

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: MARKHAM ROAD/LONGWOOD MARKHAM ROAD PUD AKA GERAMI
PROPERTY FINAL MASTER PLAN

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

AUTHORIZED BY: Dori L. DeBord **CONTACT:** Tina Williamson ^{TDW} EXT. 7353

Agenda Date <u>01/23/07</u>	Regular <input checked="" type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>	

MOTION/RECOMMENDATION:

1. **APPROVE** the Final Master Plan and authorize the Chairman to execute the Developer's Commitment Agreement for the Markham Road/Longwood Markham Road PUD, consisting of 72 ± acres and located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46, based on staff findings (C&G Real Estate Group, LLC, applicant); or
2. **DENY** the Final Master Plan for the Markham Road/Longwood Markham Road PUD, consisting of 72 ± acres and located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46 (C&G Real Estate Group, LLC, applicant); or
3. **CONTINUE** the request until a time and date certain.

District 5 – Comm. Carey

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is seeking Final Master Plan approval for a 38-lot single-family residential subdivision with a net density of 1.0 unit per net buildable acre. The applicant obtained rezoning approval from A-1 to PUD on June 27, 2006. Staff finds that the proposed Final Master Plan and Developer's Commitment Agreement provided by the applicant comply with all of the conditions contained in the approved Development Order.

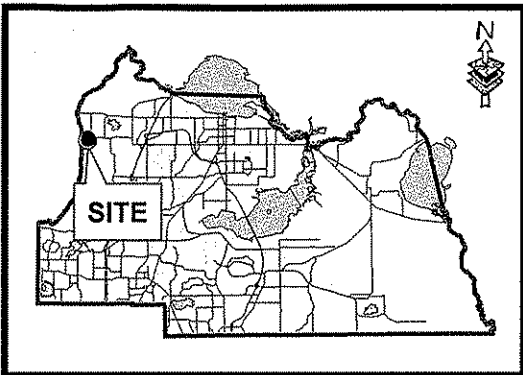
Reviewed by <u>KET</u>
Co Atty: _____
DFS: _____
OTHER: <u>MB</u>
DCM: <u>MB</u>
CM: <u>MB</u>
File No. <u>rpdp01</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the Final Master Plan and execution of the Developer's Commitment Agreement for the Markham Road/Longwood Markham Road PUD, consisting of 72 ± acres and located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46, based on staff findings.

ATTACHMENTS:

Location Map
Aerial
Final Master Plan
Developer's Commitment Agreement
Approved Development Order # 06-20500001
June 27, 2006 BCC Minutes



LAKE COUNTY

VOLUSIA COUNTY

Lake Monroe

Z2006-004
SITE

MARKHAM RD

ORANGE BLVD

W I-4

INTERNATIONAL PKWY

N OREGON ST

MONROE RD

W US 17-92

W SR 46

S SR 417

CR 46A

CR 46A

UPSALA RD

W AIRPORT BLVD

PERSIMMON AVE

W 13TH ST

S PARK AVE

US 17-92

PARK DR

LAKE MARY

W LAKE MARY BLVD

OLD LAKE MARY RD

RAMP

RAMP

E I-4

L-4 REST AREA

MARKHAM WOODS RD

LAKE E. RD

LONGWOOD LAKE MARY RD

S COUNTRY CLUB RD

N US 17-92

HESTER AVE

MYRTLE ST

RAMP

N RONALD REAGAN BLVD

GENERAL HUTCHISON PKWY

SR 419



WEKIVA SPRINGS RD

LONGWOOD

E SR 434



Rezone No: Z2006-004
From: A-1 To: PUD

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

MARKHAM ROAD/LONGWOOD MARKHAM ROAD PUD

**FINAL MASTER PLAN DEVELOPER'S COMMITMENT AGREEMENT
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION**

On January 23, 2006, the Board of County Commissioners of Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEGAL DESCRIPTION

Parcel No. 1: That part of the Northwest 1/4 of the Southwest 1/4 of Section 34, Township 19 south, Range 29 East, Seminole County, Florida, lying South of the right-of-way of the Seaboard Coast Line Railroad, less the East 25 feet of the North 50 feet thereof, and that part of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 19 South, Range 29 East, Seminole County, Florida, lying South of the right-of-way of the Seaboard Coast Line Railroad and East of the Wekiva River.

