

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: NW Oregon PUD Major Amendment

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

AUTHORIZED BY: Dan Matthys *DM* **CONTACT:** Tina Williamson *TW* EXT. 7353

Agenda Date <u>5/23/06</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. **APPROVE** the PUD Major Amendment, Second Revised and Restated Developer's Commitment Agreement and Revised Final Master Plan for property located on the northwest corner of the intersection of SR 46 and N. Oregon Street, known as the NW Oregon PUD, subject to the Second Revised and Restated Developer's Commitment Agreement, and authorize the Chairman to execute the aforementioned documents (Shutts & Bowen LLP, applicant); or
2. **DENY** the PUD Major Amendment, Second Revised and Restated Developer's Commitment Agreement and Revised Final Master Plan for property located on the northwest corner of the intersection of SR 46 and N. Oregon Street, known as the NW Oregon PUD (Shutts & Bowen LLP, applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 5 – Comm. Carey

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is requesting a major amendment to the NW Oregon PUD Final Master Plan and Developer's Commitment Agreement. Lots 2, 3, 4 and 5 are currently designated for 26,000 square feet of commercial/retail uses on the approved Final Master Plan, as follows:

1. Lot 2 – 5,000 square feet
2. Lot 3 – 5,000 square feet
3. Lot 4 – 8,000 square feet
4. Lot 5 – 8,000 square feet

Reviewed by: Co Atty: <u>KPT</u> DFS: _____ OTHER: _____ DCM: <u>DM</u> CM: <u>DM</u>
File No. <u>ph130pdp02</u>

This proposed amendment consists of increasing the total square footage allowed on Lots 2, 3, 4 and 5 to 39,809 square feet, combining the lots and allocating the additional square footage as follows:

1. Lot 2 (former Lots 2 and 3) – 17, 609 square feet
2. Lot 3 (former Lot 4) – 11,200 square feet
3. Lot 4 (former Lot 5) – 11,000 square feet

The uses allowed on the subject lots will remain all permitted and conditional uses described in the C-2 Retail Commercial District, except laundromats, video and pinball machine arcades, clinics, stand-alone bars and lounges, drive-in theaters, flea markets (open air), auto repair, paint and body shops, hospitals and nursing homes, personal and mini-storage facilities; and billboards. The proposed changes to the Second Revised and Restated Developer's Commitment Agreement are attached in underline (additions) and strikethrough (deletions) format. The changes include changing all references to Lots 2, 3, 4 and 5 to Lots 2, 3 and 4 and updating the square footage as stated above, requiring the existing conservation easement to be included in the plat with Lots 2, 3 and 4 and clarifying a requirement from the original 2000 Development Order for a bus shelter.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the PUD Major Amendment, Second Revised and Restated Developer's Commitment Agreement and Revised Final Master Plan for property located on the northwest corner of the intersection of SR 46, and N. Oregon Street, known as the NW Oregon PUD, subject to the Second Revised and Restated Developer's Commitment Agreement.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission/LPA met on April 5, 2006 and voted 7 to 0 to recommend APPROVAL of the PUD Major Amendment, Second Revised and Restated Developer's Commitment Agreement and Revised Final Master Plan for property located on the northwest corner of the intersection of SR 46 and N. Oregon Street, known as the NW Oregon PUD, subject to the Second Revised and Restated Developer's Commitment Agreement.

Attachments:

- Location Map
- FLU/Zoning Map
- Aerial Photo
- Revised Final Master Plan
- Second Revised and Restated Developer's Commitment Agreement
- Rezone Ordinance
- 4/5/06 P&Z Minutes

NW Oregon PUD Major Amendment

Rezone from PUD to PUD

APPLICANT	Shutts & Bowen LLP	
PROPERTY OWNER	NW Oregon Ltd., Pulte Home Corp., SRE Florida-2 LLC	
REQUEST	PUD Major Amendment (Rezone from PUD to PUD)	
PROPERTY SIZE	72.90 ± acres	
HEARING DATE (S)	P&Z: April 5, 2006	BCC: May 23, 2006
PARCEL ID	29-19-30-300-0150-0000, 29-19-30-300-015J-0000, 29-19-30-506-0000-0010	
LOCATION	Located on the northwest corner of the intersection of SR 46 and N. Oregon Street	
FUTURE LAND USE	HIP-TI	
ZONING	PUD	
FILE NUMBER	Z2005-073	
COMMISSION DISTRICT	#5 – Carey	

PROPOSED DEVELOPMENT:

The applicant is requesting a major amendment to the NW Oregon PUD Final Master Plan and Developer's Commitment Agreement to construct a retail center.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current PUD zoning district. No changes are proposed in the regulations.

DISTRICT REGULATIONS	Existing and Proposed Zoning (PUD)
Minimum Lot Size	N/A
Minimum House Size	N/A
Minimum Width at Building Line	N/A
Front Yard Setback	25 feet
Side Yard Setback	5 feet
(Street) Side Yard Setback	N/A
Rear Yard Setback	10 feet
Maximum Building Height	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
PUD (existing and proposed)	All permitted and conditional uses described in the C-2 Retail Commercial District, except laundromats, video and pinball machine arcades, clinics, stand-alone bars and lounges, drive-in theaters, flea markets (open air), auto repair, paint and body shops, hospitals and nursing homes, personal and mini-storage facilities and billboards.	N/A	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting parcels are as follows:

	(North)			
	HIP-TI Vacant <i>PUD</i>	HIP-TI Vacant <i>PUD</i>	HIP-TI Townhomes <i>PUD</i>	
(West)	HIP-TI Vacant <i>PUD</i>	HIP-TI Vacant <i>PUD**</i>	HIP-TI Vacant <i>PUD</i>	(East)
	Office Vacant <i>A-1</i>	Office Vacant <i>A-1</i>	Office Vacant <i>A-1</i>	
	(South)			

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**Because of the large size of the entire PUD, for the purposes of the compatibility analysis, the Subject Property refers only to the specific area of the PUD (Lots 2, 3 and 4 along SR 46) that is proposed to be amended.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FEMA map #539 Sanford, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are no endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has applied for Concurrency Review and the results are pending at this time.

