

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Request for Approval of Final Master Plan and Developer's Commitment Agreement for Hawthorn Glen PUD. (Tom Daly, applicant.)

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

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

Agenda Date 9/23/03 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. APPROVE the Final Master Plan and Developer's Commitment Agreement for Hawthorn Glen PUD and authorize the Chairman to execute same; located on the northwest corner of Old Lockwood Road and McCulloch Road, based on staff findings (Tom Daly, applicant); or
2. DENY the Final Master Plan and Developer's Commitment Agreement for Hawthorn Glen PUD; located on the northwest corner of Old Lockwood Road and McCulloch Road, (Tom Daly, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant requests approval of the Final Master Plan and Developer's Commitment Agreement for the Hawthorn Glen PUD in order to develop townhouse units on a 46-acre site.

The Board approved the Preliminary Master Plan for the project on June 24, 2003. The zoning approval permitted a maximum of 225 townhouse units on individual platted lots at a density of approximately 9 units per net buildable acre. The development also includes a 1.5 acre commercial tract to be developed at a future date.

STAFF RECOMMENDATION:

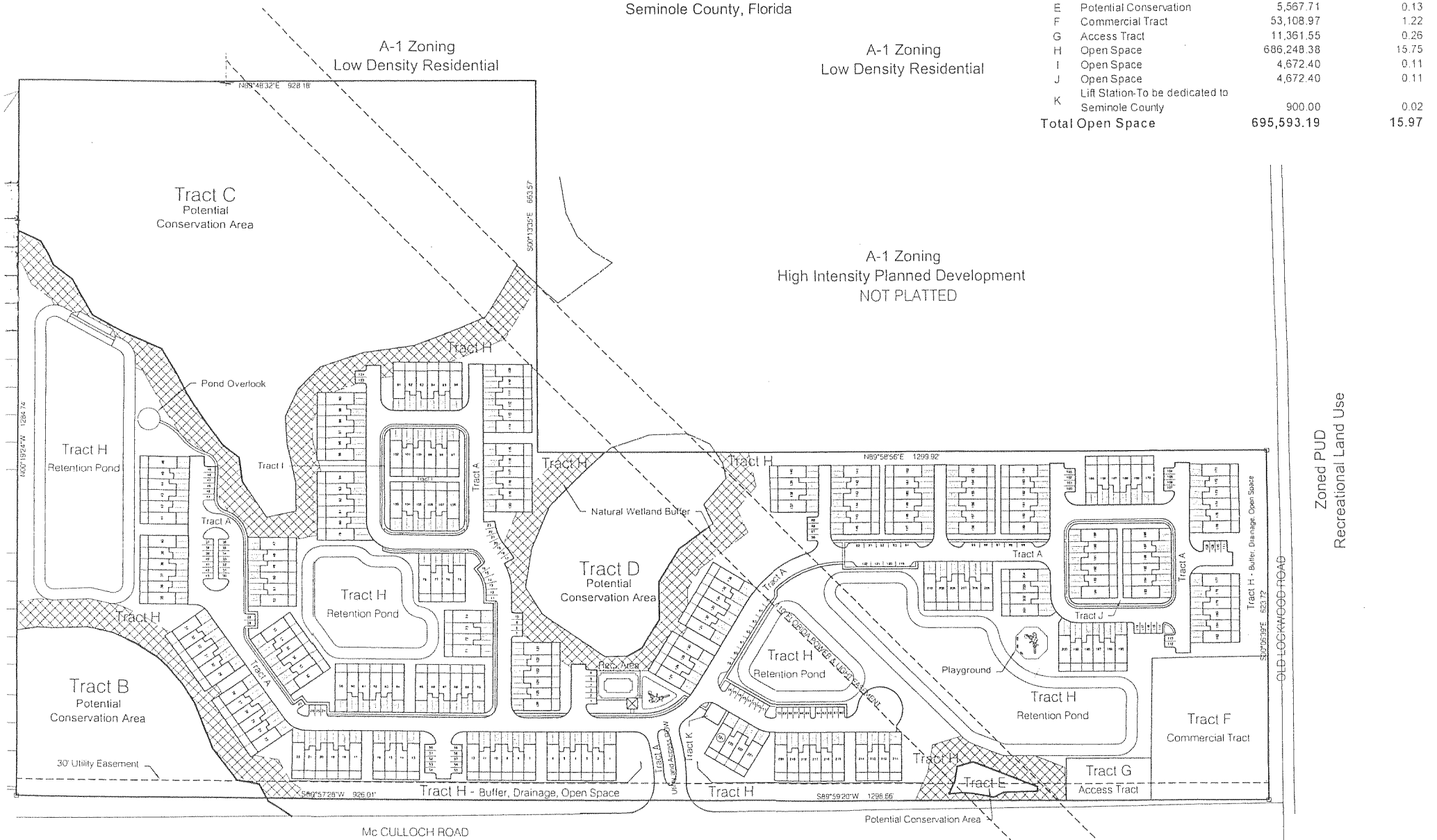
Staff finds that the proposed Master Plan and Developer's Commitment Agreement are consistent with the Preliminary Master Plan, the approved Development Order, and the Vision 2020 Plan. Therefore, staff is recommending approval of the Final Master Plan and Developer's Commitment Agreement.