Parcel No. 2: Lots 1, 2, 3, 4, 5, 6 and 7 GARDA PARK HOME SITES filed in O.R. Book 4, Page 10, Public Records of Seminole County, Florida.

PROPERTY OWNERS

C&G at Markham Inc.
111 S. Maitland Ave., Ste. 101
Maitland, FL. 32751

STATEMENT OF BASIC FACTS

- A. Total Area: 72.40
- B. Zoning: Planned Unit Development
- C. Density: 1.0 dwelling units per net buildable acre
- D. 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.
- E. The owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.
- F. 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 owners are as follows:

TRACTING PLAN – LAND USE BREAKDOWN

Tract	Name	Ownership	Area (AC.)
A	Right-of-Way	H.O.A.	2.44 (3.37%)
B	Retention/Open Space	H.O.A.	1.26 (1.74%)
C	Retention/Open Space	H.O.A.	2.48 (3.43%)
D	Retention/Open Space	H.O.A.	0.97 (1.34%)
E	Retention/Open Space	H.O.A.	1.29 (1.78%)
F	Retention/Open Space	H.O.A.	1.29 (1.78%)
G	Lift Station	Seminole County	0.03 (0.04%)
H	Wetland / Jurisdictional Buffer	H.O.A.	16.74 (23.41%)
I	Wetland / Jurisdictional Buffer	H.O.A.	20.64 (28.51%)
J	Undisturbed Protection area	H.O.A.	2.42 (3.34%)
K	Open Space	H.O.A.	0.30 (0.13%)
Single Family			22.54 (31.13%)
Total Area			72.40 (100%)

OPEN SPACE CALCULATIONS

The Developer shall provide 25% useable open space, or a minimum of 18.10 acres throughout the entire PUD. A retention pond will serve as the major Open Space element for the PUD, designed to serve this project, and shall be amenitized per Section 30.1344 (e)(3)(A) of the Seminole County Land Development Code. Remaining Open Space (as listed below) is achieved through Active Recreation, Passive Recreation and other Green Space in the PUD. The amenities associated with the useable open space shall be determined at the time of Final Engineering approval.

Total Land Area: 72.40
 Required Open Space: 25% = 72.40 x 0.25 = 18.10 acres Open Space

Open Space Provided:

Tract 'B' – Retention / Open Space.....	1.26 acres
Tract 'C' – Retention / Open Space.....	2.48 acres
Tract 'D' – Retention / Open Space.....	0.97 acres
Tract 'E' – Retention / Open Space.....	1.29 acres
Tract 'F' – Retention / Open Space	1.29 acres
Portion of Tract 'H' – Jurisdictional Upland Buffer.....	2.25 acres
Portion of Tract 'H' – Conservation (allowed 25% of required open space)	2.04 acres

Portion of Tract 'I' – Jurisdictional Upland Buffer	3.17 acres
Portion of Tract 'I' – Conservation (allowed 25% of required open space).....	2.49 acres
Tract 'J' – Undisturbed Protection Area.....	2.42 acres
Tract 'K' – Open Space	0.30 acres
TOTAL OPEN SPACE PROVIDED.....	19.96 ACRES

BUILDING SETBACKS

The following setback standards shall apply to the individual single-family homes:

Main Residence Front Yard Setback	25 feet
Main Residence Side Yard Setback	10 feet
Main Residence (Street) Side Yard Setback	15 feet
Main Residence Rear Yard Setback	30 feet
*Accessory Structures Rear	10 feet
*Accessory Structures Side	10 feet
Pool Edge Rear	10 feet
Pool Edge Side	10 feet
Pool Enclosure Rear	5 feet
Pool Enclosure Side	10 feet

*Accessory structures must be less than 200 square feet in size and under 12 feet in height, or they must meet the setback requirements applicable to the main residence.

PERMITTED USES

Permitted uses shall be single family residences, home offices, and home occupations.

DEVELOPMENT COMMITMENTS

Standard Conditions:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. The minimum size of a residential unit shall be 2,200 square feet, excluding porches, garages, and other appurtenances.
- d. All landscape buffers and common areas shall be maintained by a homeowners association.

