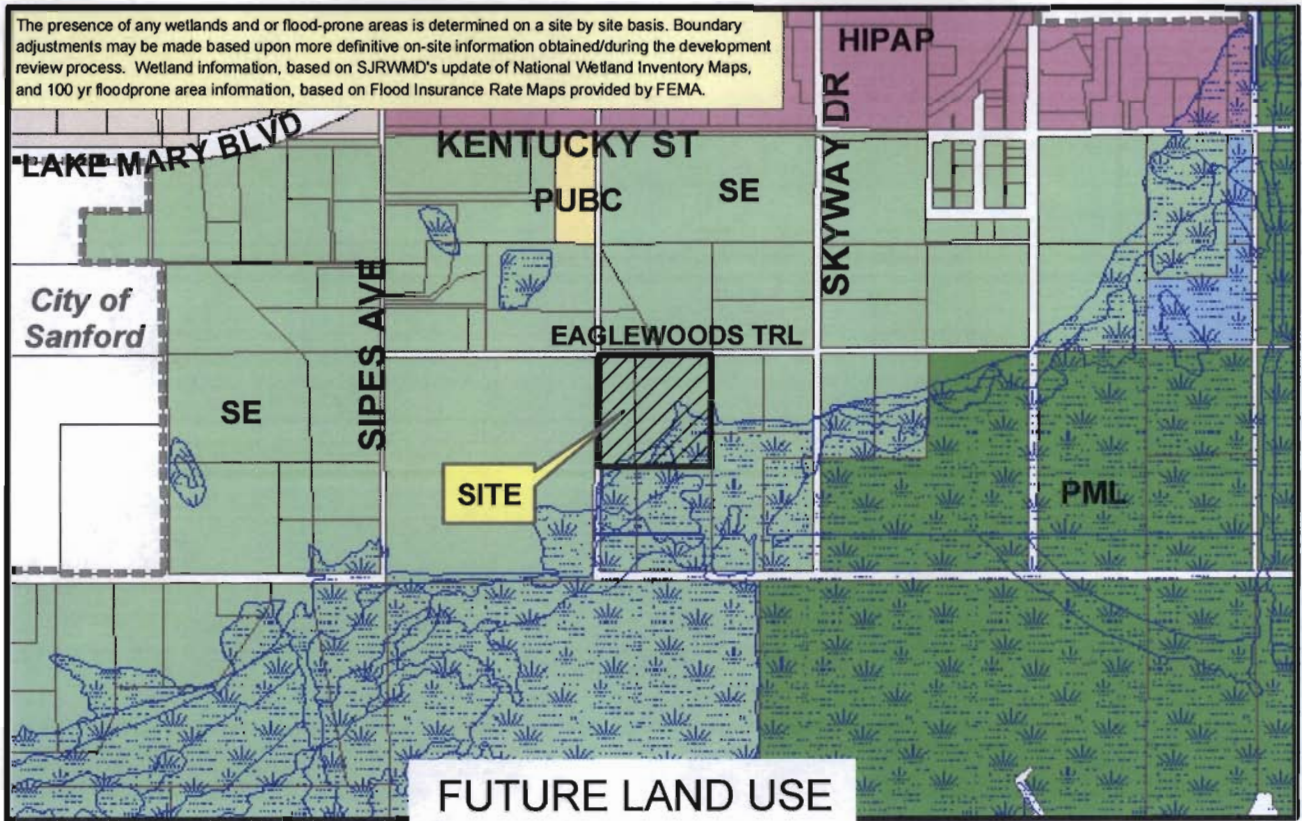
Staff has not received letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request for a Small Scale Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) on 9.98 acres, located on the south side of Eaglewoods Trail approximately ¼ mile east of Sipes Avenue.



