

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Greenway South PUD (Planned Unit Development), Substantial Amendment to PUD Preliminary Development Order, Hugh Harling, Jr., Applicant

**DEPARTMENT:** Planning and Development **DIVISION:** Planning

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tony Matthews **EXT.** 7936

Agenda Date 10/25/05 Regular  Consent  Work Session  Briefing   
Public Hearing – 1:30  Public Hearing – 7:00

**MOTION/RECOMMENDATION:**

1. Approve the proposed Substantial Amendment to the Greenway South PUD preliminary development order, for a 23 +/- acre site located at the southwest corner of SR 417 (Central Florida GreeneWay) and SR 426 (Aloma Avenue), with staff findings, Hugh Harling, Jr., applicant; or
2. Deny the proposed Substantial Amendment to the Greenway South PUD preliminary development order, for a 23 +/- acre site located at the southwest corner of SR 417 (Central Florida GreeneWay) and SR 426 (Aloma Avenue) Hugh Harling, Jr., applicant; or
3. Continue this item to a date and time certain.

(District 1 – Commissioner Dallari)

(Tony Matthews, Principal Planner)

**BACKGROUND:**

The Board approved the Greenway South PUD rezoning, preliminary master plan, and development order on March 8, 2005. The applicant, Hugh Harling, Jr., is now requesting a Substantial Amendment to the PUD preliminary development order to: (a) add A-1 (Bona fide Agriculture) uses; (b) remove the 40,000 square-foot limitation on individual tenant space; (c) add the word "with" to clarify the meaning of Item F, 2; (d) add E.G. Banks as an owner of the property; and (e) add the word "not" to the notary statement (see bold ~~strikeout~~ and underline text on the attached development order). The applicant is not requesting changes to the PUD master plan.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Substantial Amendment to the Greenway South PUD preliminary development order for a 23 +/- acre site located at the southwest corner of SR 417 (Central Florida GreeneWay) and SR 426 (Aloma Avenue) with staff findings.

Reviewed by:  
Co Atty: ER  
DFS: \_\_\_\_\_  
Other: JW  
DCM: AS  
CM: FB  
File No. ph130pdp08

**STAFF FINDINGS:**

Staff findings in support of the Substantial Amendment PUD are:

1. The Higher Intensity Planned Development (HIP) designation is intended to maximize higher intensity uses;
2. The Greenway South PUD master plan, previously approved by the Board, provides for a maximum of 266,650 square-feet of office/commercial development, which represents an estimated 0.27 Floor Area Ratio (FAR), which is less than the maximum 0.35 FAR allowed in the HIP designation;
3. The property is situated at an interchange consisting of two state arterial highways (i.e., SR 417 and SR 426);
4. The development order approved by the Board on March 8, 2005, includes conditions to ensure compatibility with adjacent residential uses; and
5. Section 30.445 (q) of the Land Development Code allows for the continuation of temporary agriculture uses within the boundary of a PUD development. According to the Seminole County Property Appraiser's Office, this property received an agricultural exemption for timberland in 2001, which is valid through 2005.

**Attachments:**

- Greenway South PUD development order, including preliminary master plan and applicant requested amendments
- Board of County Commissioners Minutes—March 8, 2005
- Future Land Use and Zoning Map
- Aerial Photo

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On October 25, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal Lots 10 to 15, (less right-of-way of Aloma Avenue and SR 417) Subdivision of E. G. Townsends Homestead according to the plat thereof as recorded on PB 2, Page 61, of the Public Records of Seminole County, Florida.

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

**FINDINGS OF FACT**

**Property Owner(s):** CCCH Greenway South Property, LLC, c/o Charles W. Clayton, Jr.  
1190 North Park Avenue  
Winter Park, FL 32789

**Project Name:** Greenway South PUD

**Requested Development Approval:** Rezoning from the A-1 (Agriculture District) zoning classification to the PUD (Planned Unit Development District) zoning classification and approval of the associated PUD preliminary master plan attached as Exhibit A.