The following table depicts the estimated impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (PUD)	Proposed Development*	Net Impact
Water (GPD)	9,100	13,583	4,483
Sewer (GPD)	6,825	10,187	3,362
Traffic (ADT)	807	1,210	403
Schools			
Elementary	0	0	0
Middle	0	0	0
High	0	0	0

* Proposed Development is based on the proposed project consisting of 38,809 square feet of commercial/retail uses.

Utilities:

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main and a 12-inch force main on the north side of SR 46. The subject property is in the ten year master plan for reclaimed water. There is also a 20-inch reclaim water main at the southeast corner of SR 46 and International Parkway that the this development must connect to. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property proposes access onto SR 46, which is classified as a Principal Arterial. SR 46 is currently operating at a Level-Of-Service "C" in this area and has no improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The proposed project will not generate any school impacts.

Public Safety:

The nearest response unit to the subject property is Station # 34, which is located at 4905 W. SR 46, Paola. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 1 minute. The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time.

Drainage:

The proposed project is located within the Lake Monroe Drainage Basin and is part of a previously permitted master stormwater system. Modification of the existing permit will be evaluated prior to final engineering approval.

Parks, Recreation and Open Space:

In accordance with the approved Developer's Commitment Agreement, 35% (25.51 acres) of the PUD must be in common open space.

Sidewalks and Buffers:

The following buffering standards contained in the Second Revised and Restated Developer's Commitment Agreement will apply to the reconfigured lots:

- 15' minimum landscape buffers along SR 46 and North Oregon Street
- 10' landscape buffer along west side of Lot 2
- 5' landscape buffers between Lots 3 and 4
- 15' landscape buffer on rear of Lots 2, 3 and 4
- 15' landscape buffer along the east side of Lot 4
- 15' landscape buffer between Lots 4 and 6

The developer will be required to install a sidewalk along their property on SR 46.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within a Special District.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning
Classifications

Policy CIE: 3.2: Application to New Development

Policy POT 4.5: Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not required; the subject site is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

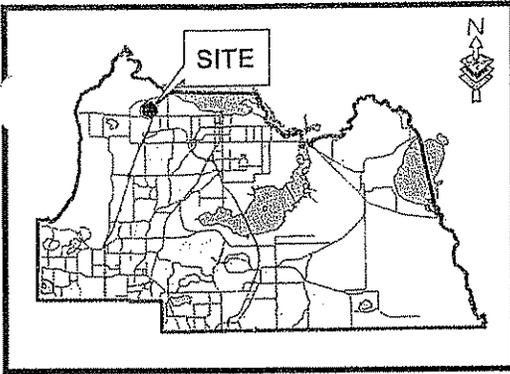
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the PUD Major Amendment, Second Revised and Restated Developer's Commitment Agreement and Revised Final Master Plan for property located on the northwest corner of the intersection of SR 46, and N. Oregon Street, known as the NW Oregon PUD, subject to the Second Revised and Restated Developer's Commitment Agreement.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

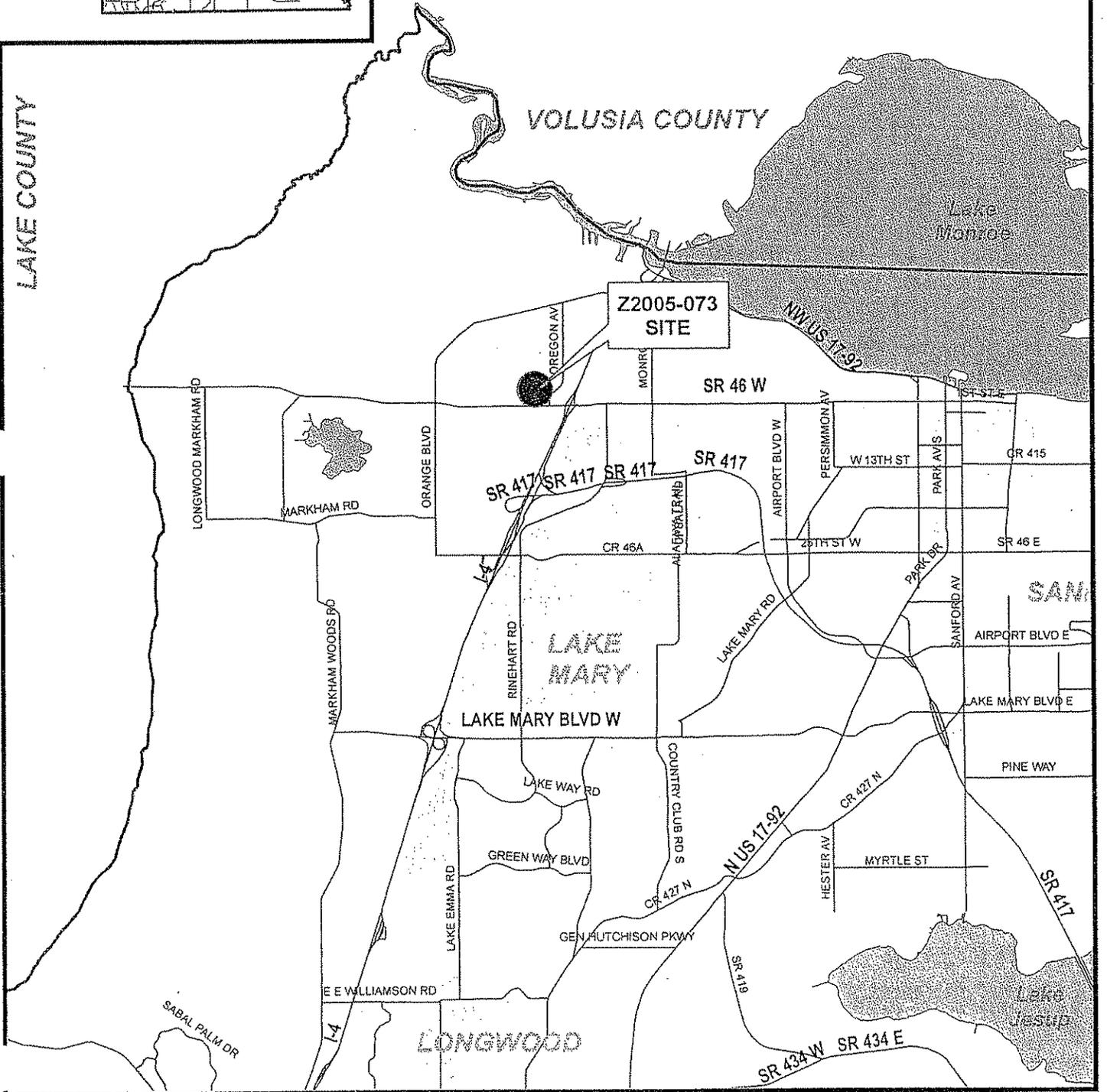
The Planning and Zoning Commission/LPA met on April 5, 2006 and voted 7 to 0 to recommend APPROVAL of the PUD Major Amendment, Second Revised and Restated Developer's Commitment Agreement and Revised Final Master Plan for property located on the northwest corner of the intersection of SR 46, and N. Oregon Street, known as the NW Oregon PUD, subject to the Second Revised and Restated Developer's Commitment Agreement.



