

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Major PUD and Final Master Plan Amendment for Sun Lake PUD  
(Jim McMullen, applicant)  
DEPARTMENT: Planning & Development DIVISION: Planning  
AUTHORIZED BY: Don Fisher CONTACT: Jeff Hopper EXT 7431

Agenda Date 12/14/04 Regular [ ] Work Session [ ] Briefing [ ]  
Public Hearing - 1:30 [x] Public Hearing - 7:00 [ ]

MOTION/RECOMMENDATION:

- 1. APPROVE the requested major amendment to a PUD Final Master Plan, and authorize the Chairman to execute an Addendum to the Developer's Commitment Agreement, for a 9.68-acre site located on the south side of SR 434, 0.2 mile east of US 17-92, per the attached staff report (Jim McMullen, applicant); or
- 2. DENY the requested major amendment to a PUD Final Master Plan for a 9.68-acre site located on the south side of SR 434, 0.2 mile east of US 17-92, (Jim McMullen, applicant); or
- 3. CONTINUE the item to a time and date certain.

District 2 - Morris

Jeff Hopper-Senior Planner

BACKGROUND:

The applicant is proposing a townhouse development on a 9.68 acre site within the boundaries of Sunlake PUD, a development first approved in 1987. Density of the proposed development is approximately 13 units per net buildable acre. Existing development within the PUD includes a shopping center fronting on SR 434 and Sunshadow Apartments to the south. The subject property of this application is a portion of Tract "A", originally approved for retail commercial use. The proposed major amendment would place 86 units on the site, with access to SR 434 to be shared with the existing shopping center.

STAFF RECOMMENDATION:

Staff recommends APPROVAL subject to conditions listed in the attached staff report.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On November 3, 2004 the Planning & Zoning Commission voted 6-0 to recommend DENIAL of the requested PUD Major Amendment due to concerns over traffic safety and visitor parking.

Reviewed by: [Signature]  
Co Atty: [Signature]  
DFS: [Signature]  
OTHER: [Signature]  
DCM: [Signature]  
CM: [Signature]  
File No. PH130PDP08





## SUN LAKE PUD AMENDMENT

REQUEST INFORMATION	
<b>APPLICANT</b>	Jim McMullen / CPH Engineers Inc.
<b>PROPERTY OWNER</b>	Legacy Investments LLC
<b>REQUEST</b>	Major Amendment to PUD and Final Master Plan
<b>HEARING DATE (S)</b>	P&Z: Nov. 3, 2004      BCC: Dec. 14, 2004
<b>PARCEL NUMBERS</b>	04-21-30-525-0000-0040
<b>LOCATION</b>	South side of SR 434, 0.2 mile east of US 17-92
<b>FUTURE LAND USE</b>	Planned Development (PD)
<b>FILE NUMBER</b>	Z2004-034
<b>COMMISSION DISTRICT</b>	2 – Morris

### OVERVIEW

**Zoning Request:** The applicant is proposing a townhouse development on a 9.68 acre site within the boundaries of Sunlake PUD, a development first approved in 1987. Density of the proposed development is approximately 13 units per net buildable acre. Existing development within the PUD includes a shopping center fronting on SR 434 and Sunshadow Apartments to the south. The subject property of this application is a portion of Tract "A", originally approved for retail commercial use. The proposed major amendment would place 86 units on the site, with access to SR 434 to be shared with the existing shopping center.

Access into the site would be through an existing entrance to the Winn Dixie site on SR 434. The subject property includes an 80-foot strip of the commercial parking lot, although the shopping center would retain a cross-access easement over this strip for the purpose of parking, drainage and utilities.

Staff's early concerns on this project have largely been resolved through several revisions to the site plan. The one remaining issue relates to the need for adequate visitor parking within the development. Although the site plan shows 7 spaces dedicated to this use, the majority of visitor parking is proposed for the applicant's portion of the shopping center parking lot (this area will have 58 spaces available for use by visitors). While the quantity of visitor parking may be adequate, the placement of such parking would require most visitors to walk several hundred feet from a parking space to a dwelling unit. As a result, it is likely that guests would park in the street, creating potential obstructions on the project's internal roadways.

In addressing this issue, the applicant has modified the plan slightly, eliminating a cul-de-sac in favor of a looping road system. Also, each unit would have an 8' x 20' brick paver adjacent to a concrete driveway, to serve as additional parking when and if needed. Approval conditions should include prohibiting garages from being converted to living area; and parking of boats, recreational vehicles and other trailers should be limited to the guest parking area located in the shopping center parking lot.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	<b>Existing Zoning</b>	<b>Future Land Use</b>	<b>Existing Use</b>
<b>North</b>	City of Winter Springs	City of Winter Springs	vacant
<b>South</b>	PUD	PD	apartment complex
<b>East</b>	PUD	PD	shopping center
<b>West</b>	A-1	LDR	single family

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed amendment is consistent with the adopted future land use designations assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.
3. The site is within the Seminole County water and sewer service area.

