

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

SUBJECT: Hawthorn Glen - rezoning from UC to PUD (Tom Daly, applicant)

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

AUTHORIZED BY: Matthew West **CONTACT:** Kathy Fall **EXT:** 7389

Agenda Date 06/04/03 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. Recommend to enact an ordinance to approve the requested rezoning from UC to PUD for approximately 45.97 acres located on the northwest corner of McCullouch Road and Old Lockwood Road, with staff findings and subject to conditions contained in the development order (Tom Daly, applicant); or
2. Deny the requested rezoning from UC to PUD for approximately 45.97 acres located on the northwest corner of McCullouch Road and Old Lockwood Road (Tom Daly, applicant); or
3. Continue the proposed rezoning to a date and time certain.

Commissioner Maloy-District 1

Kathy Fall, Senior Planner

BACKGROUND:

The applicant, Tom Daly, is requesting approval to rezone 45.97 acres from UC (University Community) to PUD (Planned Unit Development) which is located at the northwest corner of McCulloch Road and Old Lockwood Road.

The proposed PUD will consist of townhomes and commercial uses. The preliminary site plan has 250 2-story townhomes and a 1.2 acre commercial tract. The PUD zoning classification allows for 10% of the gross acreage of the development to be commercial uses. This site plan's commercial uses will be approximately 2.6% of the site.

The future land use of HIP allows for residential and non-residential uses which include medium density residential, high density residential, office, commercial, and industrial land uses. The proposed townhome development has 9.11 units per net buildable acre which classifies it as a medium density development. The commercial use which will consist of 2.6% of the site is proposed to have 15,681 square feet of convenience

Reviewed by: _____
 Co Atty: KZC
 DFS: _____
 Other: _____
 DCM: _____
 CM: _____
 File No. _____

commercial including self service gasoline pumps and drive thrus as an accessory use.

Along the west property line, active/passive buffers apply adjacent to the Madison Park development. The applicant proposes a 175 foot setback from the property line to the nearest townhome which exceeds the minimum code requirement of 50 foot. Landscaping is proposed, within a 30' foot wide buffer adjacent to Madison Park. The landscape buffer will include the existing native plants and trees and will be supplemented with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.

STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning from UC to PUD for approximately 45.97 acres of land located at the northwest corner of McCulloch Road and Old Lockwood Road, based on staff findings and subject to conditions contained in the attached development order.

**HAWTHORN GLEN
 REZONING FROM UC TO PUD**

REQUEST INFORMATION	
APPLICANT	Tom Daly
PROPERTY OWNER	Cloonfush Properties, LLC
REQUEST	Rezoning from UC (University Community) to PUD (Planned Unit Development)
HEARING DATE (S)	P&Z: June 4, 2003 BCC: June 24, 2003
SEC/TWP/RNG	35-21-31-300-0070-0000 & 36-21-31-300-0050-0000
LOCATION	Northwest corner of McCulloch Road and Old Lockwood Road
FUTURE LAND USE	High Intensity Planned Development (HIP)
FILE NUMBER	Z2003-012
COMMISSION DISTRICT	District 1, Commissioner Maloy

OVERVIEW

Zoning Request:

The applicant, Tom Daly, is requesting approval to rezone 45.97 acres from UC (University Community) to PUD (Planned Unit Development) which is located at the northwest corner of McCulloch Road and Old Lockwood Road.

The proposed PUD will consist of townhomes and commercial uses. The preliminary site plan has 250 2-story townhome units and a 1.2 acre commercial tract. The PUD zoning classification allows for 10% of the gross acreage of the development to be commercial uses. This site plan's commercial uses will be approximately 2.6% of the site.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE
NORTH	A-1 (Agriculture)	High Intensity Planned Development (HIP)
SOUTH	Orange County - University Estates (Single-Family) Low Density Residential	Low Density
EAST	Econ Wilderness – Natural Lands Property	Recreation
WEST	PUD (Planned Unit Development/Madison Park)	Planned Development
SITE	A-1 (Agriculture)	High Intensity Planned Development (HIP)

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 PUD zoning classification 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. Seminole County sewer is available to the site. Orange County has agreed to provide water to the site.

Compliance with Environmental Regulations: This site is located in the Econlockhatchee River Protection area. The site plan indicates no encroachment into the wetlands and has the 50 foot buffer around the wetlands as required by the Seminole County Land Development Code (Sec. 30.185).