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 have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tony Matthews  
1101 East First Street  
Sanford, FL 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:
  - A. Permitted uses and special exception uses within the OP (Office District), **A-1 (Bona fide Agriculture)**, C-1 and C-2 (Retail Commercial District) zoning classifications shall be allowed within the PUD development with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yards, drive-in theaters, adult entertainment establishments, and parking of semi-tractor trailer and/or cargo trailer boxes outside the course of making ordinary deliveries.
  - ~~B. Building square footage shall not exceed 40,000 square feet per individual tenant space. This condition may be rescinded by the Board of County Commissioners at time of review of the PUD final master plan by the Board.~~
  - C. The Applicant shall install a signalized full access intersection on SR 426 (Aloma Avenue) and Deep Lake Road per the existing agreement with FDOT.
  - D. Applicant shall obtain a stormwater permit from the Seminole County Expressway Authority and/or Florida Department of Transportation for discharge of drainage to the SR 417 right-of-way or shall design the project to maintain a 100-year, 24 hour storm event onsite.
  - E. Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
  - F. Applicant shall execute and maintain an agreement with the property owner to the west regarding joint access road to SR 426, prior to PUD final master plan approval. Said agreement shall include, but not be limited to, the following issues:
    1. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of Deep Lake Road.
    2. Aligning Deep Lake Road **with** the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
    3. Specifying driveway locations along the Deep Lake Road for access to the proposed development.
  - G. Landscaping shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance.
  - H. Applicant shall install a minimum 25 foot landscape buffer along the eastern property line abutting the Central Florida GreeneWay (SR 417) to ensure 100% opacity at six (6) feet in height above grade within one (1) year.
  - I. Mechanical units shall be located and/or screened to avoid off-site view from SR 426 or abutting residential uses.

- J. Lighting shall be installed in accordance with Seminole County Ordinance 2004-2, dated January 13, 2004, or the Lake Mary Boulevard Overlay Ordinance, whichever is more restrictive. Outdoor lighting adjacent to the north property line along SR 426 and adjacent to residential uses shall be limited to decorative lighting affixed to the front of buildings. Security lighting with motion sensors shall be permitted.
  - K. The maximum permitted building height shall be 35 feet.
  - L. The maximum Floor Area Ratio (FAR) shall not exceed 0.35.
  - M. Development shall connect to Seminole County water and sewer service.
  - N. Applicant shall provide a minimum 50 foot building setback and a minimum 25 foot landscape buffer abutting residential uses to the south and west. A six (6) foot brick or masonry wall shall be installed along the western boundary abutting residential uses within the Deep Lake PUD and along the south property line abutting the South Tuskawilla Road Property/Aloma Development LLC. Landscaping along the wall shall consist of eight (8) canopy trees a minimum of 2.5 inches in diameter, with an overall average of 3 inches, as measured one (1) foot above ground, every 100 linear feet.
  - O. Applicant shall install sidewalks, a minimum of five (5) foot in width, to connect building entrances and sidewalks in right-of-way.
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.**

SEMINOLE COUNTY BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Carlton D. Henley, Chairman

**OWNER'S CONSENT AND COVENANT**

COMES NOW, the owners, CCCH Greenway South Property, LLC, c/o Charles W. Clayton, Jr., **and E.G. Banks**, on behalf of **themselves himself** and **their 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

\_\_\_\_\_  
Charles W. Clayton, Jr.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**E. G. Banks**

\_\_\_\_\_  
**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 \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who did **not** take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2005.

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

My Commission Expires:



# EXHIBIT A

## SITE DATA

OWNER: E.G. BANKS  
CCCH GREENWAY SOUTH PROP., LLC.  
611 WYMORE ROAD  
WINTER PARK, FLORIDA 32789  
(407) 628-0000

PLANNING CONSULTANT: FLORIDA LAND DESIGN, INC.  
222 S. WESTMONTE DRIVE, SUITE 211  
ALTAMONTE SPRINGS, FLORIDA 32714  
(407) 389-1811; (407) 389-1812 (FAX)

TRACT DATA:  
TOTAL AREA: 23.32 ACRES  
TOTAL WETLAND AREA: 0.00 ACRES  
EXISTING ZONING: A-1 (SEMINOLE COUNTY)  
EXISTING FLU DESIGNATION: HIPTR (SEMINOLE COUNTY)  
PROPOSED ZONING: PUD (SEMINOLE COUNTY)  
PROPOSED USES: MIXED USES BASED ON SEMINOLE  
COUNTY ZONING CLASSIFICATIONS C-1,  
C-2, OPN.

