

Fee: \$1000.00

PROJECT #: 2101900002



DEVELOPMENT SERVICES  
 1101 EAST FIRST STREET  
 SANFORD, FLORIDA 32771  
 TELEPHONE: (407) 665-7371  
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OCT 27 2021

Planning & Development  
Division

**APPEAL OF DECISION BY BOA, PZC, OR DRC TO BCC**  
**Including Decisions by Director or Manager**

**APPELLANT INFORMATION**

Name: Richard C. Lindsey & Patricia H.F. Allen/Toll Bros., Inc.  
 Address: c/o Mestdagh, Wall & Hamilton, 280 W Canton Ave., Suite 110 City: Winter Park Zip code: 32789  
 Telephone Number(s): 407.702.6702  
 Email Address: Helen@m-wlawfirm.com

**APPEAL INFORMATION**

Project name and number being appealed: Riverside Oaks Phase 4  
 Project Address: 3560 Celery Avenue City: Sanford Zip code: 32271  
 Tax/Parcel ID Number: 28-19-31-300-0180-0000  
 Appealing decision of: Development Services Director (Rebecca Hammock, AICP) : Impact Fee Vesting  
 Decision date: September 28, 2021

Signature: *Helen Ford* Date: 10/27/21

SUBMITTAL CHECKLIST		Submittal requirements vary based upon the decision being appealed. All items must be provided prior to scheduling the BCC hearing.
x	Completed application.	
x	Written Notice of Appeal.	
x	Appeal fee.	
x	Additional information and supporting documents.	



**MESTDAGH, WALL  
& HAMILTON**

ATTORNEYS AND COUNSELORS AT LAW

ALEXANDRE M. MESTDAGH, ESQ.  
STEVEN L. WALL, ESQ.  
CHRISTOPHER M. HAMILTON, ESQ.  
HELEN FORD, ESQ.  
HAZEL GUMERA, ESQ.  
AUSTIN S. TURNER, ESQ.  
DOMINIC SIEBER, ESQ.  
MARK A. GRIMES, ESQ.

October 27, 2021

**VIA EMAIL: [rhammock@seminolecountyfl.gov](mailto:rhammock@seminolecountyfl.gov)  
AND HAND DELIVERY**

Rebecca Hammock, AICP  
Development Services Director  
Seminole County Development Services Department  
1101 East Pine Street  
Sanford, Florida 32771

**RE: APPEAL OF VESTING AGREEMENT APPLICATION DENIAL**

Project: Riverside Oaks Phases I, II, and III  
Applicant: Toll Southeast LP Company, Inc.

Project: Riverside Oaks Phase IV  
Applicant: Richard C. Lindsey & Patricia H.F. Allen / Toll Bros., Inc.  
Date of Denial: September 28, 2021

Dear Director Hammock:

Please accept this letter as an application for an appeal, pursuant to the Seminole County Land Development Code (“SCLDC”), including, but not limited to Section 20.12, regarding the Development Services Director’s decision to deny the Vesting Agreement Application (Mobility Fee, Fire & Rescue Impact Fee, & Library Impact Fees) submitted by Toll Southeast LP Company, Inc. with regard to the Riverside Oaks Phases I, II, and III project owned by Toll Southeast LP Company, Inc., and of the decision to deny the Vesting Agreement Application (Mobility Fee, Fire & Rescue Impact Fee, & Library Impact Fees) submitted by Toll Bros., Inc., for the Riverside Oaks Phase IV project which is owned by Richard C. Lindsey & Patricia H.F. Allen, but for which a contract for sale and purchase has been entered into to convey the property to Toll Bros., Inc. Pursuant to the Director’s denial letter (see attached denial letter), we were instructed that the proper method of appeal is pursuant to Section 20.12 of the SLDC. The required appeal filing fee accompanies this letter.<sup>1</sup>

### **BACKGROUND INFORMATION / BASIS FOR APPEAL**

On June 04, 2021, Governor DeSantis signed HB337, which amended Florida Statutes, Section 163.31801 pertaining to local government impact fees. The amendments enacted by HB337 were made retroactively effective as of January 1, 2021.

<sup>1</sup> The undersigned counsel received a single notice from the Development Services Director, of her decision to deny both applications. As such, both applications are addressed in a single appeal, and only one appeal filing fee is enclosed. *See also Section 30.31(2) of the Seminole County Administrative Code.* That being said, the two applications can be bifurcated, for purposes of appeal, if requested by the Board of County Commissioners and/or as otherwise required by Section 20.12 of the SCLDC.