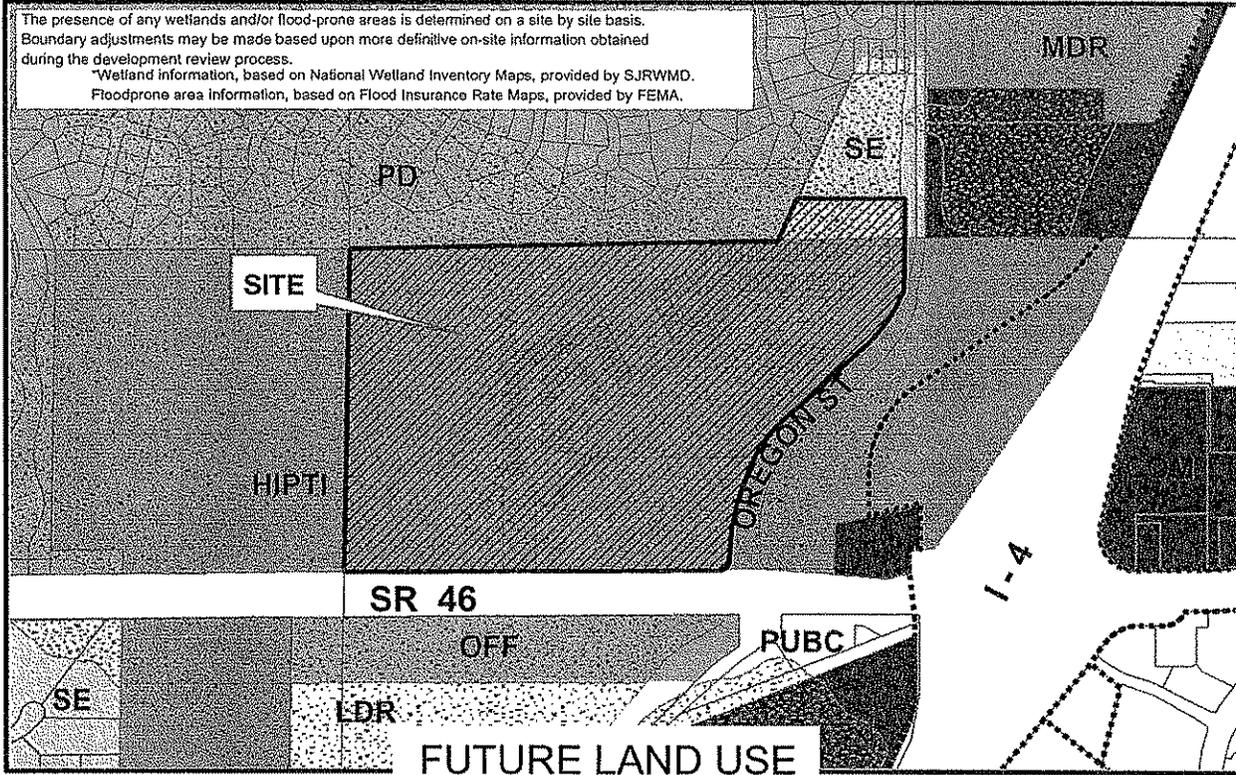
LAKE COUNTY

VOLUSIA COUNTY

Z2005-073
SITE



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.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