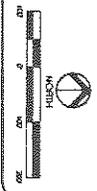
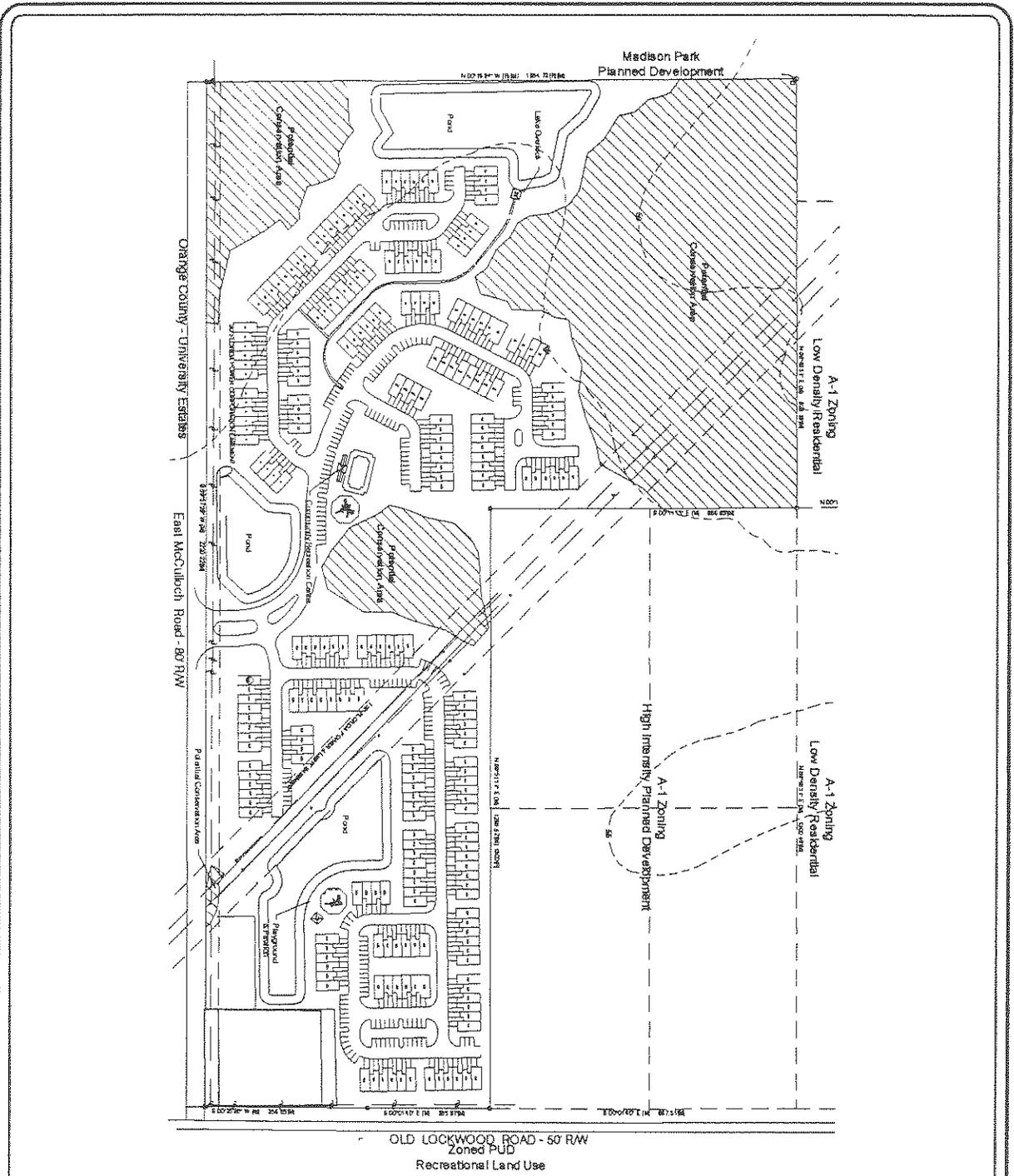
Compatibility with surrounding development: Policy FLU 2.11 of the County's Vision 2020 Plan addresses compatibility issues for proposed PUD projects and adjacent developments. The Planned Unit Development zoning district allows the Board of County Commissioners to place development standards, specific to the project, on the property. The property to the north which has a Low Density land use is buffered by an 11.9 acre wetland in which there is no encroachment and a 50 foot upland buffer. The remainder of the property to the north has a HIP land use. The property to the west is a single family development with a Planned Development land use in which the following recommended Development Order conditions address compatibility:

1. The owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
2. The building setback will be 175 feet from the west property line.
3. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.