Florida Statutes, Section 163.31801 imposes legislative requirements on a local government that desires to adopt and collect an impact fee by ordinance. With regard to any ordinance that proposes to impose a new or increased impact fee, Florida Statutes, Section 163.31801(4)(d) requires that the local government provide at least ninety (90) days' notice before the effective date of the ordinance. Florida Statutes, Section 163.31801(4)(d) further provides that "new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee."

Following the effective date of HB337, the Seminole County Board of County Commissioners sought an ordinance proposing an increase of impact fees of more than the fifty percent (50%) limit set forth in HB337. Public meetings were held. On June 22, 2021, Mobility Fee Ordinance No. 2021-26 was enacted by the Seminole County Board of County Commissioners, replacing the prior Road Impact Fees system with a Mobility Fee system. Mobility Fee Ordinance No. 2021-26 indicates that, consistent with the notice requirements of Florida Statutes, Section 163.31801, the new proposed rate was noticed and published on March 28, 2021, and would become effective on June 29, 2021.

Mobility Fee Ordinance No. 2021-26 enacted several amendments to Seminole County Land Development Code. Section 120.11 of the SCLDC provides that "All Travel-Increasing Development occurring within the County ... shall pay the Mobility Fees established in this Chapter." Section 120.12 of the SCLDC provides that "Except as otherwise provided in this Chapter, a Mobility Fee Statement shall be issued for Travel-Increasing Development occurring in the unincorporated areas of the County following application for, but prior to the issuance of a Building Permit." Section 120.1 of the SCLDC defines an "Applicant" as "the Person who applies for a Building Permit".

Section 120.33 of the SCLDC provides that the County may enter into a "vested rights agreement" with the owner of property in the County, to allow the owner to pay or continue to pay the Road Impact Fees that were in effect prior to Mobility Fee Ordinance No. 2021-26, rather than paying the increased Mobility Fees which were imposed pursuant to Mobility Fee Ordinance No. 2021-26. Section 120.33 of the SCLDC further provides that "a written agreement ... entered into on or before September 27, 2021, which is ninety (90) days from the effective date of the new Mobility Fee Rates under this Chapter[,] ... shall be binding upon the County; such property shall not be subject to the provisions of this Chapter but shall pay such road impact fee or Mobility Fee rates as established in such written agreement provided a building permit utilizing the road impact fee or Mobility Fee rates in such written agreement is obtained within eighteen (18) months of the effective date of such written agreement."

Section 120.33 of the SCLDC does not, by itself, set forth the procedure by which an Applicant or owner would seek to enter into a vested rights agreement with the County. The individual municipalities in the County were left to determine those procedures. With regard to property in the unincorporated areas of the County, Resolution 2021-R-101 was adopted, which implements Section 30.31 of the Seminole County Administrative Code.<sup>2</sup> Section 30.31 imposes an arbitrary deadline of September 13, 2021 by which a property owner or Applicant must file a Vesting Certificate Application. The Appellants do not believe that any other local government in Seminole County has imposed a similar application deadline, which is separate and apart from the September 27, 2021 deadline set forth in Section 120.33 of the SCLDC. Instead, it is believed that all other local governments in the County maintained only the September 27, 2021

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<sup>2</sup> Resolution 2021-R-101 also implemented Sections 30.32 (Fire and Rescue Impact Fees) and 30.33 (Library System Impact Fees) of the Seminole County Administrative Code. The Appellants have submitted a Vesting Certificate Application for each project covering each of these fees, and the procedures and application deadlines for each of these fees is substantially similar. Therefore, for ease of reference, this letter will solely refer to Section 30.31 of the Seminole County Administrative Code, but the same shall apply to all applications for a Vesting Certificate for all such impact fees.

deadline for having an agreement in place, as set forth in Section 120.33 of the SCLDC, rather than imposing a separate “application” deadline.

Section 30.31(2) of the Seminole County Administrative Code further provides that the “Mobility Fee Ordinance and this Administrative Code Section are not intended to impair the obligation of any contract in existence as of June 22, 2021.” It also provides that “Should the increase in the Mobility Fee from the Prior Road Impact Fee create such an impairment, the increased Mobility Fee shall not be imposed on the property this is the subject of the contract in existence as of June 22, 2021, but instead such property shall be subject to the impact fee in effect as of June 21, 2021.”

