

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: MARKHAM ROAD/LONGWOOD MARKHAM ROAD REZONE FROM A-1 TO PUD.

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Michael Rumer EXT. 7431

| | | | | |
|-----------------------------|---|----------------------------------|--|-----------------------------------|
| Agenda Date <u>06/27/06</u> | Regular <input type="checkbox"/> | Consent <input type="checkbox"/> | Work Session <input type="checkbox"/> | Briefing <input type="checkbox"/> |
| | Public Hearing – 1:30 <input checked="" type="checkbox"/> | | Public Hearing – 7:00 <input type="checkbox"/> | |

MOTION/RECOMMENDATION:

- APPROVE** a request and authorize the Chairman to enact 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, subject to the attached Preliminary Master Plan and Development Order, based on staff findings, and authorize the Chairman to execute the aforementioned documents, (C&G Real Estate Group, LLC, applicant); or
- DENY** a request 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, applicant); or
- CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey Michael Rumer, Senior Planner

BACKGROUND:

The applicant is requesting to rezone 78.41± acres from A-1 (Agriculture) to PUD (Planned Unit Development) and approval of the PUD Preliminary Master Plan for the Wekiva Park PUD, located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46 (see enclosed Preliminary Master Plan).

| | |
|--------------|--------------------|
| Reviewed by: | <u>KET</u> |
| Co Atty: | <u>[Signature]</u> |
| DFS: | <u>[Signature]</u> |
| OTHER: | <u>[Signature]</u> |
| DCM: | <u>[Signature]</u> |
| CM: | <u>[Signature]</u> |
| File | |
| No. | <u>ph130pdp02</u> |

The applicant is proposing to cluster a maximum of 38 single-family residential lots on 38 net buildable acres resulting in a density of one (1) dwelling unit per net buildable acre. Lots will be a minimum of 1/2 acre or 21,780 square feet. The lots will be serviced by water provided by Seminole County and the applicant is proposing septic tanks to dispose of wastewater. Staff recommends that the applicant be required to connect to central sewer. This is included as a condition in the Development Order.

STAFF FINDINGS:

The applicant is permitted to request a cluster development under Seminole County's Comprehensive Plan Policy FLU 14.9. Clustering within the Suburban Estates designation is encouraged through the use of Planned Unit Development (PUD) zoning to protect natural resources. Lot sizes of less than one (1) acre may be permitted with accompanying PUD zoning; provided, however, that density shall be computed on a basis of one (1) dwelling unit per net buildable acre.

The site is located in the Wekiva River Protection Act Area (WRPA) and the Wekiva Study Area (WSA) which was created by the 2004 Wekiva Parkway and Protection Act (WPPA). Development must meet the provisions of both Acts. The WPPA includes policies for Land Use Strategies including most effective recharge areas, karst features, sensitive habitat protection, and open space. Policies for a Waste Water Facility Plan including developing a plan to phase out existing on-site disposal systems (septic tanks), and establishing a water reuse program using reclaimed water. A final policy relevant to the site is a Waste Water Management Plan that includes developing a master stormwater management plan designed to ensure protection of surface water and groundwater resources in the Wekiva Study Area.

Staff finds that the Preliminary Master Plan and conditions of the Development Order meet the requirements of all applicable policies of the Seminole County Comprehensive Plan, the Wekiva River Protection Area, and the recently passed Wekiva Parkway Protection Act.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 78.41± acres from A-1 (Agriculture) to PUD (Planned Unit Development), located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46, subject to the attached Preliminary Master Plan and Development Order, based on staff findings.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend APPROVAL of a request to rezone 78.41± acres from A-1 (Agriculture) to PUD (Planned Unit Development), located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46, subject to the attached Preliminary Master Plan and Development Order, based on staff findings and on the following voluntary condition:

No more than one dock may be permitted for the entire development, subject to approval by the St. John's River Water Management District.

Attachments:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Preliminary Master Plan (11x17)
Development Order
Ordinance
Letters of opposition
LPA/P&Z May Meeting Minutes

Markham Road/Longwood Markham Road Rezone

Rezone from A-1 PUD

| | | |
|----------------------------|---|--------------------|
| APPLICANT | C&G Real Estate Group, LLC | |
| PROPERTY OWNER | Sohrab Gerami Trustee | |
| REQUEST | Rezone from A-1 (Agriculture) district to PUD (Planned Unit Development) | |
| PROPERTY SIZE | 78.41 ± acres | |
| HEARING DATE (S) | P&Z: May 3, 2006 | BCC: June 27, 2006 |
| PARCEL ID | 34-19-19-29-501-0000-0010 & 33-19-29-300-0020-0000 & 34-19-29-300-0100-0000 | |
| LOCATION | Located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46. | |
| FUTURE LAND USE | SE (Suburban Estates) | |
| ZONING | A-1 (Agriculture) district | |
| FILE NUMBER | Z2006-04 | |
| COMMISSION DISTRICT | #5 – Carey | |

Proposed Development:

The applicant is proposing to cluster a maximum of 38 single family residential lots on 38 net buildable acres resulting in a density of 1 dwelling unit per net buildable acre. Lots will be a minimum of 1/2 acre or 21,780 square feet.