MAXIMUM BLDG. HT.: 35 FEET  
MAXIMUM IMPERVIOUS: 75%  
MIN. OPEN/GRN. SPACE: 25%  
MAXIMUM F.A.R.: 0.35  
MAXIMUM S.F.: 266,650 S.F.

### NOTES:

1. BOUNDARY AND TOPO BASED ON SURVEY BY BJM ASSOCIATES, INC.
2. UTILITIES TO THE SITE WILL BE FURNISHED BY THE FOLLOWING PROVIDERS:
  - \* WATER: SEMINOLE COUNTY
  - \* SEWER: SEMINOLE COUNTY
  - \* ELECTRIC: PROGRESS ENERGY
  - \* TELEPHONE: SPRINT/UNITED TELEPHONE
  - \* SOLID WASTE: SEMINOLE COUNTY
3. AN ON-SITE LIFT STATION WILL PROVIDE SANITARY SEWER TRANSMISSION. CONNECTION TO THE MAJOR TRANSMISSION MAIN LOCATED ON ALOMA SHALL BE METERED PURSUANT TO SEMINOLE COUNTY UTILITIES REQUIREMENTS.

## EXHIBIT A

4. PUBLIC WATER MAINS SHALL MEET THE REQUIREMENTS OF THE AMERICAN WATERWORKS ASSN. (AWWA) AND SEMINOLE COUNTY. MIN. 8" DIAMETER PIPE IS REQUIRED TO SERVE SITE.
5. FIRE PROTECTION IS TO BE PROVIDED BY SEMINOLE COUNTY. PER SEMINOLE COUNTY PUBLIC SAFETY DEPARTMENT FIRE FLOW SHALL BE NO LESS THAN 1250 GPM AT 20 PSI RESIDUAL.
6. STORMWATER DRAINAGE TO BE DESIGNED PER SEMINOLE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REGULATIONS.
7. LANDSCAPE BUFFERS TO BE PROVIDED IN ACCORDANCE WITH THE COUNTY'S LDC. DETAILS TO BE PROVIDED AT THE TIME OF SUBMITTAL OF THE FINAL PUD DEVELOPMENT PLAN.
8. THERE ARE NO WETLANDS ON SITE. AN ENVIRONMENTAL REPORT ADDRESSING SPECIES OF SPECIAL CONCERN AND ENDANGERED SPECIES WILL BE PROVIDED AT THE TIME OF FINAL PUD DEVELOPMENT PLAN. AN EAGLE'S NEST IS KNOWN TO BE LOCATED WITHIN ONE MILE OF THE SITE. THE DEVELOPER WILL BE REQUIRED TO SECURE A LETTER DETAILING SPECIAL REQUIREMENTS PRIOR TO APPROVAL OF FINAL PUD DEVELOPMENT PLAN.
9. NO RESIDENTIAL DEVELOPMENT IS CONTEMPLATED FOR THIS SITE, THEREFORE, ESTIMATED DEMANDS ARE BASED ON THE CONSUMPTION DEMAND STANDARDS FOUND ON THE COUNTY WEB PAGE AS RECOMMENDED BY MIKE HARBER.
10. THE SITE IS ENTIRELY IN FLOOD ZONE "X" PER THE FLOOD INSURANCE RATE MAP FOR SEMINOLE COUNTY.
11. SOILS CONSIST OF BASINGER FINE SANDS AND TAVARES FINE SANDS PER THE SOIL SURVEY OF SEMINOLE COUNTY, FLORIDA.
12. IMPACT ANALYSIS IS PROJECTED AS FOLLOWS:

* SCHOOLS:	NONE EXPECTED
* ROADS:	266.65 X 76.9 ADT/1000 S.F. = 20,505 ADT
* WATER:	266.65 X 100 GPD/1000 S.F. = 26,665 GPD
* SEWER:	266.65 X 100 GPD/1000 S.F. = 26,665 GPD

