

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

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

SUBJECT: Foxwood PUD Major Amendment

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Matthew West CONTACT: Tina Deater EXT: 7440

Agenda Date <u>07/07/04</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 a major amendment to the approximately 139.9 acre Foxwood PUD (rezone from PUD to PUD), approximately bounded by SR 436, Sand Lake Road, North Line Drive, and Hunt Club Boulevard, subject to the attached Addendum #3 to the Developer's Commitment Agreement (Unicorp National Developments, applicant); or
2. Recommend DENIAL of the request for a major amendment to the approximately 139.9 acre Foxwood PUD (rezone from PUD to PUD), approximately bounded by SR 436, Sand Lake Road, North Line Drive, and Hunt Club Boulevard, subject to the attached Addendum #3 to the Developer's Commitment Agreement (Unicorp National Developments, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 3 – Commissioner Van Der Weide

Tina Deater, Senior Planner

**BACKGROUND:**

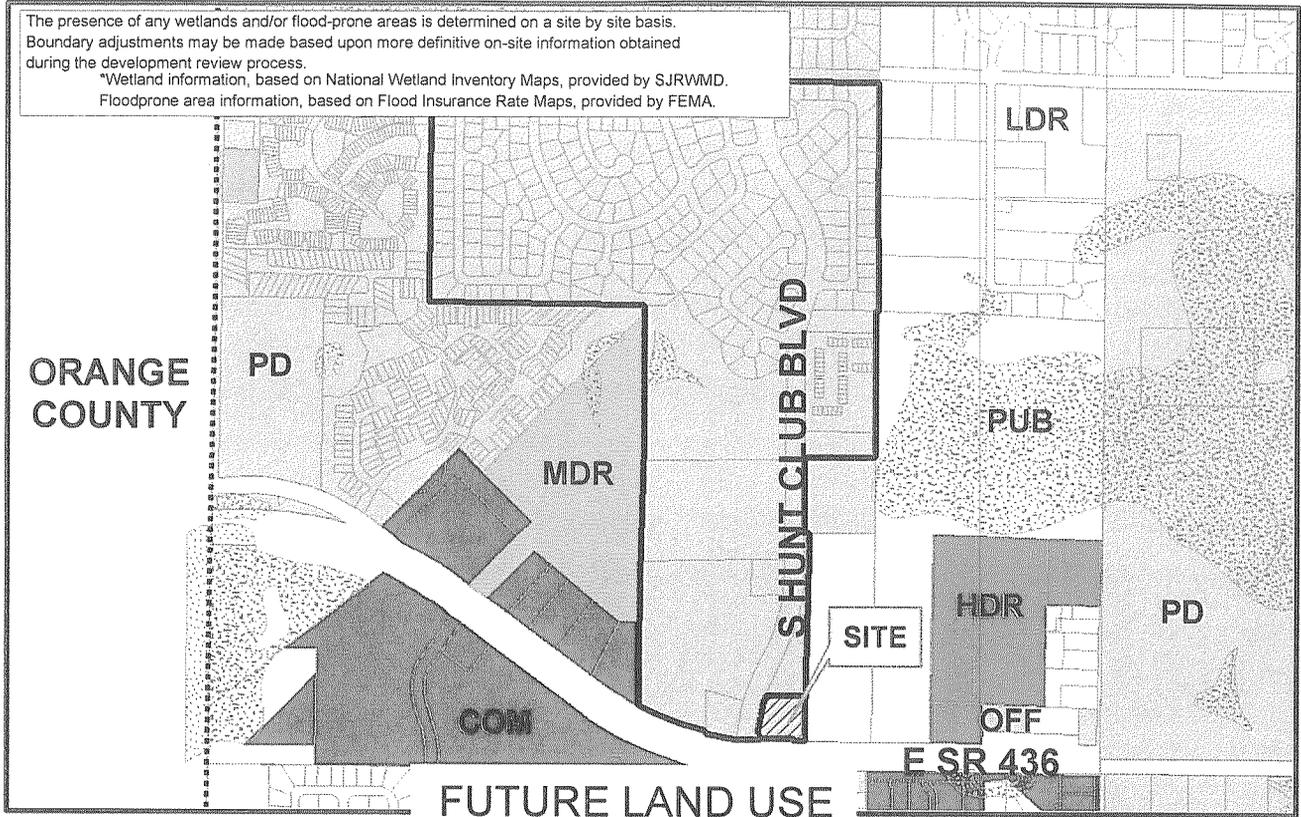
The applicant, Unicorp National Developments, requests a major amendment to the existing Foxwood PUD agreement, consisting of converting 1.44 acres of a tract approved for office use to commercial use, and reducing the required buffer on the east side of the 1.44 acres from 40 feet to 20 feet. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use designation.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2004-027</u>

