

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

SUBJECT: Lockwood/McCulloch Retail PUD Final Master Plan Amendment; Tracts 201 and 401 of the Carillon PUD located at the northwest corner of Lockwood Blvd. and McCulloch Road.

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Matthew West CONTACT: Rob Walsh EXT. 7446

Agenda Date 2/19/03 Regular ☒ Work Session ☐ Briefing ☐
Special Hearing – 6:00 ☐ Public Hearing – 7:00 ☐

MOTION/RECOMMENDATION

1. Recommend approval of the Lockwood/McCulloch Retail PUD Amendment; Tracts 201 and 401 of the Carillon PUD, located at the northwest corner of Lockwood Blvd. and McCulloch Road.
2. Recommend denial of the Lockwood/McCulloch Retail PUD Amendment; Tracts 201 and 401 of the Carillon PUD, located at the northwest corner of Lockwood Blvd. and McCulloch Road; or
3. Continue to a date certain.

District 1 – Commissioner Maloy

Rob Walsh, Principal Coordinator

BACKGROUND

The Carillon PUD was originally approved in 1988 for 1208 residential units and commercial/industrial uses (50 acres) on a total of 467 acres. Tracts 201 and 401 of the Carillon PUD Master Plan were approved for commercial uses on 8.47 acres and are required to meet the C-1 Zoning standards in the Land Development Code. The applicants are proposing to develop these two tracts as a commercial subdivision consisting of 7 lots and a 1.42 acre retention area. Although the subdivision will consist of individually platted lots, the project concept is to develop the property as a multiple building site with shared access, parking, and infrastructure. The project will need to vary from the C-1 design standards to implement this concept.

Reviewed by:	<u>SPM</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No. <u>TRACT 201/401</u>	
<u>CARILLON PUD</u>	

The applicant has submitted a conceptual site plan to show how the commercial subdivision is to be developed as a multi-building site. This site plan would need revisions to three specific Land Development Code provisions that were not addressed with the original PUD master plan approval. Staff considers these major revisions to the approved PUD Master Plan for the Carillon PUD requiring review by the Planning and Zoning Commission and approval by the Board of County Commissioners pursuant to Sec. 30.448, LDC. Each of the revisions to the Land Development Code is addressed separately below:

1) Waiver of the internal property line landscape buffer standards (Sec. 30.1230(b), LDC):

This particular Land Development Code section requires that parking areas on each lot have a 5 foot landscaped buffer on each side of the property line. The applicant is proposing that the project share parking and drive areas instead of having separate, distinct parking areas for the buildings on each of the lots. Since the parking areas are to be shared and not separate and distinct, this would preclude the need of buffering between individually owned parking lots. The project will provide for the required external landscaped buffers on Lockwood Blvd. and McCulloch Rd. and the adjacent properties to the west and north.

2) Allow the open space calculation to be calculated in aggregate for the entire project rather than for each parcel (Sec. 30.1344, LDC):

In this case, the Land Development Code would require each individual lot to contain 25% in open space and would not allow the retention pond to be included in the open space calculation. The applicant is requesting that pond be included in the calculation if the pond meets the criteria in Section 30.1344(e)(3)(A), LDC. The pond accounts for 16.8% of the open space for the entire project which would mean that each site would need to provide 8.2% open space to meet the aggregate 25% open space requirement. This will require that the pond be designed with additional amenities providing enhanced aesthetic and pedestrian friendly features. The conceptual site plan incorporates a loop pedestrian trail that connects to the building and parking areas. A landscape plan will need to be submitted with the final engineering plans to provide the requisite planting requirements. Additionally, the site plan shows the wall that must be constructed adjacent to the single family tract to the north as required by the approved Carillon PUD master plan.

3) Waiver to the prohibition for off-premise ground signs for lots 5, 6, and 7 of the Commercial Subdivision (Sec. 30.1243(a)(1)(A.)iii., LDC):

The sign standards in the Land Development Code allow a ground sign for each lot having a minimum of 40 feet of frontage on a road. In this particular case, the applicant is proposing an off-premise sign location on McCulloch Rd. and Lockwood Blvd. to identify the tenants in the buildings on Lots 5, 6, and 7 of the commercial subdivision.

