

Staff Recommendation:

Staff recommends APPROVAL of the requested major PUD amendment with the following conditions:

1. No lighting of the recreation area shall be allowed, except for security purposes, and the active uses in the recreation area shall not be lit, to discourage nighttime use,
2. Hours of use shall be limited to daylight hours, and signage indicating these hours shall be posted, and
3. A six-foot high masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

FOREST LAKE PUD MAJOR AMENDMENT

APPLICANT:	Rob Matthews and Ellsworth Gallimore				
PROPERTY OWNER:	Seventh Day Adventist Church				
REQUEST:	Major PUD Amendment				
HEARING DATES(S):	P&Z:	12/3/2003	BCC:	1/13/2004	
PARCEL ID NO.:	Part of 08-21-29-300-0110-0000				
PROJECT LOCATION:	Located on the south side of Sand Lake Rd., 0.4 miles east of Hunt Club Blvd.				
APPROXIMATE SIZE:	128.81 Acres				
FUTURE LAND USE:	PD (Planned Development)				
ZONING:	PUD (Planned Unit Development)				
FILE NUMBER:	Z1990-019				
COMMISSION DISTRICT:	District 3-Van Der Weide				

OVERVIEW

Zoning Request: The applicants, Rob Matthews of Zev Cohen & Associates and Ellsworth Gallimore of Gallimore Development, request a major amendment to an existing PUD agreement, which consists of relocating a recreation tract and clarifying the minimum setback requirements for pools and pool screen enclosures on single-family lots. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

The following table summarizes the existing surrounding land uses:

<i>Direction</i>	<i>Zoning</i>	<i>FLU</i>	<i>Use</i>
North	R-1, A-1	LDR	SFR
East	PUD, R-1AA	PD, Public	SFR
South	PUD	PD	Vacant, Commercial, Church, School
West	R-1AA, R-1AAA	LDR, Public	SFR

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

The current PUD has a gross area of approximately 128.81 acres, and is comprised of the following land uses:

<i>Use</i>	<i>Gross Acreage</i>	<i>Percent of Site</i>
Commercial	11.50	8.9%
Office	23.70	14.5%
Residential	62.8	48.8%
Active Recreation	2	1.6%
Open Space/ Conservation/Retention	29.81	23.1%
TOTAL	128.81	100%

This proposed major amendment would not change any of these existing uses and would not increase the intensity of use.

The Final Master Plan was approved by the Board of County Commissioners on December 12, 1995. The applicants are proposing to relocate Recreation Tract F, which contains approximately two acres, from the north central part of the PUD to the southwest side, as shown on the attached exhibit of the revised PUD plan. This recreation tract is required to have volleyball facilities or a multi-purpose playfield, a tot lot, picnic tables, and grills. It is intended to serve only the residents of the first phase of residential development, which consists of an approximately 112 dwelling unit subdivision. This change would not affect any of the other proposed uses within the PUD. The new location of the recreation tract may create noise impacts on the adjacent subdivision to the west, and therefore, staff is recommending the following conditions to mitigate the potential adverse impacts:

1. No lighting of the of the recreation area shall be allowed, except for security purposes, and the active uses in the recreation area shall not be lit, to discourage nighttime use,
2. Hours of use shall be limited to daylight hours, and signage indicating these hours shall be posted, and
3. A six-foot high masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

Staff is also recommending that as part of this major amendment process, the opportunity should be taken to clarify the minimum setback requirements for pools and pool screen enclosures on single-family lots. This will minimize the need for some residents to request variances in the future. The following table summarizes the existing minimum setback requirements, and the proposed minimum setback requirements for pools and pool screen enclosures:

<i>Setback</i>	<i>Existing</i>	<i>Proposed for Pools</i>	<i>Proposed for Pool Screen Enclosures</i>
<i>Side</i>	6 feet	7.5 feet	5 feet
<i>Rear</i>	20 feet	8 feet	6 feet

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 by Sanlando Utilities.

Compliance with Environmental Regulations:

Prior to approval of final engineering plans, the developer will be required to provide:

1. An acceptable mitigation plan for proposed wetland impacts;
2. A Listed Species survey report;
3. A plan showing an upland buffer landward of post development wetlands not less than 15 feet and averaging 25 feet.