ANALYSIS OVERVIEW:

Residential Development within the Wekiva River Protection Area:

This property is located within the statutorily defined Wekiva River Protection Area. The Wekiva River Protection Act requires that rural character be maintained in the aggregate and that the viability, conservation and preservation of natural resources be considered for the Protection Area as a whole.

The final development form within the Wekiva River Protection Area is a general pattern of one (1) dwelling unit or less per net buildable acre. The assigned Suburban Estates future land use designation is the final land use designation for the subject property.

Clustering Residential Development within the Wekiva River Protection Area:

Clustering within the Suburban Estates designation is encouraged through the use of planned unit development (PUD) zoning to protect natural resources. Lot sizes of less than one (1) acre may be permitted with accompanying PUD zoning; provided, however, that density shall be computed on basis of one (1) dwelling unit per net buildable acre;

provided, further, that clustering shall not cause incompatibility with adjacent parcels and shall be directed internal to the parcel.

Clustering within residential subdivisions can preserve unique open spaces that support rare upland habitat, greenways, listed species and their habitat, and wildlife corridors. Clustering within planned unit developments can also promote efficient use of infrastructure and provide for recreation and other public facilities.

The Preliminary Master Plan and Development Order conditions are determined to be consistent with the clustering provision. Under the A-1 zoning district, the applicant may plat lots into the wetlands and the 550-foot undisturbed protection area and the 200-foot no clear zone. Under the proposed cluster concept, the applicant is providing the protection of wetlands by, the 50-foot upland buffer adjacent to the wetlands, 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 in the form of a tract with a conservation easement dedicated to Seminole County and the St. Johns River Water Management District.

LAND USE / ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PUD (Planned Unit Development):

| DISTRICT REGULATIONS | Existing Zoning (A-1) | Proposed Zoning (PUD) |
|--------------------------------|------------------------------|------------------------------|
| Minimum Lot Size | 43,560 square feet | 21,780 square feet |
| Minimum House Size | N/A | 2,200 square feet |
| Minimum Width at Building Line | 150 feet | 110 feet |
| Front Yard Setback | 50 feet | 25 feet |
| Side Yard Setback | 30 feet | 10 feet |
| (Street) Side Yard Setback | 25 feet | 15 feet |
| Rear Yard Setback | 10 feet | 30 feet |
| Maximum Building Height | 35 feet | 35 feet |

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

| Uses | A-1 (existing) | PUD (proposed) |
|------------------------|---|--|
| Permitted Uses | Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents. | Single-family residential, home office, home occupation. |
| Special Exception Uses | Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments. | N/A |
| Minimum Lot Size | 1-Acre | 21,780 Square Feet |

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

| | | | | |
|--------|--|--|--|--------|
| | SE 80-Foot Trail Corridor/Single- Family <i>A-1</i> <i>(1 acre lots)</i> | SE 80-Foot Trail Corridor/Single- Family <i>A-1</i> <i>(1 acre lots)</i> | SE 80-Foot Trail Corridor / Markham Road / Single- Family <i>A-1</i> <i>(1 acre lots)</i> | |
| (West) | WEKIVA RIVER / Lake County | SE Vacant <i>A-1</i> <i>(1 acre lots)</i> | SE Vacant / State Lands <i>A-1</i> | (East) |
| | SE Vacant / State Lands <i>A-1</i> | SE Vacant / State Lands <i>A-1</i> | SE Vacant / State Lands <i>A-1</i> | |

(South)

Example:

| |
|------------------------|
| Future Land Use |
| Existing Use |
| <i>Current Zoning</i> |
| Average Lot Size |

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number 12117C0130E, an area on the west portion of the property located adjacent to the Wekiva River is located in "Zone AE", which is identified as areas located within the 100-year floodplain. All areas within "Zone AE" are located within 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. No impacts to the area located within the zone "AE" are proposed.

