

SEMINOLE COUNTY DEVELOPMENT ORDER

On December 13, 2022, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

FINDINGS OF FACT

Property Owners: Mark A. Cliburn, Linda G. Cliburn, Norman C. Appel, Frank D. Broome, Pamela C. Broome, Paul R. Honold, Nancy L. Honold, Tracy M. Spinks, Bryant Watrous, Jymette Watrous, Bart M. Luscuskie, and Vivian J. Luscuskie.

Project Name: Paddock Way PD Rezone

Requested Development Approval: Rezone from A-1 (Agriculture) to PD (Planned Development) on 34.23 acres, for a single family residential subdivision with ninety-one (91) lots, located on the north side of Lake Hayes Road, approximately ½ mile east of Alafaya Trail.

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 development conditions and commitments stated below will run with, follow and perpetually burden the above described property.

Prepared by: Joy Giles, Senior Planner
1101 East First Street
Sanford, Florida 32771

GRANT MALOY, SEMINOLE COUNTY
CLERK OF CIRCUIT COURT & COMPTROLLER
CFN# 2023000804 Bk:10371 Pg:956-965(10Pgs)
REC: 01/04/2023 2:06:03 PM by jeckenroth
RECORDING FEES \$86.50

Certified Copy - Grant Maloy
Clerk of the Circuit Court and Comptroller
Seminole County, Florida



Seminole County Clerk of the Circuit Court and Comptroller

eCertified at 01/05/2023 15:57:15 -05:00

eCertified Id: FCCB-5FA2-84DE

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Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The subject application for development approval is **GRANTED**.
- (2) All development must 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, are as follows:

- A. Development shall comply with the Master Development Plan attached as Exhibit (A).
- B. Permitted Uses are detached single-family residential homes and their customary accessory uses as defined in the Seminole County Land Development Code.
- C. Maximum Net Density: 4 DU/net buildable acre
- D. Maximum Number of Units: Ninety-one (91)
- E. Maximum Building Height: Thirty-five (35) feet
- F. Estate Home Lots:
 - Minimum Width at Building Line: Ninety (90) feet
 - Minimum Lot Size: 10,800 square feet
- G. Garden Home Lots:
 - Minimum Width at Building Line: Seventy (70) feet
 - Minimum Lot Size: 8,400 square feet
- H. Building Setbacks:

Lots	
Front Yard	Twenty (20) feet
Side Yard	Five (5) feet
Side street	Fifteen (15) feet
Rear Yard	Twenty (20) feet

- I. Minimum buffers shall be as follows:
 - North: *Ten (10) foot wide fence/buffer easement adjacent to the Alafaya Woods subdivision with a six (6) foot high solid fence; fence shall be located on the outside edge of easement; buffer components shall provide an opacity rating of 0.1.
Ten (10) foot wide landscape buffer; landscape components shall provide an opacity rating of 0.2 with 1.85 plant units per 100 linear feet where adjacent to parcel 26-21-31-301-003F-0000; and an opacity rating of 0.1 with



0.95 plant units per 100 linear feet for the remaining portion of the north buffer.

South: Ten (10) foot wide landscape buffer; landscape components shall provide an opacity rating of 0.1 with 0.95 plant units per 100 linear feet.

East: *Ten (10) foot wide fence/buffer easement; six (6) foot high solid fence; fence shall be located on the outside edge of easement; components shall provide an opacity rating of 0.1.

West: Ten (10) foot wide landscape buffer adjacent to Kew Gardens subdivision; landscape components shall provide an opacity rating of 0.1 with 0.95 plant units per 100 linear feet.

Six (6) foot high masonry wall along the internal right-of-way of proposed development where right-of-way abuts the Magnolia Point subdivision.

*Buffer planting components may be redistributed to other open space tracts to allow internal lot side yard fences to extend into buffer easement.