**Staff Recommendation:**

Staff recommends APPROVAL of the requested major PUD amendment, subject to the attached Addendum #3 to the Developer's Commitment Agreement

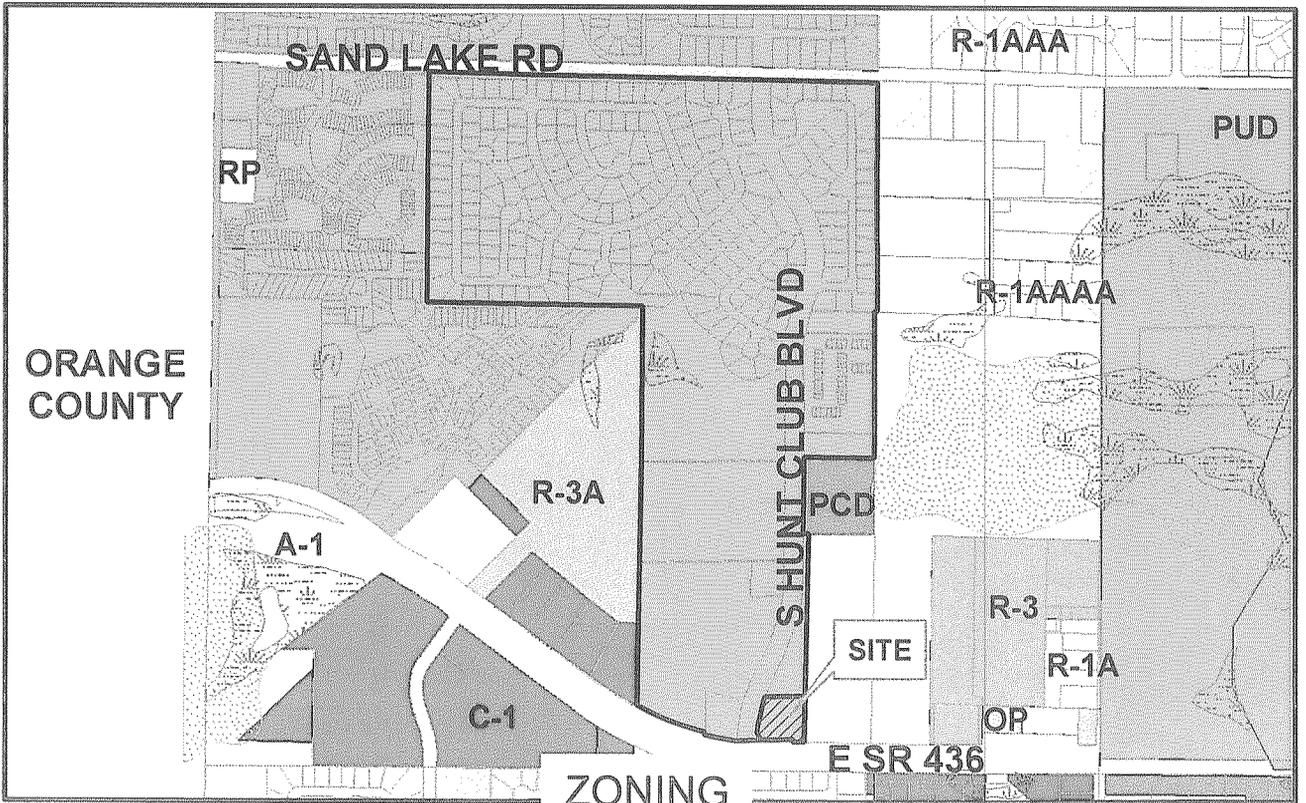
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site 
  PUD Site 
  PUB 
  MDR 
  PD 
  OFF 
  COM 
  HDR 
  LDR 
  CONS

