

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Major Revision to PCD Preliminary Master Plan (Allen Keen, applicant)

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

**AUTHORIZED BY:** EXT. ~~Wald S. Fisher~~ **CONTACT:** Jeff Hopper 1

Agenda Date <u>2/11/03</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

**MOTION/RECOMMENDATION:**

1. APPROVE the requested major amendment to the PCD Preliminary Master Plan for an office use on a .51 acre site, per the attached Development Order (Allen Keen, applicant); or
2. DENY the requested major amendment to the PCD Preliminary Master Plan for an office use on a .51 acre site, (Allen Keen, applicant); or
3. CONTINUE the request to a time and date certain.

District 1 – Maloy

Jeff Hopper, Senior Planner

**BACKGROUND:**

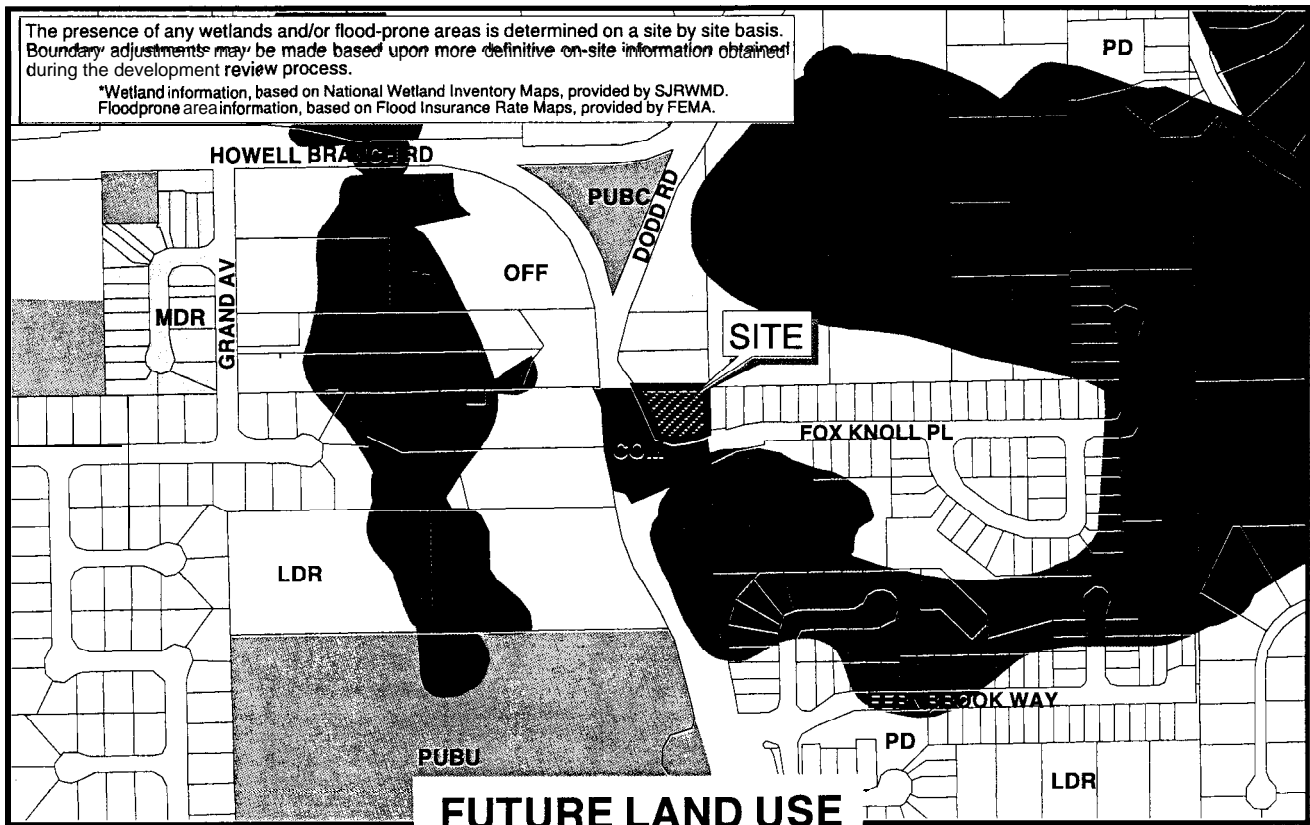
A PCD approved for the site in 1990 authorized development of a neighborhood commercial use with a primary access on Howell Branch Road. The revised development plan proposes a 4,000 square foot office building with access from Fox Knoll Place. Although the applicant proposes to reduce the active/passive buffer requirements, the original approval predated and is not subject to these particular Code requirements. Also, relocation of the entrance to the property is a safety improvement over the original plan. Finally, the requested use of office is less intense than the original commercial designation.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request with conditions listed in the attached Development Order.

