

SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM

SUBJECT: Rezoning from PUD to PUD (Thomas Daly)

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

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date 2/06/02

Regular ☐

Work Session ☐

Briefing ☐

Special Hearing – 6:00 ☐

Public Hearing – 7:00 ☐

MOTION/RECOMMENDATION:

Approval of a rezoning from PUD to PUD, at intersection of Tuskawilla Rd. and SR 426, per the attached Development Order (18.14 acres). Thomas Daly, applicant.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Thomas Daly, requests approval of a rezoning from PUD to PUD for this 18-acre parcel in order to develop a mixed residential and retail development consisting of 168 townhouse units and 2 commercial parcels. The subject property is currently vacant and has a HIP land use designation.

Planning staff is recommending approval of this request, subject to conditions listed in the Development Order.

Reviewed by:

Co Atty: _____

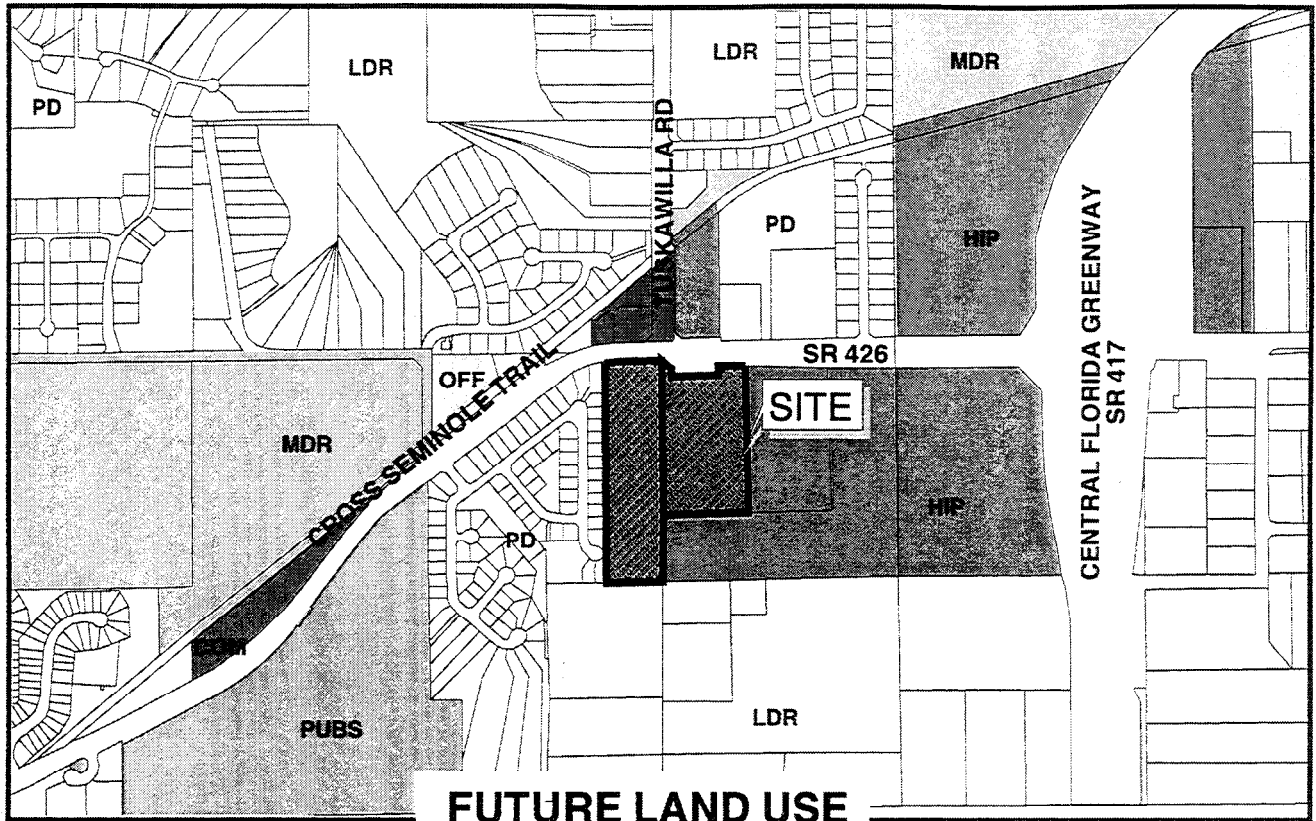
DFS: _____

OTHER: _____

DCM: _____

CM: _____

File No. Z2001-046

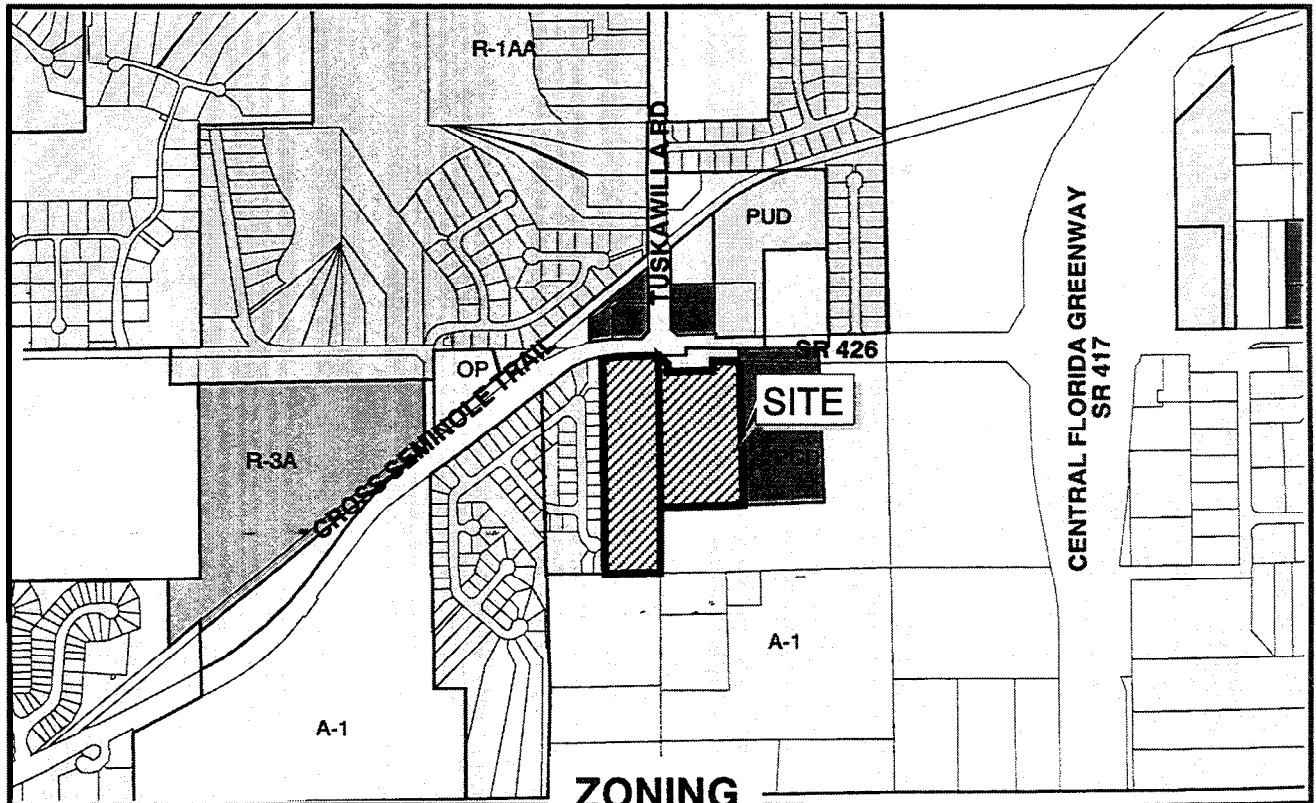


FUTURE LAND USE

Site
 Municipality
 COM
 LDR
 MDR
 PUBS
 PD
 OFF
 HIP

Applicant: Thomas Daly, Daly Design Group Inc.
 Physical STR: 36-21-30-300-006A & 0230-0000
 Gross Acres: +/-18 BCC District: 1
 Existing Use: **Vacant**
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU			
Zoning	Z2001-046	PUD	PUD