- J. Perimeter buffer components will be established at Final Development Plan.
- K. The buffers running north and south adjacent to Paddock Way are required to be placed in buffer tracts to prevent the creation of "double frontage lots".
- L. The development will access from Lake Hayes Road with two access points as shown on the Master Development Plan.
- M. The Developer will construct a five (5) foot wide sidewalk as a continuation of the existing sidewalk to the east end of the road improvements. Further, the Developer may be required to dedicate additional right-of-way along Lake Hayes Road for the road improvements, including for drainage and sidewalk.
- N. The Developer will provide an internal pedestrian circulation system giving access to all portions of the development.
- O. All internal roads will be designed and constructed in accordance with the specifications of the National Fire Prevention Association (NFPA), including but not limited to a minimum unobstructed access road width of twenty (20) feet.
- P. The internal road located in the "West Phase" of the development in the area along Lot 11 of Magnolia Point subdivision will be in accordance with "Exhibit C Internal Right-of-Way"; the remaining internal right-of-way section will be to County standards.
- Q. The Developer will construct a six (6) foot high pre-cast wall along the west perimeter property line where the internal right-of-way runs along, and no proposed lots abut the east side of Lot 11 of Magnolia Point subdivision.
- R. The Developer will provide a traffic study during the Final Engineering review phase for this development. The traffic study will include a signal



warrant analysis for the intersection of Lake Hayes Road and Alafaya Trail pursuant to the requirements of the Florida Department of Transportation (FDOT). If a traffic signal is warranted the Developer will be required to pay a pro-rata share of the cost for any required improvements.

- S. The Developer will provide a berm stabilization analysis for all the storm-water ponds during the Final Engineering review phase. Construction of all storm-water ponds must be completed prior to vertical construction.
- T. Fifteen (15) percent usable open space will be provided in accordance with Seminole County Land Development Code Section 30.1344. Landscape buffers shall not count towards the required open space.
- U. If the site is developed in two (2) phases, each phase will provide a minimum of fifteen (15) percent open space unless the phasing plan provides internal pedestrian connectivity via an open space tract that meets the criteria of residential open space per Seminole County Land Development Code (SCLDC) Section 30.1344(c).
- V. All open space will be placed in a tract to be owned and maintained by the Homeowner's Association.
- W. The Developer has committed to pursuing a Right-of-Way Vacate for the existing thirty-three (33) foot wide Right-of-way on the south perimeter of the development lying east of Paddock Way. A Right-of-Way Vacate application with the required documents, survey, and sketch and description, must be submitted for review and the request must be scheduled for a public hearing with the Board of County Commissioners prior to Final Engineering approval.
- X. All project signage must comply with the Land Development Code of Seminole County.
- Y. A Homeowner's Association must be created to manage all common areas and facilities.
- Z. In the case of a conflict between the written conditions A through Y in this Development Order and the Master Development Plan attached as Exhibit (B), the terms of the written conditions A through Y shall apply.

(4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude upon and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.

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



(6) In the case of a conflict between the written conditions in this Development Order and the attached Master Development Plan, the terms of the written conditions shall apply.

(7) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.

(8) Issuance of this Development Order does not in any way create any rights on the part of the Applicant or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

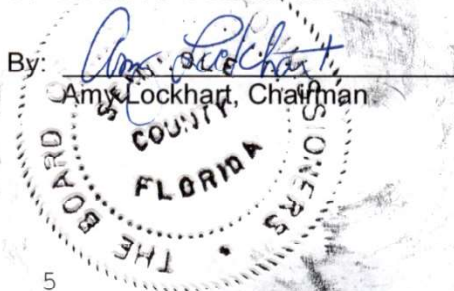
(9) In approval of this Development Order by Seminole County, the property owner(s) understands that the County must receive a Final Development Plan within five (5) years of approval of the Master Development Plan, unless this time period is extended by the Seminole County Local Planning Agency / Planning and Zoning Commission. If substantial development has not begun within eight (8) years after approval of the Master Development Plan, the planned development will be subject to review by the Local Planning Agency / Planning and Zoning Commission and the Board of County Commissioners may move to rezone the subject property to a more appropriate zoning or extend the deadline for start of construction (see Sections 30.446 and 449, LDC).