### **THE PROJECTS**

The land now consisting of the Riverside Oaks Phases I, II, and III project was acquired by Toll Southeast LP Company, Inc. on October 10, 2019. The project consists of 119 residential platted lots in unincorporated Seminole County. Riverside Oaks Phase 1 was platted on August 12, 2020; Riverside Oaks Phase 2 (which was a replat of tract FD-1 of Phase 1) was platted on June 10, 2021; and Riverside Oaks Phase 3 (which was a replat of tract FD-2 of Phase 1) was platted on July 20, 2021. Several homes have been constructed and sold in Phase 1. Model homes have been built on lots in the project, and the marketing, construction and sales of new homes is ongoing throughout all 3 phases.

The analysis for the feasibility of this project, and its budgeted costs for buildout, were completed years ago and were based on the impact fees in existence prior to June 21, 2021. Seminole County has taken official action with respect to the project, in that it has already granted all required subdivision approvals to date and is issuing building permits for the construction of new homes. Toll Southeast LP Company, Inc. has relied upon those actions to proceed with the development and marketing of the project.

The land described above as the Riverside Oaks Phase IV project is adjacent to Riverside Oaks Phases I, II, and III, and consists of approximately 22 acres. It is currently owned by Richard C. Lindsey & Patricia H.F. Allen; however, Toll Bros., Inc. has entered into a contract to purchase the property. Toll Bros., Inc. intends to plat the property as Riverside Oaks Phase IV with 60+/- residential lots, and to incorporate it into the larger Riverside Oaks development community.

The purchase contract for this Phase IV project was executed on August 31, 2020. The time period under the contract for Toll Bros., Inc. to perform its due diligence inspections and investigations has lapsed. The project budget prepared, and feasibility studies conducted, by Toll Bros., Inc. for this phase of the project were all done during the due diligence period and were based on the impact fees in existence prior to June 21, 2021. Seminole County has taken official action with respect to this project, in that Toll Bros., Inc. has received Staff DRC Approval of the PD Amendment in October, 2021 (tying this project to the PD for Phases 1, 2 and 3) with Planning and Zoning Approval of the PD Amendment anticipated on December 1, 2021 and BCC approval anticipated on December 14, 2021. In addition, Toll Bros., Inc. is intending to submit for PSP/Final Master Plan Approval in November, 2021 for the development of 60+/- single family lots. Toll Bros., Inc. has spent substantial time and money on legal, engineering and other consulting fees to date in order to move this project forward. If the new impact fees are assessed against this project, it would create an undue hardship and impact the economic feasibility of the project.

### **THE VESTING AGREEMENT APPLICATION**

Toll Bros., Inc. and its related entities are currently under contract to acquire and develop several residential projects in Seminole County. With regard to other projects located in incorporated areas of the County, Toll Bros., Inc. followed the procedures outlined by those other local governments, and sought

approval of a vesting agreement prior to the September 27, 2021 deadline set forth in Section 120.33 of the SCLDC. Toll has received confirmation of vesting approval for those projects.

With regard to the two above-described Riverside Oaks projects in unincorporated Seminole County, Toll Southeast LP Company, Inc. and Toll Bros., Inc. (as contract purchaser) also applied for approval of a vesting agreement. Those applications were also submitted before the September 27, 2021 deadline set forth in Section 120.33 of the SCLDC. However, those applications were denied because they were not submitted before the separate, September 13, 2021 arbitrary deadline imposed by Section 30.31 of the Seminole County Administrative Code. The Appellants are now appealing that decision.

### **THE LEGAL BASIS FOR APPEAL**

Any determination by the Development Services Director with regard to a vesting agreement application must comply with the requirements of Florida Statutes and the SCLDC.

First and foremost, Section 120.33 of the SCLDC provides that a vesting agreement can be entered into by the County anytime “on or before September 27, 2021”. Even though these applications were submitted after September 13, 2021, there was still ample time for the County to consider and approve those applications prior to the September 27, 2021 deadline. Even if the applications were submitted late under the arbitrary application deadline of Section 30.31(2) of the Seminole County Administrative Code, that Code section nevertheless clarifies that the “Mobility Fee Ordinance and this Administrative Code Section are not intended to impair the obligation of any contract in existence as of June 22, 2021.” This would include the agreements already in place with regard to the existing Riverside Oaks Phases I, II, and III project which is already under development, and also the existing purchase contract and development approvals already in place for the Riverside Oaks Phase IV project. In light of this intent, Section 30.31(2) of the Seminole County Administrative Code provides that “the increased Mobility Fee shall not be imposed on [any] property that is the subject of the contract in existence as of June 22, 2021, but instead such property shall be subject to the impact fee in effect as of June 21, 2021.”