**Compliance with Environmental Regulations:** At this time there are concerns as to the location of wetlands adjacent to Lake Irene, and compliance with the required 25-foot undisturbed buffer adjacent to these wetlands.

**Compatibility with Surrounding Development:** Adjoining properties to the east and south are a shopping center and apartment complex located within the existing Sunlake PUD. The primary concern is with regard to the Low Density Residential (LDR) property to the west, lying outside the development. Compatibility will be achieved through adequate buffering, setbacks and other design elements as implemented through the amended Final Master Plan and Developer's Commitment Agreement.

**School Impacts:** The Seminole County School Board offers the following comments on the proposed development:

Approval of this revision will add 91 residential units, or approximately 20 students to the public school system. Although the impact may be minimal, it is a conversion of commercial to residential, creating additional students that were not anticipated. The area is currently served by Winter Springs Elementary, South Seminole Middle, and Winter Springs High schools. These schools have the capacity to accommodate the anticipated students generated by this development.

### **STAFF RECOMMENDATIONS:**

Staff recommends APPROVAL subject to the following conditions:

- a. Permitted uses shall be single family homes, townhouses, home occupations, home offices, and appropriate accessory uses.
- b. Maximum density shall be 13 units per net buildable acre.

- c. Wetland boundaries as approved by the St. John's River Water Management District (SJRWMD) shall be identified on the site plan, along with required 25' average and 15' minimum upland buffers.
- d. No residential lots shall encroach into wetlands or required upland buffers.
- e. Applicant shall demonstrate compliance with the 25% usable common open space requirement by providing active recreational amenities within the development, particularly in the area adjacent to the water feature on the south.
- f. Minimum pavement width shall be 24 feet.
- g. Sidewalks shall be provided adjacent to all dwelling units, with connections to be provided to public sidewalks along SR 434.
- h. Residential building setbacks shall be as follows:
  - 17' from front property line
  - 20' from sidewalk
  - 5' side
  - 20' side street
  - 10' rear
- i. Accessory building setbacks shall be as follows:
  - screen enclosures 5' side/rear
  - others 7.5' side/rear
- j. Balconies and similar appurtenances shall be prohibited on units facing the west property line.
- k. The following shall be required on the north property line adjacent to SR 434:
  1. 20-foot building setback
  2. 6-foot brick or masonry wall
  3. 4 canopy trees per 100' having a minimum caliper of 3" as measured 1 foot above ground
- l. The following shall be required on the west property line adjacent to lots 61-86:
  1. 40-foot building setback
  2. 25-foot buffer with 6 canopy trees per 100' having a minimum caliper of 3" as measured 1 foot above ground
  3. 6-foot brick or masonry wall extending to edge of wetlands as defined by SJRWMD
- m. Outdoor lighting along the west boundary of the site shall be restricted to decorative lighting on the fronts of the units. However, motion sensitive security lighting shall be permitted in all parts of the development.
- n. Front walls of the units shall be staggered.
- o. Elevations shall be provided showing architectural features of the units.
- p. Conversion of garages into habitable living space shall be prohibited.
- q. Recreational vehicles and boats on trailers shall be restricted to the guest parking area on the east edge of the site.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

On November 3, 2004 the Planning & Zoning Commission voted 6-0 to recommend DENIAL of the requested PUD Major Amendment due to concerns over traffic safety and visitor parking.

**A. Sunlake PUD Major Amendment / Amber Lake Townhomes; CPH Engineers / Mike Urchuk, applicant; approximately 9.68 acres; Major Amendment to the Sun Lake PUD (Planned Unit Development); located on the south side of SR 434, approximately 0.2 mile east of US 17/92. (Z2004-034)**

Commissioner Morris - District 2  
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is proposing a major amendment to the Sunlake PUD, first approved in 1987. The subject property was shown as commercial on the original plan, and is now proposed for residential use. The site plan submitted by the applicant shows 89 townhouses at approximately 13 units per net buildable acre.

Access into the site would be through an existing shopping center entrance on SR 434. Although it leads into commercial parking, this entrance is actually part of the subject property, along with an 80 foot wide section of the parking lot. Staff believes the proposed townhomes would be compatible with the existing commercial to the east and an apartment complex to the south, both of which are part of Sunlake PUD.

