

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Minor Amendment to PUD Final Master Plan & Developer's Commitment Agreement (Sherri Fragomeni, applicant)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Jeff Hopper **EXT.** 7431

<p>Agenda Date <u>1/13/04</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/></p> <p>Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/></p>

MOTION/RECOMMENDATION:

1. APPROVE the request for a Minor Amendment to the PUD Final Master Plan & Developer's Commitment Agreement, and authorize the Chairman to execute Addendum #1 to the Palomino Way PUD, located north of Red Bug Lake Road and east of Palomino Way, based on staff findings (Sherri Fragomeni, applicant); or
2. DENY the request for a Minor Amendment to the PUD Final Master Plan & Developer's Commitment Agreement, located north of Red Bug Lake Road and east of Palomino Way, (Sherri Fragomeni, applicant); or
3. CONTINUE the item until a time and date certain.

(District 2 – Comm. Morris)

(Jeff Hopper, Senior Planner)

BACKGROUND:

On Feb. 12, 2002 the Board approved a Final Master Plan and Developer's Commitment Agreement (DCA) for Palomino Way PUD, a proposal for general office uses on 2.16 acres at the northeast corner of Red Bug Lake Road and Palomino Way. A provision was included in the DCA document allowing the applicant a 2-year period to commence substantial development before being referred back to the Planning & Zoning Commission and BCC for re-consideration of the approved PUD zoning.

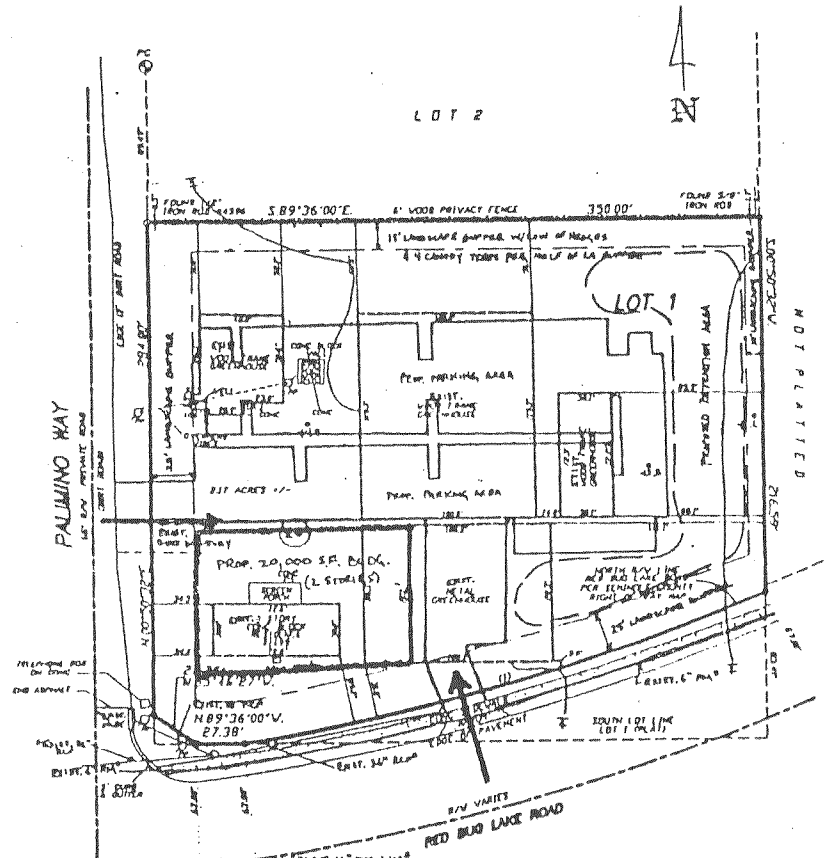
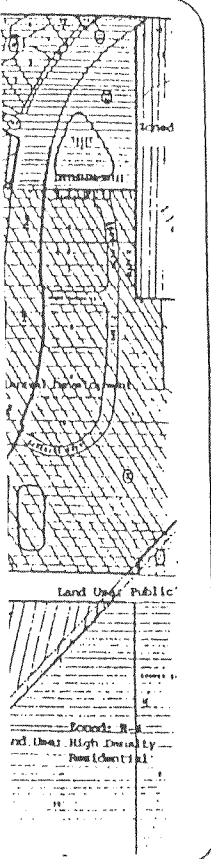
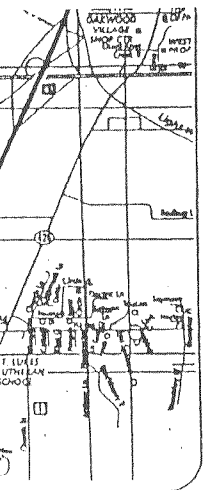
The applicant now reports that the owner is in the process of selling the property and would like to request an extension "for one year or more" to accommodate new property owners. Section 30.449 of the Land Development Code provides that "substantial development"