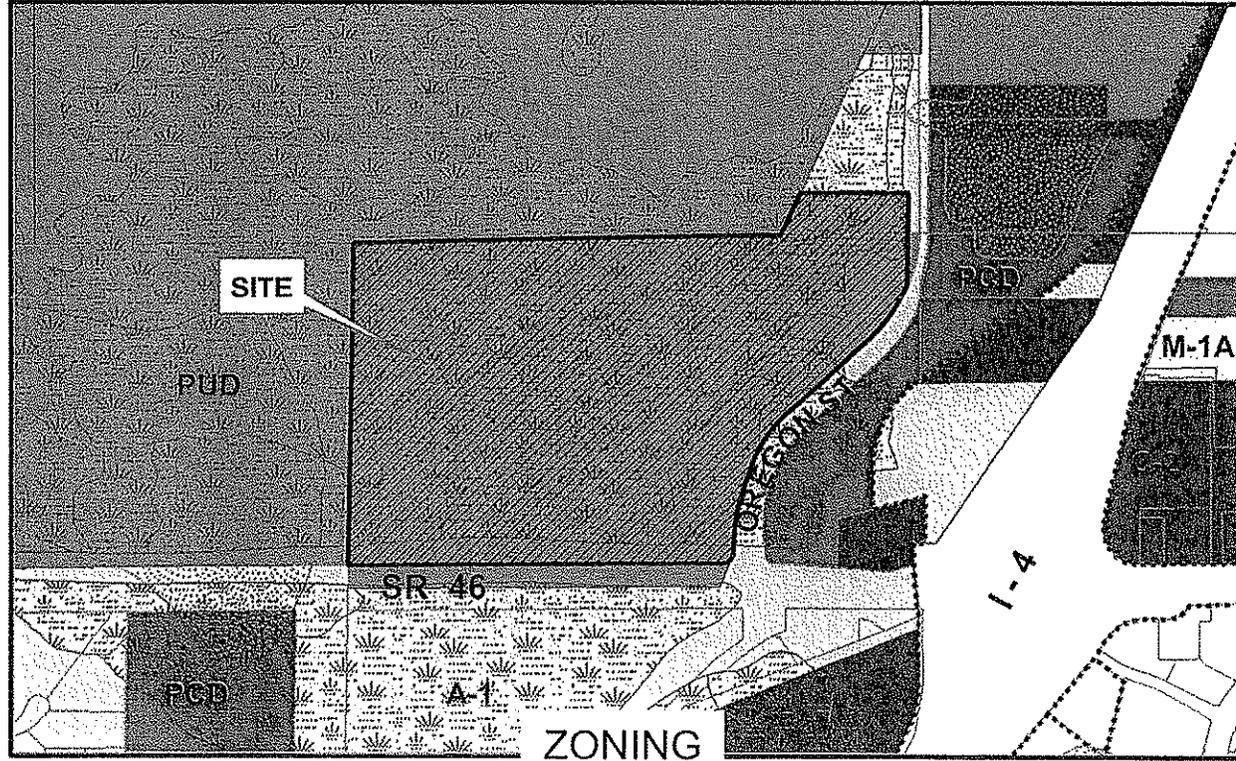


FUTURE LAND USE

Site
 Municipality
 HIPTI
 PD
 OFF
 SE
 COM
 CONS
 MDR
 LDR
 IND

Applicant: Heather M. Kowalski/Shutts & Bowen, LLP
 Physical STR: part of 29-19-30-300-0150 & 015J & 29-19-30-506-0000-0010
 Gross Acres: 75.3 +/- BCC District: 5
 Existing Use: Townhouses and Vacant
 Special Notes: Amendment to Planned Unit Development