Also, the applicant's site plan shows adequate setbacks and open space to act as a buffer against the Low Density Residential to the west. This item was continued at last month's meeting to permit extra time for the applicant to resolve some technical issues, which included guest parking, usable common open space, and adequate street width. We now feel those have been addressed adequately.

Staff recommends approval of the request, subject to the conditions listed in the staff report, including the following:

- Sidewalks to be provided adjacent to units on both sides of the road
- Required setbacks shall include a minimum of 20 feet from the sidewalk to the front wall of the unit
- Balconies would be prohibited on units overlooking the west property line
- Minimum 24-foot pavement width on internal roads
- In order to ensure adequate visitor parking, conversion of garages to living area would be prohibited, and boats and trailers would be restricted to the guest parking area within the shopping center parking lot

Mr. Hopper said that he would also like to delete one of the staff recommendations: Item (o), referring to a 16-foot width driveway on each lot.

Commissioner Tucker asked if the driveways would now be 8 feet wide and if the roads would be curbed.

Mr. Hopper said that they would be curbed.

Commissioner Tucker asked about the fire safety elements of construction of the townhomes.

Mr. Hopper stated that the units would be separated by firewalls.

Commissioner Tucker asked if Mr. Hopper knew the turning radius for fire department ladder trucks.

Mr. Hopper stated that the plan was reviewed by the Development Review Committee and that fire department vehicles will be able to pass through the area with cars parked on the roadway.

Commissioner Harris asked what the original provisions had been for internal guest parking.

Mr. Hopper stated that there had been an original pavement width of 22 feet, garages were allowed to be converted to living space, and guest parking was being allotted off site in the shopping center parking lot. Currently, the internal road is now 24 feet wide, with six guest parking spaces located at the end of the cul de sac and the homeowners will be restricted from converting their garages to living space.

Commissioner Hattaway stated that the Winn Dixie lot had been specified to be used for parking previously. She stated that a lot of people would be turning out onto SR 434. Was there only one traffic signal to be in the area.

Jim Potter from Development Review stated that the DOT has jurisdiction over this road and that at the current time there are no plans for a light here. The spacing will not allow one.

Commissioner Hattaway observed that patrons would be exiting into 8 lanes of traffic. She asked when the PUD had originally been approved.

Mr. Hopper said it was first approved in 1987,

Commissioner Hattaway said that things had changed a lot in the area since then.

Jim McMullen spoke next. He stated that the entrance was designed for the proposed purpose shown on his plans. There is an escape lane for a right-out.

Commissioner Harris asked how many trips were estimated to be making a left turn from the location.

Mr. McMullen said the best measure was to examine peak hour usage. This is estimated to be between 30 and 50 trips, with the escape lane. There is a road behind the Winn Dixie also. The proposed use is a less intense use than what is permitted now. Mr. McMullen demonstrated the internal traffic flow using the overhead map view.

Commissioner Hattaway stated concern for the proximity of the local public school (Winter Springs Elementary School). Having to pass in front of the Winn Dixie is a danger.

Mr. McMullen said that peak hour would bring internal traffic in, with people shopping and then going home to their townhomes.

Commissioner Hattaway asked if there was another way to move traffic to the light.

Mr. McMullen said that there was not. They must use access points as demonstrated.

Commissioner Harris observed that it was too bad that there is no way to go through the back.

Mr. McMullen said that there was a way to go through the back and to cut over.

Commissioner Hattaway asked if there was any way to make that more attractive to drivers.

Commissioner Peltz said that the key plan shows a road between the lake and the development. He demonstrated this on the overhead map.

Jim McMullen said that there is an easement for drainage in that location, along with a lake set back of 25 feet, and a power easement, all of which make the area unencroachable.

Mr. Hopper said that it is not possible to put a road there due to the setback and easement requirements.

Commissioner Tucker expressed concern for the fire safety of the plan, in light of the recent fire at UCF, looking at Lot 89 for fire access and the size of the trucks. He asked if Lots 6, 66, and 47 could be removed to accommodate a circular patterned road. Commissioner Tucker said that he would like to see better access and internal flow for emergency vehicles. 6 parking spaces for guest is inadequate.

Commissioner Harris agreed with Commissioner Tucker's observations.

No one spoke from the audience on this item.

Mr. McMullen stated that he had met with the fire department. This design meets code. There is no issue here. He has already lost 8 or 9 lots.

The public hearing was now closed.

Commissioner Tucker stated that he had concerns from a safety standpoint. This is maximum density with minimum standards.

**Commissioner Tucker made a motion to recommend denial of the request.**

**Commissioner Peltz seconded the motion.**

Commissioner Harris expressed concern for aspects of the quality of the plan, the access to SR 434, and the lack of a circular internal traffic flow. He has a problem with this plan.