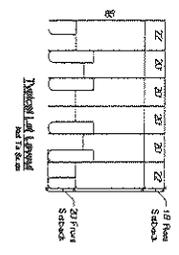
STAFF RECOMMENDATION:

Staff recommends approval of the requested PUD zoning classification per the following conditions of the development order:

1. The owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
2. The building setback shall be 175 feet from the west property line.
3. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
4. The applicant shall provide a letter from Florida Power & Light approving the location of improvements including parking and buildings in the easement in the Final Master Plan.
5. The buildings shall be setback a minimum of 50 feet from the right-of-way line along McCulloch Road and Old Lockwood Road.
6. The owner shall provide a 40' wide landscaped buffer, outside of the rear yard setbacks of the townhomes, consisting of the existing native plant and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
7. The commercial tract shall provide active setbacks and buffers along the north and the west property lines that are adjacent to the residential use. Such setback and buffer shall entail an active buffer of 25 feet in width with a six foot masonry wall, a double row of canopy trees and a 50 foot-wide building setback.
8. Cross access easement between the commercial tract and the townhome development must be provided prior to the first Certificate of Occupancy being issued.
9. Permitted uses on the commercial tract are those permitted uses within the CS (Commercial Convenience) District. Self service gasoline pumps are permitted as an accessory use. Uses may also include restaurants and banks with drive-ins.
10. Lighting on the commercial tract's gas pump canopy structures shall be recessed. A lighting plan must be submitted as part of Final PUD Master Plan.
11. The commercial tract's architectural design and scale shall reflect neighborhood commercial standards to ensure compatibility with the surrounding residential uses. These standards will be addressed in the Final PUD Master Plan.
12. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.



NOTE:
 This plan is for informational purposes only. Final layout and design will be determined during the Final Master Plan/Preliminary Subdivision Plan process.



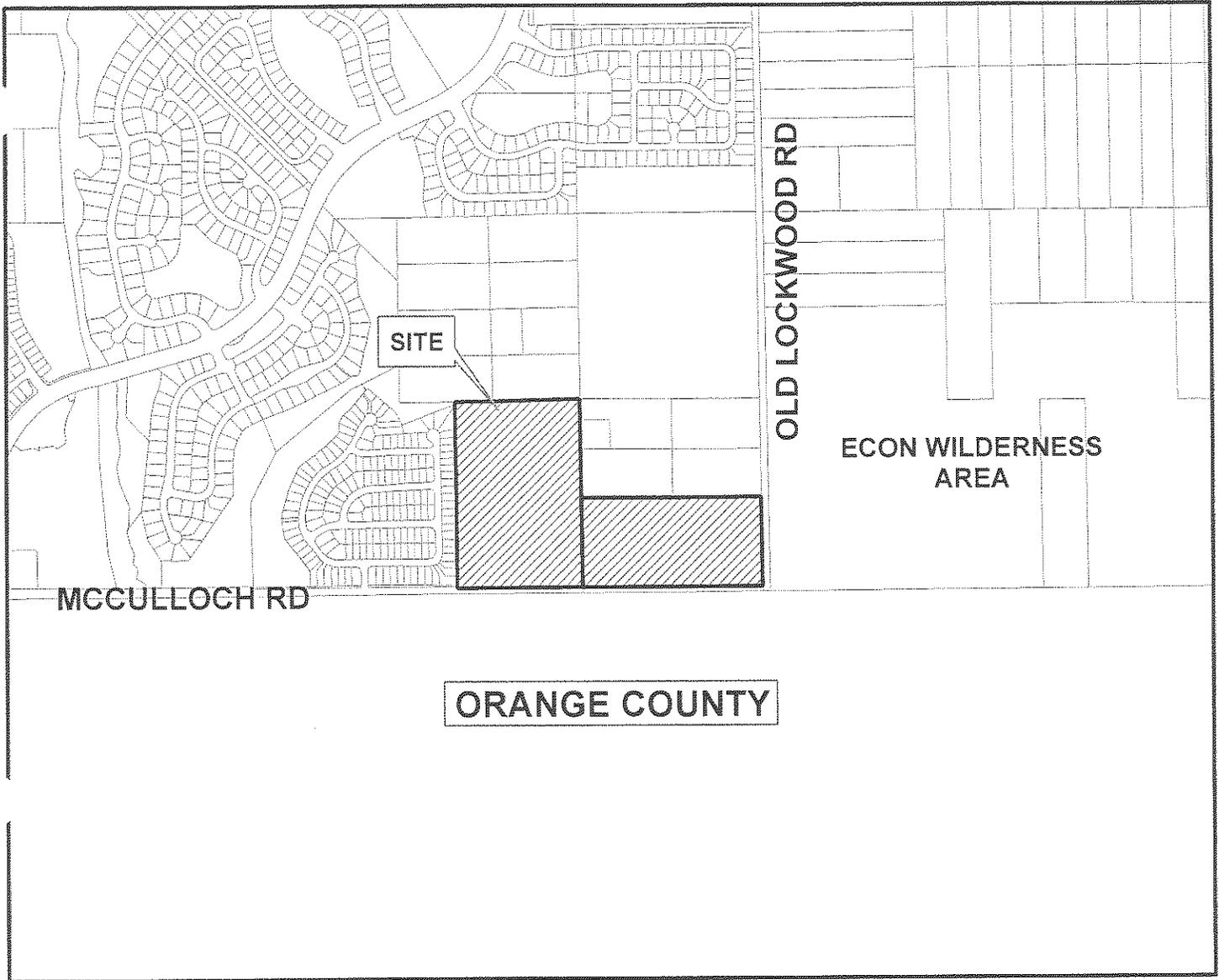
TRANSMITTED BY
 Registered Land Surveyor
 No. 2120
 DATE
 1 OF 1