Even if the vesting agreement applications were submitted after the September 13, 2021 deadline imposed by Section 30.31 of the Seminole County Administrative Code, other sections of the Administrative Code would allow for that deadline to be adjusted if circumstances warrant. For example, Section 5.19 of the Administrative Code provides that the Development Services Department Director is granted the authority to make certain limited administrative adjustments “to allow a measure of flexibility while fulfilling the overall intent of the Code”. Section 5.19 of the Administrative Code even acknowledges that “strict application of all provisions of the Code may not be appropriate in all situations.” In addition, Section 15.5(g) of the Administrative Code, specifically dealing with vested rights determinations, provides that “At any time during or after the application period, the Planning and Development Director may extend the maximum calendar day response time set forth in this chapter to a date certain. Said extensions may be applicable to any step in the vested rights determination procedure upon the Planning and Development Director's determination that the volume of applications received exceeds the capacity of county staff to process the applications within the stated time limits or upon the applicant's reasonable request.” In other words, even though Section 30.31 of the Administrative Code imposes a September 13, 2021 application deadline, numerous other sections of the Administrative Code allow for such deadline to be adjusted.

As stated above, the Riverside Oaks Phases I, II, and III project has already been approved, already been platted, homes have already been constructed, and the marketing, construction and sales of new homes is ongoing. The feasibility of this project was budgeted and implemented based on the impact fees that were in existence prior to June 21, 2021. Toll Southeast LP Company, Inc. relied upon those impact fees, and the actions taken by Seminole County, to proceed with the development of the project. It would be harmful

for these fees to increase in the middle of the development. Furthermore, the increase of Mobility Fees would potentially cause an impairment of Toll Southeast LP Company, Inc.'s contracts to sell homes to third-party purchasers, since this increased cost would impact the underlying purchase price of the homes in the community.

With regard to the Riverside Oaks Phase IV project, the same issues and potential harm would apply if a vesting agreement is not entered into with the County. Furthermore, the increase of Mobility Fees would potentially cause an impairment of Toll Bros., Inc.'s contract to purchase the property from Richard C. Lindsey & Patricia H.F. Allen, and/or impair Toll Bros., Inc.'s ability to close on that contract.

The requirements imposed by Florida Statutes, Section 163.31801(4)(d) must also be considered. In that section of the statute, the Florida legislature made clear that "new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee." As such, it must be assumed that for any development project with a "current or pending permit application", fees may not be increased. This must be true, regardless of when an application for a Vesting Certificate is submitted. As described above, the Appellants have received permits and approvals for Phases 1, 2 and 3 and have pending development permit applications for Phase 4, prior to the implementation of Section 30.31 of the Seminole County Administrative Code. While the Appellants are willing to concede that the County has some degree of leeway to implement procedures for complying with the new impact fee code sections, the Appellants believe that the procedure process must comply with Florida law, and ensure that increased impact fees are not applied where current or pending permit applications exist.

The requirements imposed by applicable case law must also be considered. In *Council Brothers, Inc., v. City of Tallahassee*, 634 So. 2d 264 (Fla. 1<sup>st</sup> DCA 1994), the Court addressed the reasonable expectation of every citizen to be dealt with fairly by his government, and that equitable estoppel may be imposed to prevent harm. As explained by the Court in *Council Brothers*:

"One seeking to invoke the doctrine of estoppel against the government first must establish the usual elements of estoppel, and then must then demonstrate the existence of affirmative conduct by the government which goes beyond mere negligence, must show that the governmental conduct will cause serious injustice, and must show that the application of estoppel will not unduly harm the public interest." (citing *Alachua County v. Cheshire*, 603 So.2d 1334, 1337 (Fla. 1<sup>st</sup> DCA 1992).

In *Hollywood Beach Hotel Company v. City of Hollywood*, 329 So. 2d 10 (Fla. 1976), the Florida Supreme Court stated:

"Every citizen has the right to expect that he will be dealt with fairly by his government. 'Unfair dealing' by a municipality can also serve as the basis for the invocation of equitable estoppel. *City of Jacksonville v. Wilson, Id.* While a City Commission certainly possesses the prerogative of deciding to defer action on such a proposal over a long period of time, it must assume the attendant responsibility for the adverse effect it knows or should know its deliberate inaction will have upon the parties with whom it is dealing. In the instant case, the course of inaction chosen by the City and its subsequent arbitrary actions must necessarily be equated with 'unfair dealing.'"