Commissioner Dorworth agreed. A circular traffic pattern would be better. He cannot support this.

**The vote was 6 – 0 in favor of the motion.** The Commissioners recommend denial.

**SUNLAKE**  
Planned Unit Development  
Commitments, Classifications and District Description

**ADDENDUM #1**

On December 14, 2004, the Board of County Commissioners of Seminole County issued this Addendum to the "Sunlake Planned Unit Development Commitments, Classifications and District Description" (the "PUD") amending such PUD. Any aspects of that PUD not specifically amended herein or by Addendum #1 shall remain in effect as set forth in that PUD.

**B. STATEMENT OF BASIC FACTS**

Total Acreage:	56.744 acres
Total Commercial	21.2 <u>11.52</u> acres
Total Dwelling Units	384 <u>475</u>
<u>Gross Density Tract A Townhomes</u>	<u>9.4 units/acre</u>
<u>Net Density Tract A Townhomes</u>	<u>13.64 units/acre</u>
<u>Gross Density Tract B</u>	10.80 units/acre
<u>Net Density Tract B</u>	12.80 units/acre

**C. BUILDING PARAMETERS**

1. Multifamily
  - a) Building separation shall be 20 feet.
  - b) Front, side and rear yard setbacks shall conform with Article XI for R-3 and R-3A Multifamily Dwelling Districts, Seminole County Land Development Code.
  - c) Unit mix shall not exceed 50% two and three bedroom
  
2. Retail Commercial & Shopping Center

Building parameters shall conform to Article XXIV for C-1 Retail Commercial District, Seminole County Land Development Code.
  
3. Tract A Townhomes
  - a) Required setbacks shall be:
    - 17' front (from property line)
    - 20' front (from sidewalk)
    - 5' side
    - 20' side street
    - 10' rear
  
  - b) Maximum building size: 14,000 s.f.

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**B. STATEMENT OF BASIC FACTS**

Total Acreage:	56.744 acres
Total Commercial	21.2 <u>11.52</u> acres
Total Dwelling Units	384 <u>470</u>
<u>Gross Density Tract A Townhomes</u>	<u>8.9 units/acre</u>
<u>Net Density Tract A Townhomes</u>	<u>12.13 units/acre</u>
<u>Gross Density Tract B</u>	<u>10.80 units/acre</u>
<u>Net Density Tract B</u>	<u>12.80 units/acre</u>

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    - 17' front (from property line)
    - 20' front (from sidewalk)
    - 5' side
    - 20' side street
    - 10' rear
  
  - b) Accessory building setbacks shall be:
    - screen enclosures 5' side / rear
    - all others 7.5' side / rear

Accessory structures shall be permitted only on Lots 68-86.
  
  - c) Maximum building size: 14,000 s.f.
  
  - d) Balconies and similar appurtenances shall be prohibited on units facing the west property line.

- e) Outdoor lighting along the west boundary of the site shall be restricted to decorative lighting on the fronts of the units. However, motion sensitive security lighting shall be permitted in all parts of the development.
- f) Front walls of the units shall be staggered.
- g) Conversion of garages into habitable living space shall be prohibited.
- h) Recreational vehicles and boats on trailers shall be restricted to the guest parking area on the east edge of the site.

**E. Street Design**

- 1. *Definitions:*
  - c) Interior drives and parking areas within the Townhouse tract will be owned and maintained by a Homeowners Association.

**F. On-Site Pedestrian Walkways**

- 2. c) On interior roads within the Townhouse tract, a 4-foot wide paved concrete sidewalk will be provided on both sides adjacent to residential units, forming a continuous pedestrian circulation system. This sidewalk will be installed in conjunction with the construction of the townhouse units.

**J. Buffers and Perimeter Impact**

- 2. No building may be erected closer than 35 feet to any project boundary, except 20 feet adjacent to SR 434, and a 100 foot building setback is required along the east and south boundaries.
- 8. Within the townhouse tract, the following shall be required on the north property line adjacent to SR 434:
  - a) 20-foot building setback
  - b) 6-foot brick or masonry wall
  - c) 4 canopy trees per 100' having a minimum caliper of 3" as measured 1 foot above ground.
- 9. Within the townhouse tract, the following shall be required on the west property line adjacent to lots 61-86:
  - a) 40-foot building setback
  - b) 25-foot buffer with 6 canopy trees per 100' having a minimum caliper of 3" as measured 1 foot above ground
  - c) 6-foot brick or masonry wall extending to edge of wetlands as defined by SJRWMD

**K. Recreational Areas and Usable Common Open Space**

- 2. Within the Townhouse tract, the developer will provide a minimum of 25% usable common open space as required by the Land Development Code. This shall include retention areas amenitized per Section 30.1344, and areas of Lake Irene lying within the project legal description. It shall also include wetlands adjacent to Lake Irene and associated upland buffer areas. Specific recreational amenities to be provided include a dog walk / unpaved trail, a gazebo, and volleyball court.