Compatibility with Surrounding Development:

The existing PUD zoning classification and the PD future land use designation are compatible with the surrounding land use designations.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On December 3, 2003, the Planning & Zoning Commission voted 7-0 to recommend APPROVAL of the request with the condition that a six-foot high masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the requested major PUD amendment, which consists of relocating a recreation tract and clarifying the setback requirements for pools and pool screen enclosures on single-family lots to be: side yard, 7.5 feet for pools and 5 feet for screen enclosures; and rear yard, 8 feet for pools and 6 feet for screen enclosures, with the following conditions:

1. No lighting of the recreation area shall be allowed, except for security purposes, and the active uses in the recreation area shall not be lit, to discourage nighttime use,
2. Hours of use shall be limited to daylight hours and signage indicating these hours shall be posted, and
3. A six-foot high masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

**Minutes for the Seminole County
Land Planning Agency/Planning and Zoning Commission
December 3, 2003 – 7:00 P.M.**

Members present: Ben Tucker, Thomas Mahoney, Richard Harris, Alan Peltz, Chris Dorworth, Beth Hattaway, and Dudley Bates

Also present:

Rebecca Hammock, Principal Planner
Tina Deater, Senior Planner
Jeff Hopper, Senior Planner
Tony Matthews, Principal Planner
Matt West, Planning Manager
Tony Walter, Assistant Planning Manager
Karen Consalo, Deputy County Attorney
Mahmoud Najda, Development Review Manager
Candace Lindlaw-Hudson, Senior Staff Assistant

Forest Lake PUD Major Amendment; Gallimore Development /Ellsworth Gallimore and Rob Matthews, applicants; 128.81 acres zoned PUD; major amendment to an existing PUD on property located on the south side of Sand Lake Rd., 0.4 mile east of Hunt Club Blvd. (Z1990-019)

Commissioner VanDerWeide – District 3
Tina Deater, Senior Planner

Tina Deater stated that the applicants, Rob Matthews of Zev Cohen & Associates and Ellsworth Gallimore of Gallimore Development, request a major amendment to an existing PUD agreement, which consists of relocating a recreation tract and clarifying the minimum setback requirements for pools and pool screen enclosures on single-family lots. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

The Final Master Plan was originally approved by the BCC on December 12, 1995. The applicants are proposing to move Recreation Tract F (approximately 2 acres) from the north central part of the PUD to the southwest side. This change will not affect the other proposed uses within the PUD. However, the new location of the recreation tract may impact the subdivision to the west with noise. Three conditions are recommended by staff to help with this: 1) No lighting of the recreation area shall be allowed, 2) Hours of use shall be limited to daylight hours, with signs indicating these hours, and 3) A six foot masonry wall shall be placed along the west property line where the recreation area abuts the adjacent subdivision.

Also noted were the change in setbacks for pools and pool screen enclosures:

Side setbacks: Pools – to be 7.5 feet; pool screen enclosures - to be 5 feet
Rear setbacks: Pools – to be 8 feet; pool screen enclosure – to be 6 feet

Staff recommendation was for approval of the request with the conditions contained within the staff report.

Commissioner Harris asked what was going on the land that was no longer going to be recreation area.

Ms. Deater stated that it would be used for residences.

Commissioner Tucker asked about the lighting impacts.

Ms. Deater indicated the location on the map of adjacent housing that where lighting could be an issue.

Commissioner Mahoney stated that he was concerned about safety in having unlighted recreational uses.

Matt West showed the location of the park on an aerial photo in relation to the Pace School and Sandy Lane.

Mr. Gallimore stated that he would be willing to put in a brick wall by the Signature development and that he would do lighting for security reasons.

Sam Hamilton, speaking for the applicant, stated that he does not normally put lights on the outside amenities, such as proposed in this project. He said that he would put in the brick wall according to staff recommendations. He was not sure about safety involved in the lighting part of the report.

Commissioner Harris agreed. He stated that he saw no reason to ban lighting. It is not a good policy to prohibit lighting. If the need arises, let the people get approval.

Commissioner Peltz recommended leaving it up to the builder.

Ken Watkins from Signature Homes said that he was not in favor of lights on the courts. I would be negative impact to the houses he was building.

Commissioner Tucker asked if the lights were regulated so as not to intrude into the lots of the adjacent houses, would that be OK?

Mr. Watkins said that those conditions would be good.

Kathy Berry, an adjacent neighbor to the site, stated that she was confused as to what was to go on here.

Commissioner Tucker said that everything that was approved for the PUD in 1995 will not change.

Mr. West stated that the only piece of property being affected is the 2 acre parcel on the west side of the property.