It would be unfair to the applications for vesting approval to be denied in these instances, as doing so would effectively impose a serious and significant increase to the cost of ongoing developments that were





SEP 21 2021  
Planning & Development Division

**SEMINOLE COUNTY**  
**VESTING AGREEMENT APPLICATION**

**FOR: MOBILITY FEE**   
**FIRE AND RESCUE IMPACT FEE**   
**LIBRARY IMPACT FEE**

1. Fee simple property owner: Richard C. Lindsey & Patricia H.F. Allen
2. Phone Number: (407) 323-0705
3. Email Address: geoff@glseng.com
4. Project: Riverside Oaks Phase 4
5. Designated agent/applicant: See Attached
6. Agent Authorization: See Attached
7. A typed copy of the legal description of the subject property: See Attached
8. Subject Property Parcel IDs: 28-19-31-300-0180-0000
9. \$500.00 Application Fee: See Attached
10. Vesting through Governmental Approvals: Requirements (Seminole County Administrative Code Sections 30.31, 30.32, and 30.33)
  - a. The name of the owner of the fee interest in the property any, if applicable, the name of the designated agent;
  - b. Proof of Ownership of the Property. If the applicant is not the owner of the fee title to the property, then the applicant shall present an affidavit of authority providing for the applicant's authorization to seek approval of the Vesting Certificate on behalf of the fee owner. The affidavit of authority shall be signed by the property owner and said signature shall be properly attested to by a notary public;
  - c. A site plan or survey/sketch of description of the subject property to be subject to the Vesting Certificate showing:
    - i. The overall parcel;
    - ii. The number and types of units and/or type of use and square footage;
  - d. A typed copy of the legal description of the property;

- e. A statement outlining the background of the project permitting history and explaining the development process that applicant claims warrants a Vesting Certificate which shall, at a minimum, establish that:
  - i. A development order has been issued or the County has otherwise taken official action with respect to development of the applicable Impact Fee or Mobility Fee Constructions; and
  - ii. Extensive obligations or expenses (other than land purchase costs and payment of taxes) including, but not limited to, legal and professional expenses related directly to the development of the Impact Fee or Mobility Fee Construction have been incurred or there has otherwise been a substantial change in position by the applicant; and
  - iii. Such obligations, expenses and change in position were undertaken by the applicant in good faith reliance on the actions taken by the County; and
  - iv. It would be unfair to deny the applicant the opportunity to complete the Impact Fee or Mobility Fee Construction based on the Impact Fee or Mobility Fee rates in effect as of June 21, 2021.

**SEMINOLE COUNTY VESTING AGREEMENT NARRATIVE**  
**RIVERSIDE OAKS PHASE 4**  
**09-10-2021**

**Contract/Permitting History:**

Toll Bros., Inc. ("Toll") is purchasing the 22.5 +/- acre property from Richard F. Lindsey and Patricia H.F. Allen. This property is intended to be incorporated and developed as an additional Phase of Toll's existing Riverside Oaks development. The purchase contract was executed on August 31, 2020. Toll has completed all of its due diligence on the Property and based its feasibility of the development of the Property (for sixty (60) single-family residential lots) on the impact fees in existence prior to June 21, 2021. The increase in the impact fees would materially impact the feasibility of this project.

Since Toll has been under contract for over twelve (12) months, it is no longer within its due diligence period and is proceeding with obtaining the requisite approvals to develop the Property. Consequently, Toll needs to move forward with the project or it could potentially lose its contract deposit, and the substantial costs it has incurred to date with respect to performing its due diligence and obtaining project approvals; including, without limitation, costs of consultants and professionals assisting in obtaining the project approvals. Seminole County has taken official action with respect to the development of the project and Toll is proceeding with its approvals in good faith reliance on the actions taken by Seminole County. Toll anticipates obtaining PD approval for this project in October/November, 2021; PSP approval for the project in January, 2022; and Engineering Plan approval for the project in April, 2022. Based on the foregoing, it would be unfair to deny Toll the opportunity to complete the Impact Fee or Mobility Fee Construction based on the Impact Fee or Mobility Fee rates in effect as of June 21, 2021.

**TAX ID NO.:** 28-19-31-300-0180-0000

**LEGAL DESCRIPTION: (ADDITIONAL AREA FOR PD)**

North 1104.2 ft. of South 2224.2 ft. of West 341 ft. of Lot 2 and Begin at Southeast corner of Lot 3, run West 325 ft. North 0°7' East 2021 feet East 321 feet, South 2021 feet to beginning. (Less West 150 feet of South 130 feet) Section 28, Township 19 South, Range 31, East, in Seminole County, Florida.