- e. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.

Project Specific Conditions:

- a. The maximum number of dwelling units shall not exceed 38 units and net residential density shall be no more than one (1) dwelling unit per net buildable acre.
- b. Utilize clustering on site for the purposes of preserving wetlands, rare upland habitats, and greenways.
- c. The project must comply with all conditions of the Wekiva Parkway and Protection Act.
- d. The Development shall connect to the County's central sewer service and install residential reclaim water lines. The lines are to be charged with potable water until Reclaimed water is available.
- e. The encroachment into or the placement or deposit of fill within the one-hundred (100) year floodplain (as adopted by FEMA) or wetlands is prohibited, except as otherwise specified in these conditions.
- f. A Conservation Easement dedicated to Seminole County will be required over all wetlands and require 50-foot average, 25-foot minimum upland buffers.
- g. A Conservation Easement dedicated to Seminole County will be required over the 550-foot undisturbed area adjacent to the Wekiva River required by St. Johns River Water Management District and the 200-foot no clear zone required by the Seminole County Comprehensive Plan.
- h. Preserve a minimum of 50% of the existing trees on site.
- i. A minimum of 25% useable open space shall be provided.
- j. Accessory structures along Markham Road shall be setback a minimum of forty (40) feet from the edge of right-of-way of the established right-of-way subsequent to dedication to Seminole County.
- k. Tract K will include a boardwalk, dock and an area for canoe storage and launch if approved by the St. John's River Water Management District, as the only permitted dock for the entire development.

PUBLIC FACILITIES

The Owners have submitted the property for a concurrency review. Among conditions relating to concurrency public facilities are the following:

WATER:

Water service will 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 will be provided by Seminole County. Design of collection system shall conform to all Seminole County and Florida Department of Environmental Protection Standards.

STORM DRAINAGE:

Stormwater drainage treatment and storage for pre-post conditions are to be provided on-site according to Seminole County and St. John's River Water Management District's stormwater regulations.

FIRE PROTECTION:

The Owners shall install a fire hydrant at the site. Fire protection will be provided by Seminole County. Fire flow will be a minimum of 1,250 G.P.M. with 20 P.S.I. Fire hydrant shall be located according to Seminole County regulation.

STANDARD PROVISIONS

1. 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.
2. This development order touches and concerns the aforescribed property and the conditions, commitments and provisions of the development order shall perpetually burden, run with and follow the said property and be servitude upon and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of the development order.
3. 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.

INTERPRETATION: RELATIONSHIP TO FINAL MASTER PLAN AND DEVELOPMENT ORDER

This Developer's Commitment Agreement is intended to summarize material provisions of the Final Master Plan of the Property approved concurrently herewith by the Board of County Commissioners of Seminole County. In the event of an inconsistency between this Developer's Commitment Agreement and the Final Master Plan, the terms and conditions of the Developer's Commitment Agreement shall control. Furthermore, in the event of a conflict between the terms of the Developer's Commitment Agreement and Development Order Number 6-20500001, the terms of the Development Order shall control.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE.

BY: _____
Carlton D. Henley,
Chairman of Seminole County
Board of County Commissioners

SEMINOLE COUNTY DEVELOPMENT ORDER

On June 27, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

(The ~~afordescribed~~ legal description has been provided to Seminole County by the owner of the ~~afordescribed~~ property.)

Parcel No. 1: That part of the Northwest 1/4 of the Southwest 1/4 of Section 34, Township 19 south, Range 29 East, Seminole County, Florida, lying South of the right-of-way of the Seaboard Coast Line Railroad, less the East 25 feet of the North 50 feet thereof, and that part of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 19 South, Range 29 East, Seminole County, Florida, lying South of the right-of-way of the Seaboard Coast Line Railroad and East of the Wekiva River.

Parcel No. 2: Lots 1, 2, 3, 4, 5, 6 and 7 GARDA PARK HOME SITES filed in O.R. Book 4, Page 10, Public Records of Seminole County, Florida.

FINDINGS OF FACT

Property Owner: C&G at Markham, Inc.

Project Name: Markham Road/Longwood Markham Rezone A-1 to PUD

Requested Development Approval:

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 ~~afordescribed~~ property.