13. DEVELOPMENT WILL COMPLY WITH ALL BUILDING CODE AND PUBLIC SAFETY REQUIREMENTS.
14. EFFORT WILL BE MADE TO PROVIDE PEDESTRIAN FRIENDLY DESIGN, NEIGHBORHOOD INTERCONNECTIVITY AND ALTERNATIVE TRANSPORTATION FACILITIES AT THE TIME OF FINAL ENGINEERING PLANS.
15. ACCESS TO THE SITE WILL BE VIA PROPOSED DEEP LAKE ROAD IMPROVEMENTS. PURSUANT TO AN AGREEMENT BETWEEN THE VARIOUS AFFECTED PARTIES, DEEP LAKE ROAD SHALL BE DEVELOPED AS A 90' PUBLIC RIGHT-OF-WAY DIVIDED ROADWAY ADJACENT TO THIS SITE. PURSUANT TO NEGOTIATIONS WITH

## EXHIBIT A

FDOT, A SIGNALIZED, FULL-DIRECTIONAL INTERSECTION WILL BE CONSTRUCTED AT ALOMA AVENUE PROVIDING ACCESS FROM THE NORTH AND SOUTH. A COPY OF THESE AGREEMENTS SHALL BE PROVIDED TO SEMINOLE COUNTY STAFF PRIOR TO APPROVAL OF THE FINAL PUD DEVELOPMENT PLAN.

**BOARD OF COUNTY COMMISSIONERS MINUTES - 3/8/05**  
**CONSIDERATION OF REQUEST TO REZONE FROM**  
**A-1 TO PUD, CHARLES W. CLAYTON, JR., CONTINUED**

Continuation of a public hearing to consider a request to rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) and PUD preliminary master plan on approximately 23 acres located at the southwest corner of SR 417 (Central Florida Greenway) and SR 426 (Aloma Avenue), as described in the proof of publication, Charles W. Clayton, Jr.

Planner Tony Matthews addressed the Board to present the request, advising staff recommends approval of the rezoning and the preliminary master plan, with the staff findings and conditions included in the proposed development order. He further advised he received an email from Mr. Ira Jarvis regarding the lighting requirements. He said he has responded to Mr. Jarvis answering his questions. Copies of emails were received and filed. He stated that staff is recommending changing the language on Items #6 and #9 of the development order as shown on the corrected pages (copy received & filed). He said that the new language will read as follows, "Lighting shall be installed in accordance with Seminole County Ordinance #2004-2, dated January 13, 2004, or the Lake Mary Boulevard Overlay Ordinance whichever is more restrictive."

Upon inquiry by Commissioner Morris, Mr. Matthews advised with regard to Item #7 of the D.O., staff is not sure what the best plantings would be for the buffer along the eastern property line and they want to have the applicant bring back a proposal to the Board.

Planning Manager, Matt West, addressed the Board to explain they do not have a lot layout yet and the Greenway is elevated at this point.

William T. Buckley, representing the applicant, addressed the Board to advise they are in agreement with staff's recommendations and findings. He said this is the first step of a long process and more details will follow.

No one else spoke in support or in opposition.

District Commissioner Dallari recommended approval, adding an additional condition that the maximum size of each building (entity) would be 40,000 square feet.

**Motion** by Commissioner Dallari to adopt Ordinance #2005-7, as shown on page \_\_\_\_\_, approving rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development District); and to approve PUD preliminary master plan and Development Order, as amended by staff, as shown on page \_\_\_\_\_, and to include a condition that the maximum size of each building on the property will be 40,000 square feet, for property consisting of approximately 23 acres

located at the southwest corner of SR 417 (Central Florida Greenway) and SR 426 (Aloma Avenue), as described in the proof of publication, Charles W. Clayton, Jr.

Commissioner Morris **seconded the motion** for discussion.

Under discussion, Commissioner Dallari stated he does not want to see a "big box" on this site; but a series of buildings.

Commissioner Carey pointed out there is a maximum floor area ratio that is part of the Code. She said a neighborhood Publix is 45,000 square feet and usually there are buildings attached.