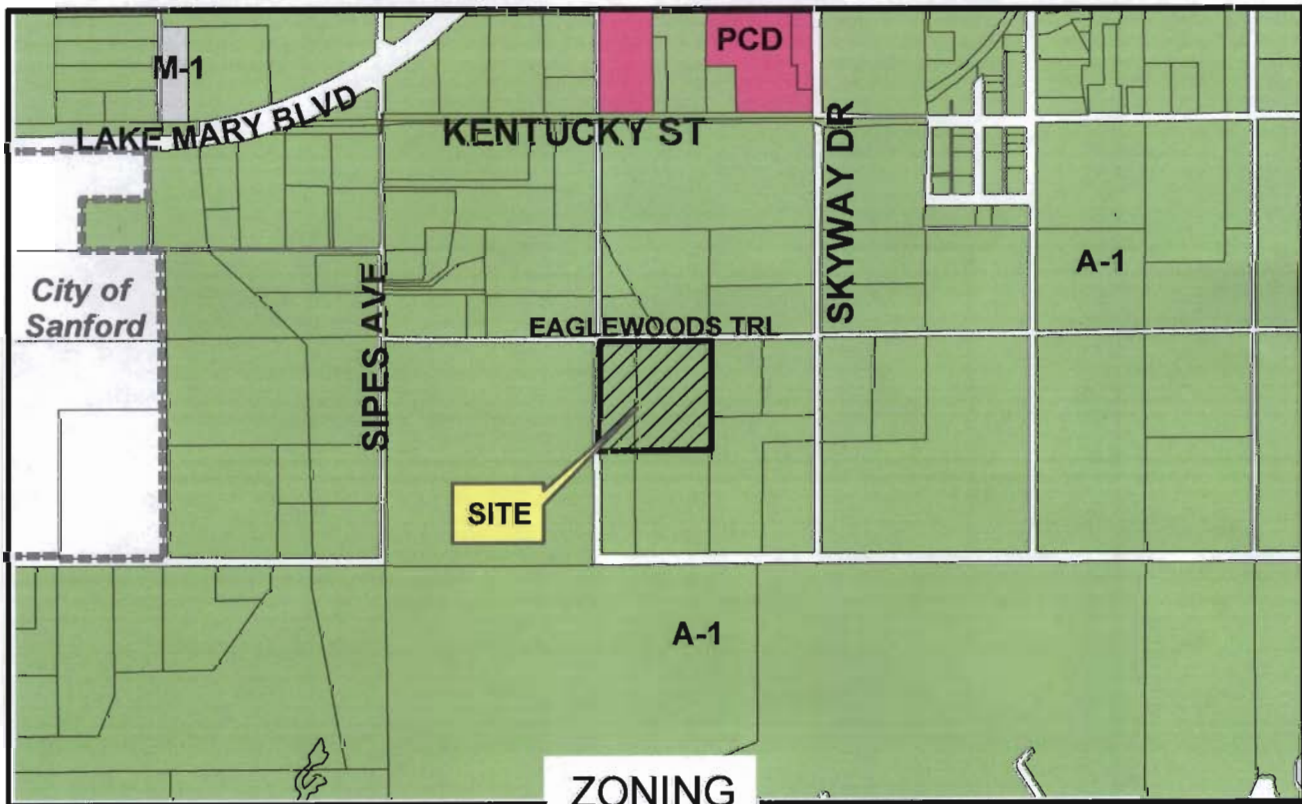
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



SE IND HIPAP PML Site ESLO City Bnd

Applicant: Hugh Harling  
 Physical STR: 03-20-31-5AY-0000-1040 & 104A  
 Gross Acres: 9.98 +/- BCC District: 5  
 Existing Use: SFR  
 Special Notes:



	Amend/ Rezone#	From	To
FLU	09SS.03	SE	LDR
Zoning	Z2009-027	--	--



M-1 A-1 PCD ESLO



FLU No: 09SS.03  
From: SE To: LDR

-  Parcel
-  Subject Property



Winter 2009 Color Aerials

**SMALL SCALE FUTURE LAND USE AMMENDMENT & REZONING  
AMMENDMENT JUSTIFICATION STATEMENT**

**LENZ LAND USE**

**Parcel Id No. 03-20-31-5A0Y-0000-1040 / 03-20-31-5AY-0000-104A**

**INTRODUCTION**

This application is for a small scale future land use amendment (SSFLUA) and associated rezoning amendments to respectively change the future land use (FLU) designation of the 9.99 acre subject property from SE (Suburban Estates) to LDR (Low Density Residential). With the following project justification narrative we submit that the proposed development program is consistent with the Seminole County Comprehensive Plan and compatible with surrounding development patterns.