Wetland Impacts:

Based on the preliminary master plan submitted and Seminole County wetland map analysis, a portion of the property (38 ± acres) contains wetlands. Compliance with the Land Development Code and the Wekiva River Protection Act regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final site plan approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

| Public Facility | Existing Zoning (A-1) | Proposed Development* | Net Impact |
|------------------------|------------------------------|------------------------------|-------------------|
| Water (GPD) | 13,300 | 13,300 | 0 |
| Sewer (GPD) | 11,400 | 11,400 | 0 |
| Traffic (ADT) | 364 | 364 | 0 |

* Proposed development based on 38 lots meeting the one net buildable acre.

Utilities:

The site is located in the service area of Seminole County and will be required to connect to public utilities for water. Water capacity for new development is limited in the Northeast Service Area. Capacity availability for this project will be determined during the Concurrency process. There is a 12-inch water main approximately 350 feet to the east on the south side of Markham Road. The closest existing sewer line is an 8-inch force main on the east side of Longwood Markham Road approximately 4,670 feet to the north. This parcel is in the ten-year master plan for sewer. The proposed sewer line is an eight inch line running along Longwood Markham Road. This parcel is also in the ten-year master plan for reclaimed water and must install residential reclaim water lines. These lines will be charged with Potable water until Reclaimed water is available. Common areas and entryways in these same subdivisions will also tie into those lines for irrigating.

Transportation / Traffic:

The property accesses Markham Road and Longwood Markham Road. Markham Road and Longwood Markham Road have a measured Level-Of-Service "A". Markham Road and Longwood Markham Road are not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 18 school age children. This subject site is currently zoned for, and will affect, the following schools:

| Schools Impacted | Proposed Impact | Current Capacity | Enrollment as of 2/10/06 | Percent Capacity |
|-------------------------|------------------------|-------------------------|---------------------------------|-------------------------|
| Northwest Cluster : | 9 | | | |
| Bentley Elementary | | 933 | 1,018 | 109.1% |
| Crystal Lake | | 853 | 0 | 0% |
| Idyllwilde Elementary | | 825 | 1,027 | 124.5% |
| Wicklow Elementary | | 694 | 1,011 | 145.7% |
| Wilson Elementary | | 881 | 1,030 | 116.9% |
| Sanford Middle | 5 | 1,564 | 1,507 | 96.4% |
| Seminole High | 4 | 2,069 | 2,900 | 140.2% |

Data regarding impacts to previously approved and platted residential development were not available at the time this report was prepared. Staff is still working with the Seminole County School Board to complete a list of such development that will impact schools. This information will be provided at the Board meeting.

Public Safety:

The County Level-Of-Service for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan is 5 minutes average response time. The nearest response unit to the subject property is Station # 36, which is located at 6200 Lake Mary Blvd and meets the Level-Of-Service standard.

Drainage:

The proposed project is located within the Wekiva River Protection Zone and shall meet SJRWMD criteria pertaining to that area. Design of the drainage system will be evaluated in more detail prior to final engineering approval.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources.

Buffers and Sidewalks:

At time of development, a 5-foot wide sidewalk is required to be installed along the property frontage on Markham Road. Active/Passive setbacks are not required because the adjacent Future Land Use designations are Suburban Estates and the adjacent zoning is A-1.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is located within the Wekiva River Protection Area, Wekiva River Study Area, the Markham Road, Longwood Markham Road and Lake Markham Road Corridor Overlay.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 1.2: Flood Plain Protection
- Policy FLU 1.3: Wetlands Protection
- Policy FLU 1.4: Conservation Easements
- Policy FLU 1.5: Cluster Development
- Policy FLU 1.7: Wekiva River Protection
- Policy FLU 2.1: Subdivision Standards
- Policy FLU 14.1: Recognition of the Wekiva River Protection Area
- Policy FLU 14.6: Roadway Corridor Overlays for Markham Road, Longwood-Markham Road and Lake Markham Road
- Policy FLU 14.8: Compliance Agreements Between Seminole County and the Florida Department of Community Affairs.
- Policy FLU 14.9: Wekiva River Protection Area Environmental Design Standards
- Policy FLU 15.2: Wekiva Study Area Natural Resource Protection
- Policy CON 2.5: Wekiva River
- Policy CON 3.8: PUD/Cluster Developments
- Policy CON 3.9: Conservation Easement/Dedication

Policy REC 7.3: Wekiva and Econlockhatchee River Protection Zone
Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notice was sent to the Seminole County School District on April 18, 2006. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received two letters of opposition.