<p>Reviewed by: _____</p> <p>Co Atty: <u>KCC</u></p> <p>DFS: _____</p> <p>Other: <u>MMW</u></p> <p>DCM: _____</p> <p>CM: <u>JH</u></p> <p>File No. <u>rpdp01</u></p>
--

must begin within 1 year of Final Master Plan approval, at which time the PUD would be reviewed by the Planning and Zoning Commission and Board of County Commissioners to consider the alternatives of extending the deadline or rezoning the property to a more appropriate zoning classification. The 2-year deadline, which is soon to expire, was established at the Board's discretion through the PUD approval for Palomino Way.

STAFF RECOMMENDATION:

Staff has no objection to a specific 1-year time extension.



NOTES: BRIDGE UTILITIES TAKEN FROM SEMINOLE CO. AS-BUILTS.

- LEGEND**
- CONC = CONCRETE
 - R/W = RIGHT-OF-WAY
 - PC = POINT OF CURVATURE
 - R = RADII
 - L = ARC LENGTH
 - CA = CENTRAL ANGLE
 - FD = FLOOD S/F
 - IRON ROD = IRON ROD
 - 3ET 5/8" = 3ET 5/8" IRON ROD
 - WOOD ROAD 74771 = WOOD POWER POLE

BOUNDARY SURVEY

THE SOUTH 335.00 FEET OF THE EAST 350.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 31 EAST, ALSO KNOWN AS LOT 1 OF UNRECORDED "PARKER SUBDIVISION", ACCORDING TO THE DEED THEREOF, AS FOUND IN OFFICIAL RECORDS BOOK 691, PAGE 637, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY ON SOUTH FOR RED BUG LAKE ROAD.

CERTIFIED TO:

WEN WEN SHIH
 CENTRAL FLORIDA TITLE COMPANY
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

DATE: 09/15/00
SCALE: 1" = 50'
JOB NO.: 00-PARKER1

CENTRAL FLORIDA CONSULTING SURVEYORS
 628 MAITLAND AVE.
 ALTAMONTE SPRINGS, FL 32701 (407) 787-0168

- NOTES 2**
1. BEARINGS BASED ON THE WEST LINE OF LOT 1 AS BEING N00°30'32"E.
 2. UNDERGROUND IMPROVEMENTS NOT LOCATED.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. SUBJECT PROPERTY LIES IN ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL NUMBER 120289 0183 E, DATED APRIL 17, 1995.
 5. DATE OF FIELD SURVEY: 09/15/00

SQUARE FOOTAGE OF PROPOSED BUILDING: 20,000 SF (2 STORIES)
 25 % OPEN SPACE: INCLUDES COMBINATION OF GREEN SPACE, LA BUFFERS, AND RETENTION POND AREAS.