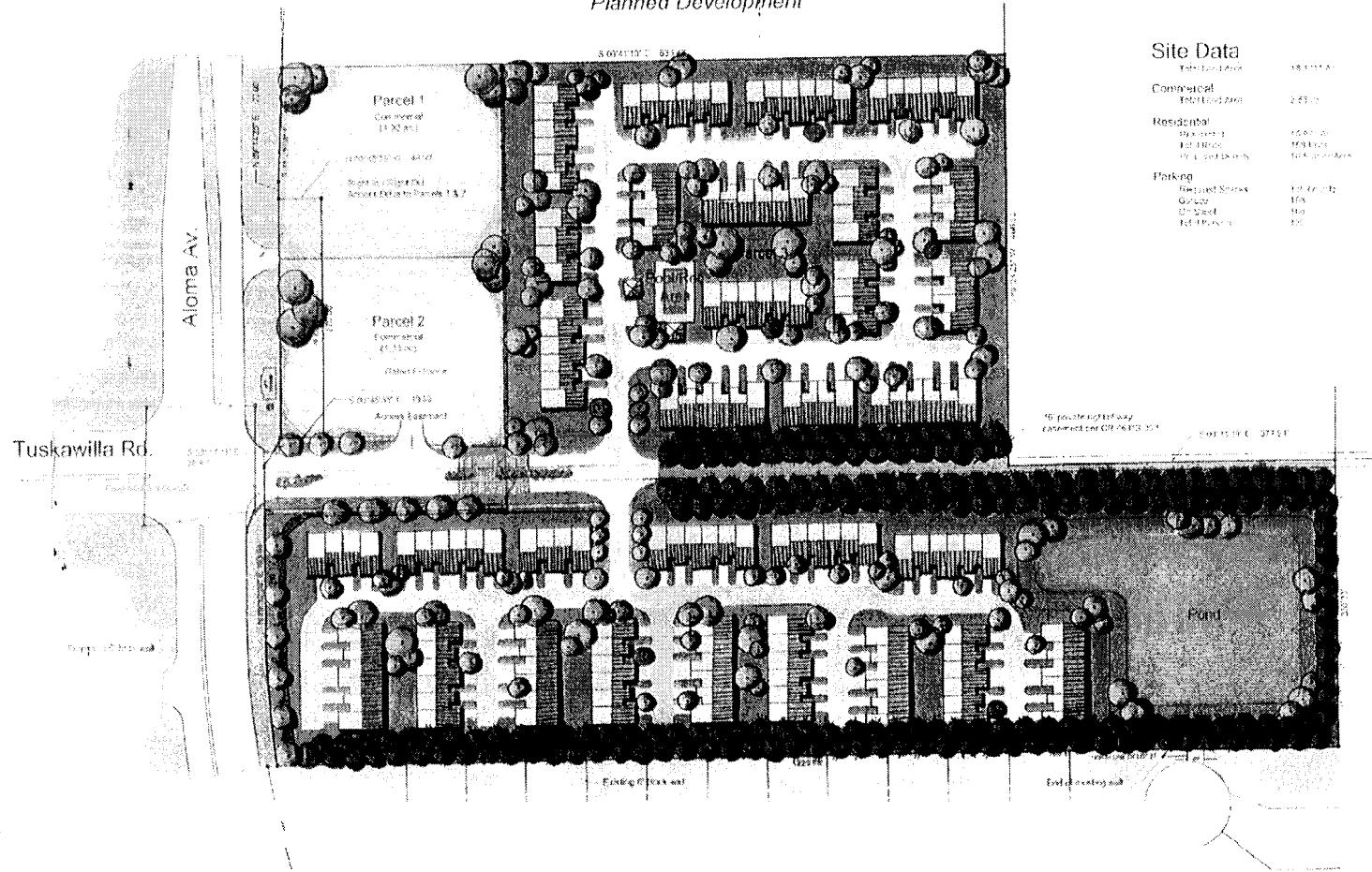


ZONING

A-1
 R-1AA
 R-3A
 PCD
 PUD
 OP

Trinity Estates

Planned Development



Trinity Estates

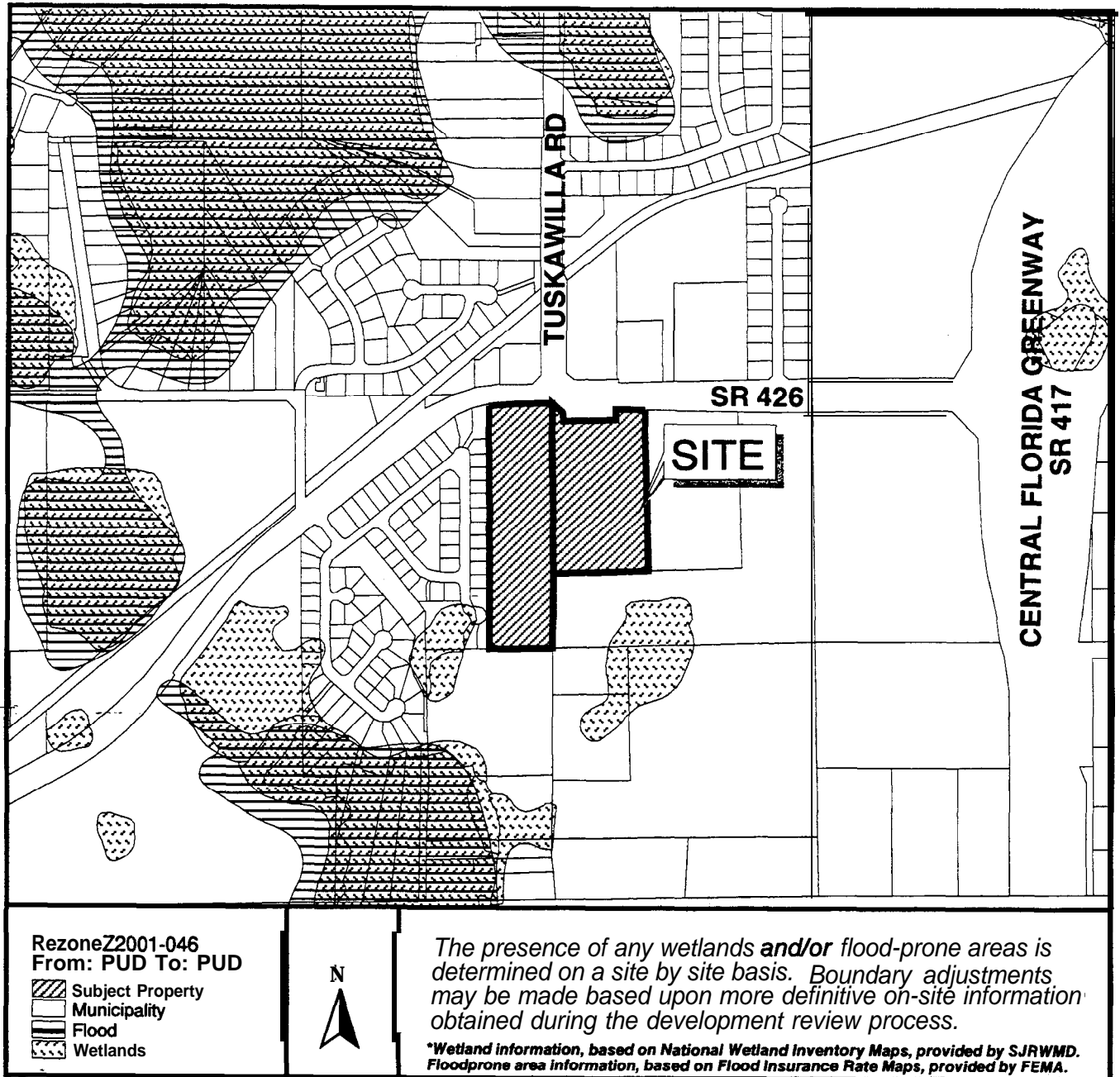
Planned Development

Illustrative Plan
day design group inc.

1000 S. 10th St., Suite 100, Anchorage, Alaska 99501
Tel: (907) 255-1111 Fax: (907) 255-1112

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CONSERVATION



filename: /plan/cpcr02/amend/z2001-046.apr/z2001-046cons 12/19/01

TRINITY RETAIL CENTER

REQUEST INFORMATION		
APPLICANT	Tom Dalv/Dalv Desian Group Inc	
PROPERTY OWNER	Trinity Capital Ltd.	
REQUEST	Planned Unit Development (PUD) to Planned Unit Development (PUD)	
HEARING DATE (S)	P&Z: Feb. 6, 2002	BCC: TBD
SEC/TWP/RNG	36-21-30-300-006A-0000	
LOCATION	Intersection of Tuskawilla Rd. and SR 426	
FUTURE LAND USE	High Intensitv Planned Deveooment (HIP)	
FILE NUMBER	Z200 I-046	
COMMISSION DISTRICT	District 1 (Maloy)	

OVERVIEW

Zoning Request: The applicant is proposing both residential and commercial uses on an 18-acre site on the south side of SR 426 at the southern terminus of Tuskawilla Rd. The residential use would consist of 168 single-family attached dwelling units on individual platted lots, at a density of 10.5 units per acre. Units would be a maximum of 35' or 2 stories in height, with a minimum living area of 1,000 s.f. Typical lot size would be 1,600 s.f. Required setbacks would be 20' front and 10' rear. The project is not being marketed as student housing.