Ms. Berry was concerned about the roads; they are obsolete now. Now there will be construction coming into the area with this project, along with the Sandy Lane development.

Commissioner Tucker stated that the only thing being addressed is the moving of the recreation area and the setbacks.

Mr. Najda stated that he thought the Sand Lake Road area would be improved within 3 to 4 years. It was a Public Works scheduled item.

Mr. Gallimore stated that it would be over a year before the houses are begun. Build out for the 112 houses would be less than 3 years.

The public hearing was now closed.

Commissioner Mahoney made a motion to approve the request subject to the requirement that a 6 foot high masonry wall be installed on the west side where the property abuts the neighboring subdivision.

Commissioner Tucker asked if the lighting was to be addressed.

Commissioner Mahoney said it would not be.

Commissioner Peltz seconded the motion.

There was no discussion.

The motion passed by unanimous consent. (7 – 0)

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 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, "Forest Lake 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. TERMS. This rezoning incorporates, and is contingent upon, execution of the second Addendum to the Forest Lake PUD Final Master Plan Commitments, Classifications, and District Description.

Section 4. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 5. 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 6. 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 the date of filing with the Department and recording of Addendum Number 2 to the Forest Lake Planned Unit Development Final Master Plan Commitments, Classifications, and District Description, dated January 13, 2004 in the Official Land Records of Seminole County.

ENACTED this 13th day of January, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

I. LEGAL DESCRIPTION

The South 1/2 of the Northwest 1/4 (less the East 1/8 of the North 1/2) and the Southwest 1/4 and the Southwest of the Southeast 1/4 of Section 8, Township 21 South, Range 29 East; also that portion of the East 1/2 of the Northwest 1/4 and that portion of the Northwest 1/4 of the Northeast 1/4 lying North of State Road 436, of Section 17, Township 21 South, Range 29 East, all in Seminole County, Florida.

LESS:

Begin at the Southerly Right-of-way line of Sand Lake road (a 60 foot Right-of-way) and the East line of the West 7/8 of the North 1/2 of the South 1/2 of the Northwest 1/4 of aforesaid Section 8; thence Westerly along said Southerly Right-of-way line for 1,100 feet; thence Southerly at right angles to said Southerly Right-of-way line for 1,150 feet; thence Easterly at right angles to the last line for 700 feet; thence Northerly at right angles to the last line for 790 feet; thence Easterly at right angles to the last line for 390 feet, more or less, to the aforesaid East line of the West 7/8 of the North 1/2 of the South 1/2 of the Northwest 1/4 of Section 8; thence Northerly along said East line for 360 feet, more or less, to the Point of Beginning.

AND LESS:

Beginning at the Southeast corner of the North 1/2 of the Southwest 1/4 of Section 8, Township 21 South, Range 29 East; thence North 00°24'40" East along the East line of said north 1/2 of the Southwest 1/4 for 502 feet; thence North 79°39'52" West for 1,805 feet; thence South 00°20'08" West for 528 feet; thence South 34°39'52" East for 190 feet; thence South 32°20'08" West for 496.00 feet; thence South 01°20'08" West for 380.00 feet; thence South 23°39'52" East for 340 feet, more or less, to the Northerly Right-of-way line of State Road No. 436 (Semoran Boulevard); thence Easterly along the Northerly Right-of-way line of said State Road No 436 for 3,064 feet, more or less, to the Westerly Right-of-way line of West Lake Brantley Road; thence Northerly along said Westerly Right-of-way line for 2,092 feet, more or less, to the North line of the Southwest 1/4 of the Southeast 1/4 of aforesaid Section 8; thence Westerly along said North line for 1,223 feet, more or less, to the Point of Beginning.

Containing 128.81 acres, more or less.

SECOND ADDENDUM
To The
Forest Lake PUD Final Master Plan
Commitments, Classifications, and District Description

The Seminole County Board of County Commissioners issues this Second Addendum to the "Forest Lake PUD Final Master Plan Commitments, Classifications and District Description" this 13th day of January, 2004.