**PROPERTY AND SURROUNDING LAND USE DESCRIPTION**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>	<b>Current Use</b>
North	SE(LDR transmitted)	A-1(R-1 Application)	Agriculture
South	SE	A-1	Agriculture
East	SE	A-1	Agriculture
West	SE	A-1	Agriculture

**General Information:**

The property is located on the south side of Eaglewoods Trail between Sipes Avenue (to the west) and Beardall Avenue (to the east).

**Acreage:**

The Lenz Land Use site consists of 9.99 acres to be developed.

**Zoning and Land Use:**

Future Land Use:	SE
Proposed Future Land Use:	LDR
Proposed Land Use:	Low Density Residential
Proposed Zoning:	R-1
Proposed Phasing:	Single Phase

**Signage:**

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

## **Utilities and Services:**

Water Provider	City of Sanford (upon project annexation)
Water Rate:	300 GPD/unit x 70 units = 21,000 GPD
Sewer Provider	City of Sanford (upon project annexation)
Sewer Rate:	270 GPD/unit x 70 units = 18,900 GPD
Electric:	Florida Power & Light
Solid Waste Collection:	TBD
	Est. 4.4 lbs/day/household x 70 units = 308 lbs/day

## **R-1 INTENT AND PURPOSE**

The requested land use provides for low density residential development with a maximum intensity of 7 dwelling units per buildable acre. The project is south of Eaglewoods Trail east of Beardall Avenue and West of Sipes Road providing convenient transit access in and out of the development to the local community. This land area is also designated by Sanford and Seminole County as part of the Airport Interlocal Planning Area incorporating smart growth patterns for the growing Orlando Sanford Airport area. The permitted use being considered for this site is: non-attached single family residential.

The existing agriculture uses north of this site will be increased to higher densities and intensities per Seminole County's Comprehensive Plan to support the growing Orlando Sanford Airport area and the ancillary system surrounding it. These uses will include commercial, industrial, office and various types of residential uses. The agriculture density of 1 unit per acre on property which is currently being used for cattle and citrus will not be viable during the 20 yr. planning period. Higher intensity uses that are adjacent to existing agriculture uses will not create incompatibility but rather support the Seminole County Comprehensive Plan for planned growth, development and sustainability without urban sprawl.

This project will provide work force housing for existing and future employees working in Sanford and north Seminole County. It will also support and promote airport, municipal and County growth and redevelopment, and provide increased property and sales tax revenue for Seminole County, Sanford, the airport and Seminole County Public Schools.

This project supports the Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan (Chapter 187-201 Fl Statutes) by providing the following:

- Preserving the natural southern portion of the property that is wetland and natural habitat for the Lake Jesup area.
- Providing a variety of future transportation choices through a location close to employment for walking and/or bicycle use and bus stops.
- Fostering distinct, attractive places to live
- Encouraging a diverse, globally competitive economy in relation to the growing International airport and related employers coming to the area.
- Creating a range of obtainable housing opportunities and choices that offer a community with existing educational, health and cultural amenities.

## **Applicable Comprehensive Plan FLU Policies**

### **Seminole County Comp Plan – Future Land Use Element – Issue FLU 3 – Concurrency Management & Mixed Use Land Use and Protection of HIP Land Use (page FLU-7)**

The Seminole County Comprehensive Plan sets guidelines for development that encourage self sustaining areas by providing housing close to businesses and industries to reduce automobile trips by providing a local job base for the residents. LDR (Low Density Residential) plays a major role in meeting these guidelines.