(10) This Order becomes effective upon recording with the Seminole County Clerk of the Court.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: *Amy Lockhart*
Amy Lockhart, Chairman



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EXHIBIT "A"
LEGAL DESCRIPTION

WALTROUS PARCEL (WESTCOR LAND TITLE INSURANCE COMPANY ORDER NUMBER 2022-05)

THE NORTH 400 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, LESS THE EAST 218 FEET OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

APPEL PARCEL (CHICAGO TITLE INSURANCE COMPANY ORDER NO. 10223514)

LOT 8, LAKE HAYES WOODS, AN UNRECORDED SUBDIVISION MORE PARTICULARLY DESCRIBED AS THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR ROAD, UTILITIES AND DRAINAGE PURPOSES UPON AND ACROSS THE WEST 20 FEET THEREOF AND THE SOUTH 30 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES PURPOSES UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:
THE SOUTH 30 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, AND THE EAST 20 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE WEST 20 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, ALL LYING AND BEING IN SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 33.00 FEET PER RIGHT OF AGREEMENT RECORDED IN OFFICIAL RECORD BOOK 201, PAGE 220 OF THE PUBLIC RECORD OF SEMINOLE COUNTY, FLORIDA.

BROOME PARCEL (CHICAGO TITLE INSURANCE COMPANY ORDER NO. 10212763)

LOT 2, LAKE HAYES WOODS, AN UNRECORDED SUBDIVISION MORE PARTICULARLY DESCRIBED AS THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR ROAD, UTILITIES AND DRAINAGE PURPOSES UPON AND ACROSS THE EAST 20 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES PURPOSES UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:
THE SOUTH 30 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, AND THE EAST 20 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE WEST 20 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, ALL LYING AND BEING IN SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.



CLIBURN PARCEL (CHICAGO TITLE INSURANCE COMPANY ORDER NO. 10212827)

LOT 6, LAKE HAYES WOODS, AN UNRECORDED SUBDIVISION MORE PARTICULARLY DESCRIBED AS THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR ROAD, UTILITIES AND DRAINAGE PURPOSES UPON AND ACROSS THE WEST 20 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES PURPOSES UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:
THE SOUTH 30 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, AND THE EAST 20 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE WEST 20 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, ALL LYING AND BEING IN SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

HONOLD PARCEL (CHICAGO TITLE INSURANCE COMPANY ORDER NO. 10212871)

LOT 5, LAKE HAYES WOODS, AN UNRECORDED SUBDIVISION MORE PARTICULARLY DESCRIBED AS THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR ROAD, UTILITIES AND DRAINAGE PURPOSES UPON AND ACROSS THE WEST 20 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES PURPOSES UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:
THE SOUTH 30 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, AND THE EAST 20 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE WEST 20 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, ALL LYING AND BEING IN SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

SPINKS PARCEL (CHICAGO TITLE INSURANCE COMPANY ORDER NO. 10212918)

LOT 7, LAKE HAYES WOODS, AN UNRECORDED SUBDIVISION MORE PARTICULARLY DESCRIBED AS THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR ROAD, UTILITIES AND DRAINAGE PURPOSES UPON AND ACROSS THE WEST 20 FEET THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES PURPOSES UPON AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:



THE SOUTH 30 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, AND THE EAST 20 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE WEST 20 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, ALL LYING AND BEING IN SECTION 26, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

LUSCUSKIE PARCEL (CHICAGO TITLE INSURANCE COMPANY ORDER NO. 10254519)