## LAND USE TABLE

TRACT	ACRES	PERCENT OF SITE	LAND USE
Tract A-1	1.82	3	Retail/Commercial
Tract A ( <u>Commercial portion</u> )	<del>49.38</del> <u>9.7</u>	<del>38</del> <u>19</u>	Shopping Center
Tract A ( <u>Townhome portion</u> )	<u>9.68</u>	<u>19</u>	<u>Townhouse Units</u>
Tract B	35.544	59	Multifamily/Apts.
TOTAL	56.744	100	
Perimeter Buffer	2.63	5	50' Buffer
Lakes	2.15	4	Lakes Hodge & Irene
Wetlands	3.67	6	Seminole County Jurisdiction

Done and Ordered this 14<sup>h</sup> day of December, 2004.

By: \_\_\_\_\_  
 Carlton D. Henley  
 Chairman  
 Seminole County Board of County Commissioners



SUNLAKE PUD

APPROVED BY BCC ON JUNE 9, 1987

DEVELOPER'S AGREEMENT

A. Legal Description

See attached Exhibit.

B. Statement of Basic Facts

Total Acreage:	56.744 acres
Total Commercial:	21.2 acres
Total Dwelling Units:	384
Gross Density:	10.80 U/AC
Net Density:	12.80 U/A

C. Building Parameters

Building Parameters - The Sunlake PUD is designed as a self-contained community using creative site planning concepts. The development is a mixed use commercial and multifamily project. The first phase of the development will be the 384 multifamily units, with the retail commercial shopping center following as Phase II.

The following are the limitations of structures:

1. Multifamily

- a) Building separation shall be 20 feet.
- b) Front side and rear yard setbacks shall conform with Article XI for R-3 and 3-A Multifamily Dwelling Districts, Seminole County Land Development Code.
- c) Unit mix shall not exceed 50% two and three bedroom.

2. Retail Commercial & Shopping Center

Building parameter shall conform to Article XXIV for C-1 Retail Commercial District, Seminole County Land Development Code.

D. Maximum Building

Maximum building height will conform with the Seminole County Land Development code for R-3, R-3A and commercial development. But in no case will exceed 35 feet in height.

E. Street Design

All roads will be private streets and will be maintained by the developer until they are taken over by the Property Owners Association.

## E. Street Design (Cont'd)

### 1. Definitions:

a) Roadway/Utility Tracts: As used herein, the designated tracts of commonly owned, Property Owners Association property, in which paved traffic access roads are located. Additional unpaved area flanking the paved surfaces are intended to be approximately equally spaced on each side of the paved surface and will make up the area within the roadway/utility tracts designated width.

b) Interior Drives and parking areas within the multifamily tract will be owned and maintained by the multifamily property owner.

### 2. All paved surfaces and curbing will be designed and constructed to normal Seminole County specifications. This includes necessary subbase, base and surface composition. Pavement widths will be as follows:

a) Main spine road between U.S. Highway 17-92 and State Road 434 - 28 feet total. 12 foot driving lanes with 2 foot Miami curbs.

b) Interior streets and parking drives - 24 feet total. 10 foot driving lanes with 2 foot Miami curbs.

### 3. Roadway/Utility Tracts will be as follows:

a) Main spine road - 50 feet.

b) Interior paved drives - as required to accommodate improvements.

## F. On-Site Pedestrian Walkways

1. Developer shall provide 5 foot wide concrete sidewalks parallel to one side of the roadway/utility tracts on the main spine road. Such sidewalks will be installed as construction of dwelling units impact this road.

2. On interior paved areas within multifamily units, a 4 foot wide paved concrete sidewalk will be provided for interior pedestrian circulation. This sidewalk will be installed in conjunction with the construction of the multifamily units.

## G. Off-Site Pedestrian Sidewalks

1. The developer will install, during construction of the commercial tracts, a 5 foot wide sidewalk along the south side of State Road 434 for the frontage of the P.O.D.