*The proposed LDR development supports and is consistent with the Comprehensive Plan to provide sustainable development reducing urban sprawl, reducing automobile trips, providing workforce housing to support the HIP/AP areas to the north of Kentucky Street, the Sanford Orlando Airport, Sanford and Seminole County businesses .*

### **Justification Statement**

The subject property is believed to be best suited for LDR (Low Density Residential) to provide work force housing. This project will support the economic growth and redevelopment in the area by providing quality housing for local employees, thereby also attracting other residents and businesses increasing property and sales tax income. Local property values in the area will be enhanced and is supported by the local residents.

### **Conclusion**

The requested land use amendment and rezoning are well supported by the policies described in the Seminole County Comprehensive Plan, Central Florida Regional Growth Vision, the Strategic Regional Policy Plan and the State Comprehensive Plan (Chapter 187-201 Fl Statutes) and is consistent with the applicable Seminole County planning policies and applicable regulations. Harling Locklin has conducted several public meetings with the surrounding residents and they are supportive of this project.

### **Traffic Impact:**

Avg. Vehicle Trip	Per category #210 Single family Detached Housing
Trip Generation Rate:	= 9.57 ADT
	1.01 ADT/ Unit for peak AM hours
Anticipated ADT:	1,579 Total Trips
PM Peak:	167 Peak Trips

Impact analysis based on 165 D.U.

Parking and traffic flow will be shown on the Final Master Plan per Seminole County Land Development Code.

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM  
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I Fred Lenz, the fee simple owner of the following  
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) 03-20-31-5AY-0000-1040  
03-20-31-5AY-0000-104A

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map (circle one or more) from SE / A-1 to LDR / R-1 and affirm that Hugh W. Harling Jr., P.E. is hereby designated to act as my / our authorized agent and to file the attached application for the stated amendment and make binding statements and commitments regarding the amendment request.

Fred Lenz  
Owner's Name

\_\_\_\_\_  
Owner's Name

[Signature]  
Owner's Signature

\_\_\_\_\_  
Owner's Signature

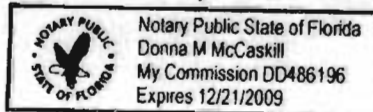
I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 29th day of September 2009.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Frederick Lenz, who is personally known to me or who has produced \_\_\_\_\_ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of September, 2009.  
Donna M. McCaskill  
Notary Public in and for the County and State  
Aforementioned

My Commission Expires: 12/21/2009



**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

The owner of the real property associated with this application is a (check one)

- Individual                       Corporation                       Land Trust
- Limited Liability Company     Partnership
- Other (describe): \_\_\_\_\_

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
Frederick Lenz	113 Hattaway Dr. Altamonte Spgs., FL 32701	407-832-7608

(Use additional sheets for more space.)

2. For each corporation, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

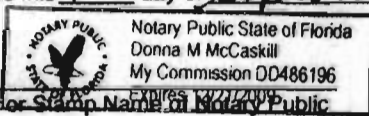
Date 9/29/09

[Signature]  
Owner (Agent) Applicant Signature

STATE OF FLORIDA  
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 29<sup>th</sup> day of September, 2009 by Duane W. Darling Jr.

Donna M. McCaskill  
Signature of Notary Public



Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

**AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 08-44, 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 (SE) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 08-44 which adopted the 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 January 6, 2010, 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 February 23, 2010, 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 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 08-44, 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 development of the property is subject to the development intensities and standards permitted by the overlay Environmentally Sensitive Lands overlay, 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 23<sup>rd</sup> day of February, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_

Bob Dallari, Chairman

## APPENDIX A

### **LEGAL DESCRIPTION**

The north 659 feet of Lot 104 of Sanford Celery Delta, Plat Book 1 Pages 75 & 76.