

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Final Master Plan and Developer's Commitment Agreement for Deep Lake PUD (Harvey Slayton and Susan S. Ireland, applicants) and South Tuskawilla Road Property PUD (Aloma Development LLC, applicant)

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

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

<b>Agenda Date</b> <u>11/26/02</u> <b>Regular</b> <input checked="" type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input type="checkbox"/> <b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>

**MOTION/RECOMMENDATION:**

1. Approve the request for approval of a Final Master Plan and Developer's Commitment Agreement for Deep Lake PUD, and South Tuskawilla Road Property PUD, comprising approximately 60 acres and located south of SR 426 and east of S. Tuskawilla Road. (Harvey Slayton, Susan S. Ireland, and Aloma Development, applicants)
2. Deny the request for approval of a Final Master Plan and Developer's Commitment Agreement for Deep Lake PUD and South Tuskawilla Road Property PUD.
3. Continue the item until a date certain.

(District 1- Comm. Maloy)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicants are requesting approval of a Final PUD Master Plan and Developer's Commitment Agreement to create a single mixed residential and commercial development. The proposal entails construction of 268 dwellings, both single family and townhouse units, and approximately 35,000 square feet of commercial and office space.

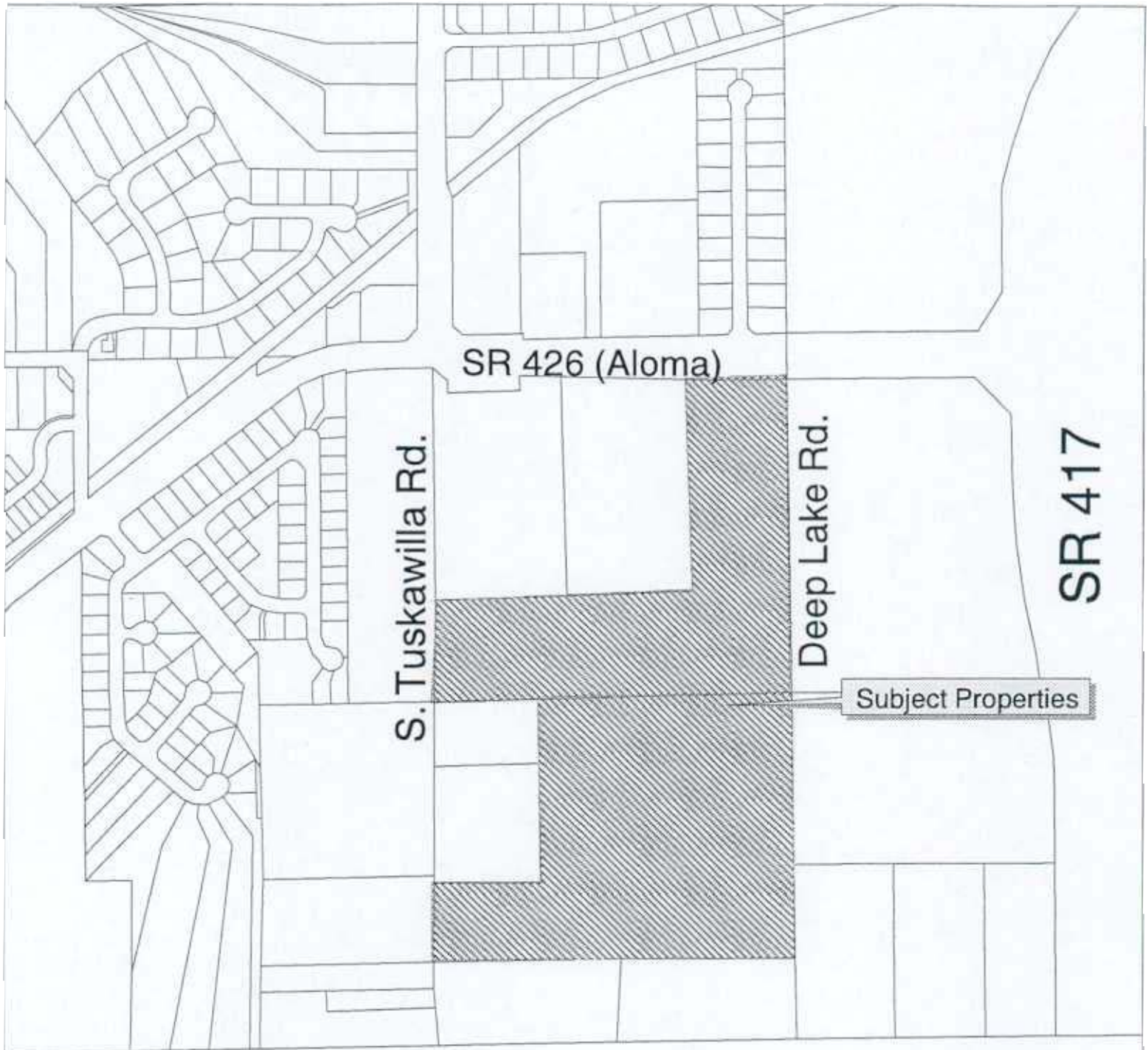
Deep Lake and the South Tuskawilla Road PUDs were both heard by the BCC on April 9, 2002. (A proposed major revision to the Deep Lake preliminary master plan was considered and denied on September 24.) Although evaluated separately for the purposes of PUD zoning and Preliminary Master Plan approval, the two projects are related in sharing utilities, retention, and an access road to SR 426. Also, under a recent agreement with the neighboring property owner to the east, the two developments will be among several using an FDOT-approved intersection on SR 426 which will foster safe and efficient traffic flow in the area.