Reviewed by:	
Co Atty:	<u>RCC</u>
DFS:	
OTHER:	<u>MW</u>
DCM:	<u>SB</u>
CM:	<u>RB</u>
File No.	<u>rpdp01</u>

Final Master Plan Hawthorn Glen

Seminole County, Florida

Tract Area Table		Sq. Foot	Acre
A	Utility & Access Right-of-Way	211,931.60	4.87
B	Potential Conservation	95,887.16	2.20
C	Potential Conservation	451,180.93	10.36
D	Potential Conservation	83,796.62	1.92
E	Potential Conservation	5,567.71	0.13
F	Commercial Tract	53,108.97	1.22
G	Access Tract	11,361.55	0.26
H	Open Space	686,248.38	15.75
I	Open Space	4,672.40	0.11
J	Open Space	4,672.40	0.11
K	Lift Station-To be dedicated to Seminole County	900.00	0.02
Total Open Space		695,593.19	15.97



A-1 Zoning
Low Density Residential

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Low Density Residential

A-1 Zoning
High Intensity Planned Development
NOT PLATTED

Zoned PUD
Recreational Land Use

Tract C
Potential
Conservation Area

Tract H

Tract H

Tract D
Potential
Conservation Area

Tract H
Retention Pond

Tract H
Retention Pond

Tract H
Retention Pond

Tract H
Retention Pond

Tract F
Commercial Tract

Tract B
Potential
Conservation Area

Tract G
Access Tract

Mc CULLOCH ROAD

OLD LOCKWOOD ROAD

Potential Conservation Area

Pond Overlook

Natural Wetland Buffer

Playground

30' Utility Easement

Tract H - Buffer, Drainage, Open Space

Tract H - Buffer, Drainage, Open Space

N89°48'52"E 928.16'

S09°13'35"E 663.57'

S67°19'24"W 1286.72'

N89°58'56"E 1299.92'

S49°57'28"W 926.01'

S89°59'20"W 1296.66'

S67°05'35"E 523.72'

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**HAWTHORN GLEN PUD
DEVELOPER'S COMMITMENT AGREEMENT**

On September 23, 2003 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:

See Exhibit A

II. PROPERTY OWNER

Cloonfush Properties, LLC
25 Interlaken Road
Orlando, Fl 32804

III. STATEMENT OF BASIC FACTS

- A. Total Area: 45.97 Acres
- B. Zoning: Planned Unit Development
- C. Gross Density 4.87 units/acre
- D. The development approval sought is consistent with the Vision 2020 Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- E. 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.

IV. LAND USE BREAKDOWN

<i>LAND USE</i>	<i>AREA (acres)</i>
Residential Lots	8.78
Commercial (Tract F)	1.48
Open space (Tracts H-J)	15.97
Conservation (Tracts B-E)	14.61
Utility Areas & Access R/W (Tracts A and G)	5.13
<i>TOTAL AREA</i>	<i>45.97</i>

V. OPEN SPACE AND RECREATION AREAS

Required Open Space: 45.97 acres x 0.25 = 11.49 acres
Open Space Provided: 15.97 Acres

VI. BUILDING SETBACKS

North Property Line:	25'
East Property Line (Old Lockwood Road)	65'
South Property Line (McCulloch Road)	50'
West Property Line	175'

Tract F: A 50-foot setback shall be provided along the north and west property lines.

VII. PERMITTED USES

Attached single family dwelling units
Single Family Homes
Group Homes
Home offices

Permitted uses in Tract F are those permitted uses within the CS (Commercial Convenience) District. No gasoline pumps, drive-through restaurants, car lots, marine lots, flea markets, car washes, auto repairs, laundromats, packaged liquor stores or bars shall be permitted.