Reviewed by: <u>[Signature]</u>
Co Atty: <u>[Signature]</u>
DFS: <u>[Signature]</u>
Other: <u>[Signature]</u>
DCM: <u>[Signature]</u>
CM: <u>[Signature]</u>
File No. <u>ph130pdp02</u>

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



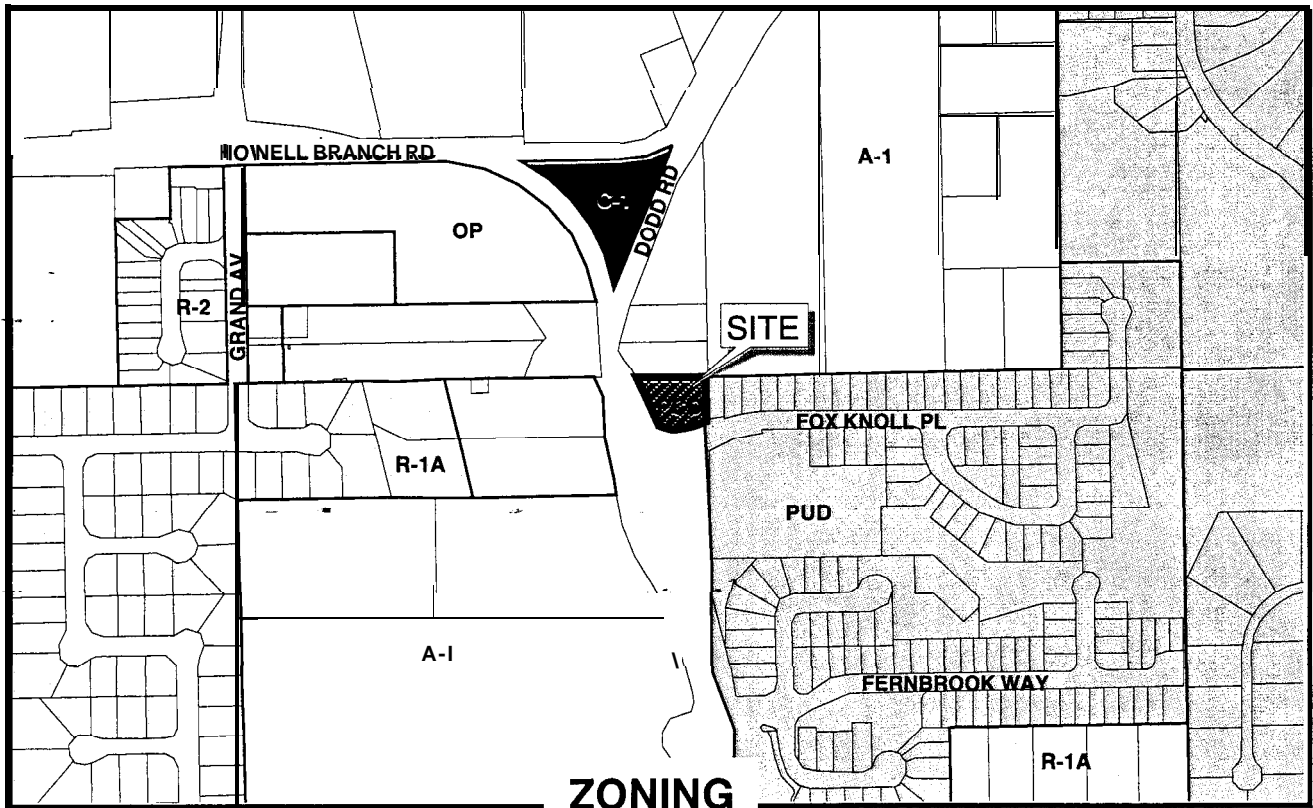
**FUTURE LAND USE**

Site  
  CONS  
  P D  
  COM  
 MDR  
 LDR  
  PUB  
 OFF

Applicant: Allen Keen  
 Physical STR: 35-21-30-300-0080-0000  
 Gross Acres: 0.51 Acres BCC District: 1  
 Existing Use: Vacant  
 Special Notes: \_\_\_\_\_