AND

Beginning at the South one-quarter section post of Section 28, Township 19 South, Range 31 East, thence run West 325 feet; thence North 0°7' East 2021 feet; thence run East 321 feet; thence South 2021 feet to the point of beginning, containing 15 acres more or less, excepting therefrom a tract of land 150 feet along East and West by 105 feet North and South in the Southwest corner of the following described land: Beginning at the Southeast corner of Lot 3, Section 28, Township 19 South, Range 31 East, thence West 325 feet; thence North 0°7' East 2021 feet; thence East 321 feet; thence South to beginning. The South 25 feet being reserved for a public road.

# OWNER AUTHORIZATION FORM

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 purchase (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, Richard C. Lindsey & Patricia H.F. Allen (Tenants In Common), the owner of record for the following described property (Tax/Parcel ID Number) 28-19-31-300-0180-0000 hereby designates Toll Brothers, Inc. & G L Summitt Engineering, Inc. to act as my authorized agent for the filing of the attached application(s) for:

<input type="checkbox"/> Arbor Permit	<input type="checkbox"/> Construction Revision	<input checked="" type="checkbox"/> Final Engineering	<input checked="" type="checkbox"/> Final Plat
<input type="checkbox"/> Future Land Use	<input type="checkbox"/> Lot Split/Reconfiguration	<input type="checkbox"/> Minor Plat	<input type="checkbox"/> Special Event
<input checked="" type="checkbox"/> Preliminary Sub. Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Special Exception	<input checked="" type="checkbox"/> Rezone
<input type="checkbox"/> Vacate	<input type="checkbox"/> Variance	<input type="checkbox"/> Temporary Use	<input type="checkbox"/> Other (please list):

OTHER: \_\_\_\_\_

and make binding statements and commitments regarding the request(s). I certify that I have examined the attached application(s) 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.

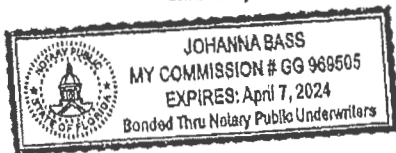
Date 1/15/2024

[Signature]  
Property Owner's Signature

RICHARD C LINDSEY  
Property Owner's Printed Name

STATE OF FLORIDA  
COUNTY OF Orange

SWORN TO AND SUBSCRIBED before me, an officer duly authorized in the State of Florida to take acknowledgements, appeared Richard C Lindsey (property owner),  
 by means of physical presence or  online notarization; and  who is personally known to me or  who has produced \_\_\_\_\_ as identification, and who executed the foregoing instrument and sworn an oath on this 15<sup>th</sup> day of January, 2024.



[Signature]  
Notary Public

# OWNER AUTHORIZATION FORM

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 purchase (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, Richard C. Lindsey & Patricia H.F. Allen (Tenants in Common), the owner of record for the following described property (*Tax/Parcel ID Number*) 28-19-31-300-0180-0000 hereby designates Toll Brothers, Inc. & G L Summitt Engineering, Inc. to act as my authorized agent for the filing of the attached application(s) for:

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<input type="checkbox"/> Future Land Use	<input type="checkbox"/> Lot Split/Reconfiguration	<input type="checkbox"/> Minor Plat	<input type="checkbox"/> Special Event
<input checked="" type="checkbox"/> Preliminary Sub. Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Special Exception	<input checked="" type="checkbox"/> Rezone
<input type="checkbox"/> Vacate	<input type="checkbox"/> Variance	<input type="checkbox"/> Temporary Use	<input type="checkbox"/> Other (please list):

**OTHER:** \_\_\_\_\_

and make binding statements and commitments regarding the request(s). I certify that I have examined the attached application(s) 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.

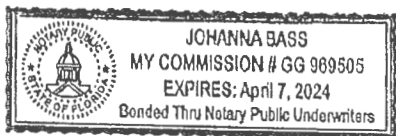
Date: January 15, 2021

Patricia H.F. Allen  
Property Owner's Signature

Patricia H.F. Allen  
Property Owner's Printed Name

STATE OF FLORIDA  
COUNTY OF Orange

SWORN TO AND SUBSCRIBED before me, an officer duly authorized in the State of Florida to take acknowledgements, appeared Patricia Allen (property owner),  
 by means of physical presence or  online notarization; and  who is personally known to me or  who has produced \_\_\_\_\_ as identification, and who executed the foregoing instrument and sworn an oath on this 15 day of January, 2021.