The applicant could propose a sign for each of these lots on Lockwood Blvd. because they meet the 40 foot street frontage requirement. Approval of the waiver would result in a net reduction of one sign that would be allowed by the Land Development Code, but would allow an off-premise sign on McCulloch Rd. which is not allowed by the Land Development Code. Staff would recommend that a signage program be submitted prior to scheduling this project before the Board of County Commissioners. The signage program should include a maximum area for each sign, prohibition on the use of pole signs, and that the design of the sign structure is the same for all signs.

Staff recommends approval of the proposed amendment to the Carillon PUD master plan based on the conceptual site plan submitted and the following specific conditions:

- Attachments:** Land Use and Zoning Maps
Conceptual Site Plan
Developer's Commitment Agreement

**CARILLON PUD FINAL MASTER PLAN AMENDMENT
FOR LOCKWOOD/MCCULLOCH RETAIL
DEVELOPER'S COMMITMENT AGREEMENT**

On _____, 2003 the Board of County Commissioners of Seminole County, Florida issued this Development Order relating to and touching and concerning the following described property:

I. LEGAL DESCRIPTION

The legal description is attached hereto as Exhibit "A" (the "Property").

II. PROPERTY OWNER

The current property owner is Olympia Development ("Owner").

III. STATEMENT OF BASIC FACTS

- a. Total Acreage: 8.47 acres
- b. Zoning: Planned Unit Development
- c. The Final PUD Master Plan amendment, a reduced copy of which is attached hereto as Exhibit "B" has been approved by the Board of County Commissioners of Seminole County concurrently with the approval of this Developer's Commitment Agreement and is incorporated herein.

IV. PERMITTED USES

Use of the site shall be limited to office/retail/restaurant.

V. DEVELOPMENT COMMITMENTS

The following conditions shall apply to the development of the Property:

1. The plat for the project shall incorporate appropriate provisions for shared access and parking between all parcels.
2. The plans submitted for final engineering approval shall provide the appropriate landscaping and pedestrian amenities for the storm water retention pond as required by Section 30.1344(e)(3)(A) of the Land Development Code.
3. Each lot of the commercial subdivision shall provide a minimum of 8.2% open space based on the storm water retention pond meeting the open space criteria in Section 30.1344(e)(3)(A) of the Land Development Code.

4. A property owner's association shall be established at time of platting to provide for the maintenance of the landscaped areas and buffers, parking areas, and shared infrastructure.

PUBLIC FACILITIES

WATER:

Water service shall be provided by Seminole County. Design of lines and fire hydrants shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

SANITARY SEWER:

Central sanitary sewer shall be provided by Seminole County. Design of lines and pump stations shall conform to all Seminole County and Department of Environmental Protection Standards.

STORM DRAINAGE:

Storm water drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and the St. Johns River Water Management District's ERP regulations.

FIRE PROTECTION:

Fire protection shall be provided by Seminole County. Fire hydrant shall be located according to Seminole County regulations.

STANDARD COMMITMENTS

Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinance, in effect in Seminole County at the time of permit issuance.

2. All obligations, liabilities, and responsibilities incurred by or implied by the Owner by this Agreement shall be assumed by any successors-in-interest of any portion of the Property.
3. This development order touches and concerns the Property, and the conditions, commitments and provisions of the 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 property has expressly covenanted and agreed to this provision and all other terms and provisions of the development order.
4. The terms and provisions of the development order are not severable, and in the event any portion of this development order shall be found to be invalid or illegal, then the entire development order shall be null and void.

VIII. INTERPRETATION; RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan Amendment attached hereto, the terms and conditions of this Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of this Agreement, the Final Master Plan Amendment and Development Order Number 88-314, dated April 12, 1988, and recorded in Official Records Book ____, Page ____, Public Records of Seminole County, Florida, the terms of the Development Order shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

ATTEST:

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

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
DARYL G. MCLAIN, Chairman

Date: _____

For use and reliance of
Seminole County only.
Approved as to form
and legal sufficiency.

As authorized for execution by the Board of
County Commissioners in their February 11,
2003 regular meeting.

County Attorney

Exhibit "A" Legal Description of Property
Exhibit "B" Final PUD Master Plan Amendment

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, _____, 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

Olympia Development

Print Name

By: _____
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 _____, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

(Final Master Plan Amendment)