2. The developer will install a 5 foot wide sidewalk along the entrance property on U.S. Highway 17-92.

#### H. Impact Conditions

1. The developer will contribute a school impact fee of \$200.00 per multifamily unit.
2. The developer will contribute a fire impact fee of \$50.00 per dwelling unit, and \$78.00 per thousand square feet of commercial building.
3. The developer will contribute a law enforcement impact fee of \$50.00 per dwelling unit and 5 cents per square foot for commercial building.
4. The developer will contribute to the Library and Parks Fund an impact fee of \$25.00 for Library and \$25.00 for Parks for each dwelling unit.
5. Master plan commitment's the developer will pay Road Impact Fees pursuant to Ordinance 87-04. The fees paid will be for any building permits issued prior to April 9, 1988 pursuant to Resolution 85-R-182. For any building permits issued after April 9, 1988 pursuant to Ordinance 87-04 or its successor in effect at time of building permit.
6. It is understood that the above specified impact fees have no bearing on other utility service fees or service agreements.

#### I. Off-Site Road Impact Commitments

1. Developer will construct the main spine road to U.S. Highway 17-92. This will align with the Handy City median opening. Proper turn lanes will be constructed with this improvement. Construction of the U.S. Highway 17-92 connection will begin at the commencement of the multifamily units and be completed prior to the first certificate of occupancy of these units.
2. Developer will design and construct dual east and westbound left turn lanes on State Road 434 at U.S. Highway 17-92, traffic impact fee credits shall apply for these improvements. Developer is also responsible for any signal modifications at this intersection. This improvement is required to be complete prior to Certificate of Occupancy of the shopping center Tract "A".
3. Developer to construct required turn lanes at all entrances on State Road 434, and provide for a 50 foot half right-of-way on State Road 434. This construction will commence with the connection of the spine road to State Road 434 during the construction of the shopping center Tract "A".

4. The developer will share 50% in the cost for signalization at the intersection of State Road 434 and the main spine road.
5. Signalization will be constructed at the intersection of U.S. Highway 17-92 when warranted. Developer of Sunlake is responsible for 100% of the cost of the signal at U.S. Highway 17-92 and the main spine road. Should the signal not be warranted within one year from completion of residential unit and the final Certificate of Occupancy of 80% of the commercial buildings, then this commitment will expire.

J. Buffers and Perimeter Impact

1. A 50 foot buffer, that will be used for walls and landscaping will be established along the east and south boundaries of the project.
2. No building may be erected closer than 35 feet to any project boundary, a 100 foot building setback is required along the east and south boundaries.
3. The developer will install a 6 foot high masonry wall along the eastern and southern boundaries of the Sunlake PUD. The southern wall shall terminate at the east side of Lake Hodge mean water high elevation and continue from the west side of the Lake Hodge mean high water line to the east side of the Lake Irene mean high water line.
4. Landscaping plans will be submitted for screening specified sections of the PUD as part of the site plan review process or, at the time of final platting. Such plans will be subject to review and approval by Seminole County.
5. A 6 foot masonry wall will be constructed by the commercial user along the southerly boundary of the commercial tract.
6. Existing trees 6" or larger in diameter within the east 50 foot buffer area will be retained.

K. Recreational Areas and Open Space

1. The developer will create an amenity package consisting of recreational facilities, a pool with cabana and tennis courts. These facilities will be installed and completed with the construction of the multifamily units. Maintenance of these facilities will be the responsibility of the multifamily project owners. Completion of the recreation facilities will be accomplished prior to the certificate of occupancy of the 192nd multifamily unit.

T. BERNIE WITH THE KRAMERS CORP. COMMITTED TO PLANTING 5' 4" OAK TREES ADJACENT TO FRAN PHILLIPS PROPERTY, COMMITMENT MADE ON 5-10-89

L. Seminole County Services

1. Seminole County will provide all necessary and usual community services to the development, including but not limited to, fire protection, police protection, and availability of primary and secondary educational facilities. Such provisions are subject to the limitations and restrictions imposed by the Sunlake Property Owners Association, Inc. and its governing Declaration of Covenants and Restrictions to provide for its own maintenance of all common areas and road systems.
2. Sewer capacity to be provided by Seminole County - contingent upon execution of utility agreement and payment of connection fees.

Water capacity to be provided through a wholesale agreement with the City of Casselberry - contingent upon execution of necessary agreements and payment of connection fees.

4M. Drainage

Drainage improvements will utilize existing depressions and proposed lakes to provide storage for the additional run-off volume generated by post development conditions, based on the design storm. Any fill placed below the 100 year flood elevation will be subject to review & approval by the County Engineer.

N. OTHER COMMITMENTS

1. Unless a particular item is specifically covered or permitted in this agreement, the applicable portion of the Semnole County Land Development Code shall prevail.
2. Whenever the term "developer" is used herein, same shall be taken and construed to mean "Kimmins Property Corporation". All obligations, liabilities and responsibilities incurred by or imposed upon the developer by this commitment shall be assumed by and enforced against any successor-in-interest of Kimmins Property Corporation as the overall Developer of the Planned Unit Development, or any portion thereof.