Prepared by: Michael Rumer
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06402 Pgs 0270 - 273; (4pgs)
FILE NUM 2006145141
RECORDED 09/08/2006 02:59:37 PM
RECORDING FEES 35.50
RECORDED BY 6 Harford

RETURN TO SANDY McCANN

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:

Standard Conditions:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. The minimum size of a residential unit shall be 2,200 square feet, excluding porches, garages, and other appurtenances.
- d. Permitted uses shall be single-family dwelling, home offices, home occupations.
- e. All landscape buffers and common areas shall be maintained by a homeowners association.
- f. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.

Project Specific Conditions:

- a. The maximum number of dwelling units shall not exceed 38 units and net residential density shall be no more than one (1) dwelling unit per net buildable acre.
- b. Utilize clustering on site for the purposes of preserving wetlands, rare upland habitats, and greenways.
- c. The project must comply with all conditions of the Wekiva Parkway and Protection Act.
- d. The Development shall connect to the County's central sewer service and install residential reclaim water lines. The lines are to be charged with potable water until Reclaimed water is available.
- e. The encroachment into or the placement or deposit of fill within the one-hundred (100) year floodplain (as adopted by FEMA) or wetlands is prohibited.
- f. A Conservation Easement dedicated to Seminole County will be required over all wetlands and require a 50-foot average, 25-foot minimum upland buffers.
- g. A Conservation Easement dedicated to Seminole County will be required over the 550-foot undisturbed area required by St. Johns River Water Management District and the 200-foot no clear zone required by the Seminole County Comprehensive Plan.

- h. Preserve a minimum of 50% of the existing trees on site.
- i. A minimum of 25% common open space shall be provided.
- j. Accessory structures along Markham Road shall be setback a minimum of forty (40) feet from the edge of right-of-way of the established right-of-way subsequent to dedication to Seminole County.
- k. No more than one dock may be permitted for the entire development, subject to approval by the St. John's River Water Management District.
- l. Accessory buildings exceeding two-hundred sq. ft. (200 sq. ft) in size and /or twelve (12 ft.) in height shall meet all of the setback requirements applicable to the main residence.
- m. The following setback standards shall apply to the individual single-family homes:

Main Residence Front Yard Setback	25 feet
Main Residence Side Yard Setback	10 feet
Main Residence (Street) Side Yard Setback	15 feet
Main Residence Rear Yard Setback	30 feet
*Accessory Structures Rear	10 feet
*Accessory Structures Side	10 feet
Pool Edge Rear	10 feet
Pool Edge Side	10 feet
Pool Enclosure Rear	5 feet
Pool Enclosure Side	10 feet

*Accessory structures must be less than 200 square feet in size and under 12 feet in height, or they must meet the setback requirements applicable to the main residence.

(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 owners of the said property have 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.

Attest: 
 Marianne Morse
 Clerk to the Board of County Commissioners

By: 
 Board of County Commissioners
 Carlton D. Henley, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, William Cole, Jr., the owner of the aforescribed property in this Development Order, 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.

[Signature]
Witness

Alan Goldberg
Print Name

[Signature]
William W. Cole, Jr., President

[Signature]
Witness

James K. Froehlich
Print Name

STATE OF FLORIDA)

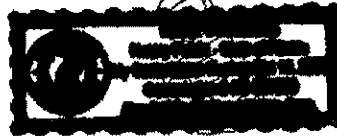
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared William Cole, Jr. who is personally known to me and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 25th day of August, 2006.

[Signature]
Notary Public, in and for the County and State Aforementioned

My Commission Expires:



Motion by Commissioner Carey, seconded by Commissioner Dallari, to continue the public hearing request to appeal the Board of Adjustment's decision to deny a special exception to establish an alcoholic beverage establishment (package liquor store) located on the northwest corner of the intersection of Red Bug Lake Road and Oviedo Crossing Terrace; as described in the proof of publication, John Kelly.

Under discussion, John Bennett, on behalf of the Petitioners, addressed the Board to state they would appreciate it if the Board would grant the continuance.

Mr. McMillan advised that would be a continuance to July 25, 2006, and Commissioners Carey and Dallari agreed.

Districts 1, 2, 3, 4 and 5 voted AYE.

