

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Request for Approval of Final Master Plan and Developer's Commitment Agreement for Orange Boulevard PUD (Eric Wills / MI Homes, applicant.)

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

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

| | | | | | |
|--------------------|----------------|---|---|---|--|
| Agenda Date | <u>3/23/04</u> | Regular <input checked="" 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 Final Master Plan and Developer's Commitment Agreement for Orange Boulevard PUD and authorize the Chairman to execute same; located on the north side of Orange Blvd., 300' west of N. Oregon St., based on staff findings (Eric Wills, applicant); or
2. DENY the Final Master Plan and Developer's Commitment Agreement for Orange Boulevard PUD; located on the north side of Orange Blvd., 300' west of N. Oregon St., (Eric Wills, applicant); or
3. CONTINUE the request until a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant requests approval of the Final Master Plan and Developer's Commitment Agreement for the Orange Blvd. Property PUD in order to develop 37 single family homes on a 10.3-acre site. The Board approved the Preliminary Master Plan for the project on February 10, 2004. The zoning approval permitted minimum size lots of 50 feet in width and 5,500 square feet in size. Along the Orange Blvd. frontage, the developer will provide a 6-foot masonry wall and landscaping consisting of 4 canopy trees per 100 feet. Proposed density is 3.99 units per net buildable acre.

STAFF RECOMMENDATION:

Staff finds that the proposed Final Master Plan and Developer's Commitment Agreement are consistent with the Preliminary Master Plan and approved Development Order, and the Vision 2020 Plan. Therefore, staff is recommending approval of the Final Master Plan and Developer's Commitment Agreement.

| | |
|--------------|---------------|
| Reviewed by: | <u>KJC</u> |
| Co Atty: | <u>KJC</u> |
| DFS: | |
| OTHER: | <u>MW</u> |
| DCM: | <u>SS</u> |
| CM: | <u>126</u> |
| File No. | <u>rpdp02</u> |

PUD FINAL MASTER PLAN

FOR

ORANGE BOULEVARD PROPERTY

PREPARED FOR:
M/I HOMES OF ORLANDO, LLC

PROJECT DIRECTORY

OWNER: WILLIAM AND KATHIE BEHRENS
4830 ORANGE BOULEVARD
LAKE MONROE, FL 32747

DEVELOPER: M/I HOMES OF ORLANDO, LLC
237 S. WESTWIND DRIVE
SUITE 111
ALTA MONTE SPRINGS, FL 32714
TELEPHONE: (407) 862-8300
FAX: (407) 862-8314
CONTACT: ERIC WILLS

CIVIL ENGINEER: MELLICH-BLANDEN ENGINEERING, INC.
1177 LOUISIANA AVENUE
SUITE 111
WINTER PARK, FLORIDA 32789
TELEPHONE: (407) 847-4040
FAX: (407) 847-4074

SURVEYOR: BENCHMARK SURVEYING & MAPPING
CONSULTANTS, INC.
P.O. BOX 771065
WINTER GARDEN, FLORIDA 34777-1065
TELEPHONE: (407) 654-6183
FAX: (407) 654-6184

Property Description

The Westerly 65.6 feet of the Southerly 300.00 feet of Lot 1, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2, of the Public Records of Seminole County, Florida.

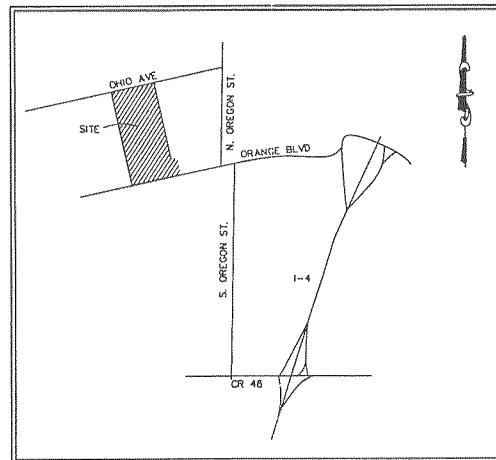
AND

The South 1/2 of Lot 2, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2, of the Public Records of Seminole County, Florida.