In addition to the residential use, there would be two commercial parcels, 1.25 and .95 acre in size, fronting on SR 426 at the north end of the subject property. Allowable uses would be as permitted in the C-I district, with additional uses being car washes, gasoline pumps, and drive-through restaurants. Prohibited uses listed by the applicant are bars, lounges, taverns, billiard parlors, and any other type of establishment devoted primarily to the sale of alcoholic beverages.

Proposed open space meets the Code requirement of 25% of the site, and consists of a pool/recreation area for residents, common areas (including a wet retention pond), and landscape buffers.

This proposal is on the site of a previous version of Trinity Retail Center PUD, which consisted of approximately 130,000 s.f. of retail floor area on the same property. In addition, 3 commercial outparcels were shown fronting on SR 426.

Compatibility with neighboring single family development is a major issue. The subject property adjoins the east side of Trinity Bay, a single family subdivision developed at 5+ units per acre. At about twice the density, Trinity Retail Center would be a much more intensive use.

However, it should be noted that the commercial use already approved on the property is even more intensive. The previous Preliminary Master Plan showed a 75-foot building setback and a 60-foot buffer along the west property line. The buffer was to be planted

with 3 rows of oaks and 2 rows of wax myrtles. In the current proposal, the setback and buffer have been reduced to a minimum of 25 feet. A row of oak trees 30' on center would be planted to supplement an existing row of pine trees at the west property line.

Planning staff has noted that the active buffer requirement of the Land Development Code applies where "multi-family development [is] adjacent to properties assigned a residential zoning classification." As 2-story buildings are being proposed, this provision of the Code would require a 50-foot buffer and 100-foot setback. However, the applicant contends that the proposed townhouse type of arrangement does not qualify as multi-family under the intent of the Code, and that smaller buffer and setback requirements are reasonable.

The existing PUD approval was granted in 1990, prior to adoption of the active buffer requirement. The 75-foot setback required under that approval, together with the 50-foot buffer standard from the current Code, may represent a suitable compromise here.

Another issue related to neighboring properties involves an existing 16-foot easement dividing the property from north to south, providing access to SR 426 for 8 landowners holding acreage parcels to the south of the Trinity site. The applicant proposes no improvements in this access in terms of its width or type of road surface. Current users would not be restricted; however, no expansion in the capacity of this access road is being proposed.

In summary, this request represents a major change from the commercial uses previously approved on the site, but probably would not have greater impacts on surrounding properties. With sensitive site design and adequate buffering, it could be preferable to the retail development which the County has already authorized.

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

North – Commercial uses in PCD and PUD zoning; Commercial, HIP and PD future land use.

South – Agricultural and large-lot single family residential in A-I zoning and LDR future land use.

East – Mini-warehouse in PCD zoning and HIP future land use.

West – Single-family residential in PUD zoning and PD future land use.

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 zoning is consistent with the adopted future land use designation 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. Water and sewer service are being provided by Seminole County.

Compliance with Environmental Regulations:

The proposal complies with all applicable environmental regulations. A Listed Species report will be required at the Final Master Plan stage.

Compatibility with surrounding development: Currently, the area has HIP, LDR, PD and Commercial land use designations. The proposed PUD zoning classification, with conditions recommended below, is compatible with surrounding land use designations.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the requested PUD zoning classification, per the development order. If approved, the development should be subject to the following conditions:

1. The development will not be designed or marketed as student housing.
2. Balconies shall be prohibited on units closest to the west property line.
3. There shall be a 75-foot building setback and a 50-foot buffer along the west property line. The buffer shall include the existing row of pine trees and an additional row of 4" caliper oak trees on 30-foot centers.
4. A 6-foot brick or masonry wall shall be maintained along the west property line. The existing block wall shall be upgraded or repaired as necessary by the developer, and shall be extended to the south property line.
5. Front walls of townhouse units shall be staggered.
6. The 16-foot easement providing access to properties to the south shall be extended northward to SR 426, and shall be maintained at no less than its current capacity. Property owners using the easement shall be granted use of the gated entrance into the residential portion of the Trinity site.
7. At least 2 east-west streets crossing the easement shall be provided.
8. Dumpsters and mechanical units shall be located and/or screened so as not to be visible from SR 426 or Trinity Bay Subdivision.
9. The wet retention area shall be amenitized in accordance with the design criteria of Section 30.1344 in order to qualify as open space. This shall be shown on the Final Master Plan.
10. Parking spaces of 9½ feet in width shall be permitted on the commercial parcels only.
11. Commercial lots shall be subject to active/passive buffer standards on their south property line.
12. All landscape buffers and common areas shall be maintained by a homeowners association.
13. No accessory buildings shall be allowed on individual townhouse lots.