Conceptual Preliminary Master Plan
 Preliminary Master Plan
Hawthorn Glen
 Genesee County, Florida

daly design group inc.
 Land Planning, Landscape Architecture, Project Management, Development Consulting
 813 N. Ferryway Lane, Winter Park, Florida 32789 (407) 760-2222 www.dalydesign.com

REV	DATE	DESCRIPTION	BY



MCCULLOCH RD

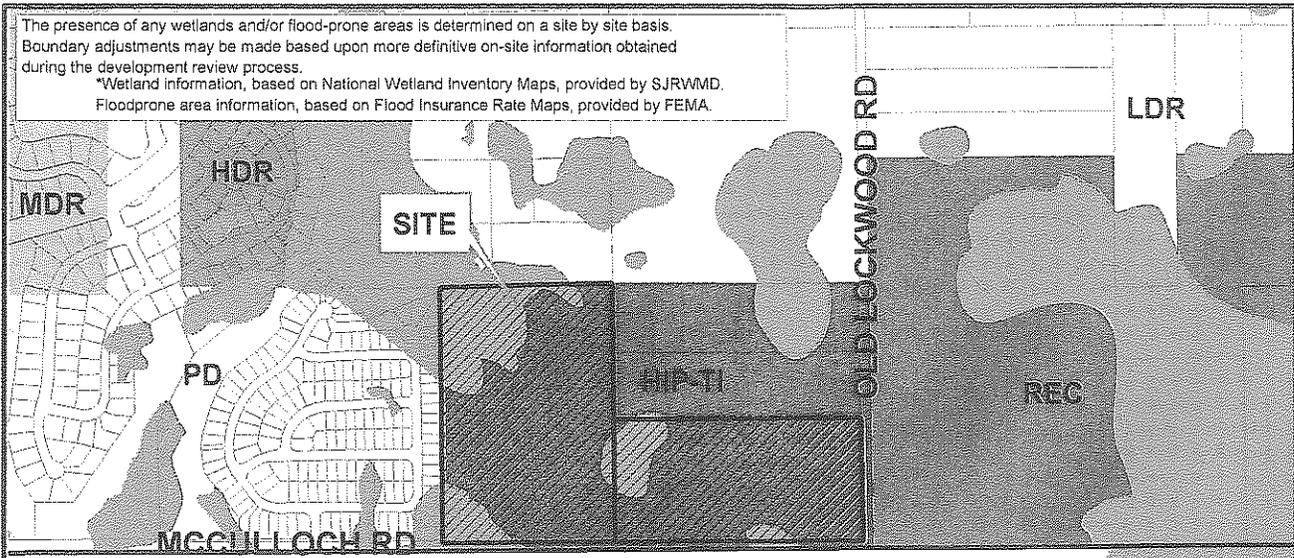
SITE

OLD LOCKWOOD RD

ECON WILDERNESS
AREA

ORANGE COUNTY

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.