Dated this 11 day of June, 1987.

Tom Sash V.P.  
KIMMINS PROPERTY CORPORATION

Paul W. Huetner  
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS  
SEMNOLE COUNTY

ECONOMIC JUSTIFICATION  
FOR  
SUNLAKE PUD

The subject property is located just a quarter mile east of Highway 17-92 on the south side of State Road 434. In excess of 63,000 cars pass daily at this major intersection. The area has experienced profound growth in recent years. In 1980, the population was 19,757 in a two mile radius of the site and 63,033 for a four mile radius. The 1987 population projections are 28,073 for a two mile radius and 85,532 for four miles. Many of the new households are locating east of the site and currently have no grocery stores immediately available to them without crossing Highway 17-92.

We have been in contact with several major grocery store chains and they have a definitive interest in the property. We also anticipate placing a theater in the center. The property's configuration, with its 1100+ feet of frontage, will provide the center an excellent market window. The residential portion of the PUD will encompass 384 apartment units which will be another source of patronage for the shopping center.

It is anticipated that the center will fill a void in the immediate trade area and should prove to be very successful.

#0367k

LAND USE TABLE

TRACT	ACRES	PER-CENT OF SITE	LAND USE
Tract A-1	1.82	3	Retail/Commercial
Tract A	19.38	38	Shopping Center
Tract B	35.544	59	Multifamily/Apts.
TOTAL	56.744	100	
Perimeter Buffer	2.63	5	50' Buffer
Lakes	2.15	4	Lakes Hodge & Irene
Wetlands	3.67	6	Seminole County Jurisdiction

Parcel B:

Land Area - 30.0 Acres (Net)

Land Use - 384 Apartment Units

Density - 12.8 Units Per Acre

Building Coverage - 150,000 Sq. Ft. -  
3.7 Acres - 11%

Pavement Coverage - 242,300 Sq. Ft. -  
5.6 Acres - 16%

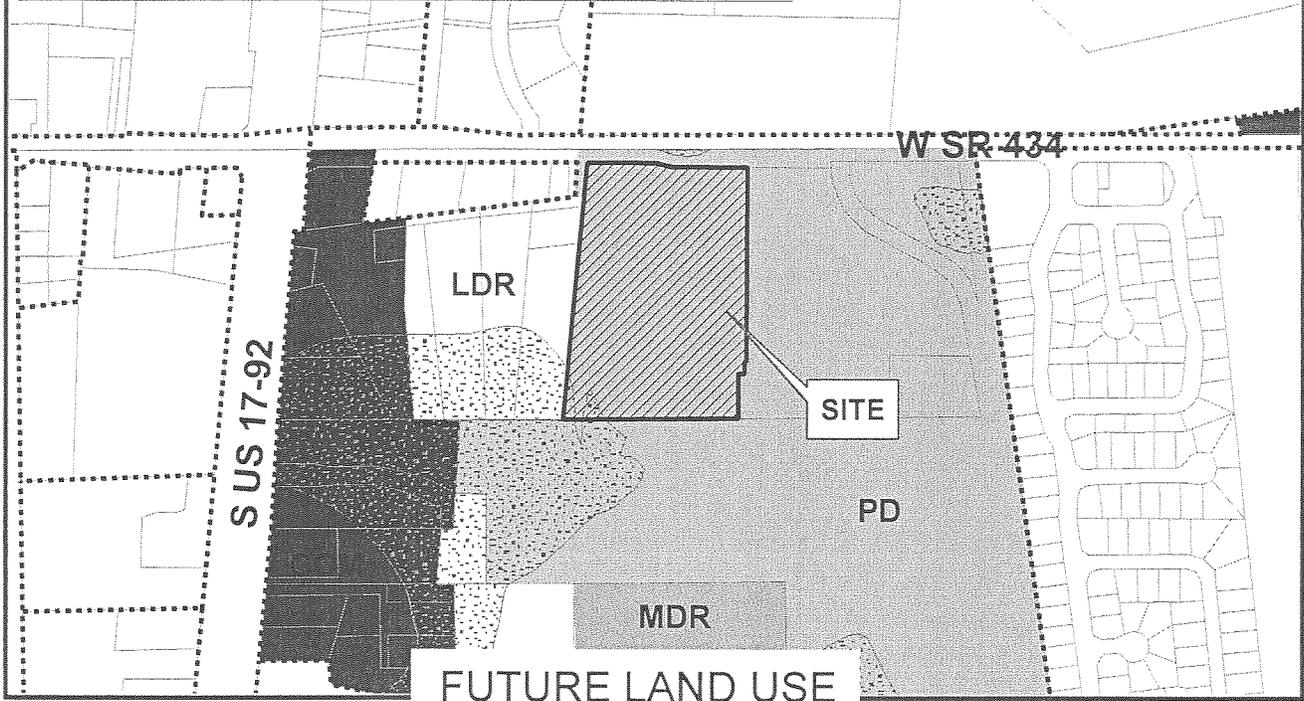
Open Space - 1,053,732 Sq. Ft. -  
24.1 Acres - 72%

The open space includes lakes, wetlands, buffers, common yard areas and recreation areas.