	Amend/Rezone#	From	To
FLU			
Zoning	Z1 990-001	PCD	PCD

N  
A





**ZONING**

A-1  
  C-1  
  PCD  
  OP  
  R-1A  
  R-1AA  
  R-2  
  PUD

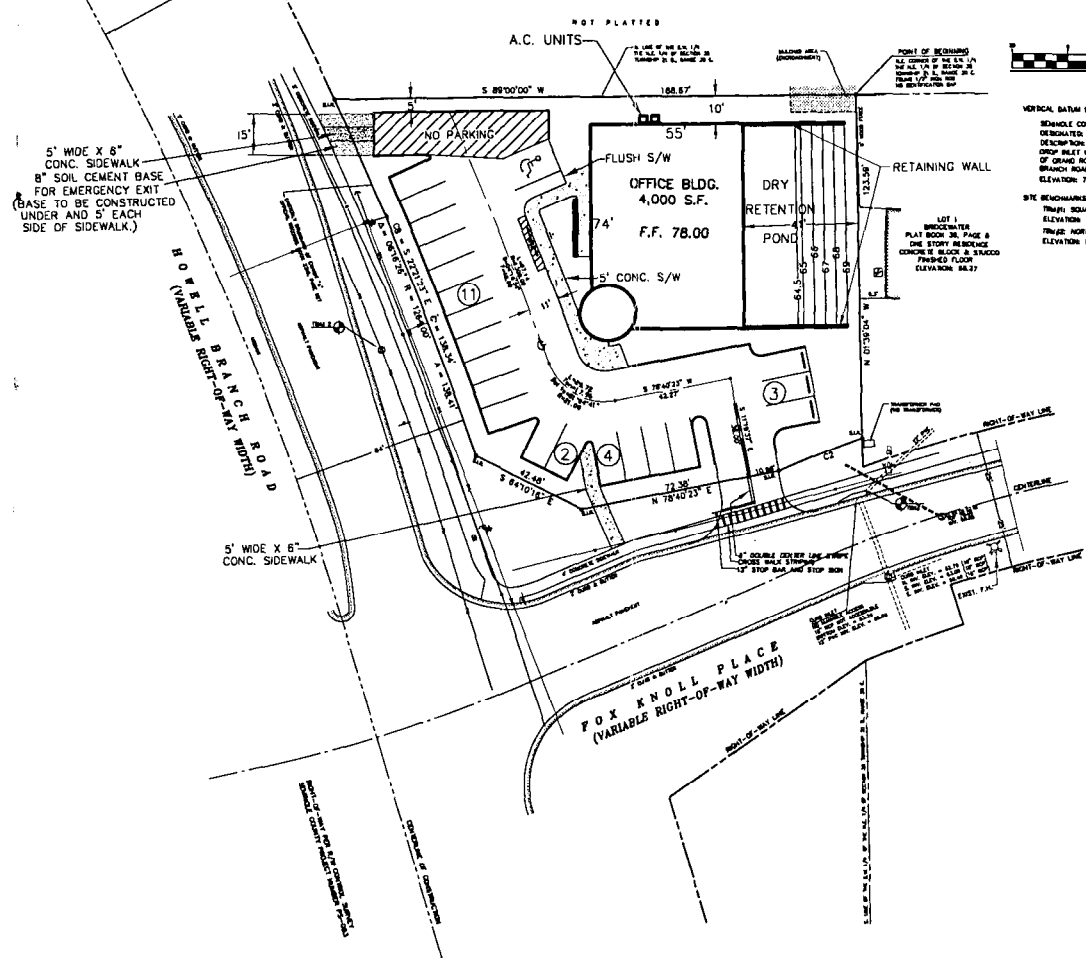


FILE NO. Z1990-001  
From: PCD To: PCD

-  Subject Property
-  Parcelbase



February 1999 Color Aerials



**MELICH-BLINDEN ENGINEERING, INC.**  
1111 W. MAIN ST. SUITE 101  
MARIETTA, GA 30067  
(404) 847-0048

DRAWN	DATE
CHECKED	DATE
DATE	DATE

WORDWISE CORPORATE OFFICE BLDG.  
SITE PLAN

SCALE	1" = 20'
PROJECT NO.	02-413
SHEET	4 OF 6

## WORDWISE COPORATE OFFICES

REQUEST INFORMATION	
APPLICANT	Allen Keen
PROPERTY OWNER	Allen Keen and Larry Godwin
REQUEST	Major Revision to a PCD Preliminary Master Plan
HEARING DATE (S)	P&Z: na   BCC: 2/1 1/03
SEC/TWP/RNG	35-21-30-300-0080-0000
LOCATION	NE corner of Howell Branch Road and Fox Knoll Place
FUTURE LAND USE	Commercial
FILE NUMBER	Z1990-001
COMMISSION DISTRICT	District 1 (Maloy)

