

ITEM # \_\_\_\_\_

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

SUBJECT: Major Revision to Preliminary Master Plan for Deep Lake PUD (Harvey Slayton and Susan Irelan, applicants)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Matthew West <sup>MW</sup> CONTACT: Jeff Hopper <sup>JH</sup> EXT. 7431

Agenda Date 11/06/02 Regular ☐ Work Session ☐ Briefing ☐  
Special Hearing – 6:00 ☐ Public Hearing – 7:00 ☒

MOTION/RECOMMENDATION:

- 1 APPROVAL of the requested major revision to a PUD Preliminary Master Plan for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road, Harvey Slayton and Susan Irelan, applicants.
2. DENIAL of the requested major revision to a PUD Preliminary Master Plan for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road.
- 3 CONTINUE the item to a time and date certain.

District 1 – Maloy

Jeff Hopper-Senior Planner

BACKGROUND:

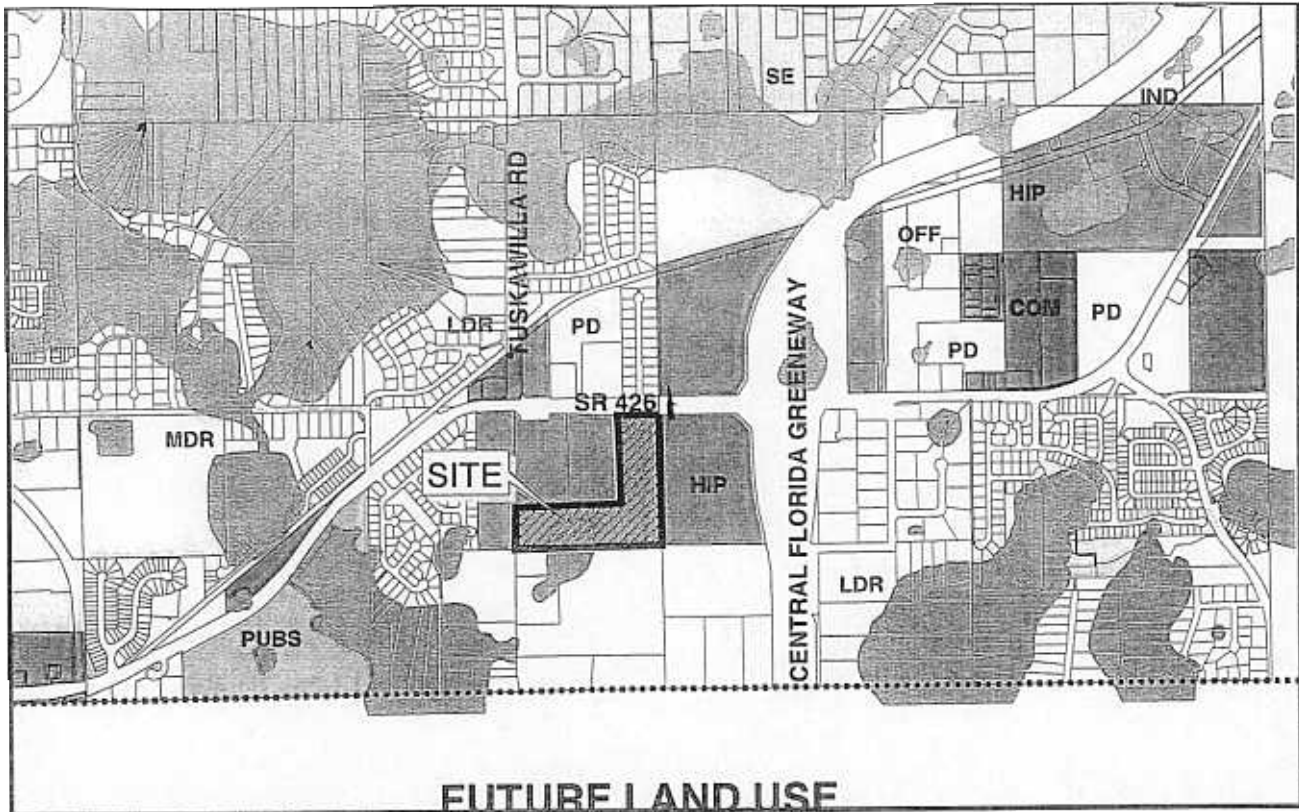
The applicants are proposing a major change to the Preliminary Master Plan for Deep Lake PUD, approved by the Board of County Commissioners in April 2002 and located on 18.66 acres in the Higher Intensity Planned Development (HIP) land use designation. As compared to the original plan, the requested change involves a moderate increase in residential density, a slight reduction in office-commercial land area, and relocation of retention to an off-site facility. In addition, the project entrance road is now shown as a shared access with the Clayton property to the east, in fulfillment of the Board's wishes as expressed at the April hearing.