EXISTING ZONING: PUD (PLANNED UNIT DEVELOPMENT)
 EXISTING LAND USE: PLANNED DEVELOPMENT - GENERAL OFFICE USES

SOILS TYPE: (20) - MYAKKA & FAUGALLIE FINE SANDS
 PER SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA

PROPOSED AREAS (ACREAGE):
 ROADS: 0 ACRES
 WETLANDS: 0 ACRES
 OPEN SPACE: 0.54 ACRES MINIMUM (25%)
 RECREATION: 0 ACRES
 ACCEPTABLE USES PER PUD ZONING: 1.62 ACRES
 TOTAL ACREAGE: 2.18 ACRES

EXISTING AREAS (ACREAGE):
 EXISTING BUILDING: 0.05 ACRES
 EXISTING GREENHOUSES: 0.584 ACRES
 WETLANDS: 0 ACRES
 OPEN SPACE: 1.526 ACRES
 TOTAL ACREAGE: 2.16 ACRES

FEMA FLOOD ZONE: ZONE "X" OUTSIDE THE 500 YEAR FLOOD ZONE PER FEMA FLOOD MAP NO. 12117C0165E DATED APRIL 17, 1995.

POTABLE WATER: SEMINOLE COUNTY WATER AVAILABLE (EXIST. 16" W/L ALONG RED BUG LAKE ROAD)
 THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. 5"

SEWER: SEMINOLE COUNTY SEWER AVAILABLE (EXIST. 6" R/W ALONG RED BUG LAKE ROAD)
 THE COUNTY CURRENTLY DOES NOT SERVICE THE EXIST. 5"

STORMWATER: THE SOUTHERN PORTION OF THE SITE DISCHARGES TO RED BUG LAKE ROAD DRAINAGE SYSTEM. THE NORTHERN PORTION OF THE SITE DISCHARGES TO WETLANDS LOCATED TO THE NOD OF THE SITE.
 A STORMWATER MANAGEMENT SYSTEM WILL BE PROVIDED ON PER SEMINOLE COUNTY REGULATIONS.

FIRE PROTECTION: THE PROPOSED BUILDING WILL CONFORM WITH SEMINOLE COUNTY FIRE PROTECTION CODES.

LANDSCAPE: LANDSCAPE BUFFERS AND LANDSCAPING ON SITE SHALL CONFORM TO SEMINOLE COUNTY LAND DEVELOPMENT CODES.

NOTES: TOPOGRAPHY SHOWN ON SURVEY WAS TAKEN FROM SEMINOLE COUNTY ONE FOOT CONTOUR MAPS DATED MAY 1990.

NO COMMON AREAS ARE SHOWN ON PLAN.

NO WETLANDS ARE LOCATED ON THE SITE.

ENGINEER:
 FRAGOMENI ENGINEERING, INC
 4225 STONEWALL DRIVE
 ORLANDO, FLORIDA 32812
 (407) 816-7847

OWNER:
 WEN WEN SHIH
 7705 APPLETREE CIRCLE
 ORLANDO, FLORIDA 32819
 (407) 352-8120

SURVEYOR:
 CENTRAL FLORIDA CONSULTING SURVEYORS
 628 MAITLAND AVENUE
 ALTAMONTE SPRINGS, FLORIDA 32701
 (407) 787-0168

FILE NUM 2002845622
 OR BOOK 04350 PAGE 06

Fragomeni Engineering, Inc.

4225 Stonewall Drive
Orlando, Florida 32812
Tel. (407) 816-7847
Fax. (407) 816-8067

October 20, 2003

Tony Matthews
Planning Division
Seminole County
1101 East First Street
Sanford, Florida 32771

RE: Palomino Way PUD

Dear Tony:

The property referenced above has an existing residence on the site that is vacant. Attached is Developer's Commitment Agreement for the final PUD Master Plan dated February 12, 2002 for the project. Item V indicates that the owner has two years to commence substantial development. The owner is in the process of selling the property and would like to request an extension for one year or more for the new property owners. The following is the contact information for the current owner, Wen Wen Shieh, 7705 Appletree Circle, Orlando, Florida 32819.

Also, attached is a \$135 application fee and letter of authorization from owner for Fragomeni Engineering to act as agent for extension. If you need anything else or have questions, please contact me at your convenience.

Sincerely,
FRAGOMENI ENGINEERING, INC.



Sherri Fragomeni, P.E.
President

cc: Wen Wen Shieh, owner
Wandy Yu, Your Agent Realty, Inc.