AND

The North 1/2 of Lot 2 and all of Lot 7, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2, of the Public Records of Seminole County, Florida.

Subject property contains 10,312 +/- acres, based on the calculations of this survey.



VICINITY MAP
NOT TO SCALE

NOTE: STORM WATER MANAGEMENT FOR THIS PROJECT SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF SEMINOLE COUNTY AND THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT

NOTE: The subject property is within Zone 3, area determined to be suitable the 500-year floodplain according to the National Flood Insurance Rate Map Number 12117C0000 E, dated April 12, 1985.

NOTE: A MINIMUM OF TWO TREES WILL BE PLANTED ON EACH LOT (AT LEAST 1 WILL BE A CANOPY TREE). THE TREES PLANTED WILL BE IN ACCORDANCE WITH SEC. 8-2.3 BASIC REPLACEMENT STOCK OR FROM THE APPROVED PLANT SPECIES LIST OF TREES FROM FIGURE 1, PART #4 SC02C.

PLAN SHEET INDEX

| SHEET | DESCRIPTION |
|-------|-------------------------------|
| 1 | COVER SHEET |
| 2 | FINAL MASTER PLAN |
| 3 | BOUNDARY & TOPOGRAPHIC SURVEY |

SITE DATA

| | | |
|--------------------------------------|--------------------------------------|---------------------------|
| GENERAL: | | |
| CURRENT USE: | A-1 | RESIDENTIAL |
| PROPOSED USE: | PUR | SINGLE FAMILY RESIDENTIAL |
| PROPOSED ZONING: | 10-31 AC. A | |
| ORIG. LAND AREA: | 8 AC. A | |
| WETLAND AREA: | 0.22 AC. A | |
| ORANGE BLVD. DEGRADATION: | 0.23 AC. A | |
| ON-SITE P/W: | 0.33 AC. A | |
| NET LAND AREA: | 8.03 AC. A | |
| RESIDENTIAL DATA: | | |
| PROPOSED RESIDENTIAL UNITS: | 37 | |
| PROPOSED NET DENSITY: | 37/812 = 4.56 DU/AC. | |
| OPEN SPACE REQUIREMENT: | 3.53 AC. (23%) | |
| OPEN SPACE PROVIDED: | 3.89 AC. (23%) | |
| TRACT A - PARK/RECREATION: | 0.25 AC. | |
| TRACT B - OPEN SPACE: | 0.37 AC. | |
| TRACT C - OPEN SPACE: | 0.27 AC. | |
| TRACT D - ORANGE BLVD. DEGRADATION: | 0.23 AC. | |
| TRACT E - PRIVATE ROAD: | 0.84 AC. | |
| TYPICAL LOT SIZE: | 57' x 110' | |
| RESIDENTIAL DRIVING SETBACKS: | | |
| FRONT: | 25' FROM R/W (20' FROM NEAREST SIDE) | |
| SIDE: | 15' | |
| REAR: | 25' | |
| ACCESSORY STRUCTURE SETBACKS: | | |
| FRONT: | 15' | |
| SIDE: | 5' | |
| REAR: | 15' | |
| POOL: | | |
| FRONT: | 25' | |
| SIDE: | 15' | |
| REAR: | 5' | |
| POOL ENCLOSURE SETBACKS: | | |
| FRONT: | 25' | |
| SIDE: | 15' | |
| REAR: | 15' | |