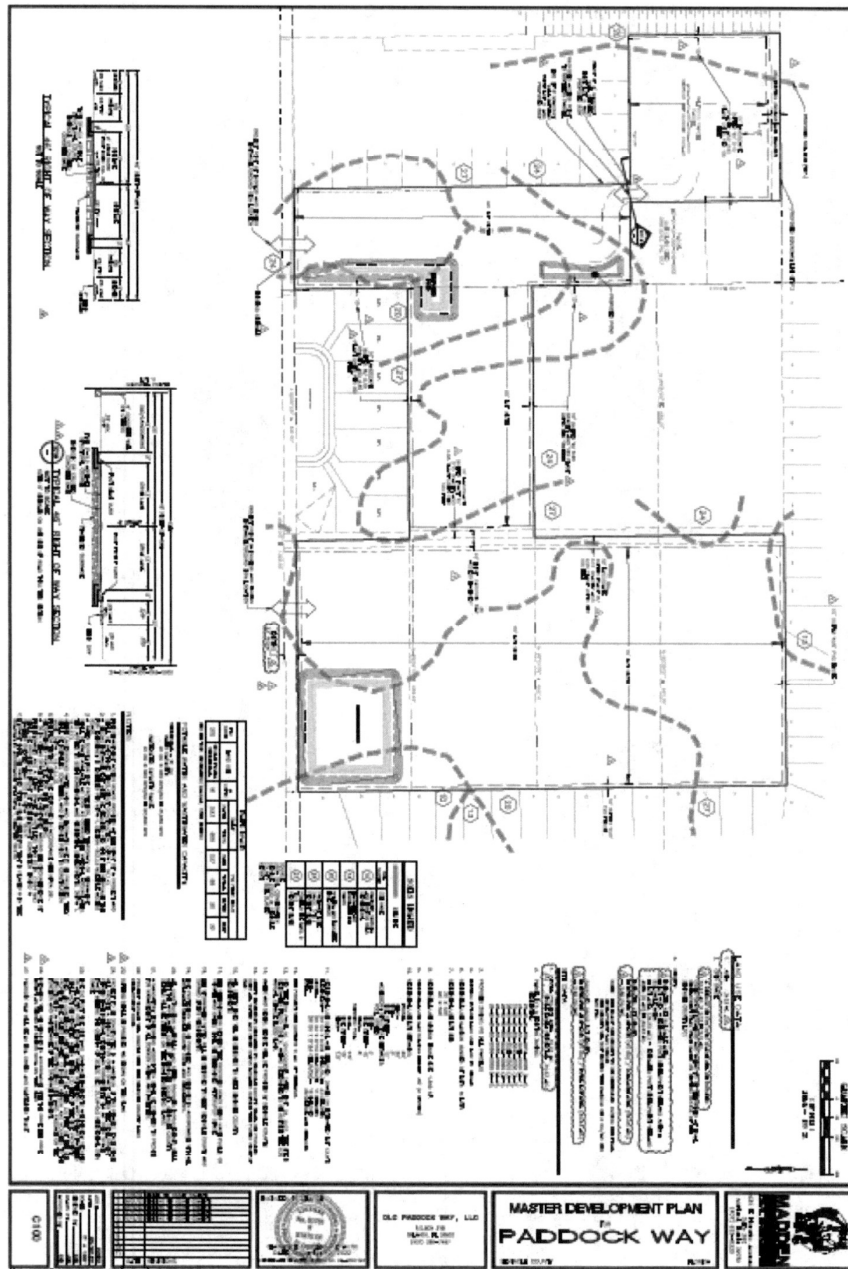
THE EAST 265 FEET OF THE EAST 1/2 OF THE SE 1/4 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 31 EAST, LESS THE NORTH 400.0 FEET AND ALSO LESS THE SOUTH 33 FEET FOR ROAD. LOCATED IN SEMINOLE COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THAT PARCEL CONVEYED BY QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 6545, PAGE 2005, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF THE PLAT "MAGNOLIA POINTE", AS RECORDED IN PLAT BOOK 67, PAGES 16 AND 17, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE SOUTH 00°04'19" WEST ALONG THE EAST LINE OF SAID PLAT, A DISTANCE OF 892.29 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF LAKE HAYES ROAD; THENCE NORTH 89°29'51" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 0.73 FEET; THENCE NORTH 00°02'35" EAST, A DISTANCE OF 892.29 FEET TO A POINT ON THE NORTH LINE OF SAID PLAT; THENCE SOUTH 89°31'16" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1.18 FEET TO THE POINT OF BEGINNING.