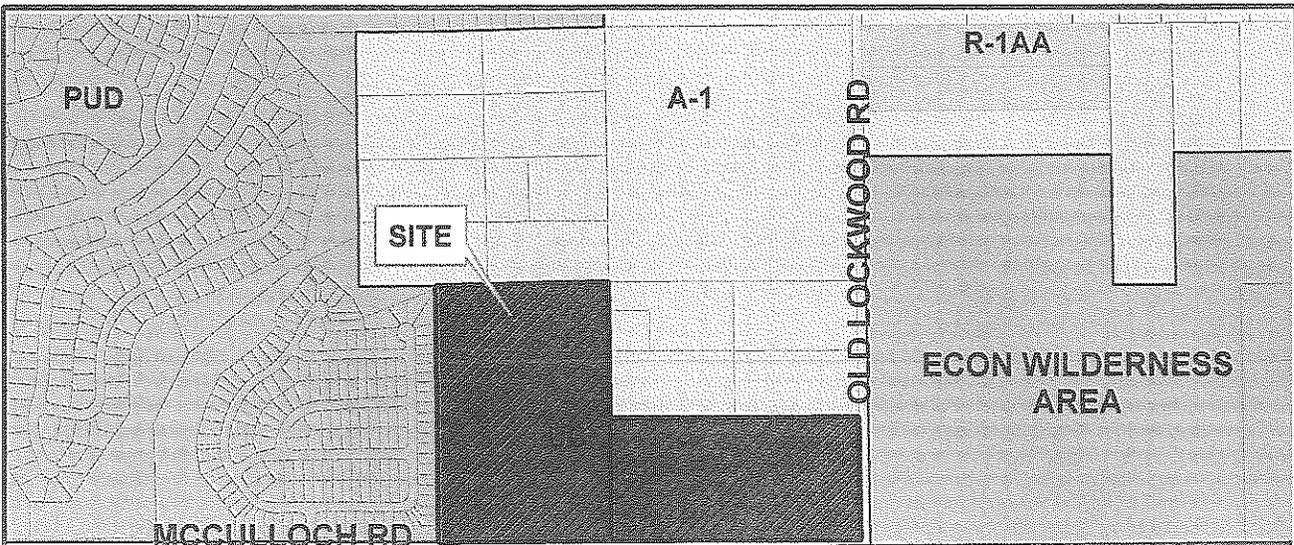
ORANGE COUNTY

FUTURE LAND USE

Site — Municipality
 LDR
 MDR
 HIP
 REC
 HDR
 CONS

Applicant: Daly Design Group, Inc.
 Physical STR: 35-21-31-300-0050 & 36-21-31-300-0070-0000
 Gross Acres: 45.970 BCC District: 5
 Existing Use: Vacant
 Special Notes: _____