Commissioner Dallari stated that he could agree to a maximum of 45,000 square feet. Discussion ensued.

Commissioner Morris stated this is a HIP district.

Commissioner Carey stated she believes it is hard enough as a retail developer to find the exact tenants they would like to have without putting more restrictions on them.

Commissioner Dallari said this is one of the last areas in this corridor to be developed and most of the area is residential.

Upon inquiry by Commissioner Morris, DCM Don Fisher addressed the Board to advise the Board could approve this

building size condition now with a statement that it could be lifted during the final master plan process.

Commissioner Dallari **agreed to include in the motion** that the building size restriction could be lifted later during the final master plan approval.

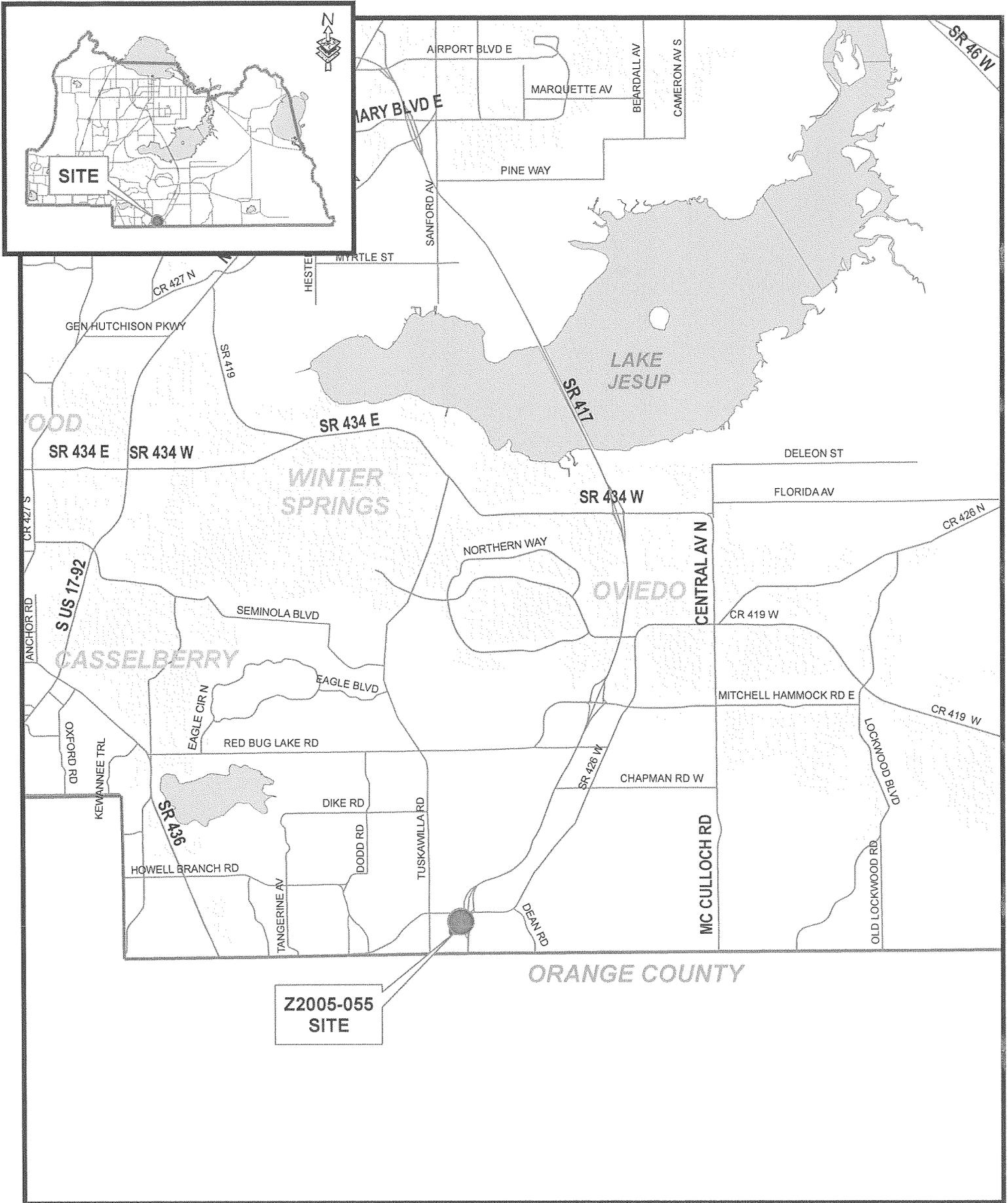
Mr. Buckley stated there have been several developers approach the owner and he does not believe there has been any interest in a "big box" store on the property.