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-073	--	--



ZONING

Site
 PUD
 PCD
 C-2
 A-1
 M-1A
 FP-1
 W-1



Z2005-073
SITE

SR 46

OREGON ST

Rezone No: Z2005-073

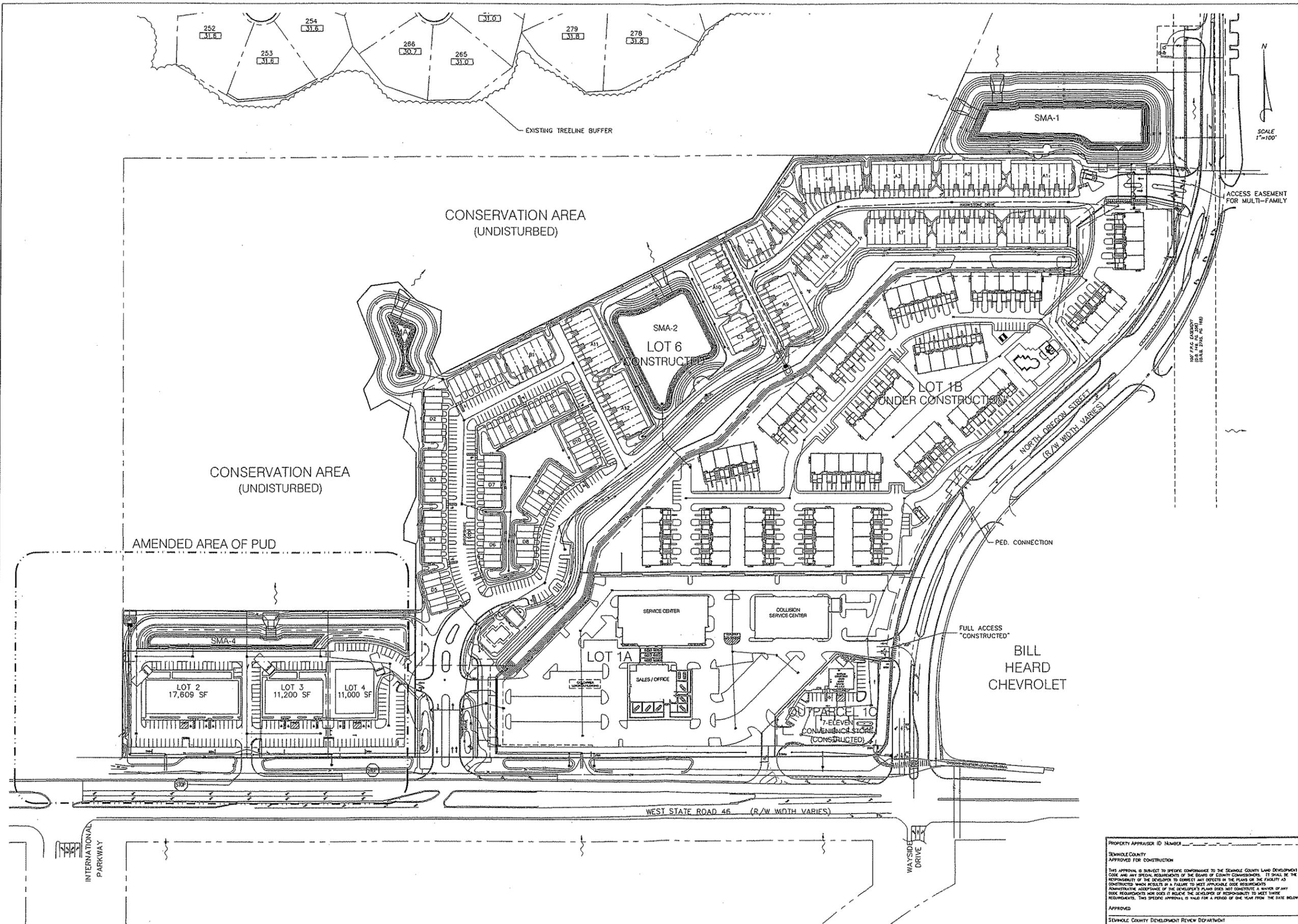
From: -- To: --

 Parcel

 Subject Property



January 2004 Color Aerials



- REVISIONS
- 2/5/04 - REVISED PER STAFF COMMENTS
 - 11/7/05 - GFA ADDITION TO LOTS 2-5 (PLD AMENDMENT)
 - 1/10/06 - PER STAFF COMMENTS
 - 2/23/06 - PER STAFF COMMENTS

PREPARED BY:
TIPTON ASSOCIATES INCORPORATED
 760 MAGUIRE BOULEVARD
 ORLANDO, FLORIDA 32803
 PH. (407) 894-2055
 FAX. (407) 896-9949

tal

NW OREGON PUD
 FINAL MASTER PLAN AMENDMENT
 SEMINOLE COUNTY, FLORIDA
 DRAINAGE PLAN

DESIGNED BY:
 WKW
 DRAWN BY:
 WKW, WLC
 WILLIAM K. WHITE, P.E.

W.K. White

DATE: 2/23/06
 FL REC. # 56993

PROJECT:
 3-497.1

DATE:
 12/02/03

SHEET:
 10 OF 10

PROPERTY APPRAISER ID NUMBER _____
 SEMINOLE COUNTY
 APPROVED FOR CONSTRUCTION

THIS APPROVAL IS SUBJECT TO SPECIFIC CONTRIBUTIONS TO THE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULTS IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY CODE REQUIREMENTS NOR DOES IT RELIEVE THE DEVELOPER OF RESPONSIBILITY TO MEET THESE REQUIREMENTS. THIS SPECIFIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.

APPROVED _____
 SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT
 DATE _____

**SECOND REVISED AND RESTATED
NW OREGON P.U.D. FINAL MASTER PLAN
DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

The NW Oregon PUD Final Master Plan Developer's Commitment Agreement Commitments, Classifications, and District Description dated August 28, 2001 is hereby further revised on May 23, 2006 to read as follows:

I. **LEGAL DESCRIPTION** The legal description of the PUD is attached hereto as Exhibit "A". The Final PUD Master Plan shall be replaced in its entirety by the Revised Final PUD Master Plan attached hereto as Exhibit "B".

II. **PROPERTY OWNERS** The current property owners are NW Oregon, Ltd., a Florida limited partnership, Pulte Home Corporation, a Michigan corporation, and SRE Florida-2, LLC a Florida limited liability company.

III. **STATEMENT OF BASIC FACTS**

- | | | |
|----|---|---|
| A. | Total Acreage: | 72.90 acres |
| B. | Zoning: | Planned Unit Development |
| C. | Density of Lot 6: | 15.75 dwelling units per net buildable acre,
or 300 dwelling units maximum |
| D. | Density of Lots <u>2-4</u> : | 26,000 <u>39,809</u> square feet of buildable area* |
| I. | Density of Lot 1A
(Auto Dealership): | 75,000 square feet of buildable area
no single space shall be greater than 40,000
square feet * |
| J. | Density of Lot 1B
(Multifamily): | 11.46 dwelling units per net buildable acre,
or 154 dwelling units maximum* |

*Note that under the Revised and Restated Developer's Commitment Agreement Lots 2-5 were designated as commercial/retail use with an intensity of 26,000 square feet of buildable area. Under this Second Revised and Restated Developer's Commitment Agreement, former Lots 2 and 3 have been consolidated as Lot 2 and former Lots 4 and 5 have been reconfigured as Lots 3 and 4. The intensity of the above Lots has been increased from 26,000 square feet of buildable area to 39,809 square feet of buildable area.

**Note that under the original PUD Lot 1 was originally designated as commercial/retail use with a density of 200,000 square feet with no single space being greater than 80,000 square feet. Under the First Revised and Restated Agreement, Lot 1 has been split into two (2) segments with multifamily development on Lot 1B and construction of an automobile dealership and auto body repair on Lot 1A.

- K. 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.
- L. The Owners of the Property 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 commitments run with, and follow and perpetually burden the Property.

IV. LOT PLAN – LAND USE BREAKDOWN

<u>Lot</u>	<u>Use</u>	<u>Maximum No. of Dwelling Units or Square Footage of Building Area</u>	<u>% of Site</u>
1A	Commercial/Retail	75,000 square feet - 8.00 acres	10.97%
1B	Multi-Family	154 units – 16.08 acres	22.06%
1C	Outparcel	5,000 square feet – 1.22 acres	1.67%
<u>2</u>	<u>Commercial/Retail</u>	<u>17,609 square feet – 2.37 acres</u>	<u>3.25%</u>
<u>3</u>	<u>Commercial/Retail</u>	<u>11,200 square feet – 1.58 acres</u>	<u>2.17%</u>
<u>4</u>	<u>Commercial/Retail</u>	<u>11,000 square feet – 1.65 acres</u>	<u>2.26%</u>
6	Multi-Family	300 Units – 19.05 acres	26.13%
N/A	Conservation Area	N/A –22.95 acres	31.49%
	Total	119,809 square feet/72.90 acres 454 units	100%

V. OPEN SPACE CALCULATIONS

Open Space shall be provided at an overall rate of 35%, or a minimum of 25.51 acres throughout the entire PUD. Open space (as listed below) is achieved through active recreation, passive recreation, and other green space in the PUD.