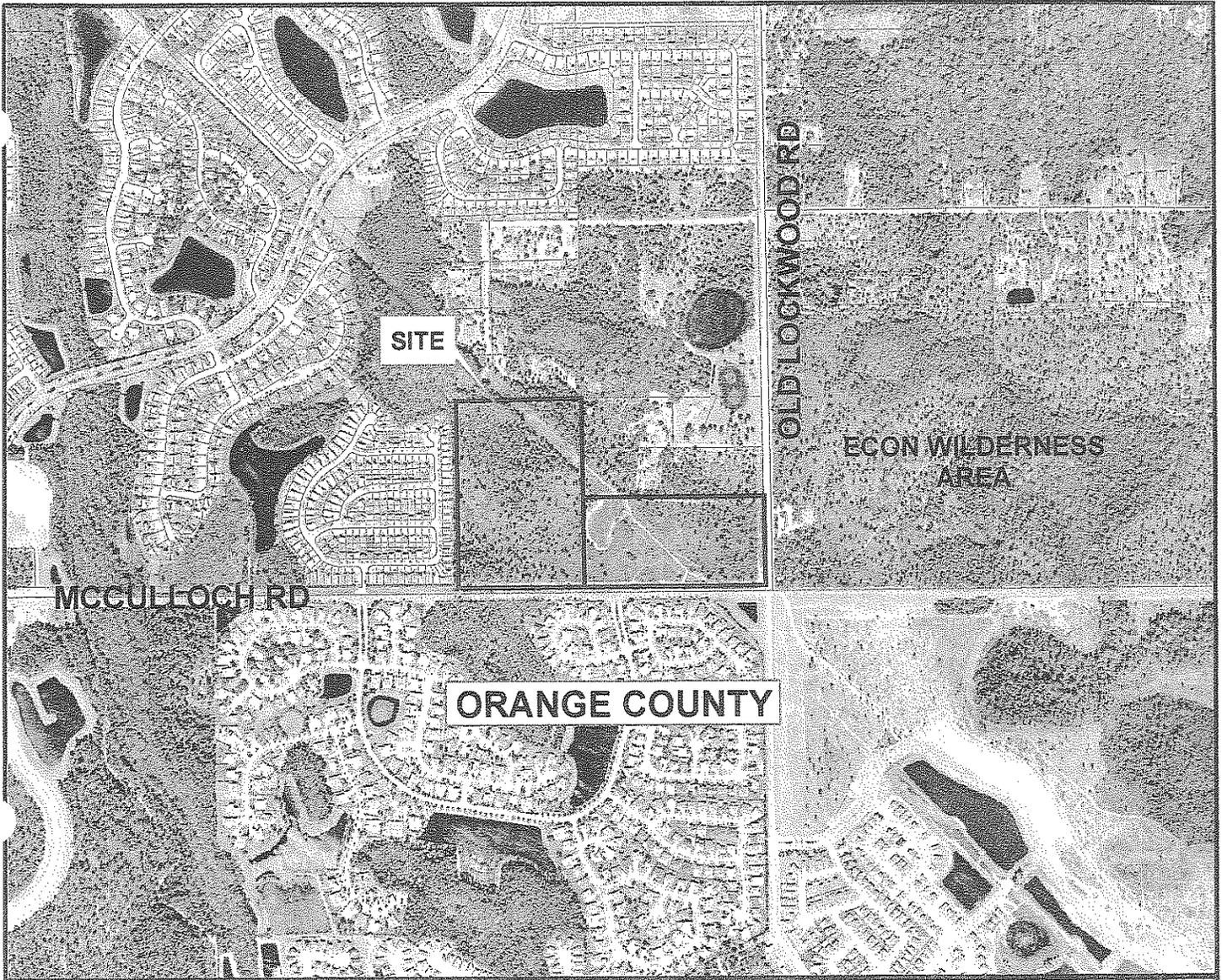
	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-012	UC	PUD



ORANGE COUNTY

ZONING

A-1
 PUD
 UC
 R-1AA



Rezone No: Z2003-012
From: UC To: PUD

-  Parcel
-  Subject Property



NOT TO SCALE

February 1999 Color Aerials

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On June 24, 2003, 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: Cloonfush Properties, LLC
25 Interlaken Road
Orlando, FI 32804

Project Name: Hawthorn Glen

Requested Development Approval: Rezoning from UC (University Community) zoning classification to PUD (Planned Unit Development) 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: Kathy Fall
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 owner shall provide a 30' wide landscaped buffer consisting of the existing native plants and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
- b. The building setback shall be 175 feet from the west property line.
- c. The applicant, at Final Master Plan, shall provide the County a plan to preserve existing trees and plants when grading for the retention pond along the west property line.
- d. The applicant shall provide a letter from Florida Power & Light approving the location of improvements including parking and buildings in the easement in the Final Master Plan.
- e. The buildings shall be setback a minimum of 50 feet from the right-of-way line along McCulloch Road and Old Lockwood Road.
- f. The owner shall provide a 40' wide landscaped buffer, outside of the rear yard setbacks of the townhomes, consisting of the existing native plant and trees and to supplement with additional native plants and trees in creating 100% opacity to a height of six feet (6') located on west property line.
- g. The commercial tract shall provide active setbacks and buffers along the north and the west property lines that are adjacent to the residential use. Such setback and buffer shall entail an active buffer of 25 feet in width with a six foot masonry wall, a double row of canopy trees and a 50 foot-wide building setback.
- h. Cross access easement between the commercial tract and the townhome development must be provided prior to the first Certificate of Occupancy being issued.