ORDINANCE TO REZONE FROM A-1 TO PUD/C&G REAL ESTATE GROUP, LLC.

Proof of publication, as shown on page 2442, calling for a public hearing to consider enacting an Ordinance to rezone 78.41+/- acres from A-1 (Agriculture) to PUD (Planned Unit Development District), located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46, C&G Real Estate Group, LLC, received and filed.

Michael Rumer, Senior Planner, addressed the Board to present the request, stating the Preliminary Master Plan is more of a detailed plan, and the final master plan will incorporate a signed and sealed boundary survey indicating all wetlands that are verified by the St. Johns River Water Management District and Seminole County. It will also include the tree preservation plan. He said the applicant has to retain 50% of the trees on site. Staff is recommending approval of the request to rezone, subject to the Preliminary

Master Plan and Development Order, and based on staff findings. He stated the Planning & Zoning Commission (P&Z) voted unanimously to recommend approval of the rezoning with the condition that no more than one dock is permitted on this site, subject to the St. Johns River Water Management District's approval.

Mr. Rumer advised he received one e-mail (copy received and filed) today in support of the request.

Under discussion with Commissioner Carey, Mr. Rumer said the staff approval is for a maximum of 38 net buildable acres. He also advised that the applicant did agree to the limitation of one dock, as reflected in the Development Order.

Upon inquiry by Commissioner Dallari, Mr. Rumer said all the lots would have access to the dock.

Commissioner Carey stated she discussed yesterday with the applicant the possibility of having access from their project to get to the trail and they would help the County finalize that by doing improvements jointly with the County to finish the overlook area. She said she would like staff to explore that with the applicant during the final engineering process.

Chad Moorehead, Madden Engineer, representing the applicant, addressed the Board to state they agree with all the staff recommendations. He stated if they were not using the clustering option for retention and open space, they would have approximately four acres of retention and open space. Using the clustering option, they will have approximately ten acres of retention and open space.

Upon inquiry by Commissioner Carey about the fencing around the wet retention along the trail, Mr. Moorehead stated

they would make it safe along the trail, whether with a wrought iron fence or an extended buffer.

Commissioner Carey noted she would not want to see a chain link fence.

Kelly Sevec, 305 Oakwood Court, addressed the Board to state putting a development and changing the zoning from Agricultural to PUD does not make any sense to her with the property being right along the Wekiva River. She said this is a protected river and they need as much resource from it that they can get. She showed pictures (received and filed) taken in the abutting River Crest Subdivision showing baby turkeys, deer, and a hawk. She said to think they will squeeze out more of this protected resource doesn't make any sense. Further, she said this development would be on a very sharp corner and there have already been a lot of car accidents at that corner. She said as of today, the developer is already clearing some of the protected wetlands on the property. She said there is another area further east on Longwood/Markham that could be used for this development. Also, she said they don't know what this is going to do for the property values. Now, there is an ambience of large lots, water conservation, and a lot of wildlife. She stated only eight people were notified a few days ago of this hearing.

Commissioner Carey pointed out to Ms. Sevec that the proposed plan has a conservation area of approximately 550 feet along the river that would be dedicated to Seminole County, so the County is protecting that; whereas, River Crest goes all the way down to the water. These homes will be hooked up to sanitary sewer, so there will be no septic tanks.

Commissioner Morris advised this applicant meets the ability for the County to protect more of the land in a contiguous fashion so they can actually have animals traversing the property. He said under the property rights, all they can do is try to make the development the best they can.

Carol Brewster, 2457 Rivertree Circle, addressed the Board to state her main concern is the sharp curve and how they are going to figure out how to get an entranceway. She said it's a blind curve as it is. She asked how are they going to make it safe. She said it doesn't seem possible.

Commissioner Carey advised the engineer is going to address the entranceway. She gave the example of Orange Boulevard and Banana Lake Road and said it was the same kind of curve.

Ms. Brewster questioned what would be allowed on the river--just canoes, jet skis, or motorized boats. She advised that none of the River Crest residents knew about the meeting, and she personally notified them.

Commissioner Carey had Mr. McMillan explain the notification process.

Ms. Brewster asked what is being done to protect the trees having fill dirt put around them.