**Addendum #1
PALOMINO WAY PUD
FINAL MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On January 13, 2004, the Board of County Commissioners of Seminole County issued this Amendment to the "Palomino Way PUD Final Master Plan Developer's Commitment Agreement" (the "PUD"):

10. **DEVELOPMENT COMMITMENTS**

- V. The applicant shall have a one (1) year time extension, beginning February 12, 2003, to commence substantial development, or the PUD will be reviewed by the Planning and Zoning Commission and Board of County Commissioners, per Section 30.449 of the Land Development Code.
- ~~V. The applicant shall have two (2) years to commence substantial development, or the PUD will be reviewed by the Planning and Zoning Commission and Board of County Commissioners, per Section 30.449 of the Lane Development Code.~~

Done and Ordered this 13th day of January, 2004.

By: _____
Daryl G. McLain
Chairman
Seminole County Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Wen W. Shieh, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Addendum.

Witness

Wen W. Shieh
Property Owner

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Wen W. Shieh who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

PALOMINO WAY PUD

**FINAL PUD MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On the 12th day of February, 2002, the Board of County Commissioners of Seminole County issued this Development Order relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION.

THE SOUTH 335.00 FEET OF THE EAST 350.00 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 31 EAST, ALSO KNOWN AS LOT 1 OF UNRECORDED "PARKER SUBDIVISION", ACCORDING TO THE DEED THEREOF, AS FOUND IN OFFICIAL RECORDS BOOK 691, PAGE 637, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY ON SOUTH FOR RED BUG LAKE ROAD.

2. PROPERTY OWNERS.

The property is owned by Wen Wen Shieh (herein referred to as "owner").

3. REQUESTED DEVELOPMENT APPROVAL.

Approval of a Final PUD site plan attached hereto as Exhibit "A" and incorporated herein by reference.

4. STATEMENT OF BASIC FACTS.

- A. Total Area: 2.16 acres
- B. Zoning: Planned Unit Development
- C. Allowable Uses: General Office Uses

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eva Roach
DEPUTY CLERK

JSM/D-4
7/17/00

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 04350 PG 0664
CLERK'S # 2002845622
RECORDED 03/13/2002 09:36:05 AM
RECORDING FEES 42.00
RECORDED BY S Coathney

RETURN TO SANDY McCANN

D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.

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

5. LAND USE BREAKDOWN.

BUILDING USE	AREA	0.23 ac	% OF SITE	10.65
PARKING		1.12		51.85
STORMWATER MANAGEMENT AREA		0.27		12.5
CONSERVATION (WETLANDS)		0		0
ADDITIONAL OPEN SPACE		0.54		25
TOTAL		2.16		100

6. OPEN SPACE.

Maintenance of the open space shall be funded by the Owner, contract purchaser or its assigns.

Total Land Area: 2,16 acres
 Required Open Space 25%= 2.16 acres x 0.25 = 0.54 acres open space
 Open Space Provided: 0.54 acres (25%)

7. BUILDING SETBACKS.

Fronts.....25'

East Side.....10'

North....In accordance with active/passive buffer requirements for office uses adjacent to residential

Maximum Building Height..... 35'

8. **PERMITTED USES.**

General office uses as permitted in the OP zoning district. The following uses are prohibited: schools, churches, and day care/kindergarten facilities.

9. **LANDSCAPE & BUFFER CRITERIA.**

- A. There shall be a ten foot wide foundation landscape buffer between building and parking areas.
- B. Landscape buffers and landscaping shall conform to Seminole County Land Development Code requirements.

10. **DEVELOPMENT COMMITMENTS.**

- A. The owner shall install a six foot high brick or split-face block wall, with the decorative struck texture on both sides of the wall, along the northern property line of Lot 1. A double row of canopy trees (8 trees per 100 linear feet) shall be provided on the interior side of the wall along the north property line. Trees shall be a minimum of 8 feet in height and have a minimum caliper of 3" one foot above ground at time of planting.
- B. The owner shall install a six foot high split-face block wall along the western property line. The wall shall be staggered and landscaped on the exterior, with the intent to not present a blank, institutional wall to the street side. A row of canopy trees (4 trees per 100 linear feet) shall be provided on the interior side of the wall fronting Palomino Way. The final design of the wall shall be reviewed by the Board of County Commissioners at time of final site plan.