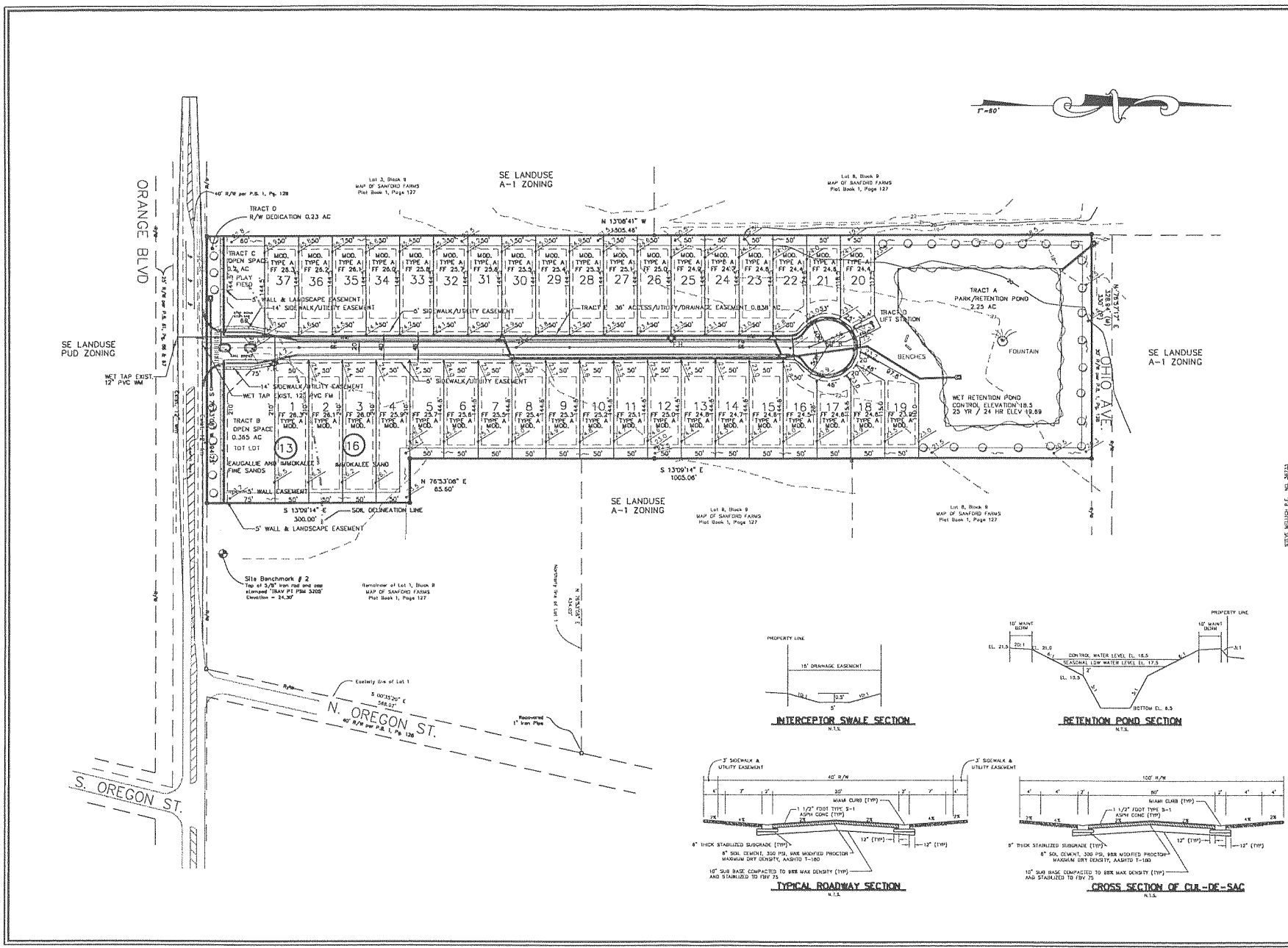
SERVICE PROVIDERS

WATER: SEMINOLE COUNTY
SEWER: SEMINOLE COUNTY
SOLID WASTE: LOCAL FRANCHISE
STREET LIGHTING: M.S.E.L.
FIRE: SEMINOLE COUNTY FIRE DEPT.
POLICE: SEMINOLE COUNTY SHERIFF DEPT.