### OVERVIEW

The existing development approval on the subject property dates to 1990, when a PCD was granted for a 6,400 square foot neighborhood commercial use having its sole access from Howell Branch Rd. The Development Order required right-of-way dedication and a joint driveway with the property to the north, as well as prohibiting access to Fox Knoll Place. Construction was delayed and complicated by the widening of Howell Branch and intersection improvements at nearby Dodd Rd.

Although the original approval is still valid at this time, the applicant wishes to amend the preliminary master plan to substitute a less-intense 4,000 square foot office for the previously approved retail use. Also, the entrance would be moved to Fox Knoll Place (except for a limited-use exit for emergency vehicles).

Due to right-of-way dedications, the parcel has been reduced from its original size of 0.93 acre to 0.51 acre. Because of this loss of property, the applicant is requesting a number of departures from standard Code requirements. The most significant of these is a reduction in the active/passive buffer requirements adjacent to residential development. As the single family home to the north is in the Office land use designation, this buffer would only be applicable along the east property line, adjacent to an existing home in Bridgewater Subdivision.

Along this property line, the applicant proposes parking spaces located 15 feet from the east lot line. This is an encroachment of 10 feet into the required active buffer. On the northerly segment of the east property line, the building meets the applicable passive edge setback. However, retention may not occupy more than 50 percent of the required 15-foot buffer; the site plan shows the entire area between the building and the east lot line as a dry retention pond.

The applicant's request includes a waiver of the required 6-foot brick or masonry wall adjacent to the east boundary with Bridgewater. The landscape plan shows 7 canopy

trees along this 123-foot property line, or 1 tree per 18 feet (active buffer requirement is 1 tree per 12.5 feet).

Additional departures from Code requirements involve buffers adjacent to right-of-way and parking space dimensions. The Code requires landscape buffers averaging 10 feet in width adjacent to all public rights-of-way, while the submitted site plan shows a width of 6-7 feet. Parking space dimensions are shown at 9' x 18' instead of the standard size of 10' x 20' (the applicant claims this is justified by the reduction in site area due to the Howell Branch Road widening).

Rather than provide an emergency vehicle turnaround facility having a 50-foot radius, normally required under the Fire Prevention Code, the applicant wishes to install a limited-use exit for such vehicles to reach Howell Branch Road. This is acceptable with a stabilized surface meeting the design requirements of Section 3.3 of the Land Development Code.

One additional component of the new request is the elimination of the previous requirement to dedicate an easement for a joint driveway on the north property line. This easement was to be shared with the adjoining lot for access to Howell Branch Rd. While the neighboring property is currently in use as a residence, the future land use designation is Office, allowing for the possibility of nonresidential use. As the lot has no other road frontage, a shared access with the Wordwise site would still be beneficial in locating a future curb cut a maximum distance from Fox Knoll Place to the south and Dodd Road to the north. The applicant's proposed limited-use exit for emergency vehicles could be reworked as a shared driveway upon development of the adjacent site. Therefore the easement should be provided as required in the original development order.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	<b>Zoning</b>	<b>Future Land Use</b>	<b>Existing Land Use</b>
<b>North</b>	A-1	Office	SF residential
<b>South</b>	A-1	Office	Vacant
<b>East</b>	PUD	PD	SF residential
<b>West</b>	A-1	LDR	Fire station

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.

2. The proposed development is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.

**Compliance with Environmental Regulations:** A gopher tortoise permit will be required prior to final engineering approval. There are no other concerns regarding compliance with environmental regulations.

**Compatibility with surrounding development:** The proposed revision to the PCD Preliminary Master Plan is compatible with the Office land use designation.