Maintenance of the Open Space shall be funded by the Owners.

Total Land Area:	72.90 acres
Open Space Required:	25% = 72.90 acres x 0.25 = 18.225 acres
Open Space Provided:	25.51 acres/ 72.902 acres = 35%

Commercial Landscape Buffer:

- 35' minimum landscape buffer with a 6 foot masonry screen wall on Lot 1A where it abuts Lot 6.
- 10' minimum landscape buffer with a 6 foot masonry screen wall on Lot 1A where it abuts Lot 1B.
- 15' minimum landscape buffers along SR 46 and North Oregon Street
- 10' landscape buffer along west side of Lot 2
- 5' landscape buffers between Lots ~~2,3,4~~ 3 and 4
- 15' landscape buffer on rear of Lots ~~2, 3, 4~~ 3 and 4
- 15' landscape buffer along the east side of Lot ~~5~~ 4
- 15' landscape buffer between Lots ~~5~~ 4 and 6

Multi-Family Landscape Buffer:

- 15' minimum, 35' average landscape buffer on Lot 6 where it abuts Lot 1A
- 15' minimum landscape buffer on Lot 1B where it abuts Lot 1A

Conservation Area: Contains 22.954 acres

Total Open Space: 25.51 acres (35% of 72.90 acres)

VI. BUILDINGS SETBACKS

D. Commercial: Minimum Building Setbacks

5' Building setback to side lot lines (between Lots 2, ~~3, 4, 5~~ 3, and 4)

10' Building setback to rear lot lines of Lots ~~2, 3, 4~~ 2, 3, and 4

50' Building and accessory structure (i.e. car wash) Setback on Lot 1A where it abuts Lot 1B, except that a dumpster may be allowed west of the service center within the 50' Setback area

25' Building setback from front lot line of all commercial and all street rights-of-way

E. Multi-Family: Minimum Building Setbacks

5' building setback between buildings

35' Building setback from the Oregon Street right-of-way

50' Building setback for residential buildings on Lot 6 from the Lot 1A Boundary Line

15' Building setback for the community pool and pool house on Lot 6 from the Lot 1A Boundary Line

15' Building setback on Lot 1B from the Lot 1A Boundary Line

F. Maximum Building Height

35' plus 10% for architectural treatment for commercial and multi-family buildings

VII. PERMITTED USES

Commercial Lots 2, ~~3, 4, 3,~~ and ~~5 4~~: All permitted and conditional uses described in the C-2 Retail Commercial District, except laundromats, video and pinball machine arcades, clinics, stand-alone bars and lounges, drive-in theaters, flea markets (open air), auto repair, paint and body shops, hospitals and nursing homes, personal and mini storage facilities and billboards.

Commercial Lot 1A: All permitted and conditional uses described in the C-2 Retail Commercial District, except Laundromats, video and pinball machine arcades, clinics, stand-alone bars and lounges, drive-in theaters, flea markets (open air), hospitals and nursing homes, personal and mini storage facilities and billboards. Auto repair, and paint and body shops shall be allowed in association with a car dealership.

Multi-Family Lots 1B and 6: Multifamily housing and those ancillary uses associated with R-4 and R-3 zoning under the HIP-TI land use.

VIII. LANDSCAPE AND BUFFER CRITERIA

- A. A buffer consisting of two (2) rows of live oak trees spaced 25' on center with a 4" minimum caliper tree shall be placed within the landscape buffer lying between Lot 1A and Lot 6.
- B. The Owners shall preserve approximately 38.9%, or approximately 2,110 out of approximately 5,420 existing trees, which are 6" or larger, over the entire Property, pursuant to the following table:

Lot Number	Estimated Number of Existing Trees	Estimated Number of Trees to be Preserved	Percentage
Lots 1A and 1B	1,620	49	3.0%
Lots 2- 5 4	476	40	8.4%
Lot 6	1,379	76	5.5%
Conservation Area	1,945	1,945	100.0%
Total	5,420	2,110	38.9%

The number of existing trees and trees to be preserved are estimated numbers based on surveys of representative areas of the Property. The Owners are not required to preserve the exact number of existing trees within each Lot as set forth above, as long as the total percentage of preserved trees is approximately 38.9% of the total number of existing trees over the entire Property.

The foregoing chart reflects a reduction in the number of trees to be preserved by 133 trees on Lots 1A and 1B, from the original Developer's Commitment Agreement dated August 28, 2001. The 133 tree shortage shall be offset by an increase in the number and/or caliper of trees to be planted on Lot 1A and Lot 1B with the following allocation: The Owner of Lot 1A shall provide the equivalent of 44 trees, with 33 trees to be placed in the buffer area between Lot 1A and Lot 1B and 11 trees to be placed along the S.R.

46 and/or North Oregon Street frontage. The Owner of Lot 1B shall provide the equivalent of 89 trees on Lot 1B. A plan depicting the location and design specifications of such replacement trees shall be subject to the review and approval by County staff.

- C. Landscape material style and size, including the above-referenced replacement tree plan, shall meet or exceed the Seminole County Land Development Code.
- D. The Conservation Area shall be preserved as a permanent conservation easement area conveyed to the St. John's River Water Management District prior to the issuance of the Final Certificate of Occupancy for the project.
- E. The Owners shall maintain a 25' landscape buffer along S.R. 46 and a 15' landscape buffer along Oregon Street as per the terms of the Revised Final Master PUD Plan.