Recreation facilities to include swimming pools, tennis and racquetball courts. Also, the lakes and wetlands will be utilized as passive recreational areas.

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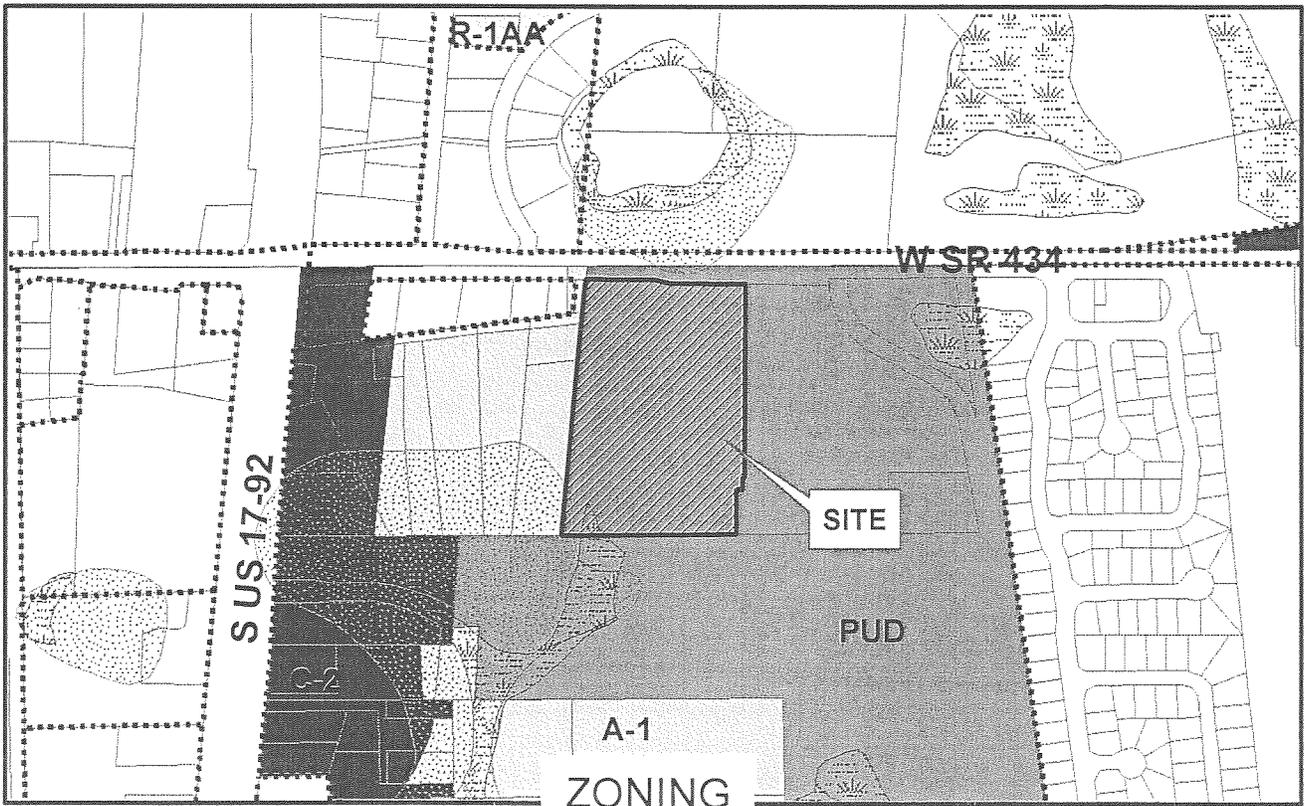
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site
  Municipality
  LDR
  MDR
  PD
  COM
  CONS

Applicant: Legacy Investments LLC  
 Physical STR: 04-21-30-525-0000-0040  
 Gross Acres: 9.68 BCC District: 2  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-034	PUD	PUD



Site
  Municipality
  A-1
  R-1AA
  C-2
  PUD
  FP-1
  W-1



Rezone No: Z2004-034  
From: PUD To: PUD

- Parcel
- Subject Property



February 1999 Color Aerials