### **STAFF RECOMMENDATION**

Staff recommends approval subject to the following conditions:

1. Use of the property is limited to office uses.
2. A 6-foot brick or masonry wall shall be provided along the east property line.
3. Landscape buffers adjacent to Howell Branch Road and Fox Knoll Place shall include 4 canopy trees per 100 feet.
4. Mechanical units shall be screened from view of adjoining properties.
5. Building shall be constructed with a hip or gable roof.
6. Outdoor lighting shall be at least 50 feet from the east property line, no more than 16 feet in height, and limited to cutoff-shoebox fixtures projecting no more than 0.5 foot-candles at property lines.
7. Building height shall be limited to a maximum of 25 feet and 1 story.
8. Applicant shall dedicate a joint driveway easement along the north property line. Upon development of the neighboring property to the north, the site shall be redesigned and reconfigured to utilize said easement.
9. Applicant shall provide paved pedestrian paths connecting the building to public sidewalks on Howell Branch Road and Fox Knoll Place.

SEMINOLE COUNTY DEVELOPMENT ORDER

On July 5, 1990, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Exhibit "A"

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

Findings of Fact:

Property Owner: Allan E. Keen and Larry Godwin
Project Name: Howell Branch Retail Center PCD
Requested Development Approval: Rezone From A-1 to PCD

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

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

Order

NOW, THEREFORE, it is ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is -GRANTED.
(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact Fee ordinances.

Prepared by: Sara Murdoch
1101 E. 1st Street
Sanford, Fl 32771

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY [Signature] DEPUTY CLERK
7-10-90

2198 0993
BOOK PAGE
SEMINOLE CO. FL.

058406
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

1990 JUL 10 AM 11:31
RECORDED & VERIFIED

RETURN TO SANDY WALL



2198 0994  
SEMINOLE CO FL.  
OFFICIAL RECORDS  
BOOK PAGE

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

- A. Dedication of up to a 70' half right-of-way and a 25' corner clip on Howell Branch Road.
- B. Dedication of a joint driveway easement on the northern property line.
- C. Use of property restricted to single story CN, Neighborhood Commercial Uses.
- D. Payment of \$20,000 towards Howell Branch/Dodd Road intersection improvements if building permit is issued prior to completion of improvements.
- E. No Building Permit to be issued until the realignment of Howell Branch Road is approved.
- F. This property shall receive access from a full curb cut on Howell Branch Road. No Vehicular access shall be allowed on Fox Knoll Place.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this 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 owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first above.

As approved and authorized for execution by the Board of County Commissioners at their meeting of March 13, 1990

By:   
APPROVING AUTHORITY

FILE # Z1990-001

DEVELOPMENT ORDER #02-21000001

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On February 11, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

**FINDINGS OF FACT**

**Property Owners:** Allen Keen and Larry Godwin

**Project Name:** WORDWISE CORPORATE OFFICES

**Requested Development Approval:** Major Revision to PCD Preliminary Master Plan

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

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

Prepared by: JEFF HOPPER  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

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

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

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

1. Use of the property is limited to office uses.
2. A 6-foot brick or masonry wall shall be provided along the east property line.
3. Landscape buffers adjacent to Howell Branch Road and Fox Knoll Place shall include 4 canopy trees per 100 feet.
4. Mechanical units shall be screened from view of adjoining properties.
5. Building shall be constructed with a hip or gable roof.
6. Outdoor lighting shall be at least 50 feet from the east property line, no more than 16 feet in height, and limited to cutoff-shoebox fixtures projecting no more than 0.5 foot-candles at property lines.
7. Building height shall be limited to a maximum of 25 feet and 1 story.
8. Applicant shall dedicate a joint driveway easement along the north property line. Upon development of the neighboring property to the north, the site shall be redesigned and reconfigured to utilize said easement.
9. Applicant shall provide paved pedestrian paths connecting the building to public sidewalks on Howell Branch Road and Fox Knoll Place.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this 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 owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman  
Board of County Commissioners

Attest:

\_\_\_\_\_  
Maryanne Morse  
Clerk to the Board of County Commissioners

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Allen Keen, 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 Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
ALLEN KEEN

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

-- ...  
\_\_\_\_\_  
Print Name

**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 ALLEN KEEN, and is personally known to me or who has produced \_\_\_\_\_ as identification and who acknowledged and executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, Larry Godwin, 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 Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
LARRY GODWIN

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

**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 LARRY GODWIN, and is personally known to me or who has produced \_\_\_\_\_ as identification and who acknowledged and executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

EXHIBIT A

SEC 35 TWP 21S RGE 30E N 1/4 OF SW 1/4 OF NE 1/4 LYING ELY OF HOWELL  
BRANCH RD & NLY OF FOX KNOLL PLACE