Applicant: Unicorp National Developments, Inc.  
 Physical STR: 07-21-29-300-016B-0000  
 Gross Acres: 1.44 BCC District: 3  
 Existing Use: Office Buildings  
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-027	PUD	PUD



Site 
  PUD Site 
  A-1 
  R-1AAAA 
  R-1AAA 
  R-1A 
  R-3A 
  R-3 
  RP 
  OP 
  C-1 
  PUD 
  PCD 
  FP-1 
  W-1



Rezone No: Z2004-027  
 From: PUD To: PUD

-  Parcel
-  Subject Property



February 1999 Color Aerials

## FOXWOOD PUD MAJOR AMENDMENT

<b>APPLICANT:</b>	Unicorp National Developments			
<b>PROPERTY OWNER:</b>	Shoppes of Hunt Club LLC			
<b>REQUEST:</b>	Major PUD Amendment			
<b>HEARING DATES(S):</b>	P&Z:	7/7/2004	BCC:	8/10/2004
<b>PARCEL ID NO.:</b>	Parcel to be changed to commercial: 07-21-29-300-016B-0000			
<b>PROJECT LOCATION:</b>	Approximately bounded by SR 436, Sand Lake Road, North Line Drive, and Hunt Club Boulevard			
<b>APPROXIMATE SIZE:</b>	1.44 acre tract to be changed from office use to commercial , 139.9 acres in the entire Foxwood PUD			
<b>FUTURE LAND USE:</b>	PD (Planned Development)			
<b>ZONING:</b>	PUD (Planned Unit Development)			
<b>FILE NUMBER:</b>	Z2004-027			
<b>COMMISSION DISTRICT:</b>	District 3 – Commissioner Van Der Weide			

### OVERVIEW

**Zoning Request:** The applicant, Unicorp National Developments, requests a major amendment to the existing Foxwood PUD agreement, consisting of converting 1.44 acres of a tract approved for office use to commercial use. The applicant is proposing that Tract 10, which was originally designated as general office, be split into Tract 10, containing 1.58 acres, which will remain designated as office, and Tract 11, containing 1.44 acres, which will be designated as commercial and will comply with the regulations of the C-1 zoning district. The other commercial tracts within the PUD must comply with the regulations of the C-1 zoning district.

The original PUD agreement states that a 40-foot buffer is required along the east side of Tract 10. The applicant is also requesting that this 40-foot buffer be reduced to a 20-foot buffer. The C-1 zoning district allows properties adjacent to properties with non-residential zoning and future land uses to reduce the side yard setback to 0-feet. The proposed Tract 11 would be adjacent to property used for a cemetery with A-1 zoning and Public future land use, and therefore staff supports the buffer reduction from 40-feet to 20-feet.

The following table summarizes the existing surrounding zoning and Future Land Uses:

<b>Direction</b>	<b>Zoning</b>	<b>FLU</b>	<b>Current Use</b>
Site	PUD (Planned Unit Development)	PD (Planned Development)	Financial Institution
North	PUD (Planned Unit Development)	PD (Planned Development)	Financial Institution
East	A-1 (Agriculture District)	Public	Cemetery
South	OP (Office Professional District), RP (Residential Professional District)	Office	Offices, Residential
West	PUD (Planned Unit Development)	PD (Planned Development)	Shopping Center

For more detailed information regarding zoning and land use, please refer to the attached map.

**SITE ANALYSIS**

**Facilities and Services:**

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.

**Water and Sewer:**

Water and sewer services are provided to the subject property by Seminole County.

**Compliance with Environmental Regulations:**

Prior to approval of final engineering plans, the developer will be required to comply with the environmental regulations contained within the Seminole County Land Development Code. At this time there are no concerns regarding compliance with environmental regulations.

**Compatibility with Surrounding Development:**

The existing PUD zoning classification and the PD future land use designation are compatible with the surrounding land use designations. The proposed C-1 uses in Tract 11 are consistent with the shopping center uses to the west, the financial institution to the north, and the office uses to the south.