In revising the preliminary plan, the applicants are proposing an increase in the number of dwelling units from 65 to 133, for a net residential density of approximately 12.74 units per acre. Also, commercial/office land use has been reduced from 3 lots totaling 4.41

Reviewed by: \_\_\_\_\_  
Co Atty: KZC  
DFS: \_\_\_\_\_  
OTHER: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. Z2002-008

acres to 2 lots at 3.92 acres. Another significant change is the removal of a 1.65 acre dry retention/open space tract. Retention for Deep Lake would be provided on the site of the South Tuskawilla Property PUD to the south, an adjoining project with the same developer.

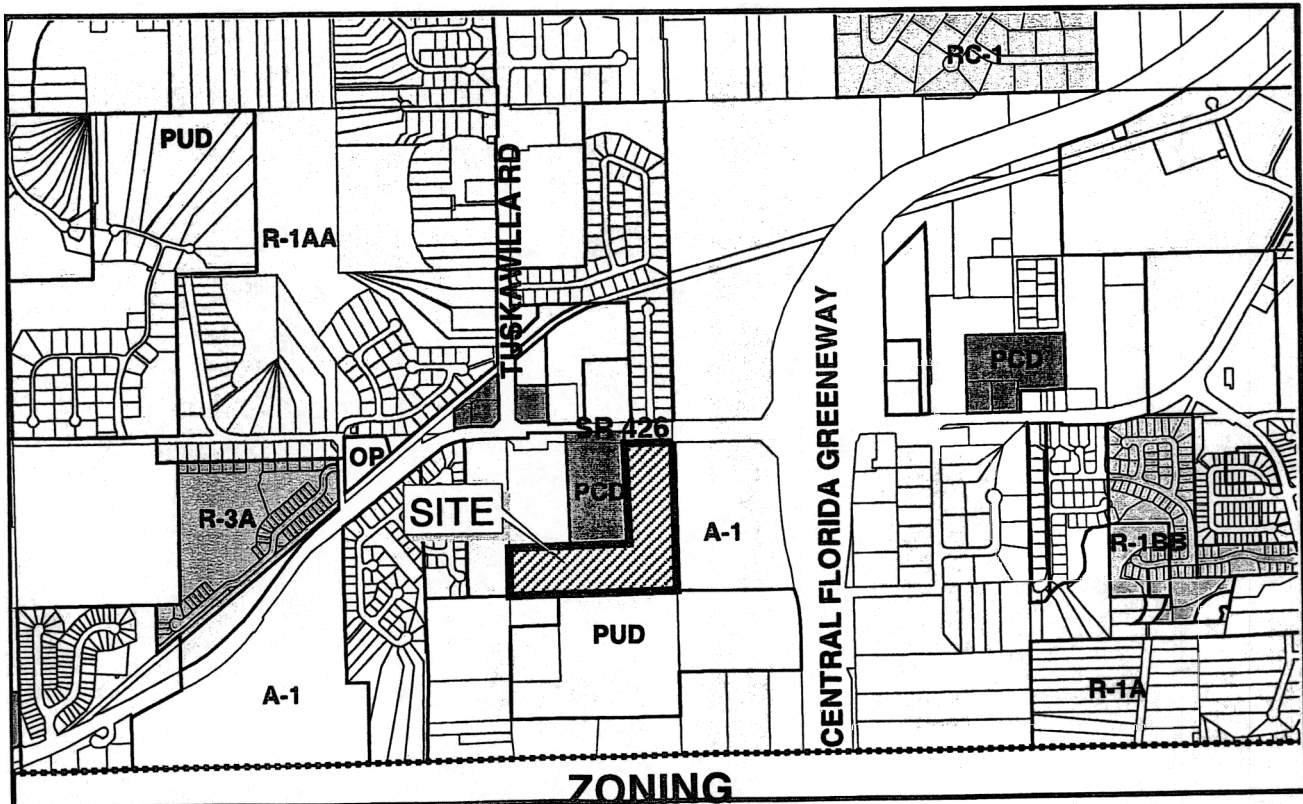
Staff has no objection to the new proposal as it is consistent with the HIP land use designation, and preserves all buffers and setbacks approved in the original plan.