- C. The maximum size of the building shall be 20,000 square feet.
- D. The finished floor of the building may not be raised any higher than necessary to accommodate drainage requirements.
- E. The Owner shall maintain a 25' wide landscape buffer along Red Bug Lake Road and Palomino Way, except that the buffer may be crossed by access drives, where permitted, to the site.
- F. The maximum height of the building shall be 35 feet.
- G. Signage shall be in accordance with the signage provisions of the Lake Mary Boulevard Overlay ordinance.
- H. Operating hours shall be limited to the hours between 7 a.m. and 11 p.m.
- I. Deliveries to the site and garbage service shall be limited to the hours between 7 a.m. and 6 p.m.
- J. The Owner shall provide any road improvements, including turn lanes, required to accommodate the development. Roadway improvement requirements shall be determined at the time of site plan review by the Development Review Division.
- K. No access shall be permitted between Palomino Way and the subject site.
- L. In the event the County secures a cross-access easement over the property to the east, the subject site will be reconfigured and reconstructed to provide vehicular access to said easement.
- M. No parking of mobile cat-scan trucks or other semi-tractor trailers will be permitted on site.
- N. Within 90 days of the Board of County Commissioners approval of the Final Master Plan and Developer's Commitment Agreement, the Owner shall have the compost heap removed from the site.

- O. Site lighting shall be in accordance with Section 30.1233(b) of the Land Development Code, with the exception that the maximum height of parking lot lights shall be 16 feet.
- P. On-site building lighting shall be limited to wall-washer or up-light fixtures that do not produce spillover lighting. Floodlight fixtures or wall pack lighting mounted on the building wall, roof, or poles are prohibited.
- Q. Dumpsters must be located a minimum of 130 feet from the north and west property lines.
- R. The office building shall have a pitched roof (hip, gable, or gambrel).
- S. All sides of the building shall have a similar architectural façade.
- T. All mechanical equipment, ground or roof mounted, shall be screened from view.
- U. The Owner shall provide a sidewalk connecting the sidewalk along Red Bug Lake Road to the main building entrance.
- V. The applicant shall have two (2) years to commence substantial development, or the PUD will be reviewed by the Planning and Zoning Commission and Board of County Commissioners, per Section 30.449 of the Land Development Code.
- W. The County agrees to re-time the traffic signal at the Red Bug Lake Road/Slavia Road intersection, in order to facilitate ingress and egress at the PUD access onto Red Bug Lake Road.

11. **WATER, SEWER AND STORMWATER.**

Water: Water services shall be provided by the existing Seminole County water system. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection standards.

Sanitary Sewer: Sanitary sewer shall be provided by the existing Seminole County treatment facilities. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection standards.

Stormwater: Stormwater drainage and stormwater management shall be provided on-site according to Seminole County's and the St. Johns River Water Management District's Stormwater regulations.

Fire Protection: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrants and fire lanes shall be located according to Seminole County regulations.

12. STANDARD COMMITMENTS.

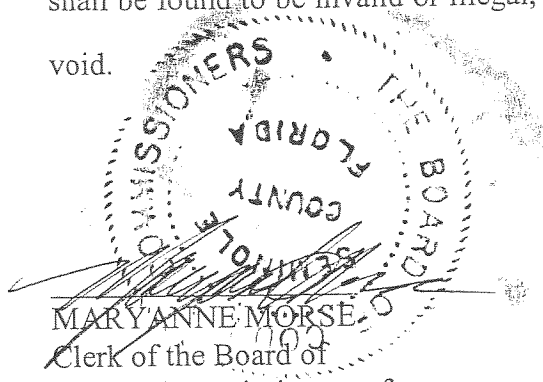
1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.