Johanna Bass  
Notary Public

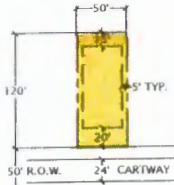
**ZONING REQUIREMENTS: (PD DISTRICT)**

BULK REQUIREMENTS	PROPOSED
PROPOSED UNITS	60 UNITS
TOTAL GROSS ACRES	22.5 AC
TOTAL WETLANDS	3.0 AC
TOTAL DEVELOPABLE ACRES	19.5 AC
CROSS DENSITY	2.64 DU/AC

SITE DATA	PROPOSED
MIN. LOT SIZE	50 FT x 120 FT
MAX. BUILDING HEIGHT	15' (2 STORIES)
FRONT YARD SETBACK	20 FT
REAR YARD SETBACK	15 FT
SIDE YARD SETBACK	5 FT

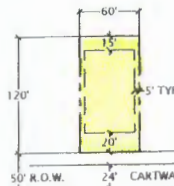
OPEN SPACE REQUIREMENTS:	
OPEN SPACE DEVELOPABLE ACRES <sup>1</sup>	22.5 AC
REQUIRED OPEN SPACE <sup>2</sup>	15.0 (3.4 AC)
PROPOSED OPEN SPACE	15.0 (3.4 AC)
WETLAND OPEN SPACE	± 3.0 AC
STORMWATER OPEN SPACE	± 3.4 AC
OTHER OPEN SPACES	± 3.4 AC
TOTAL OPEN SPACE	± 9.8 AC (14.8%)

<sup>1</sup> OPEN SPACE DEVELOPABLE ACRES DEFINITION BASED ON REVERSE OAKS PD PLAN  
<sup>2</sup> PER SEMINOLE COUNTY LAND DEVELOPMENT CODE, REQUIRED OPEN SPACE IS BASED ON DENSITY (UNITS PER NET BUILDABLE ACRES)



**TYPICAL 50' LOT**

SCALE: 1" = 50'



**TYPICAL 60' LOT**

SCALE: 1" = 50'

**SITE PLAN ASSUMPTIONS:**

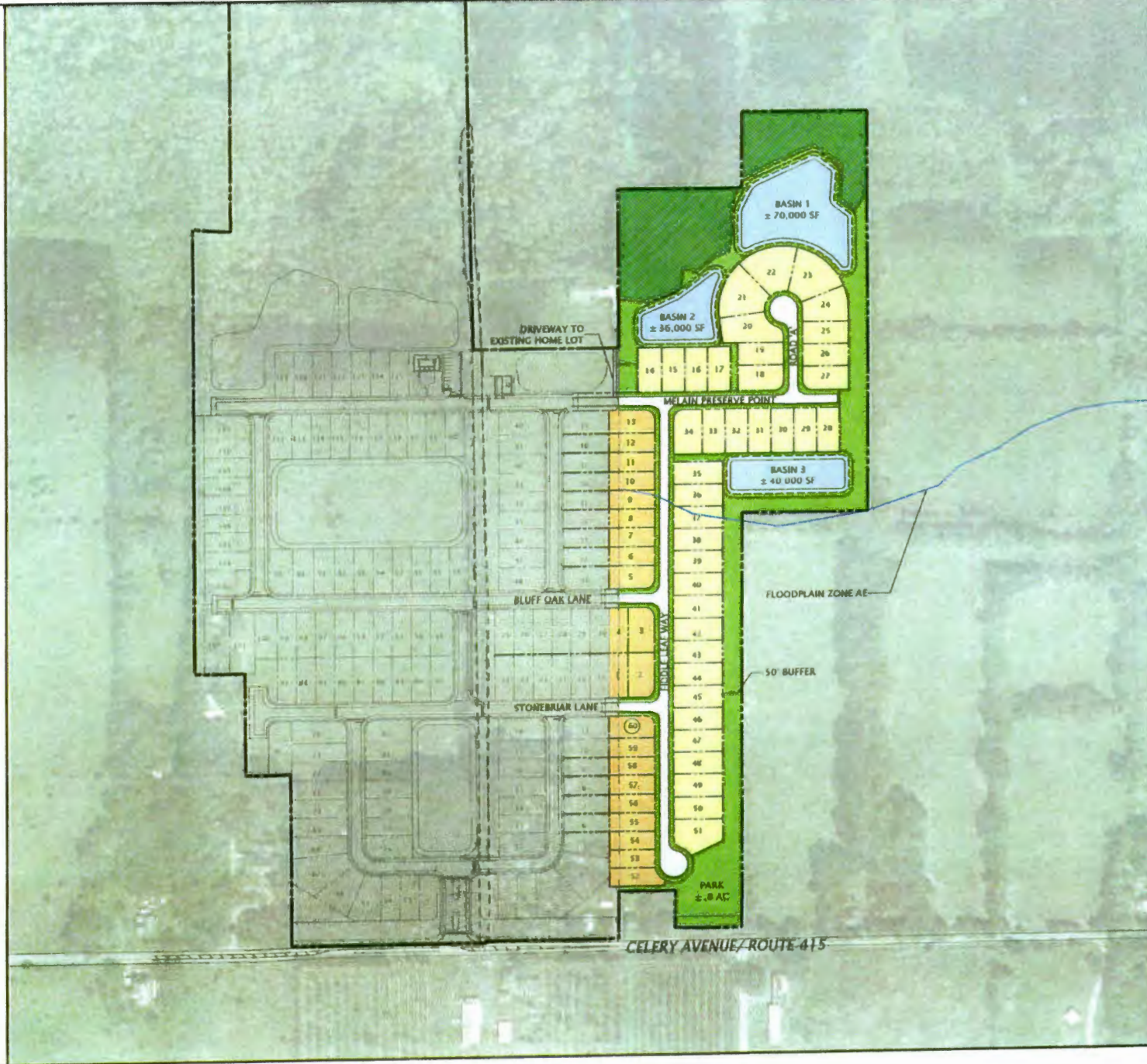
1. CONCEPT ASSUMES REZONE TO PD DISTRICT (PLANNED DEVELOPMENT)
2. SITE IS IN THE LOW AREA (LOW DENSITY RESIDENTIAL) ON THE SEMINOLE COUNTY FUTURE LAND USE MAP
3. CONCEPT ASSUMES SITE TO BE REDEVELOPED REVERSE OAKS DEVELOPMENT
4. SITE IS PARTIALLY LOCATED IN FLOODPLAIN ZONE AE