MINIMUM LOT AREA: 1,100 SQ. FT.
MAXIMUM BUILDING HEIGHT: 30' (3 STORIES)
PROJECTED SCHOOL AGE POPULATION: 111 CHILDREN (3 PER LOT)
PROJECTED TRAFFIC IMPACT: 370 A.D.T. (10 TRIPS PER DAY PER LOT)
PROJECTED WATER DEMAND: 12,800 G.P.D.
PROJECTED SANITARY FLOW: 11,100 G.P.D.

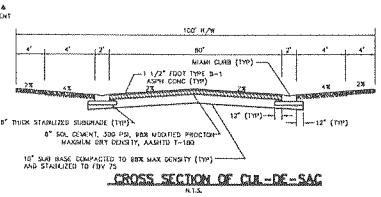
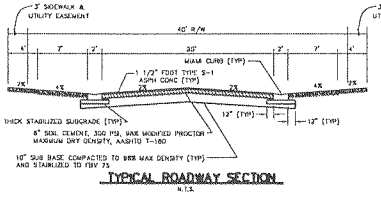
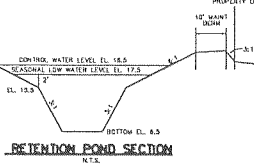
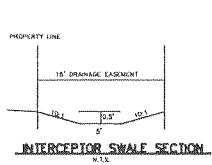
MBE
MELLICH-BLANDEN ENGINEERING
1177 LOUISIANA AVENUE, SUITE 111
WINTER PARK, FLORIDA 32789
(407) 847-4040

STEVE MELLICH P.E., NO. 38723
BOB BLANDEN P.E., NO. 24728
JOB No. 03-514



| REV. | DATE | DESCRIPTION |
|------|------|-------------|
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| MB MELIUCH-BLENDEN ENGINEERING, INC. 1775 LINDSEY AVENUE, SUITE 101 PORTLAND, OREGON 97208 OFFICE OF REGISTRATION NUMBER 5008 | |
| DRAWN BY: [] DESIGNED BY: [] CHECKED BY: [] DATE: [] | ORANGE BOULEVARD SUBDIVISION FINAL MASTER PLAN |
| SCALE: 1" = 60' PROJECT NO. 03-514 SHEET 2 OF 3 | |



**ORANGE BOULEVARD PUD
DEVELOPER'S COMMITMENT AGREEMENT**

On March 23, 2004, the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION

The legal description is attached hereto as Exhibit "A" (the "Property").

II. PROPERTY OWNER

The current property owners are William and Kathie Behrens ("Owner").

III. STATEMENT OF BASIC FACTS

| | |
|-----------------|--------------------------------|
| Total Acreage: | 10.31 acres |
| Zoning: | Planned Unit Development (PUD) |
| Number of lots: | 37 |

IV. LAND USE BREAKDOWN

| | |
|-----------------------------|-----------------------------------|
| Wetland Area | 0.00 acres |
| Orange Boulevard dedication | 0.22 acres |
| On-site right of way | 0.838 acres |
| Open Space | 2.82 acres |
| Net Land Area | 9.252 acres (includes open space) |
| Total | 10.31 acres |

V. OPEN SPACE CALCULATIONS

| | |
|----------------------|---------------------------------|
| Total Land Area: | 10.31 acres |
| Open Space Required: | 25% = 10.31 x 0.25 = 2.57 acres |
| Open Space Provided: | 2.82 acres or 27.4% |

VI. BUILDING SETBACKS

| <i>Residential Units</i> | |
|--------------------------|-----------------------------------|
| front | 25' from R/W |
| | 20' from nearest edge of sidewalk |
| side | 5' |
| side street | 15' |
| rear | 20' |

| | |
|--|---------------------|
| Accessory Buildings less than 200 s.f. | |
| Side | 5' |
| Side street | 15' all corner lots |
| Rear | 5' |

| | |
|---|---------------------|
| Swimming Pools* | |
| Side | 7' |
| Side street | 17' all corner lots |
| Rear | 5' |
| * shall not be located forward of front building line | |

| | |
|---|---------------------|
| Screen Enclosures* | |
| Side | 5' |
| Side street | 15' all corner lots |
| Rear | 3' |
| * shall not be located forward of front building line | |

VII. PERMITTED USES

Single family residential and customary accessory uses including home occupations.