Commissioner Carey stated she cannot support the motion because of the building size restriction.

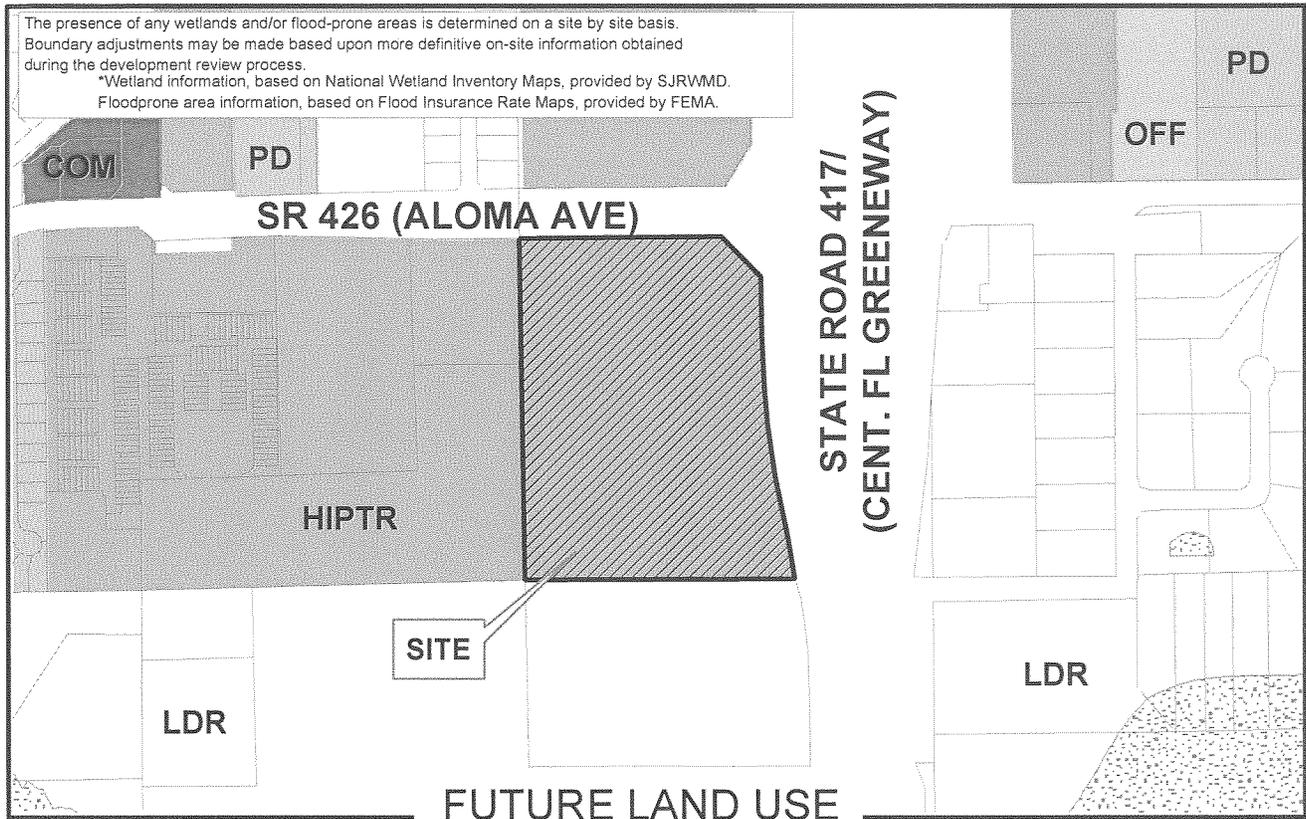
Districts 1, 2 and 4 voted AYE.