Section 1: Section III, entitled, "Building Restrictions," is hereby amended in part by adding the following language as indicated by underlined text:

III. BUILDING RESTRICTIONS

Setbacks:

Single Family:	Front:	20'
	Side:	6'
	Side Adjacent ROW:	20'
	Side for Pools:	<u>7.5'</u>
	Side for Pool Screen Enclosures:	<u>5'</u>
	Rear:	20'
	Rear for Pools:	<u>8</u>
	Rear for Pool Screen Enclosures:	<u>6'</u>
	Front/Side/Rear:	25'

Section 2: Section VI, entitled "Recreation and Open Space," is hereby amended in part by adding the following language as indicated by the underlined text:

VI. RECREATION AND OPEN SPACE

6. Tract "F" shall be relocated on the western edge of the property as indicated on the attached revised Final Master Plan.
7. The following conditions shall apply in Tract "F":
 - a. No artificial lighting shall be allowed, except for security purposes.
 - b. Hours of use shall be limited to daylight hours and signage indicating these hours shall be posted, and
 - c. A six-foot high masonry wall shall be placed along the west property line where Tract "F" abuts the adjacent subdivision.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Daryl G. McLain, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, The Seventh Day Adventist Church, 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

Randee R. Reynolds, Vice President,
Florida Conference Association of Seventh
Day Adventists

Print Name

Witness

Print Name

STATE OF FLORIDA)

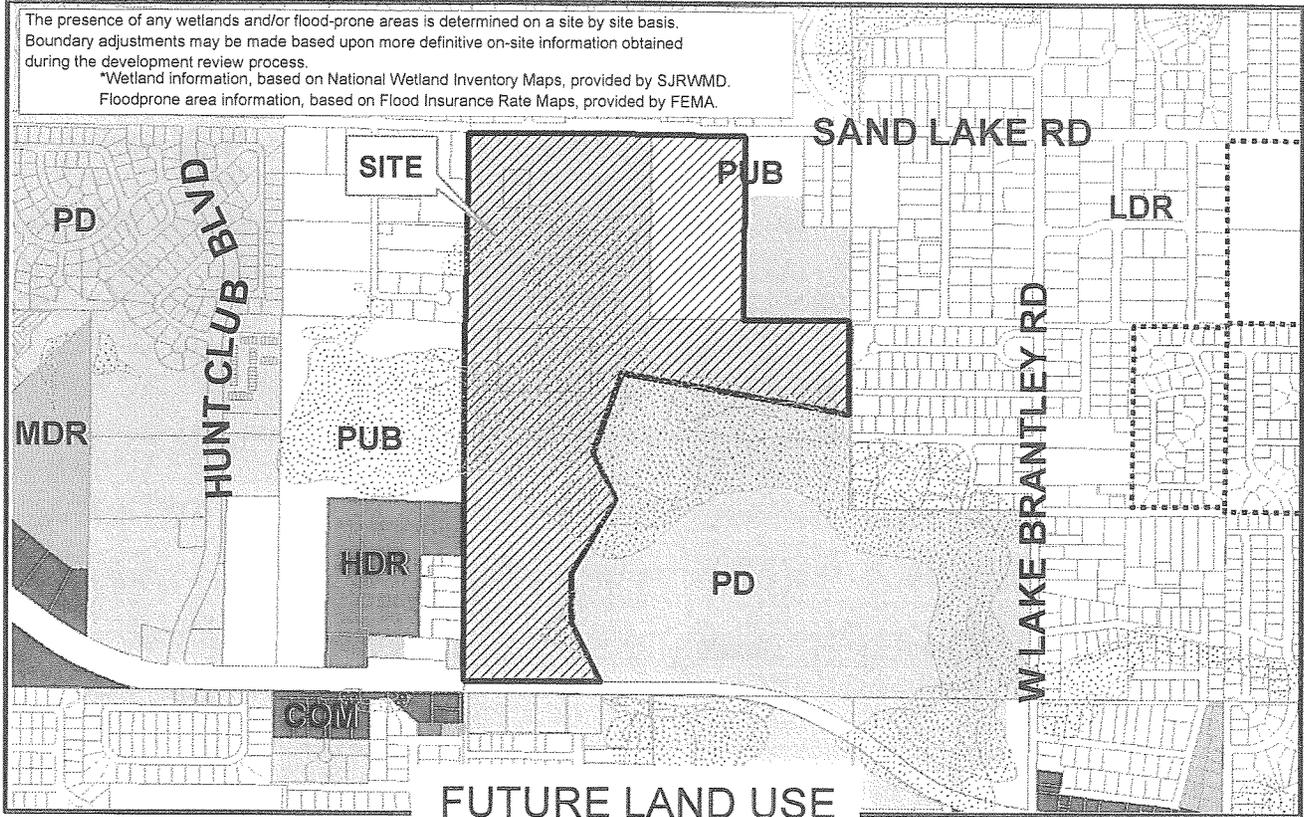
COUNTY OF SEMINOLE)