Site 
 ..... Municipality 
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  HIP 
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  MDR 
 OFF IND

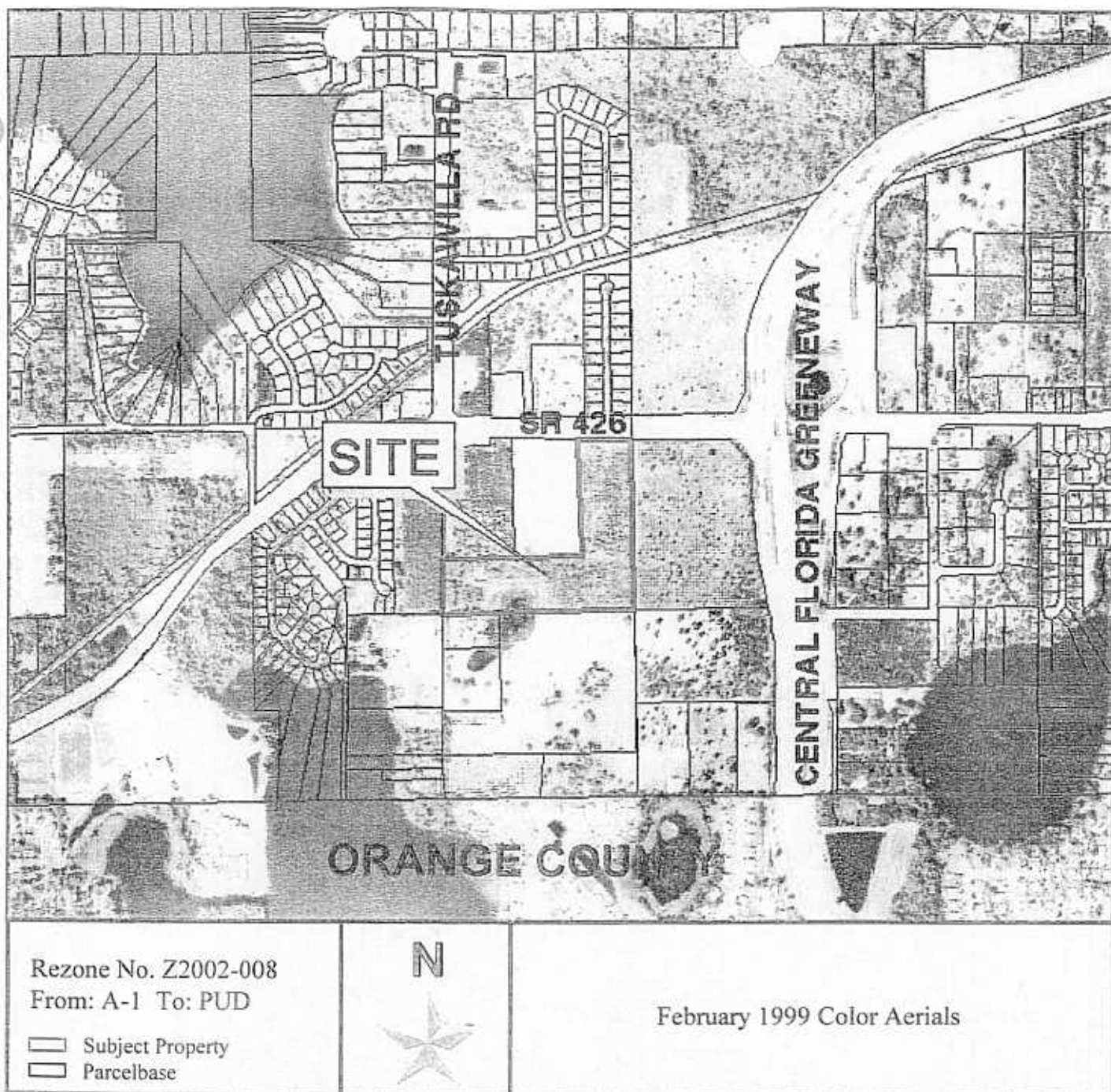
Applicant: Mr. Harvey Slayton & Ms. Susan S. Irelan  
 Physical STR: 36-21-30-300-0250-0000  
 Gross Acres: 18.66 BCC District: 1  
 Existing Use: Timberland  
 Special Notes: \_\_\_\_\_

|        | Amend/<br>Rezone# | From | To  |
|--------|-------------------|------|-----|
| FLU    | --                | --   | --  |
| Zoning | Z2002-008         | A-1  | PUD |



