

ITEM # _____

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

SUBJECT: Rezone from A-1 (Agriculture) to PUD (Planned Unit Development). (Bill Rigsby/Whitemark Homes, applicant.)

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

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

Agenda Date <u>06/04/03</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) on 45.95 acres at the northeast corner of Mikler Road and Chapman Road, based on staff findings and the attached development order (Whitemark Homes, applicant); or
2. Recommend DENIAL of the request for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) on 45.95 acres at the northeast corner of Mikler Road and Chapman Road, (Whitemark Homes, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

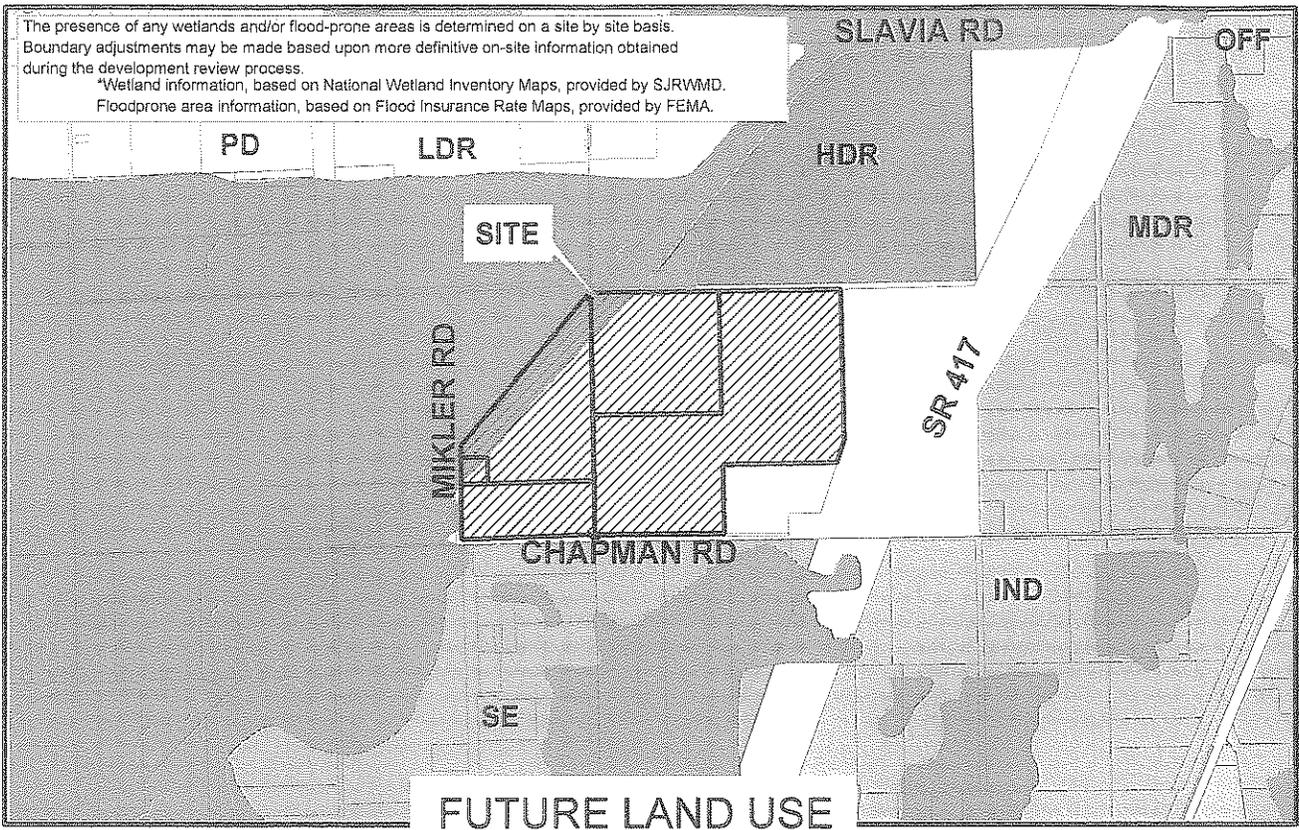
BACKGROUND:

The applicant, Whitemark Homes, requests PUD approval for a single family residential development consisting of 82 lots on approximately 46 acres in an area designated Low Density Residential by the Vision 2020 Plan. As shown on the proposed Preliminary Master Plan, the typical lot size is 50' x 110', with homes having a minimum living area of 1,100 square feet. The site contains several acres of wetlands and a borrow pit (associated with construction of SR 417), which will ultimately become a water amenity for the project. Entrance points into the subdivision would be located on Mikler Road and Chapman Road, with 11 lots taking direct access to Chapman Road.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request with the conditions listed in the attached Development Order.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2003-010</u>