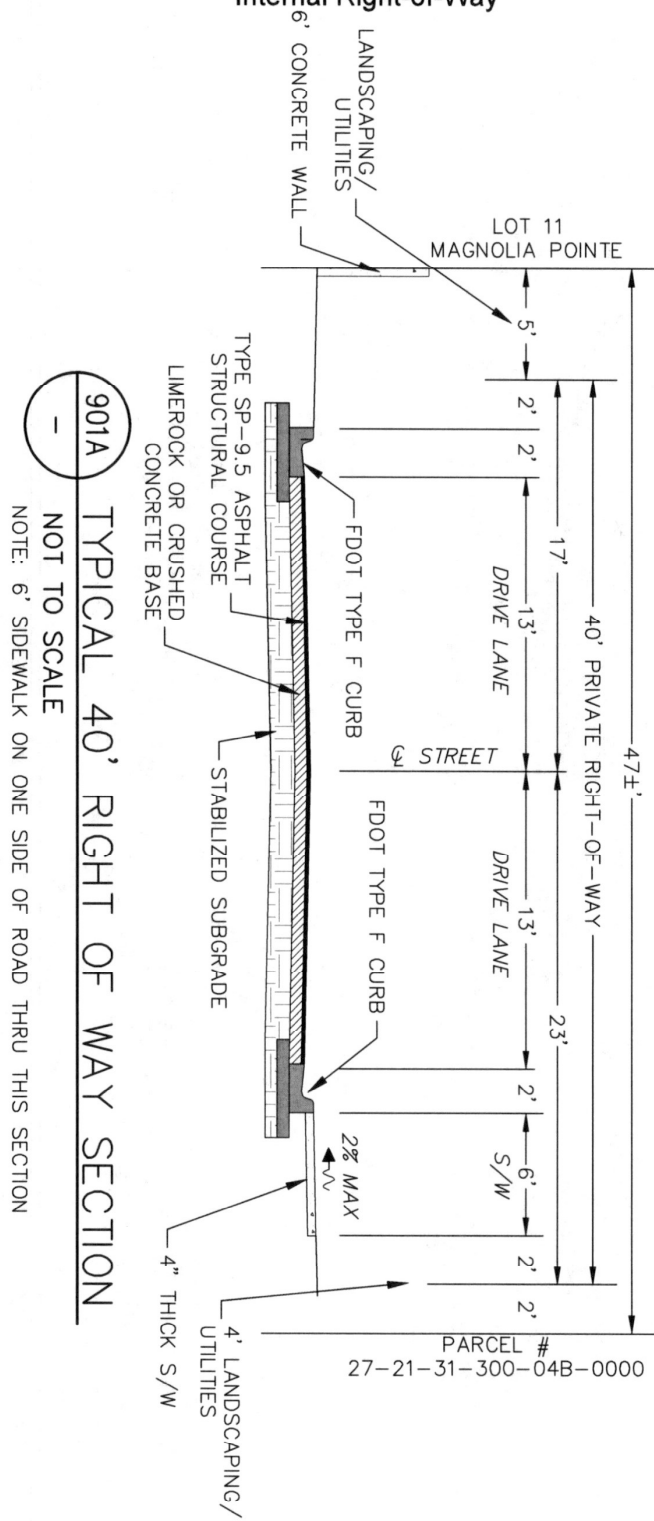
EXHIBIT "B" Master Development Plan



LEGIBILITY UNSATISFACTORY
FOR SCANNING



EXHIBIT "C"
Internal Right-of-Way



901A

TYPICAL 40' RIGHT OF WAY SECTION

NOT TO SCALE

NOTE: 6' SIDEWALK ON ONE SIDE OF ROAD THRU THIS SECTION