The combined project will consist of 133 townhouse units, 2 commercial/office lots, and 135 single family lots.

Reviewed by:	
Co Atty:	<i>[Signature]</i>
DFS:	
Other:	<i>[Signature]</i>
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
FileNo.	rpdp04

**STAFF RECOMMENDATION:**

Staff recommends approval of the Final PUD Master Plan and Developer's Commitment Agreement. The plan and agreement are consistent with their respective Preliminary Master Plans, approved development orders, and the Vision 2020 Plan.



Location Map  
South Tuskawilla Rd Property/  
Deep Lake PUD

200 0 200 Feet





**DEEP LAKE AND SOUTH TUSKAWILLA PROPERTY  
PLANNED UNIT DEVELOPMENT**

**Developer's Commitment Agreement and Final Master Plan**

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On November 26, 2002, the Board of County Commissioners of Seminole County issued this Developer's Commitment Agreement and approved a Final Master Plan relating to, concerning and binding the below described properties situated in Seminole County, Florida:

**PART 1: UNITY OF TITLE**

The parties agree that this Agreement shall be recorded and the benefits and burdens of this Agreement shall run with all properties subject to this Agreement as described below. At no time in the future shall any part, parcel or portion of said properties be split off, be further subdivided or otherwise developed in any manner which would reduce the property set aside for open space, recreational space or otherwise insulated from development, it being understood and agreed that all of said properties are considered as a unified whole for purpose of calculating density, open space and the other requirements imposed upon development by the Seminole County Land Development Code. From and after the execution of this Agreement said properties shall be considered as a single entity, regardless of the ownership and control of any particular portion of said properties.

**PART 2: SITE INFORMATION**

(Overall Final Master Plan attached as Exhibit "C")

**I. LEGAL DESCRIPTION**

As described in Exhibits "A" and "B" attached hereto and incorporated herein by this reference (hereinafter collectively referred to as the "Property.")

**II. PROPERTY OWNERS**

The property described in Exhibit "A" (hereinafter singularly described as the "Deep Lake Property") is owned by:

SUSAN S. IRELAN, PO BOX 620514, OVIEDO, FL, 32762 and HARVEY SLAYTON,  
PO BOX 620514, OVIEDO, FL 32762.

The property described in Exhibit "B" (hereinafter singularly described as the "South Tuskawilla Property" is owned by:

HENRY L. and MARY B. PRUITT, 2825 SE ST LUCIE BLVD, STUART, FL 34997  
and SANDEFUR INC., 806 E 25<sup>TH</sup> ST, SANFORD, FL 32771.

(Hereinafter collectively referred to as the "Owners")

### III. DEVELOPMENT APPROVAL REQUESTED

Approval of this Developer's Commitment Agreement and Final Master Plan.