FUTURE LAND USE

Site
 LDR
 HDR
 IND
 MDR
 OFF
 SE
 CONS
 PD

Applicant: Whitemark Homes
 Physical STR: 16-21-31-5CA-0000-0710, 0720, 072A, & 075B
 Gross Acres: 45.95 BCC District: 1
 Existing Use: Agricultural and Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-010	A-1	PUD



ZONING

Site
 A-1
 R-1A
 R-1AA
 PUD
 PC-D
 R-1AAA
 C-3
 R-4



Rezone No: Z2003-010
From: A-1 To: PUD

-  Parcel
-  Subject Property



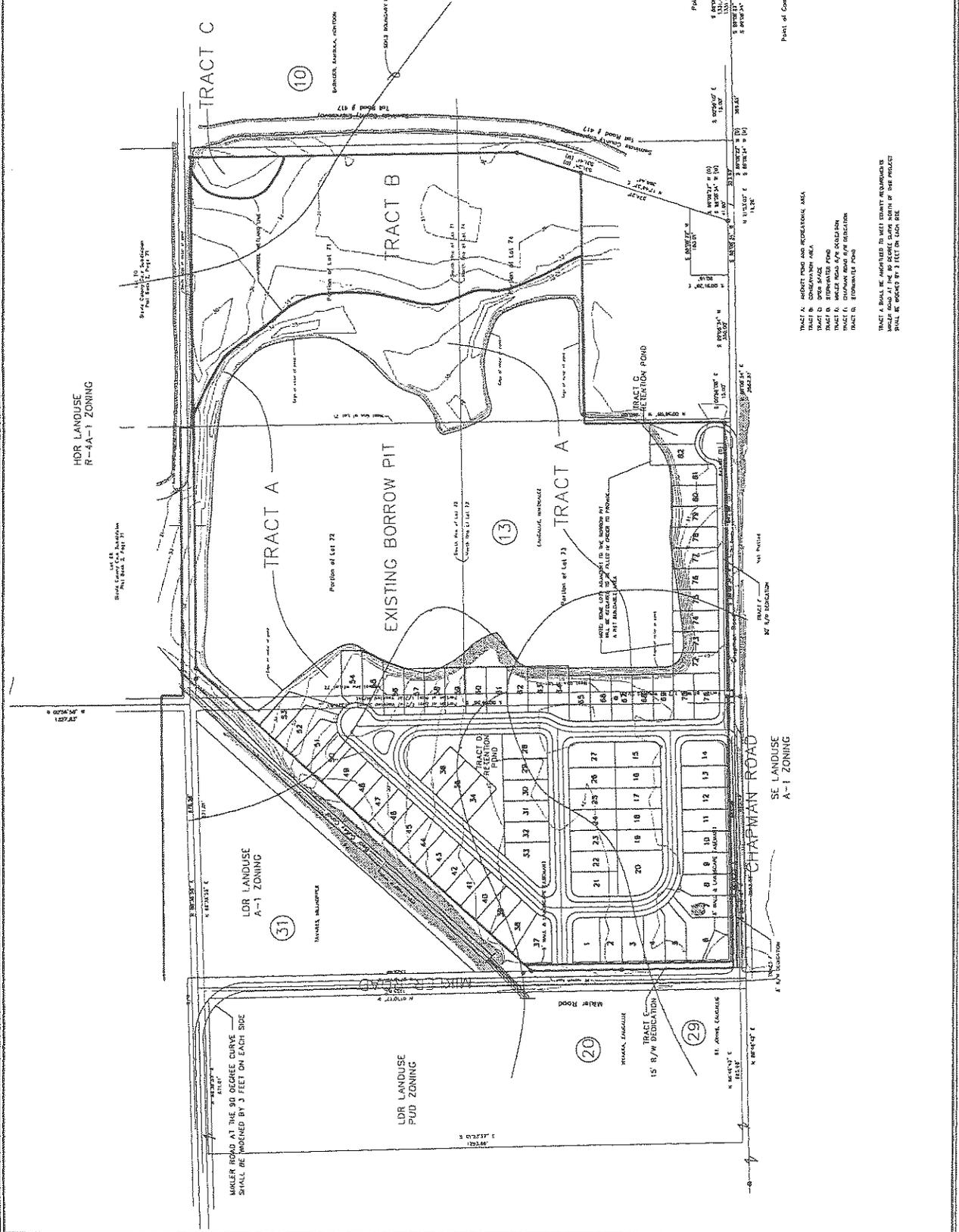
NOT TO SCALE

February 1999 Color Aerials

DATE		PROJECT NO.	SCALE
10/15/10	10/15/10	03-001	1" = 100'
BY	DESCRIPTION	SHEET	2 OF 2

PRELIMINARY MASTER PLAN
 MIKLER ROAD SUBDIVISION
 CHECKED BY: [Signature]
 DESIGNED BY: [Signature]
 DRAWN BY: [Signature]