IX. **MICELLANEOUS DEVELOPMENT COMMITMENTS**

- A. The development of the Property shall comply with the Revised Final PUD Master Plan attached hereto as Exhibit "B".
- B. Prior to the issuance of the Certificate of Occupancy for Lot 1A, the Owner of Lot 1A shall install a six foot (6') masonry screening wall on the commercial side of the landscape buffer between Lot 1A and Lot 1B and on the commercial side of the landscape buffer between Lot 1A and Lot 6. Upon written Agreement between the Owner of Lot 1A and the Owner of Lot 1B, a copy of which Agreement shall be provided to the Land Development Manager of Seminole County, the obligation to build the screen wall on the north side of Lot 1A may be assumed by the Owner of Lot 1B. In such event, construction of such screen wall shall be removed as a condition to issuance of the Certificate of Occupancy for Lot 1A, but shall become a condition to the issuance of a Certificate of Occupancy for Lot 1B.
- C. The Owners shall provide a pedestrian access to all buildings within the commercial component of the PUD.
- D. Any traffic signal modifications needed as a result of development of the Property shall be paid for by the Owners of such portion of the Property which requires such modifications as a condition of development.
- E. Road improvements on S.R. 46 and Oregon Street, such as turn lanes, median openings, etc., shall be constructed concurrently with the development of that portion of the Property which will be benefited by such improvement as reflected on the Revised Final Master Plan.
- F. The conservation easement is required to be included in the plat for commercial Lots 2-4.
- G. Per approved Development Order #2000-0045, the NW Oregon PUD shall provide an on-site 10' X 10' bus stop shelter with an ADA accessible sidewalk within the PUD, in accordance with Seminole County and Lynx requirements.

Final location of the bus stop is subject to approval by the Seminole County Planning Manager and will be determined prior to final engineering approval for whichever parcel within the PUD is the last to develop.

H. With respect to the automobile dealership use on Lot 1A, the following conditions shall apply:

- vii. No outdoor amplification of sound, including audible paging or speaker systems, shall be permitted within the development.
- viii. Other than (a) a term commencing two (2) weeks prior to the grand opening of the dealership and continuing until one (1) month after the grand opening (a total of six (6) weeks), and (b) special promotions occurring once per year for no more than seven (7) consecutive days (which special promotions shall, in any event, be subject to all limitations set forth in the Seminole County Land Development Code), the dealership shall not feature or permit any tethered balloons, inflatables, flags or banners. Any tethered balloons, inflatables, flags or banners used during the permitted time periods shall not exceed a height of thirty (30) feet above ground level.
- ix. No searchlights or beacons shall be permitted.
- x. The dealership shall install only shoe box-type lighting; such lighting shall include shields along the northern property boundary of Lot 1A, if necessary, and shall comply with the requirements of the Seminole County Land Development Code. No lighting shall spill over onto the Lake Forest property or the residential development on Lots 6 and 1B.
- xi. S.R. 46 identification signage shall be limited to a monument type sign with a maximum height of fifteen (15) feet. The exact materials shall be determined at the time of final engineering, but the pedestal of the sign shall be constructed of brick, stone, split face block or similar materials.
- xii. The hours of operation of the collision center shall be limited to 8:00 AM to 6:00 PM. The collision center shall be a totally enclosed, air-conditioned, insulated masonry building. It shall have only one (1) service door on the north side of the building for access to the paint shop. Said service door shall be opened only for the ingress or egress of vehicles and shall not remain open during routine paint shop operations.

X. **PUBLIC FACILITIES**

The Owner has received its Notice of Concurrency Review Test Results, Application Number 20-0102-010-0000 dated July 31, 2000, evidencing that all Concurrency Review Requirements as provided by Chapter 10, Seminole County Land Development Code, have been satisfied. Among the conditions relating to the concurrency of public facilities are the following:

WATER:

Water service shall be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer shall be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection Standards.

STORM DRAINAGE:

Storm water drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and the St. John's River Water Management District's ERP regulations.

FIRE PROTECTION:

Fire Protection shall be provided by Seminole County. Fire hydrants shall be located according to Seminole County regulations.

XI. **STANDARD COMMITMENTS**

- E. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinance, of Seminole County.
- F. All obligations, liabilities, and responsibilities incurred or implied by the Owners of this agreement shall be assumed by any successors-in-interest of any portion of the Property.
- G. This agreement touches and concerns the Property, and the conditions, commitments and provisions of the agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in full or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of the Property have expressly covenanted and agreed to the provision and all other terms and provisions of this agreement.
- H. 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.

XII. **INTERPRETATION; RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER**

This Second Revised and Restated Developer's Commitment Agreement is intended to supplant, supercede, and replace the Revised and Restated NW Oregon PUD Final Master Plan Developer's Commitment Agreement dated March 23, 2004, and is further intended to summarize material provisions of the Revised Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Second Revised and

Restated Developer's Commitment Agreement and the Revised Final Master Plan, the terms and conditions of the Second Revised and Restated Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Second Revised and Restated Developer's Commitment Agreement and Development Order Number 2000-0045, dated July 25, 2000, and recorded in Official Records Book 3907, Page 0006, public records of Seminole County, Florida, the terms of the Second Revised and Restated Developer's Commitment Agreement shall control. Unless modified by the terms of this Agreement or the Revised Final Master Plan, the terms of Development Order Number 2000-0045 shall remain in full force and effect.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARY ANNE MORSE
Clerk of the Board

Carlton D. Henley, Chairman

OWNERS' CONSENT AND COVENANT

COMES NOW, NW Oregon, Ltd., a Florida limited partnership, on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consent to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

Print Name: _____

Print Name: _____

OWNERS:

NW OREGON, LTD., a Florida limited partnership

By: Schrimsher Investments Corporation,
a Florida corporation, its general Partner