### IV. STATEMENT OF BASIC FACTS REGARDING THE PROPERTY

A. Total Acreage of Property 60.22 Acres

B. Zoning PUD

C. Land Use Information

Gross Site Area: 60.22 acres

2. Proposed Land Uses:

Commercial 18,500 s.f. 2.06 acres

Commercial/Office 16,500 s.f. 1.86 acres

Residential

Townhomes 133 units 14.00 acres

Single family 135 units 41.56 acres

Off-site common area entry feature 0.07 acres

Deep Lake Road right-of-way 0.74 acres

3 Residential Density Calculations:

Total residential area 56.30 acres

Wetlands, flood prone, etc. 3.68 acres

Right-of-way and easements 7.65 acres

Net residential density 268 units ÷ (56.30 - 3.68 - 7.65)

5.96 units per net buildable acre

4. Open Space Calculations:

Open space required<sup>1</sup> 17.92 x 0.30 = 5.38 acres

41.56 x 0.25 = 10.39 acres

TOTAL = 15.77 acres

Open space provided<sup>2</sup> 23.20 acres

<sup>1</sup> Commercial and office tracts to be calculated separately at time of development; minimum 25% open space is required.

<sup>2</sup> Does not include land areas within platted residential lots.

## V. LAND USE BREAKDOWN

### A. Deep Lake Property

1.	Total Project Acreage		18.66 ac.	
2.	Total Floor Area – Commercial and/or Office		35,000 s.f.	
3.	Maximum Floor Area Ratio – Commercial and/or Office		0.21	
4.	<u>Tract</u>	<u>Land Use Type</u>	<u>Gross Floor Area/ No. of Dwelling Units</u>	<u>Site Acreage</u>
				<u>Building Height</u>
	“P”	Commercial (C-2 uses)	18,500 SF	2.06
				35’
	“P”	Commercial and/or Office (C-2 uses)	16,500 SF	1.86
				35’
	“K”	Multi-Family Residential (Townhouses)	133 DU	14.00
				35’
	“L”	Off-Site Common Area Entry Feature	N/A	(0.07)
				N/A
	“M”	Right-of-Way Dedication Area	N/A	0.74
				N/A

### B. South Tuskawilla Property

1	Total Project Acreage		41.56 ac.
2.	<u>Tract/Lot</u>	<u>Land Use Type</u>	<u>Acreage</u>
	Lots 1-135	Single Family Residential	22.11 ac.
	Tract A	Public ROW	1.13 ac.
	Tract B	Private ROW	1.72 ac.
	Tract C	Private ROW	1.56 ac.
	Tract D	Park/Retention/Open Space	12.58 ac
	Tract E	Buffer / Open Space	0.68 ac.
	Tract F	Jurisdictional	1.89 ac.
	Tract G	Open Space	0.07 ac.

**VI. OPEN SPACE**

**A. Total Open Space Provided**

Open space shall be provided at an overall rate of 38.53%, or a minimum of 23.20 acres throughout the Property. Open space is achieved through maintaining existing green space within the Property, subject to approval by the Planning Manager. Maintenance of the open space shall be funded by the Owner.

**B. Open Space Location:**

Deep Lake Property

Allotment of open space located on Deep Lake Property shall be as follows:

<u>Tract</u>	<u>Open Space (SF)</u>	<u>Open Space (Acres)</u>	<u>% Open Space</u>
I	22,215	0.51	25.0 %
J	20,038	0.46	25.0 %
K	<u>299,257</u>	<u>6.87</u>	49.1 %
Totals	341,512	7.84	

Tract K contains a Conservation Easement. The Conservation Easement contains the designated Wetlands jurisdiction area and an Uplands Buffer around its perimeter. The 2.22-acre Conservation Easement shall be dedicated to the St. Johns River Water Management District and Seminole County as a preservation area and permanent Open Space.

South Tuskawilla Property

Allotment of open space located on South Tuskawilla Property shall be as follows:

Tract D:	Park/Retention/Open Space	12.58 ac.
2. Tract E:	Buffer / Open Space	0.82 ac.
3. Tract F:	Jurisdictional	1.89 ac.
4. Tract G:	Open Space	0.07 ac.
Total Open Space		15.36 ac.