MEILICH-BLENDEN ENGINEERING, INC.
 1111 W. WASHINGTON AVENUE - SUITE 101
 CHICAGO, ILLINOIS 60606
 OFFICE OF MUNICIPAL ENGINEERING



TRACT A: EXISTING POND AND PROPOSED AREA
 TRACT B: OPEN SPACE
 TRACT C: EXISTING POND
 TRACT D: EXISTING POND
 TRACT E: EXISTING ROAD AND UTILITIES
 TRACT F: EXISTING POND
 TRACT G: EXISTING POND
 TRACT H: EXISTING POND
 TRACT I: EXISTING POND
 TRACT J: EXISTING POND
 TRACT K: EXISTING POND
 TRACT L: EXISTING POND
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 TRACT U: EXISTING POND
 TRACT V: EXISTING POND
 TRACT W: EXISTING POND
 TRACT X: EXISTING POND
 TRACT Y: EXISTING POND
 TRACT Z: EXISTING POND

MIKLER/CHAPMAN PUD

REQUEST INFORMATION	
APPLICANT	Bill Rigsby/Whitemark Homes
PROPERTY OWNER	Curtis A. Stone and Robert Conaway
REQUEST	Agriculture (A-1) to Planned Unit Development (PUD)
HEARING DATE(S)	P&Z: June 4, 2003 BCC: June 24, 2003
PARCELS	16-21-31-5CA-0000-0710; 16-21-31-5CA-0000-0720; 16-21-31-5CA-0000-072A; and 16-21-31-5CA-0000-075B
LOCATION	Northeast corner of Mikler Road and Chapman Road
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2003-010
COMMISSION DISTRICT	District 1 (Maloy)

OVERVIEW

Zoning Request: The applicant, Whitemark Homes, requests PUD approval for a single family residential development consisting of 82 lots on approximately 46 acres, in an area designated Low Density Residential (LDR) by the Vision 2020 Plan. As shown on the proposed Preliminary Master Plan, the typical lot size is 50' x 110', with homes having a minimum living area of 1,100 square feet. The site contains several acres of wetlands and a borrow pit (associated with construction of SR 417), which will ultimately become a water amenity for the project. Entrance points into the subdivision would be located on Mikler Road and Chapman Road, with 11 lots taking direct access to Chapman Road.

At 45.95 acres in size, the proposed development would have a gross density of 1.78 units per acre. Net density, estimated as prescribed by the Land Development Code, would be 2.69 units per acre. Although the borrow pit area eventually will be configured as a lake for the enjoyment of the residents, it is now being counted as buildable area for the purpose of calculating density due to its status as a non-natural water feature. Wetlands, as represented by Tract B, are excluded from the density calculation.

The development site is located adjacent to the Suburban Estates land use designation to the south. Due to the difference in density potential between SE and LDR, lots adjoining the south edge of the site should be sized to make an effective transition between the two levels of density (4 units/acre in LDR compared with 1 unit/acre in SE). Also, an approved PUD, Kenmure, lies to the west of this site, with lots fronting Mikler Road having no less than 85 feet in width. A smooth transition in this direction is desirable as well.

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

	Zoning	Future Land Use	Existing Land Use
North	R-4	HDR	multi-family residential
South	A-1	SE	vacant and single family
East	A-1	Public R/W	SR 417
West	A-1	LDR	single family and vacant*

*single family development approved west of Mikler Road

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 Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Master Plan approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: The proposed single family development is compatible with the LDR land use designation. With appropriate sizing of lots along Mikler and Chapman Roads, the development would be compatible with adjoining residential properties to the south and west. To achieve the proper transitioning, lots abutting these roads should be comparable in size to those approved in the Kenmure PUD to the west, with not less than 75 feet in width and 8,000 square feet in size.