By: _____
Steven Schrimsher, President

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by Steven Schrimsher, as the President of Schrimsher Investments Corporation, a general partner of NW Oregon, Ltd., who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, Pulte Home Corporation, a Michigan corporation on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consent to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

OWNERS:

Print Name: _____

PULTE HOME CORPORATION, a
Michigan corporation

Print Name: _____

Douglas W. Puvogel, as Attorney in Fact for
Pulte Home Corporation

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by Douglas W. Puvogel, as Attorney in Fact for Pulte Home Corporation, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires:

OWNERS' CONSENT AND COVENANT

COMES NOW, SRE Florida-2, a Florida limited liability company, on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consent to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES: _____ OWNERS: _____

SRE FLORIDA-2, a Florida limited liability
company

Print Name: _____

Print Name: _____ Mark Iuppnelatz, Authorized Agent

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by Mark Iuppnelatz, who is personally known to me or who has produced _____ as identification.

Notary Public

(Name of Notary, typed, printed or stamped)
My Commission Expires: _____

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "NW Oregon PUD Major Amendment".

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from PUD to PUD:

SEE ATTACHED EXHIBIT A.

Section 3. TERMS. This rezoning incorporates, and is contingent upon, execution of the Second Revised and Restated NW Oregon PUD Final Master Plan Developer's Commitment Agreement Commitments, Classifications, and District Description.

Section 4. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 5. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of the Second Revised and Restated NW Oregon PUD Developer’s Commitment Agreement Commitments, Classifications, and District Description in the Official Land Records of Seminole County.

ENACTED this 23rd day of May, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"LEGAL DESCRIPTION

That part of Sections 20 and 29, Township 19 South, Range 30 East, Seminole County, Florida, described as follows:

Begin at the Northwest corner of said Section 29; thence run N 89E44'08" E along the North line of the Northwest 1/4 of said Section 29 for a distance of 1938.92 feet to the Sanford Grant line; thence run N 24E38'27" E along said Sanford Grant line for a distance of 212.79 feet to the North line of the South 193.00 feet of the South 1/2 of the Southwest 1/4 in Sanford Grant of said Section 20; thence run N 89E44'08" E along said North line of the South 193.00 feet for a distance of 500.58 feet to the West line of a Florida Power Corporation Easement, as recorded in Deed Book 149, page 356, of the Public Records of Seminole County, Florida; thence run S 00E12'27" E along said West line for a distance of 193.00 feet to the North line of the Northwest 1/4 of said Section 29; thence run S 00E11'42" E along said West line for a distance of 240.91 feet to a point on a non-tangent curve concave Northwesterly and the Westerly right-of-way line of Oregon Avenue, as recorded in Official Records Book 3332, page 0477, of said Public Records, having a radius of 725.00 feet and chord bearing of S 36E10'17" W; thence run the following five (5) courses along said Westerly right-of-way line; Southwesterly along the arc of said curve through a central angle of 23E50'38" for a distance of 301.71 feet to the point of tangency; thence run S48E05'36" W for a distance of 333.46 feet to the point of curvature of a curve concave Southeasterly having a radius of 785.00 feet; thence run Southwesterly along the arc of said curve through a central angle of 48E15'18" for a distance of 661.14 feet; thence run S03E55'26" W for a distance of 93.80 feet to the point of curvature of a curve concave Northwesterly having a radius of 50.00 feet; thence run Southwesterly along the arc of said curve through a central angle of 85E54'52" for a distance of 74.97 feet to the North right-of-way line of State Road 46 and the point of tangency; thence run S 89E50'18" W along said North right-of-way line for a distance of 1782.03 feet to the West line of the Northwest 1/4 of said Section 29; thence run N00E14'12" W along said West line for a distance of 1425.42 feet to the POINT OF BEGINNING.

Containing 72.902 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

**Minutes for the Seminole County Land Planning Agency
Planning and Zoning Commission
April 5, 2006**

Members Present: Matt Brown, Beth Hattaway, Rob Wolf, Ben Tucker, Dudley Bates, Walt Eismann, and Jason Brodeur.

Also Present: Michael Rumer, Senior Planner; Tina Williamson, Principal Coordinator; Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Sheryl Stolzenberg, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

NW Oregon PUD Major Amendment; Shutts & Bowen, LLC., applicant; 72.90 ± acres; Major Amendment to a PUD (Planned Unit Development) district Master Plan; located on the northwest corner of the intersection of SR 46, and N. Oregon Street. (Z2005-073)

Commissioner Carey – District 5
Tina Williamson, Principal Coordinator

Ms. Williamson stated that lots 2, 3, 4, and 5 are currently slated for 26,000 square feet of commercial retail use. The proposed amendment proposes increasing the total square footage allowed on Lots 2, 3, 4 and 5 to 39,809 square feet, combining the lots and allocating the additional square footage as follows:

1. Lot 2 (former Lots 2 and 3) – 17, 609 square feet
2. Lot 3 (former Lot 4) – 11,200 square feet
3. Lot 4 (former Lot 5) – 11,000 square feet

The uses allowed on the subject lots will remain all permitted and conditional uses described in the C-2 Retail Commercial District, except laundromats, video and pinball machine arcades, clinics, stand-alone bars and lounges, drive-in theaters, flea markets (open air), auto repair, paint and body shops, hospitals and nursing homes, personal and mini-storage facilities and billboards.

The staff recommendation is for approval.

Robin Drage represented the applicant. She presented a new traffic analysis. Uses for lot 2 & 3 will be retail, Lot 4 will be retail, and Lot 4 will be retail and restaurant. Under the proposed revision, the traffic impact will be lowered.

Commissioner Brown asked what determined a “high turnover restaurant.”

Ms. Williamson said that a restaurant would be a high turnover restaurant if diners were in and out in 40 minutes.

Commissioner Brown made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed 7 – 0.