Chairman Henley explained all those type things will be looked at by the engineering staff before allowing anything to be done on the property. Commissioner Carey added that there is a process to protect the trees.

Shahrzad Shamsaee, 2375 Crest Ridge Court, addressed the Board to state she just became aware of the meeting yesterday afternoon. She said she agrees with all the points that were

brought up by the prior two people. She said they have a lot of wildlife and it is such a rare thing to have. This is the reason she and her husband moved to River Crest two years ago. She asked would this set a precedence for other areas in the Wekiva River Protection area to also proceed as such. Then the whole area would be developed. She asked where is the protection for the wildlife and trees. She said she is not sure how giving more access to the Wekiva River will affect their well water. The big concern with having a development in that area is how it is going to affect the well water, the traffic and wildlife, and it will set precedence for other communities to go ahead and do that in the protected area.

Chairman Henley explained that the protected area does not mean they are prohibited from building, but the conditions are spelled out that have to be met in order to do that. He said some of the same arguments were advanced when River Crest was going through the permitting process. He further explained that the property owners have rights under the law in order to be able to utilize their land. Otherwise, everyone else in Seminole County will have to pay for their land if they are prohibited from the use of it, because that constitutes a taking.

Commissioner Carey stated River Crest is on well and septic tank, and this development will be on County water and sewer and reclaimed water for irrigation; whereas River Crest is pumping out of the Aquifer. She said this development is a better scenario. Also, she advised that the idea of clustering started with Alaquá Lakes and those are some of the highest valued homes in the area. She later explained that the recommendation of one dock was to limit access to the river.

Connie Hogshead, 2436 Rivertree Circle, addressed the Board to state she believes they need to have another hearing since they did not have enough time to have a court reporter present.

She referred to Florida Statutes 2660105. She said they are not prepared, therefore, she would like to request a re-hearing.

Chairman Henley explained what the County did to give public notice of the hearing and that at the appropriate time and steps, the permitting will be handled.

Upon request of Commissioner Carey, Mr. McMillan advised Ms. Hogshead of the legal issue of having a court reporter.

Commissioner Morris further advised that anyone can obtain a DVD recording of the meeting.

Mr. Rumer stated the River Crest Board was aware in April of this public hearing.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

District Commissioner Carey advised she received correspondence from Robert Gonzalez and Jeff Gillett (copies submitted with the staff report). She also asked County Engineer Jerry McCollum to review the intersection and bring back a possible recommendation on the entrance.

Mr. McCollum stated he would recommend, but it is up to the final site engineering, making the entrance a conventional "T" intersection and have a three-way stop. That will slow people down, and they may have some traffic calming devices coming up to the intersection. Also, he has looked to limiting the number of trucks coming through. He said these

are things he looked at on a preliminary basis, but something needs to be done.

Commissioner Carey said some other things she discussed with Mr. McCollum yesterday was to have Lake Markham Road, as well as Longwood Markham Road, posted for local truck deliveries only and to try to take the cut-through traffic from SR46 and force it onto International Parkway.

Motion by Commissioner Carey, seconded by Commissioner Van Der Weide, to approve the request and adopt Ordinance #2006-42, as shown on page 2443, rezoning 78.41+/- acres from A-1 (Agriculture) to PUD (Planned Unit Development District), located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46; as described in the proof of publication, C&G Real Estate Group, LLC, subject to the Preliminary Master Plan and approved Development Order, as shown on page _____, which would allow for a maximum of 38 units, maybe less depending on the final engineering and staff findings.

Districts 1, 2, 3, 4 and 5 voted AYE.

REZONE FROM A-1 TO R-1A/DAVID COGGIN

Proof of publication, as shown on page 2442, calling for a public hearing to consider an ordinance rezoning 10+/- acres from A-1 (Agriculture) to R-1A (Single-Family Dwelling) for property located on the east side of Orange Boulevard, 1500 feet north of W. SR 46, David Coggin, received and filed.

Mr. Rumer presented the request, stating the analysis supports a rezoning of R-1AA. Staff has reviewed the rezoning request, reviewed the trend of development and agrees with the result of the lot compatibility analysis. Therefore, staff does not support the request to rezone to R-1A. The P&Z Board