STAFF RECOMMENDATION

Staff recommends approval of the requested PUD zoning classification subject to the following conditions:

1. Lots abutting Chapman and Mikler Roads shall be no less than 75 feet in width and 8,000 square feet in size.
2. Interior lots shall be no less than 50 feet in width and 5,500 square feet in size.
3. Maximum building height shall be 35 feet.
4. Required building setbacks shall be as follows:

<i>Residential Units</i>	
front	20' *
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads

	15' all other corner lots
rear	20'
* Where sidewalks are located in easements, there shall be at least a 20-foot distance as measured from the garage door to the edge of the sidewalk	

<i>Accessory Buildings and Pool Screen Enclosures</i>	
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads
	15' all other corner lots
rear	10'

5. Minimum house size shall be 1,100 square feet.
6. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
7. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
8. No lots shall have direct access to Mikler Road or Chapman Road except for those not having frontage on internal streets. Double frontage lots shall have a 6-foot brick or masonry wall adjacent to the rear lot line.
9. The developer shall dedicate 20' of right of way along the entire Chapman Road frontage.
10. Platted lots shall not encroach upon water features.

**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 Owners: CURTIS A. STONE
ROBERT CONAWAY

Project Name: MIKLER/CHAPMAN PUD

Requested Development Approval: Rezoning from A-1 to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Vision 2020 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

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. Lots abutting Chapman and Mikler Roads shall be no less than 75 feet in width and 8,000 square feet in size.
- b. Interior lots shall be no less than 50 feet in width and 5,500 square feet in size.
- c. Maximum building height shall be 35 feet.
- d. Required building setbacks shall be as follows:

<i>Residential Units</i>	
front	20' *
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads
	15' all other corner lots
rear	20'
* Where sidewalks are located in easements, there shall be at least a 20-foot distance as measured from the garage door to the edge of the sidewalk.	

<i>Accessory Buildings and Pool Screen Enclosures</i>	
side	5'
side street	20' corner lots abutting Chapman and Mikler Roads
	15' all other corner lots
rear	10'

- e. Minimum house size shall be 1,100 square feet.
- f. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
- g. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.
- h. No lots shall have direct access to Mikler Road or Chapman Road except for those not having frontage on internal streets. Double frontage lots shall have a 6-foot brick or masonry wall adjacent to the rear lot line.
- i. The developer shall dedicate 20' of right of way along the entire Chapman Road frontage.
- j. Platted lots shall not encroach upon water features.

(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

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, CURTIS A. STONE, 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

_____ By: _____

Print Name CURTIS A. STONE
Property Owner

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 CURTIS A. STONE, 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:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, ROBERT CONAWAY, 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

_____ By: _____
Print Name ROBERT CONAWAY
Property Owner

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 ROBERT CONAWAY, 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

The East half of Lot 75 and all of Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 300 feet of the East half of Lot 75 of Slavia Colony Co.'s Subdivision and LESS that portion of the East half of Lot 75 and Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31, Plat Book 2, Page 71, Public Records of Seminole County, Florida, lying North and West of the right-of-way line at that certain drainage canal known as the Bear Gully's Canal, together with that portion of the East 1/2 of vacated street lying West of and adjacent to said Lot 72 also together with that portion of the West 1/2 of vacated street lying East of and adjacent to that portion of said Lot 75, described above.

AND

Lots 71, 73 and 74 of Slavia Colony Co.'s Subdivision as recorded in Plat Book 2 on Page 71 of the Public Records of Seminole County, Florida, together with that portion of the East 1/2 of the vacated street lying West of and adjacent to said Lot 73, LESS the portion thereof conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of that Special Warranty Deed, dated April 17, 1991 and recorded May 7, 1991 in Official Records Book 2291, Page 1587, Public Records of Seminole County, Florida.

AND Less the following described property:

For a Point of Reference, commence at the Southeast Corner of the Southwest 1/4 of said Section 20; thence South 89°08'34" West along the South line of said Section 20 (Basis of Bearings), a distance of 1331.49 feet; thence North 00°59'08" West a distance of 15.00 feet to the Southeast corner of said Lot 74; Thence South 89°08'34" West along the South line of said Lot 74, a distance of 323.62 feet to the Westerly Right-of-Way of the Seminole County Expressway and the Point of Beginning of the herein described parcel; thence continue South 89°08'34" West a distance of 350.00 feet; thence North 00°59'08" West a distance of 350.00 feet; thence North 89°08'34" East a distance of 598.57 feet to the said Westerly Right-of- Way line; thence along said Westerly right-of -way line, the following three courses: Thence South 17°48'37" West, a distance of 274.27 feet; thence South 89°08'22" West a distance of 160.01 feet, thence South 00°51'38" East a distance of 90.15 feet to the said Point of Beginning.