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





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## DEEP LAKE PUD

| REQUEST INFORMATION |   |                    |
|---------------------|---|--------------------|
| APPLICANT           | Harvey Slayton and Susan S. Ireland               |                    |
| PROPERTY OWNER      | Harvey Slayton and Susan S. Ireland               |                    |
| REQUEST             | Major Modification to PUD Preliminary Master Plan |                    |
| HEARING DATE (S)    | P&Z: Nov. 6, 2002                                 | BCC: Nov. 26, 2002 |
| SEC/TWP/RGE         | 36-21-30  |                    |
| LOCATION            | South of SR 426 and east of S. Tuskawilla Road    |                    |
| FUTURE LAND USE     | High Intensity Planned Development (HIP)          |                    |
| FILE NUMBER         | Z2002-008   |                    |
| COMMISSION DISTRICT | District 1 (Maloy)                                |                    |

### OVERVIEW

**Zoning Request:** The applicants are proposing a major change to the Preliminary Master Plan for Deep Lake PUD, approved by the Board of County Commissioners in April 2002. This project is located on 18.66 acres in the Higher Intensity Planned Development (HIP) land use designation. As compared to the original plan, the requested change involves a moderate increase in residential density, a reduction in office-commercial land area, and relocation of retention to an off-site facility. In addition, the project entrance road is now shown as a shared access with the Clayton property to the east, in fulfillment of the Board's wishes as expressed at the April hearing.

The applicant is proposing a substantial revision to the Preliminary Master Plan approved for Deep Lake PUD in April 2002. The plan approved at that time consisted of three lots for commercial and/or office use, totaling approximately 4 acres, and a fourth lot for townhouse development. On this lot, the preliminary plan submitted for review illustrated 65 residential units on 11 acres, for an overall density of 5.9 units per acre.

Subsequent to the April approval, the applicants proposed a Final Master Plan showing 180 units at approximately 17 units per acre. This revised development concept was recommended for approval by the Planning & Zoning Commission on September 4, but denied by the Board of County Commissioners on September 24.

The present proposal consists of 133 dwelling units on 14 acres at a density of 12.74 units per net buildable acre. This is a slightly lower density than that of the adjoining Trinity Retail Center site, approved earlier this year. There will be minimal off-street parking, as each unit will include a garage.

Of major importance in this revision is the presence of a shared access road with the Clayton property adjoining to the east. An agreement has been reached between the applicants and the neighboring property owner to provide joint access and utilities for use of both Deep Lake and future projects on the Clayton land. This access will also serve the proposed South Tuskawilla Road development immediately south of Deep Lake, and will benefit additional properties to the south of that. (All affected property owners adjacent to the South Tuskawilla project have signed an agreement accepting access through that

development and Deep Lake PUD.) The BCC had expressed a strong concern that development south of 426 in this area should make use of an FDOT- approved future intersection to be located on the Clayton property, in order to ensure safety and efficient traffic flow.

Additional changes to Deep Lake, as compared with the original approval, include a reduction in dwelling unit size and removal of several landscaped retention areas. Commercial and office uses have been reduced from 4.42 acres in the original to 3.92 acres in the new proposal. General use facilities to be provided within open space areas now include a tot lot, pool, cabana, and tennis court. Also, a "passive recreation area" with bench seating will now be provided.

Retention for the site is now proposed to be located on the South Tuskawilla project to the south, a single family development being proposed by the same applicant. This is allowable with appropriate easements and agreements tying the two developments together for stormwater management purposes.

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

|       | Existing Zoning        | Future Land Use  |
|-------|------------------------|--|
| North | PUD, PCD               | Higher Intensity Planned Development and Low Density Residential |
| South | A-1 (approved for PUD) | Low Density Residential  |
| East  | A-1                    | Higher Intensity Planned Development                             |
| West  | PUD, PCD               | Higher Intensity Planned Development                             |

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 project must comply with the requirements of the W-1 Wetlands Overlay District. An undisturbed wetland buffer averaging 25' and not less than 15' is required landward of the wetland limits.

**Compatibility with surrounding development:** Currently, the surrounding properties have Low Density Residential and Higher Intensity Planned Development land use designations. The approved Planned Unit Development, together with proposed changes, is compatible with adjacent land use designations.

### **STAFF RECOMMENDATION**

Staff supports the proposed access plan involving shared access with the Clayton property at the approved future intersection. The revisions being proposed at this time are consistent with the future land use designation of the Vision 2020 Plan, and compatible with surrounding land uses. Subject to compliance with Code requirements related to open space, drainage and other development standards, the proposed alterations to the Preliminary Master Plan are reasonable and appropriate to the area.