2. The conditions upon this development approval and commitment made as to this development approval have been accepted by and agreed to by the Owners of the property.

3. The Developer's Commitment Agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the development order shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.

4. The terms and provisions of the Developer's Commitment Agreement are not severable, and in the event any portion of this Developer's Commitment Agreement


shall be found to be invalid or illegal, then the entire development order shall be null and void.



MARYANNE MORSE
Clerk of the Board of
County Commissioners of
Seminole County, Florida

FRAGOMANI - Rezoning

**DONE AND ORDERED ON THE
DATE FIRST WRITTEN ABOVE**

By: 
Daryl G. McLain, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, the Owner, Wen Wen Shieh, on behalf of himself and his heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in the Development Order:

WITNESSES:

Chung Han Shieh

Printed Name Chung Han Shieh

KENNY SHIEH

Printed Name KENNY SHIEH

OWNER:

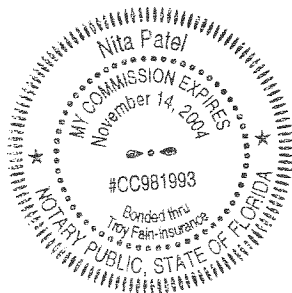
Wen Wen Shieh
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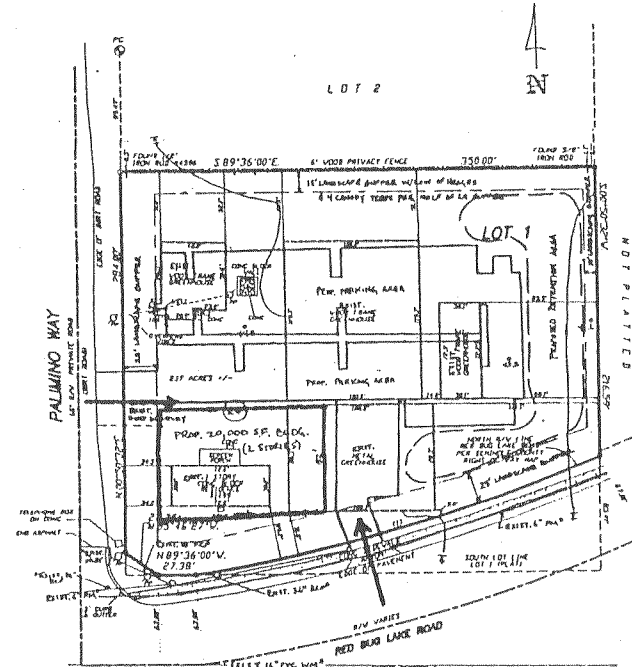
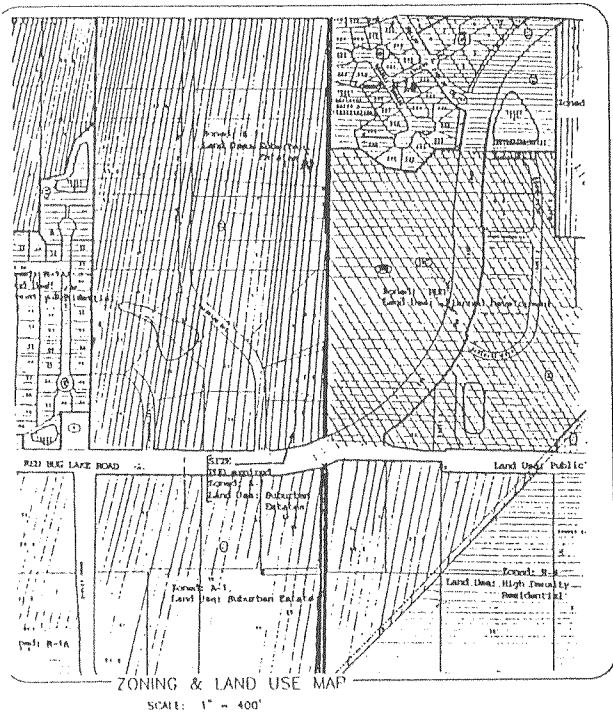
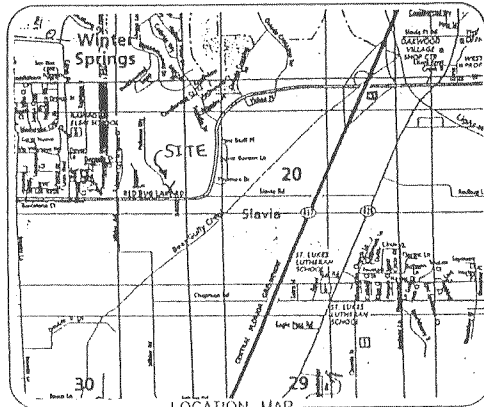
STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 19th day of Feb, 2002, by Wen Wen Shieh, an individual, who is personally known to me or who produced FL. D.L. as identification.