AND LESS the following described property: A tract or parcel of land lying in a portion of Section 20, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner for Section 20 and run North 01°02'38" West along the West line for Section 20, a distance of 15.00 feet to a point on the North right-of-way line for Hurban Road, (15 foot platted right-of-way); thence run North 89°08'34" East along said right-of-way line a distance of 15.00 feet to the Point of Beginning; thence North 01°02'38" West parallel with the West line for Section 20, a distance of 15.00 feet; thence North 89°08'34" East parallel with the South line for Hurban Road a distance of 642.90 feet; thence South 00°59'08" East a distance of 15.00 feet to a point on aforesaid North right-of-way line for Hurban Road; thence South 89°08'34" West along said right-of-way line a distance of 642.86 feet to the Point of Beginning. Said tract or parcel also being a portion of Lot 73 of Slavia Colony Company Subdivision as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida.

TOGETHER WITH the following described property:

The South 300 feet of the East one-half of Lot 75 and West one-half of vacated street adjacent on the East side all of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 15 feet there

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 A-1 (AGRICULTURE) 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 "Mikler/Chapman PUD Staff Report."

(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 A-1 (Agriculture) 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 Development Order #3-20500004 in the official land records of Seminole County.

ENACTED this 24th day of June, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT "A"

The East half of Lot 75 and all of Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 300 feet of the East half of Lot 75 of Slavia Colony Co.'s Subdivision and LESS that portion of the East half of Lot 75 and Lot 72 of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31, Plat Book 2, Page 71, Public Records of Seminole County, Florida, lying North and West of the right-of-way line at that certain drainage canal known as the Bear Gully's Canal, together with that portion of the East 1/2 of vacated street lying West of and adjacent to said Lot 72 also together with that portion of the West 1/2 of vacated street lying East of and adjacent to that portion of said Lot 75, described above.

AND

Lots 71, 73 and 74 of Slavia Colony Co.'s Subdivision as recorded in Plat Book 2 on Page 71 of the Public Records of Seminole County, Florida, together with that portion of the East 1/2 of the vacated street lying West of and adjacent to said Lot 73, LESS the portion thereof conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of that Special Warranty Deed, dated April 17, 1991 and recorded May 7, 1991 in Official Records Book 2291, Page 1587, Public Records of Seminole County, Florida.

AND Less the following described property:

For a Point of Reference, commence at the Southeast Corner of the Southwest 1/4 of said Section 20; thence South 89°08'34" West along the South line of said Section 20 (Basis of Bearings), a distance of 1331.49 feet; thence North 00°59'08" West a distance of 15.00 feet to the Southeast corner of said Lot 74; Thence South 89°08'34" West along the South line of said Lot 74, a distance of 323.62 feet to the Westerly Right-of-Way of the Seminole County Expressway and the Point of Beginning of the herein described parcel; thence continue South 89°08'34" West a distance of 350.00 feet; thence North 00°59'08" West a distance of 350.00 feet; thence North 89°08'34" East a distance of 598.57 feet to the said Westerly Right-of- Way line; thence along said Westerly right-of -way line, the following three courses: Thence South 17°48'37" West, a distance of 274.27 feet; thence South 89°08'22" West a distance of 160.01 feet, thence South 00°51'38" East a distance of 90.15 feet to the said Point of Beginning.

AND LESS the following described property: A tract or parcel of land lying in a portion of Section 20, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Southwest corner for Section 20 and run North 01°02'38" West along the West line for Section 20, a distance of 15.00 feet to a point on the North right-of-way line for Hurban Road, (15 foot platted right-of-way); thence run North 89°08'34" East along said right-of-way line a distance of 15.00 feet to the Point of Beginning; thence North 01°02'38" West parallel with the West line for Section 20, a distance of 15.00 feet; thence North 89°08'34" East parallel with the South line for Hurban Road a distance of 642.90 feet; thence South 00°59'08" East a distance of 15.00 feet to a point on aforesaid North right-of-way line for Hurban Road; thence South 89°08'34" West along said right-of-way line a distance of 642.86 feet to the Point of Beginning. Said tract or parcel also being a portion of Lot 73 of Slavia Colony Company Subdivision as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida.

TOGETHER WITH the following described property:

The South 300 feet of the East one-half of Lot 75 and West one-half of vacated street adjacent on the East side all of Slavia Colony Co.'s Subdivision in Sections 19 and 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, LESS the South 15 feet there