VIII. LANDSCAPE & BUFFER CRITERIA

East Property Line (Old Lockwood Rd.):

- The owner shall provide a 50' landscaped buffer, exclusive of yards within privately owned lots, consisting of existing native plants and trees, supplemented with additional native plants and trees, to create 100% opacity to a height of 6 feet.

South Property Line (McCulloch Rd.)

- Brick columns and decorative aluminum fencing
- Landscaping per code

West Property Line

- The owner shall provide a 30' landscaped buffer consisting of existing native plants and trees, supplemented with additional native plants and trees, to create 100% opacity to a height of 6 feet.

North Property Line

- 10' landscape buffer
- Landscaping per code

Tract F: A 50-foot landscape buffer shall be provided along the north and west property lines. Such buffer shall include a 6-foot masonry wall and a double row of canopy trees.

All landscape buffers and common areas within the residential portion of the development shall be maintained by a homeowners association. Landscape buffers within Tract F shall be maintained by the property owner of Tract F.

IX. DEVELOPMENT COMMITMENTS

- a. Prior to Final Engineering Approval, the applicant shall provide the County with a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- b. Prior to Final Engineering Approval, the applicant shall provide a letter from Florida Power & Light approving the location of site improvements within the power line easement.
- c. The development shall not exceed 225 townhomes.
- d. A separate Final Master Plan and addendum to this developer's commitment agreement shall be required prior to any site plan approval on Tract F. Issues to be addressed in such Final Master Plan shall include, but not be limited to, the following:
 - standards of architectural scale and design reflecting neighborhood commercial standards, to ensure compatibility with surrounding residential uses
 - site lighting, including recessed lighting fixtures on gas pump canopy structures
- e. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.
- f. The developer shall record a deed restriction on all residential lots prohibiting the lease of any residential unit for a period of less than one (1) year; prohibiting more than one (1) lease per residential unit per year; prohibiting lease of any residential unit to more than one (1) party and prohibiting lease of individual rooms within the same residential unit.

X. WATER, SEWER AND STORMWATER

WATER: Water services shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County.

STORMWATER: Stormwater drainage and stormwater management shall be according to Seminole County 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 hydrant shall be located according to Seminole County regulations.

XI. PHASING

The development will be constructed in 1 phase except for Tract F, which will be developed separately.

XII. 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 commitments 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 developer's commitment agreement 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 by part by action of Seminole County by virtue of a document of equal dignity herewith. The Owner of said property has expressly covenanted and agreed to this provision and all other terms and provisions of the developer's commitment agreement.
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 developer's commitment agreement shall be null and void.

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

By: _____
Daryl G. McLain
Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Cloonfush Properties, LLC, on behalf of itself and its agents, 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

Joseph Devine, President
Cloonfush Properties, LLC

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 Joseph Devine, who is the authorized representative of Cloonfush Properties, LLC, and is personally known to me or who has produced _____ as identification and who executed the foregoing instrument and sworn an oath.

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

A Tract of land being a portion of Section 35 & 36, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 35; thence North 00° 13' 35" West along the East line of the Southeast 1/4 of said Section 35 for a distance of 40.00 feet to the POINT OF BEGINNING; thence South 89° 57' 28" West along the North right-of-way of McCulloch Road and a line 40.00 feet North of and parallel to the South line of the Southeast 1/4 of said Section 35 for a distance of 926.01 feet; thence North 00° 19' 24" West along the East line of the West 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 35 and the East line of Tract 301 at Carillon per Plat thereof recorded in Plat Book 46, Page 31-37 Public Records of Seminole County, Florida, for a distance of 1284.74 feet; thence North 89° 48' 32" East along the North line of the Southeast 1/4 of the Southeast 1/4 of Section 35 for a distance of 928.18 feet; thence South 00° 13' 35" East along the East of the Southeast 1/4 of said Section 35 for a distance of 663.57 feet; thence North 89° 58' 56" East along the North line of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 36, Township 21 South, Range 31 East for a distance of 1299.92 feet; thence South 00° 06' 39" East along a line 25.00 feet West of and parallel to the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the West right-of-way of Lockwood Road per Plat Book 5, Page 82 Public Records of Seminole County, Florida, for a distance of 623.72 feet; thence South 89° 59' 20" West along a line 40.00 feet North of and parallel to the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the North right-of-way of McCulloch Road for a distance of 1298.66 feet to the POINT OF BEGINNING.

Contains: 45.970 Acres, more or less.

EXHIBIT B

Final Master Plan

Final Master Plan Hawthorn Glen

Seminole County, Florida

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