Staff recommends APPROVAL of the requested modifications to the Preliminary Master Plan, subject to the following:

1. The developer must maintain an agreement with the property owner to the east (Greenway Center South) regarding a joint access road to SR 426. Said agreement shall include, but not be limited to, the following issues:
  - a. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of the joint access road.
  - b. Aligning the joint access road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
  - c. Specifying driveway locations along the joint access road for development on both sides.
2. Residential density shall not exceed 12.74 units per net buildable acre, as defined in the Seminole County Land Development Code.
3. Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance, except that lighting height shall be limited to 16 feet.
4. There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to the south, with a 6-foot masonry wall along the common property line.
5. The county's open space requirements shall be met for the entire PUD at 30 percent. Individual lots for the proposed development shall provide at least 25 percent open space.
6. Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
7. The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.
8. Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory trees at 10 foot intervals.
9. Tracts I and J are approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments.



10. Tract K is approved for townhouse use, customary accessory uses, and recreation and open space amenities located in common areas of the development site.
11. The Owner shall provide recreational amenities as shown on the Preliminary PUD Master Plan.
12. A landscape buffer shall be provided as follows between Tract J and Tract K:
  - a. The width of the buffer shall be 15 feet on Tract J and 22 feet on Tract K.
  - b. A 6-foot brick or masonry wall shall be provided along the common property line.
  - c. The buffer on the south (residential) side of the required wall shall be planted with at least 4 canopy trees per 100 linear feet.

## **SEMINOLE COUNTY DEVELOPMENT ORDER**

On November 26, 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:** SUSAN S IRELAN, PO BOX 620514, OVIEDO, FL, 32762; HARVEY SLAYTON, PO BOX 620514, OVIEDO, FL 32762

**Project Name:** DEEP LAKE PUD

**Requested Development Approval:** MAJOR REVISION TO PUD PRELIMINARY MASTER PLAN

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:
  - (A) The developer must maintain an agreement with the property owner to the east (Greenway Center South) regarding a joint access road to SR 426. Said agreement shall include, but not be limited to, the following issues:
    - a. Provision of utilities such as water and sewer specifying location, sizes and capacity to serve on each side of the joint access road.
    - b. Aligning the joint access road with the proposed driveway for the development on the north side of SR 426 (Greenway Center North).
    - c. Specifying driveway locations along the joint access road for development on both sides.
  - (B) Residential density shall not exceed 12.74 units per net buildable acre, as defined in the Seminole County Land Development Code.
  - (C) Landscaping and lighting shall be consistent with the standards of the Lake Mary Boulevard Overlay Ordinance, except that lighting height shall be limited to 16 feet.
  - (D) There shall be a 40-foot setback provided adjacent to Mr. Saliga's property to the south, with a 6-foot masonry wall along the common property line.
  - (E) The county's open space requirements shall be met for the entire PUD at 30 percent. Individual lots for the proposed development shall provide at least 25 percent open space.
  - (F) Prior to Final Engineering Approval, the Owner and County staff shall assess the feasibility of utilizing traffic-calming devices along Deep Lake Road.
  - (G) The owner shall install hedges on the east side of Tuskawilla Road where it abuts the project.
  - (H) Within the buffer between townhomes and South Tuskawilla Road, the Owner shall install four 3" caliper oak trees per 100 lineal feet, and understory trees at 10 foot intervals.
  - (I) Tracts I and J are approved for permitted and special exception uses within the C-2 zoning district, with the exception of off-site signage (billboards), mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments.
  - (J) Tract K is approved for townhouse use, customary accessory uses, and recreation and open space amenities located in common areas of the development site.
  - (K) The Owner shall provide recreational amenities as shown on the Preliminary PUD Master Plan.



- (L) A landscape buffer shall be provided as follows between Tract J and Tract K:
- a. The width of the buffer shall be 15 feet on Tract J and 22 feet on Tract K.
  - b. A 6-foot brick or masonry wall shall be provided along the common property line.
  - c. The buffer on the south (residential) side of the required wall shall be planted with at least 4 canopy trees per 100 linear feet.

(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 above.

By: \_\_\_\_\_  
Daryl G. McLain, Chairman  
Board of County Commissioners

## Order

OWNER'S CONSENT AND COVENANT

**COMES NOW**, Susan Irelan, the owner of the aforescribed property in this Development Order, on behalf of herself and her 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

\_\_\_\_\_  
SUSAN S. IRELAN

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

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 Susan S. Irelan who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute 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:

**Order****OWNER'S CONSENT AND COVENANT**

**COMES NOW**, Harvey Slayton, the owner of the aforescribed property in this Development Order, on behalf of himself and 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

\_\_\_\_\_  
HARVEY SLAYTON

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

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 Harvey Slayton who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute 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

### LEGAL DESCRIPTION

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.