- i. Permitted uses on the commercial tract are those permitted uses within the CS (Commercial Convenience) District. Self service gasoline pumps are permitted as an accessory use. Uses may also include restaurants and banks with drive-ins.
- j. Lighting on the commercial tract's gas pump canopy structures shall be recessed. A lighting plan must be submitted as part of Final PUD Master Plan.
- k. The commercial tract's architectural design and scale shall reflect neighborhood commercial standards to ensure compatibility with the surrounding residential uses. These standards will be addressed in the Final PUD Master Plan.
- l. Operating hours for any business shall be limited to the hours between 7:00 am and 11:00 pm.

(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

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 Daryl G. McLain who 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 _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT "A"

DESCRIPTION

A Tract of land being a portion of Section 35 & 36, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 35; thence North $00^{\circ} 13' 35''$ West along the East line of the Southeast 1/4 of said Section 35 for a distance of 40.00 feet to the POINT OF BEGINNING; thence South $89^{\circ} 57' 28''$ West along the North right-of-way of McCulloch Road and a line 40.00 feet North of and parallel to the South line of the Southeast 1/4 of said Section 35 for a distance of 926.01 feet; thence North $00^{\circ} 19' 24''$ West along the East line of the West 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 35 and the East line of Tract 301 at Carillon per Plat thereof recorded in Plat Book 46, Page 31-37 Public Records of Seminole County, Florida, for a distance of 1284.74 feet; thence North $89^{\circ} 48' 32''$ East along the North line of the Southeast 1/4 of the Southeast 1/4 of Section 35 for a distance of 928.18 feet; thence South $00^{\circ} 13' 35''$ East along the East of the Southeast 1/4 of said Section 35 for a distance of 663.57 feet; thence North $89^{\circ} 58' 56''$ East along the North line of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 36, Township 21 South, Range 31 East for a distance of 1299.92 feet; thence South $00^{\circ} 06' 39''$ East along a line 25.00 feet West of and parallel to the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the West right-of-way of Lockwood Road per Plat Book 5, Page 82 Public Records of Seminole County, Florida, for a distance of 623.72 feet; thence South $89^{\circ} 59' 20''$ West along a line 40.00 feet North of and parallel to the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the North right-of-way of McCulloch Road for a distance of 1298.66 feet to the POINT OF BEGINNING.

Contains: 45.970 Acres, more or less.

T03-A97

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION TO THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; 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 documents titled "Hawthorn Glen Rezoning from UC to 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. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 to PUD.

SEE ATTACHED 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, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 24th day of JUNE, 2003

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

DESCRIPTION

A Tract of land being a portion of Section 35 & 36, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 35; thence North $00^{\circ} 13' 35''$ West along the East line of the Southeast 1/4 of said Section 35 for a distance of 40.00 feet to the POINT OF BEGINNING; thence South $89^{\circ} 57' 28''$ West along the North right-of-way of McCulloch Road and a line 40.00 feet North of and parallel to the South line of the Southeast 1/4 of said Section 35 for a distance of 926.01 feet; thence North $00^{\circ} 19' 24''$ West along the East line of the West 400.00 feet of the Southeast 1/4 of the Southeast 1/4 of said Section 35 and the East line of Tract 301 at Carillon per Plat thereof recorded in Plat Book 46, Page 31-37 Public Records of Seminole County, Florida, for a distance of 1284.74 feet; thence North $89^{\circ} 48' 32''$ East along the North line of the Southeast 1/4 of the Southeast 1/4 of Section 35 for a distance of 928.18 feet; thence South $00^{\circ} 13' 35''$ East along the East of the Southeast 1/4 of said Section 35 for a distance of 663.57 feet; thence North $89^{\circ} 58' 56''$ East along the North line of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 36, Township 21 South, Range 31 East for a distance of 1299.92 feet; thence South $00^{\circ} 06' 39''$ East along a line 25.00 feet West of and parallel to the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the West right-of-way of Lockwood Road per Plat Book 5, Page 82 Public Records of Seminole County, Florida, for a distance of 623.72 feet; thence South $89^{\circ} 59' 20''$ West along a line 40.00 feet North of and parallel to the South line of the Southwest 1/4 of the Southwest 1/4 of said Section 36 and the North right-of-way of McCulloch Road for a distance of 1298.66 feet to the POINT OF BEGINNING.

Contains: 45.970 Acres, more or less.

T03-A97

EXHIBIT "A"

DESCRIPTION

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Contains: 45.970 Acres, more or less.

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