FILE # Z2001-046

DEVELOPMENT ORDER # I-20000027

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On _____, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: TRINITY CAPITAL LTD., A.C. LEERDAM, PRESIDENT

Project Name: TRINITY RETAIL CENTER

Requested Development Approval: Rezoning from PUD zoning classification to PUD zoning classification

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

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

Order**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:

1. The development will not be designed or marketed as student housing.
2. Balconies shall be prohibited on units closest to the west property line.
- 3. There shall be a 75-foot building setback and a 50-foot buffer along the west property line. The buffer shall include the existing row of pine trees and an additional row of 4" caliper oak trees on 30-foot centers.
- .. 4. A 6-foot brick or masonry wall shall be maintained along the west property line. The existing block wall shall be upgraded or repaired as necessary by the developer, and shall be extended to the south property line.
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- .. 10. Parking spaces of 9% feet in width shall be permitted on the commercial parcels only.
11. Commercial lots shall be subject to active/passive buffer standards on their south property line.
- .. 12. All landscape buffers and common areas shall be maintained by a homeowners association.
13. No accessory buildings shall be allowed on individual townhouse lots.

.. (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.

By: _____
Daryl G. McLain
Chairman
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, A.C. Leerdam, President of Trinity Capital Ltd., on behalf of itself and its 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

A.C. Leerdam, President
TRINITY CAPITAL LTD.
Property Owner

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 A.C. LEERDAM, who the President of Trinity Capital Ltd., and is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT "A"

(TRACT A)

The north 311 yards of the west 155 ½ yards of the northeast ¼ of the southeast ¼ of section 36, township 21 south, range 30 east, Seminole County, Florida, lying and

(TRACT B)

The east ¼ of the northeast ¼ of the southeast ¼ of section 36, township 21 south, range 30 east, Seminole County, Florida, lying south of county road 426.

AND

All that tract or parcel of land lying in a portion of the North 311 yards of the West 155 ½ yards of the Northeast ¼ of the Southeast ¼ of section 36, Township 21 South, range 30 East, Seminole County, Florida, being a portion of State Road 426 right-of-way and being more particularly described as follows:

Commencing at the Northwest corner of the Southeast ¼ of Section 36, Township 21 South, range 30 East; Thence N89 24'25"E along the North line of said Southeast ¼ a distance of 1323.74 feet to the Northwest corner of the Northeast ¼ of the Southeast ¼ of said Section 36; Thence S00 41'01"E along the west line of the Northeast ¼ of the Southeast ¼ of said Section 36 a distance of 69.80 feet to a point on the Southerly right-of-way of Aloma Avenue, also known as State Road 426 as shown on the right-of-way map prepared by the Florida Department of Transportation, Section Number 77080-2516; Thence N89 12'06"E along said Southerly right-of-way line a distance of 13.77 feet to a point; Thence S58 17'19"E along said right-of-way line a distance of 36.92 feet to the point of beginning; Thence N00 45'35"W, departing said right-of-way line, a distance of 3.50 feet to a point; thence S89 14'25"W a distance of 270.00 feet to a point; Thence S00 45'35"E a distance of 4.50 feet to a point on said Southerly right-of-way line; Thence S00 45'35"E a distance of 48.50 feet to a point; thence S89 14'25"W a distance of 270.00 feet to a point; thence N00 45'35"W a distance of 49.50 feet to the point of beginning. The last three (3) courses being coincident with said Southerly right-of-way line. Containing 14,130 square feet or 0.329 acre more or less.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 document titled "Trinity Retail Center PUD." --

(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. REZONING.

The zoning classification assigned to the following described property is changed from PUD (Planned Unit Development) to PUD (Planned Unit Development):

Legal Description Attached as Exhibit A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. 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 5. 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. This Ordinance shall become effective upon the date of recording of this Development Order in the official land records of Seminole County.

ENACTED this ____ day of February, 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

(TRACT A)

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(TRACT B)

The east ¼ of the northeast ¼ of the southeast ¼ of section 36, township 21 south, range 30 east, Seminole County, Florida, lying south of county road 426.

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