**STAFF RECOMMENDATION**

Staff recommends APPROVAL of the requested major PUD amendment, subject to the attached Addendum #3 to the Developer's Commitment Agreement

**ADDENDUM NUMBER 3**  
**Foxwood PUD Final Master Plan**  
**Commitments, Classifications, and District Description**

The Developers Commitment Agreement, dated October 28, 1976, is hereby amended to read:

These land use and tracting tables replace the tables approved on October 26, 1982 as part of Addendum Number 2 to the Foxwood PUD Final Master Plan Commitments, Classifications, and District Description.

Land Use Table

<u>LAND USE</u>	<u>ACRES</u>	<u>UNITS</u>	<u>DENSITY</u>
RESIDENTIAL	72.85	228	3.13
COMMUNITY SHOPPING	25.00		
COMMERCIAL	4.08		
GENERAL OFFICE	4.42		
CONDOMINIUM	5.37	64	12.00
PARK & POND	13.21		
DAYCARE CENTER	1.08		
ARTERIAL ROAD	9.50		
POWERLINE	4.39		
TOTAL	4.39	292	3.73

Tracting Table

<u>TRACT</u>	<u>DESCRIPTION</u>	<u>ACRES</u>	<u>UNITS</u>
1	RESIDENTIAL	33.36	80
2	RESIDENTIAL	47.67	148
3	DAY CARE CENTER	1.08	
4	PARK	13.21	
5	CONDOMINIUM	5.37	64
6	ARTERIAL ROAD	5.71	
7	GENERAL OFFICE	1.40	
8	COMMERCIAL	4.08	
9	COMMUNITY SHOPPING	25.00	
10	GENERAL OFFICE	1.58	
11	COMMERCIAL	1.44	
TOTAL		139.90	292

V. LANDSCAPING AND BUFFERING

Tract 11 Commercial Area

1. A 20-foot landscape buffer is required along the east side of Tract 11.

SEMINOLE COUNTY BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Daryl G. McLain, Chairman

**OWNER'S CONSENT AND COVENANT**

COMES NOW, the owner, Shoppes of Hunt Club LLC, Inc., 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

\_\_\_\_\_  
Tim Keen, Real Estate Manager  
of Shoppes of Hunt Club LLC

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

\_\_\_\_\_  
Witness

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

STATE OF FLORIDA     )

COUNTY OF SEMINOLE )

I HEREBY CERTIFY The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Tim Keen, the Real Estate Manager of the Shoppes of Hunt Club LLC, on behalf of the corporation who is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD ZONING CLASSIFICATION THE PUD 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, "Foxwood PUD Major Amendment."

(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 PUD 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 by the Department.

ENACTED this 10th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

EXHIBIT A

PARCEL ONE:

The NW 1/4 of the SE 1/4 of Section 7, Township 21 South, Range 29 East; together with Section 3 of HIGHLAND MEMORIAL GARDENS, according to the plat thereof as recorded in Plat Book 9 at pages 58, 59, 60, 61 and 62 of the public records of Seminole County, Florida; less the following: Begin at the NE corner of said Section 3 of HIGHLAND MEMORIAL GARDENS; thence run South 0 deg 33'45" E along the East line of said Section 3 for 1135.38 feet to a point on the North R/W line of State Road No. 436; thence run South 89 deg 04'55" West along the North R/W line of State Road No. 436 for 372.12 feet to a point; thence run North 0 deg 55'17" West for 1140.29 feet to a point on the North line of said Section 3 of HIGHLAND MEMORIAL GARDENS; thence run North 89 deg 49' 38" East along the North line of said Section 3 for 379.26 feet to the point of beginning; also less that portion of said Section 3 of HIGHLAND MEMORIAL GARDENS for road R/W for State Road No. 436, as shown on State Road Department R/W map dated July 7, 1969, Section 77080-2509 sheet 5 of 18 sheets, said tract of land lying and being situated in Seminole County, Florida.

PARCEL TWO: The West 16.50 feet of the SE 1/4 of the NE 1/4, Section 7, Township 21 South, Range 29 East, Seminole County, Florida. The SW 1/4 of the NE 1/4, Section 7 Township 21 South, Range 29 East, Seminole County, Florida. The SE 1/4 of the NW 1/4, less the North 25 feet thereof for Sand Lake Road, Section 7, Township 21 South, Range 29 East, Seminole County, Florida. Further described as approximately 4 1/2 miles West of I-4 on State Road 436; property lies on North side of SR 436 and Extends Northward to Sand Lake Road and Wekiva Hunt Club.