I HEREBY CERTIFY The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by Randee R. Reynolds, the Vice President of the Florida Conference Association of Seventh Day Adventists 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:

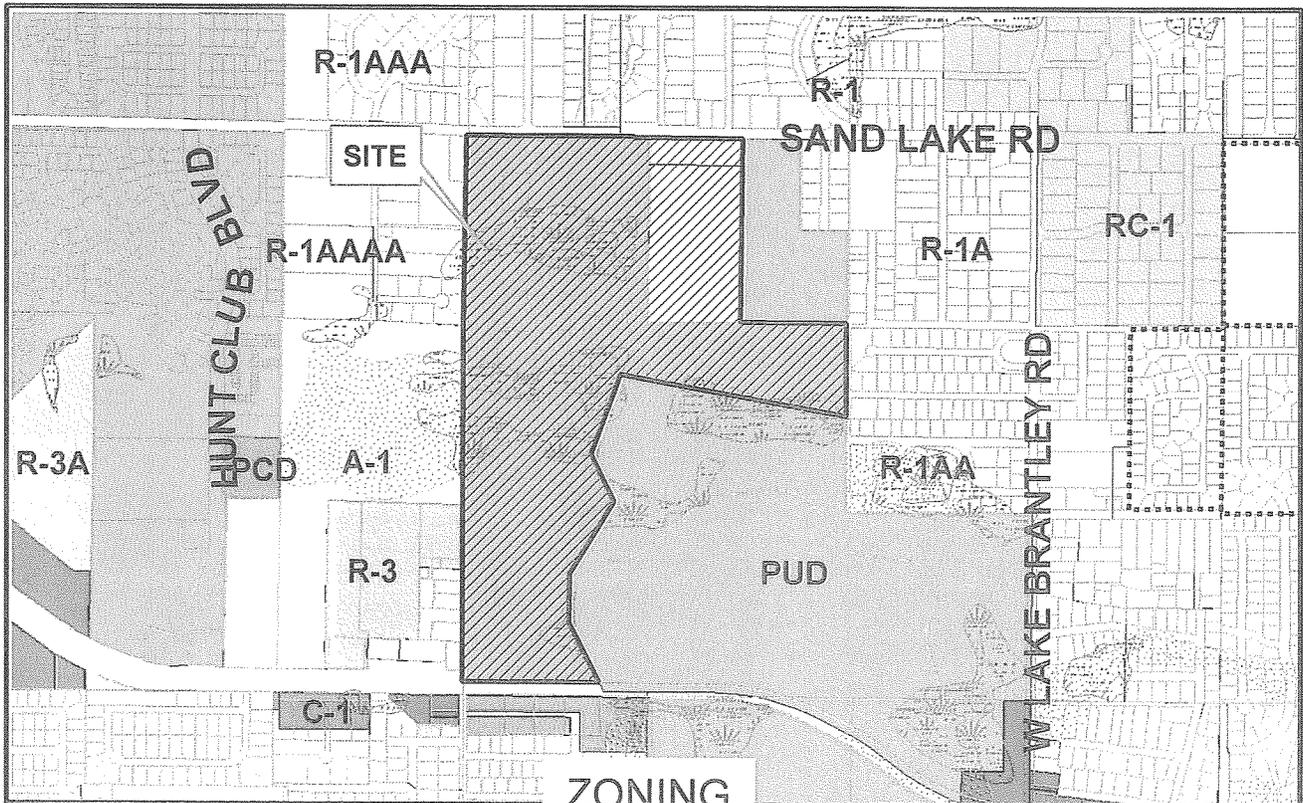
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR
 MDR
 HDR
 PD
 COM
 PUB
 CONS

Applicant: Zev Cohen & Associates, Inc.
 Physical STR: pt of 08-21-29-300-0110, 011C, 011D, & 011B-0000
 Gross Acres: +/- 130 BCC District: 3
 Existing Use: Single Family Residential
 Special Notes: Major PUD Amendment

	Amend/ Rezoned#	From	To
FLU	--	--	--
Zoning	Z1990-019	PUD	PUD



Site
 Municipality
 R-1AAA
 R-1AA
 A-1
 RC-1
 R-1AAAA
 C-1
 R-1A
 R-1
 R-3A
 R-3
 PUD
 PCD
 W-1
 FP-1



Rezone No: Z1990-019
From: PUD To: PUD

-  Parcel
-  Subject Property



February 1999 Color Aerials