VIII. LANDSCAPE & BUFFER CRITERIA

1. A 6-foot brick or masonry wall shall be provided along Orange Boulevard Road right-of-way.
2. Four (4) canopy trees per 100 linear feet shall be provided along Orange Boulevard right-of-way.

IX. DEVELOPMENT COMMITMENTS

1. Lots shall be no less than 50 feet in width and 5,500 square feet in size, with a minimum street frontage of 20 feet.
2. Maximum building height shall be 35 feet.
3. Minimum house size shall be 1,100 square feet under air.
4. The site shall include 25% usable common open space.
5. Permitted uses shall be single family homes, home occupations and home offices.
6. Tract A shall include a fountain and shall be sodded and landscaped as a visual amenity per Section 30.1344 of the Land Development Code. Landscaping shall include 2 canopy trees and 2 understory trees (minimum 1" caliper) per 100 linear feet around the perimeter of the tract.
7. Net density shall not exceed 3.99 units per net buildable acre.

X. PUBLIC FACILITIES

The following conditions shall be met by the Owner prior to a certificate of occupancy being issued by Seminole County.

- A. **Water.** Water services shall be provided by the Seminole County Environmental Services water system. Design of lines shall conform to all Seminole County and Florida Department of Environmental Protection standards.
- B. **Sanitary Sewer.** Sanitary sewer shall be provided by the Seminole County Environmental Services treatment facilities. Design of lines shall conform to all Seminole County and Department of Environmental Protection standards.
- C. **Stormwater.** Stormwater drainage and stormwater management shall be provided according to Seminole County's and the St. Johns River Water Management District's stormwater regulations.
- D. **Fire Protection.** Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 600 g.p.m with 20 p.s.i. Fire hydrants shall be located according to Seminole County Regulations.

XI. OTHER COMMITMENTS

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all codes and ordinances, including the impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon which this Developer's Commitment Agreement and related commitments are made are accepted by and agreed to by the Owner of the Property.
- C. This Agreement touches and concerns the Property, and the conditions, commitments and provisions of this Agreement shall perpetually burden, run with and follow said Property and be a servitude upon and binding upon said Property unless released in whole or in part by action of Seminole County as evidenced in writing. The Owner of said Property is expressly covenanted and agreed to this provision and all other terms and provisions of the Agreement.
- D. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.
- E. The development approval being sought is consistent with the Vision 2020 Plan and will be developed consistent with and in compliance with all applicable land development regulations and all other applicable regulations and ordinances.
- F. The Owners of the Property have expressly agreed to be bound by and subject to the development conditions and commitments set forth herein and hereby covenant and agree to have such conditions and commitments restrict, run with and perpetually burden the Property. The development conditions and commitments set forth herein shall not be the personal obligations of the Owner upon the legal transfer of the Property to a subsequent purchaser.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MaryAnne Morse
Clerk to the Board of County
Commissioners, Seminole
County, Florida

Daryl G. McLain
Chairman

As authorized for execution by the Board
of County Commissioners at their March 23,
2004 regular meeting.

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Willam Behrens, 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 Developer's Commitment Agreement.

Witness

WILLIAM BEHRENS

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 WILLIAM BEHRENS, 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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Kathie Behrens, on behalf of herself and her 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 Developer's Commitment Agreement.

Witness

KATHIE BEHRENS

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 KATHIE BEHRENS, 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 _____, 2004.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

The Westerly 65.6 feet of the Southerly 300.00 feet of Lot 1, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The South ½ of Lot 2, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.

And

The North ½ of Lot 2 and all of Lot 7, Block 9, MAP OF SANFORD FARMS, according to the plat thereof as recorded in Plat Book 1, Pages 127, 128 and 128 1/2 , of the Public Records of Seminole County, Florida.