Nita Patel
Signature of Notary Public

Nita Patel
(Print Notary Name)
My Commission Expires: 11-14-04
Commission No.: CC981993
Personally known or
Produced Identification
Type of Identification Produced FL. D.L.





LEGEND

- CONC = CONCRETE
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- POINT OF CURVATURE
- RADIUS
- ARC LENGTH
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- FOUND 3/8" FROM ROAD
- SET 3/8" FROM ROAD #1777
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BOUNDARY SURVEY

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4. SUBJECT PROPERTY LIES IN TOWN 30 ACCORDING TO FLOOD INSURANCE RATE MAP PANEL NUMBER 12228B D185 6 DATED APRIL 17, 1995.
5. DATE OF FIELD SURVEY: 08/15/00

CERTIFIED TO:

WEN WEN SHIH
CENTRAL FLORIDA TITLE COMPANY
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

DATE: 09/15/00
SCALE: 1" = 50'
JOB NO.: 00-PARTNER1

CENTRAL FLORIDA CONSULTING SURVEYORS
678 HATLAND AVE.
ALTA MONTIC SPRINGS, FL 32701 (407) 767-0168

SITE DATA

SETBACKS: FRONT - 25', SIDE - 0', REAR - 10'
BUILDING HEIGHTS: 35'
SQUARE FOOTAGE OF PROPOSED BUILDING: 20,000 SF (2 STORIES)
25% OPEN SPACE: INCLUDES COMBINATION OF GREEN SPACE, LA BUFFERS, AND RETENTION POND AREAS.

EXISTING ZONING: PUD (PLANNED UNIT DEVELOPMENT)
EXISTING LAND USE: PLANNED DEVELOPMENT - GENERAL OFFICE USES

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PER SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA

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A STORMWATER MANAGEMENT SYSTEM WILL BE PROVIDED ON 1/2 PER SEMINOLE COUNTY REGULATIONS

FIRE PROTECTION: THE PROPOSED BUILDING WILL CONFORM WITH SEMINOLE COUNTY FIRE PROTECTION CODES

LANDSCAPE: LANDSCAPE BUFFERS AND LANDSCAPING ON SITE SHALL CONFORM TO SEMINOLE COUNTY LAND DEVELOPMENT CODES

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NO COMMON AREAS ARE SHOWN ON PLAN
NO WETLANDS ARE LOCATED ON THE SITE

ENGINEER:
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678 HATLAND AVENUE
ALTA MONTIC SPRINGS, FLORIDA 32701
(407) 767-0168

FILE NUM 2002B45622
OR BOOK 04350 PAGE 0672

ni Engineering, Inc. 5 Stonewall Drive Orlando, Florida 32812 16-7847 Fax: (407) 816-8067	LOT 1 - 1495 PALOMINO WAY SEMINOLE COUNTY	PUD FINAL MASTER PLAN	JOB NO.	S1004	1	9-13-01	REVISION PER COUNTY COMMENTS.	SLF
			DATE:	B-22-01	2	11-04-01	REVISION PER COUNTY.	SLF
			DESIGNED BY:	SLF				
			DRAWN BY:	SLF				
			CHECKED BY:	SLF	00-00-00			
			APPROVED BY:	SLF	NO.	DATE	REVISION	APPR