Total Open Space

7.84 acres + 15.36 acres = 23.20 acres

**VII. BUILDING SETBACKS**

**A. Deep Lake Property**

Building setbacks for all development types on the Deep Lake Property shall be as follows:



Twenty-five feet (25') from State Road 426 right-of-way  
 Twenty-five feet (25') from Deep Lake Road

Side Setbacks:

Commercial

Zero feet (0') adjacent to internal property lines or non-residential zoned lands.  
 Fifteen feet (15') where commercial and/or office use abuts residential use.

Townhouses

Twenty-five feet (25') adjacent to Deep Lake Road, forty feet (40') adjacent to Saliga Property, and ten feet (10') elsewhere for townhome structures. Zero feet (0') between townhome units.

Rear Setbacks:

Commercial

Zero feet (0') adjacent to internal property lines or non-residential zoned lands.  
 Where abutting residential uses, fifteen feet (15') for 1-story buildings, thirty feet (30') for buildings 2 stories or more.

Multi-family Residential

Twenty-five feet (25') adjacent to Deep Lake Road, forty feet (40') adjacent to Saliga Property, and ten feet (10') along all other development site boundaries. Within individual townhouse lots, no rear setback is required.

**B. South Tuskawilla Property**

Lot Sizes	Front	Side	Rear	Accessory Structures
50' x 120'	25'	5' Corner Sides 15'	20'	7.5' Pools 5' screen enclosures
50' x 110'	20'	5' Corner Sides 15'	20'	7.5' Pools 5' screen enclosures

For corner lots, the accessory structure may not be located closer to the property line than the established single family home.

Maximum building height: 35'

**VIII. PERMITTED USES**

A. Tracts I and J uses shall conform to those permitted under Seminole County's C-2 Commercial Zoning District, except Tracts I and J shall not be allowed the following uses:

1. Outdoor Advertising Signs
2. Contractor's Equipment Storage Yard

3. Paint and Body Shop
4. Mechanical Garages, Bus, Cab, and Truck Repair and Storage
5. Drive-in theaters
6. Adult Entertainment Establishment
7. Outdoor Storage

B. Tract K uses shall conform to those permitted under Seminole County's R-3, Multiple-Family Dwelling District. However, permitted density shall be as provided in this Developer's Commitment Agreement.

A. The South Tuskawilla Property site shall permit single family residential lots, accessory recreational uses, and home occupations.

## **IX. VEHICLE AND PEDESTRIAN CIRCULATION SYSTEM ON THE DEEP LAKE PROPERTY**

### **A. Pedestrian**

Owner shall install internal sidewalks, consistent with Seminole County design regulations, adjacent to building frontage(s) as necessary to facilitate safe pedestrian access.

### **B. Vehicular Circulation**

1. Owner shall construct a roadway, meeting Seminole County specifications, within Tract M – Deep Lake Road Right-of-Way including the connection to State Road 426 right-of-way during Phase I construction. Construction of left turn lane improvements within State Road 426 shall be completed prior to the issuance of a Certificate of Occupancy (CO) for any lot.

2. Off-street parking facilities shall be constructed in accordance with the requirements of Section 30.1221 of the Land Development Code as each tract develops.

3. Tract M shall be dedicated to Seminole County for use as right of way for Deep Lake Road.

## **X. LANDSCAPE BUFFER**

### **Deep Lake Property**

Owner shall provide a twenty-five foot (25') landscape buffer along State Road 426. A twenty-five foot (25') buffer shall be provided along Deep Lake Road. A forty-foot (40') landscape buffer shall be provided adjacent to the Saliga Property, and a ten-foot (10') buffer adjacent to all other property boundaries. Said buffers shall be landscaped in accordance with the Active/Passive buffer requirements of the Land Development Code. However, no walls shall be required within buffers adjacent to State Road 426 or Deep Lake Road.

The south 15 feet of Tract J and the north 22 feet of Tract K shall be reserved as landscape buffers. The Owner shall provide a 6-foot brick or masonry wall along the common property line between these tracts. Both buffers shall contain at least 4 canopy trees per 100 linear feet.

South Tuskawilla Property

Owner shall provide a twenty-five foot (25') landscape buffer along the Eastern Beltway, and 15' buffer along the North property line.