**LEGEND:**



**SOURCES:**

1. THIS PLAN IS THE EXCLUSIVE PROPERTY OF ESE CONSULTANTS INC. AND FOLL. ARCHITECTS INC. ALL RIGHTS AND REMEDIES ARE HEREBY RESERVED. THIS PLAN MAY NOT BE REPRODUCED OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF ESE CONSULTANTS INC. AND FOLL. ARCHITECTS INC.
2. AERIAL PHOTOGRAPHS TAKEN FROM AERIAL PHOTO SERVICE AERIAL, 1815 N. FLORIDA AVE., SUITE 100, GAINESVILLE, FL 32609
3. TOPOGRAPHIC INFORMATION TAKEN FROM SURVEYED LINES - ORANGE & SEMINOLE COUNTIES DATED 2009
4. FLOODPLAIN INFORMATION TAKEN FROM FEMA COMMUNITY PANEL 12117C0099 DATED 10/18/2005
5. SOILS INFORMATION TAKEN FROM NATURAL RESOURCE CONSERVATION SERVICES, DUNEDON ROAD 1 TAKEN FROM SEMINOLE FL TOP MAP 1911 FOR
6. WETLAND INFORMATION TAKEN FROM "RIVERSIDE OAKS - PHASE 4 EXHIBIT 1A" WETLAND FUNCTIONAL MAP DATED BY "SOFT-TECH CONSULTING INC. DATED NOVEMBER 19, 2010"
7. "RIVERSIDE OAKS" DEVELOPMENT LAYOUT PLAN TAKEN FROM "CONSTRUCTION PLAN FOR RIVERSIDE OAKS" DATED BY "POULZE & BARNETT" DATED AUGUST 13, 2010
8. ALL WETLAND INFORMATION IS CONSIDERED PRELIMINARY AND SUBJECT TO FIELD VERIFICATION AND SURVEY. SITE PLAN IS CONCEPTUAL IN NATURE AND MAY VARY FROM MORE ACCURATE INFORMATION.



CONCEPT SKETCH: 62 LOTS  
**RIVERSIDE OAKS - PHASE 4**  
 UNINCORPORATED SEMINOLE COUNTY, FLORIDA



**PLAN SUMMARY:**

38' x 60' x 120' LOTS  
 22' x 50' x 120' LOTS  
 60 TOTAL LOTS  
 ± 2,300 LF OF NEW ROADS  
 ± 3.4 AC STORMWATER TRACTS

**SITE DATA:**

ADDRESS: 1560 CELERY AVE.  
 GAINESVILLE, FL 32609  
 PARCELS: 20 19 31 300 0100 0000  
 SITE AREA: ± 22.5 AC  
 CONCEPT ZONING: PD (PLANNED DEVELOPMENT)  
 PROPOSED ZONING: PD (PLANNED DEVELOPMENT)

**OFFICE DATA:**

PROJECT NUMBER: 1907  
 DATE: FEBRUARY 3, 2021  
 SCALE: 1" = 100'  
 DRAWN BY: HSM