Commissioner Carey voted NAY.

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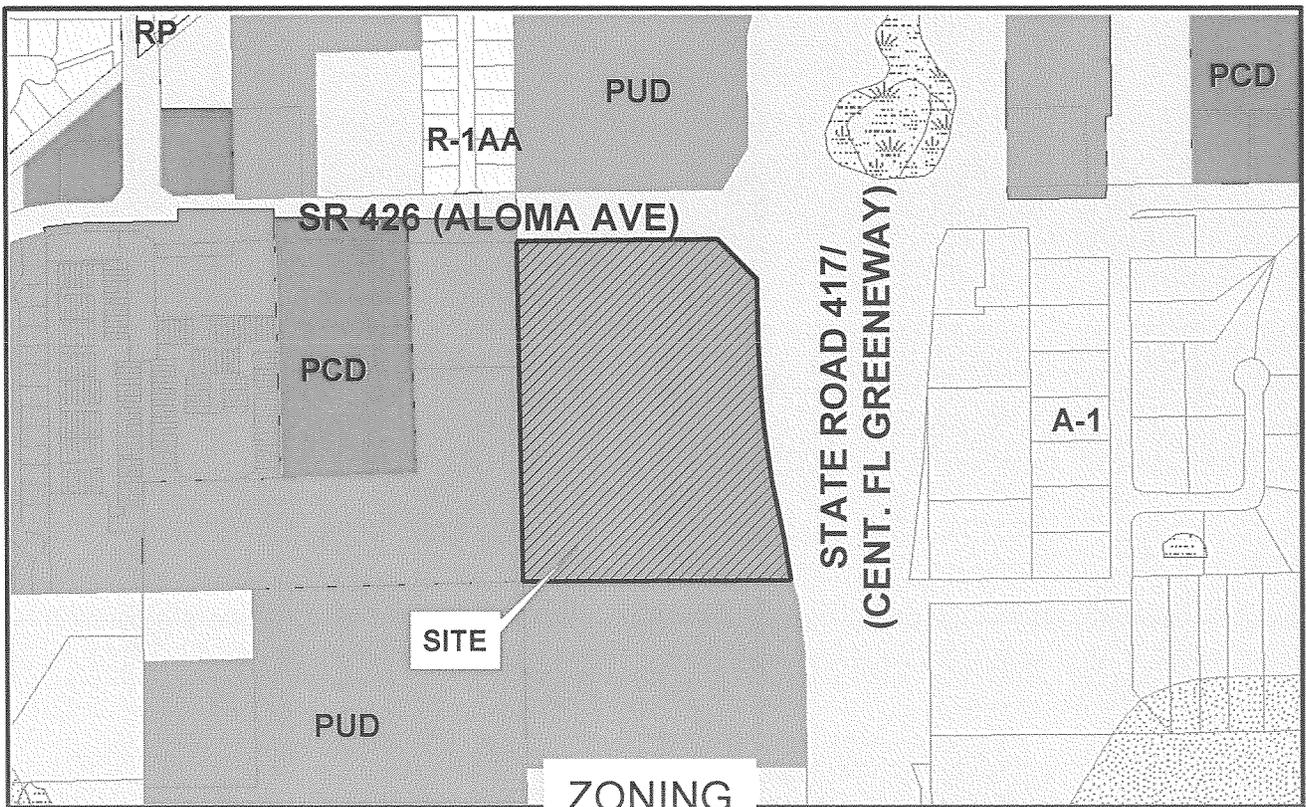
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided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



Site
 LDR
PD
OFF
COM
HIPTR
CONS

Applicant: Hugh Harling Jr.  
 Physical STR: 31-21-31-501-0000-0100  
 Gross Acres: 23 +/- BCC District: 1  
 Existing Use: Agriculture  
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2005-055	--	--



Site
 R-1AA
RP
PUD
A-1
PCD
FP-1
W-1



 Parcel  
 Subject Property



2004 Color Aerials