**XI. SITE ACCESSORIES**

- A. Signage. All signage shall comply with standards set forth in the Lake Mary Boulevard Gateway Corridor Overlay district.
- B. Lighting. Pole or building mounted site lighting shall not exceed a height of sixteen feet (16') and shall otherwise comply with the provisions of Section 30.1233(b), LDC. Site Lighting Plans for Tracts K, L, and M shall be submitted with Final Engineering Plans.
- C. Landscaping. Landscape Plans for Tracts K and L, verifying compliance with the Lake Mary Boulevard Overlay Ordinance, shall be submitted with Final Engineering Plans.

**XII. DEVELOPMENT COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. 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.
- C. This Developer's Commitment Agreement touches and concerns the Property, and the conditions, commitments, and provisions of this Developer's Commitment 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 part by action of Seminole County as evidenced in writing. The Owners of said Property have expressly covenanted and agreed to this provision and all other terms and provisions of the Developer's Commitment Agreement.
- D. The terms and provisions of this 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.
- E. One or more homeowners association(s) will be established to maintain all common areas within the development including private road rights of way, all open space and recreational facilities.
- F. The development approval being sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with, and in compliance, with applicable land development regulations, including the Land Development Code of Seminole County, and all other applicable regulations and ordinances except as specifically addressed otherwise herein.
- G. The Owners of the Property have expressly agreed to be bound by and subjected to the development conditions and commitments herein set forth and hereby covenant and agree to have such conditions and commitments restrict, run with and perpetually burden the Property.

**XIII. FACILITY COMMITMENTS**

A. Tract F will be utilized as a joint-use stormwater retention area for the Deep Lake and South Tuskawilla Property developments.

B. Water and wastewater services shall be provided by Seminole County.

**XIV. COMMITMENTS EXCLUSIVE TO THE SOUTH TUSKAWILLA PROPERTY**

A. The Owners will provide a pedestrian sidewalk system throughout the development to include sidewalks on both sides of interior streets.

B. Roadways within the subdivision shall be private and will be maintained by the Homeowner's Association except for Tract A, which will be public.

C. The Owners will design and construct a retention tract to provide an amenity, which will include a nature trail and tot lot. Details of these amenities shall be provided prior to Final Engineering Approval.

D. The Homeowners Association shall require a uniform style of fencing on individual lots.

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

**BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA**

BY: \_\_\_\_\_  
**DARYL MCLAIN  
CHAIRMAN**













**EXHIBIT A**

The Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, less and Except the Following two parcels of land:  
The West 155.5 yards (466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

AND

The East 155.5 yards ( 466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

Further less and except that part taken by Seminole County Expressway Authority by Stipulated Final Judgment recorded February 16, 1993, in Official Records Book 2545, Page 1319, Public Records of Seminole County, Florida, described as:

That part of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 36; thence run South 00°34'41" East along the East line of said Southeast 1/4 a distance of 25.59 feet for a POINT OF BEGINNING; said point being on the South right of way line of State Road 426 (Aloma Avenue) as shown on State Road Right of Way Map Section 770060-2501, said point also being 25.00 feet South of, when measured perpendicularly from the centerline of S.R. 426; thence continue South 00°34'41" East a distance of 95.01 feet; thence departing said East line of the Southeast 1/4 run South 89°14'17" West a distance of 188.50 feet; thence run North 88°11'07" West a distance of 202.18 feet to a point on a line 933.00 feet east of, when measured perpendicularly from the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence run North 00°41'00" West parallel with said West line a distance of 85.91 feet to the aforementioned South right of way line; thence North 89°14'17" East along said right of way line a distance of 390.67 feet to the POINT OF BEGINNING.

**EXHIBIT B**

The North three quarters (3/4) of the Southeast 1/4 of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, less the West 375 feet of the North 700 feet thereof, Seminole County, Florida.

And

The West 375 feet of the South 450 feet of the North 700 feet of the Southeast 1/4 of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

And

That part of Lot 18 lying Westerly of the Eastern Beltway, and all of Lots 19 and 20, of the Subdivision of E.G. Townsend's Homestead, as recorded in Plat Book 2, Page 61, of the Public Records of Seminole County, Florida.

**EXHIBIT C**

**Combined Final Master Plans**