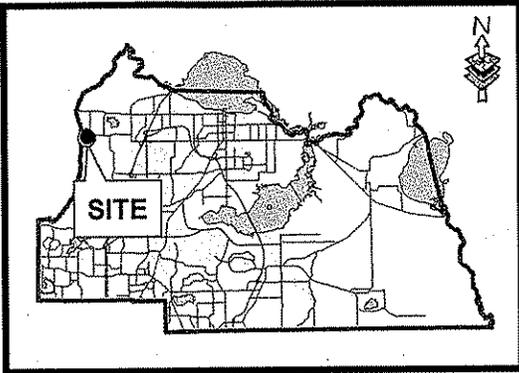
STAFF RECOMMENDATION:

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PLANNING AND ZONING BOARD RECOMMENDATION:

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LAKE COUNTY

VOLUSIA COUNTY

Lake Monroe

Z2006-004
SITE

MARKHAM RD

ORANGE BLVD

INTERNATIONAL PKWY

W I-4

MONROE RD

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

PARKY DR

OLD LAKE MARY RD

LAKE MARY

W LAKE MARY BLVD

E I-4

LAKE EMMA RD

LONGWOOD LAKE MARY RD

S COUNTRY CLUB RD

N US 17-92

N RONALD REAGAN BLVD

HESTER AVE

MYRTLE ST

SR 419

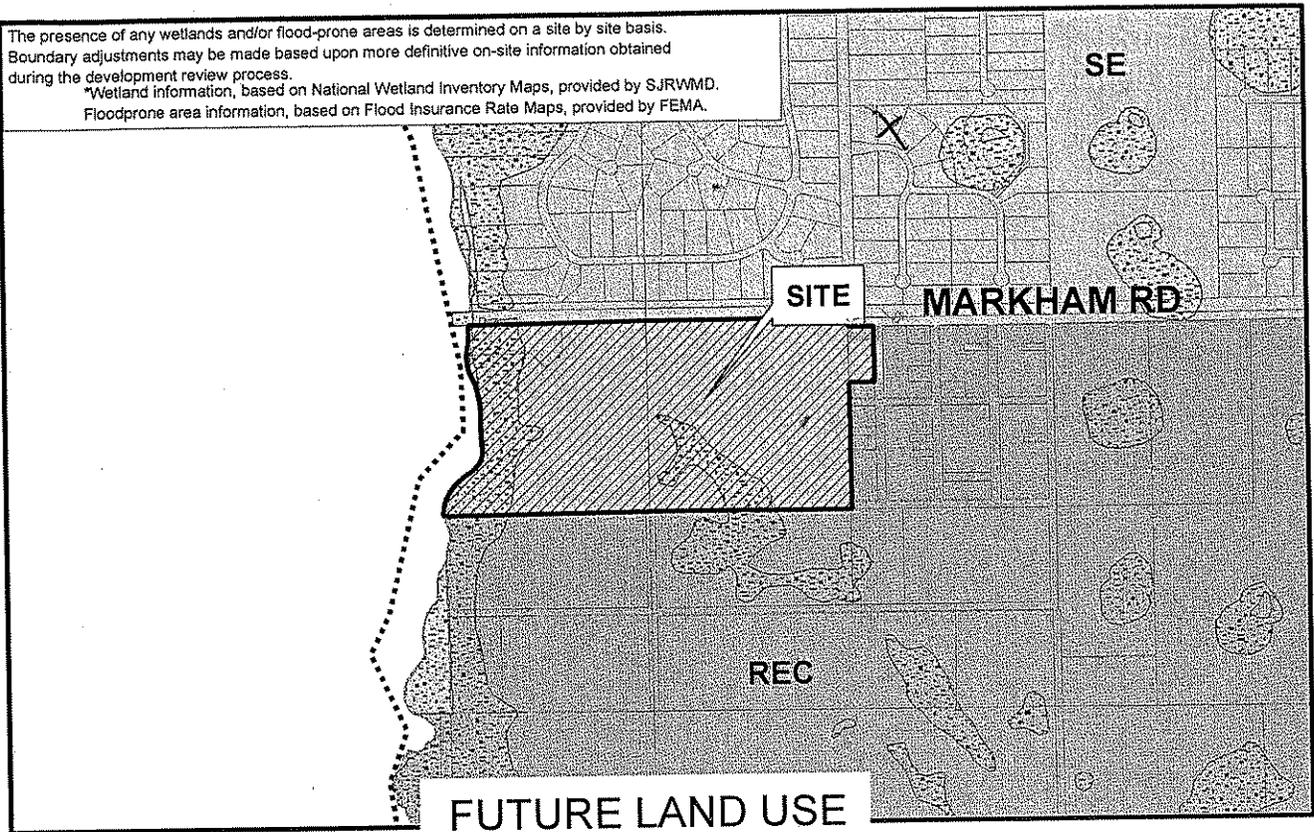
LONGWOOD

E SR 434

WEKIVA SPRINGS RD

MARKHAM WOODS RD

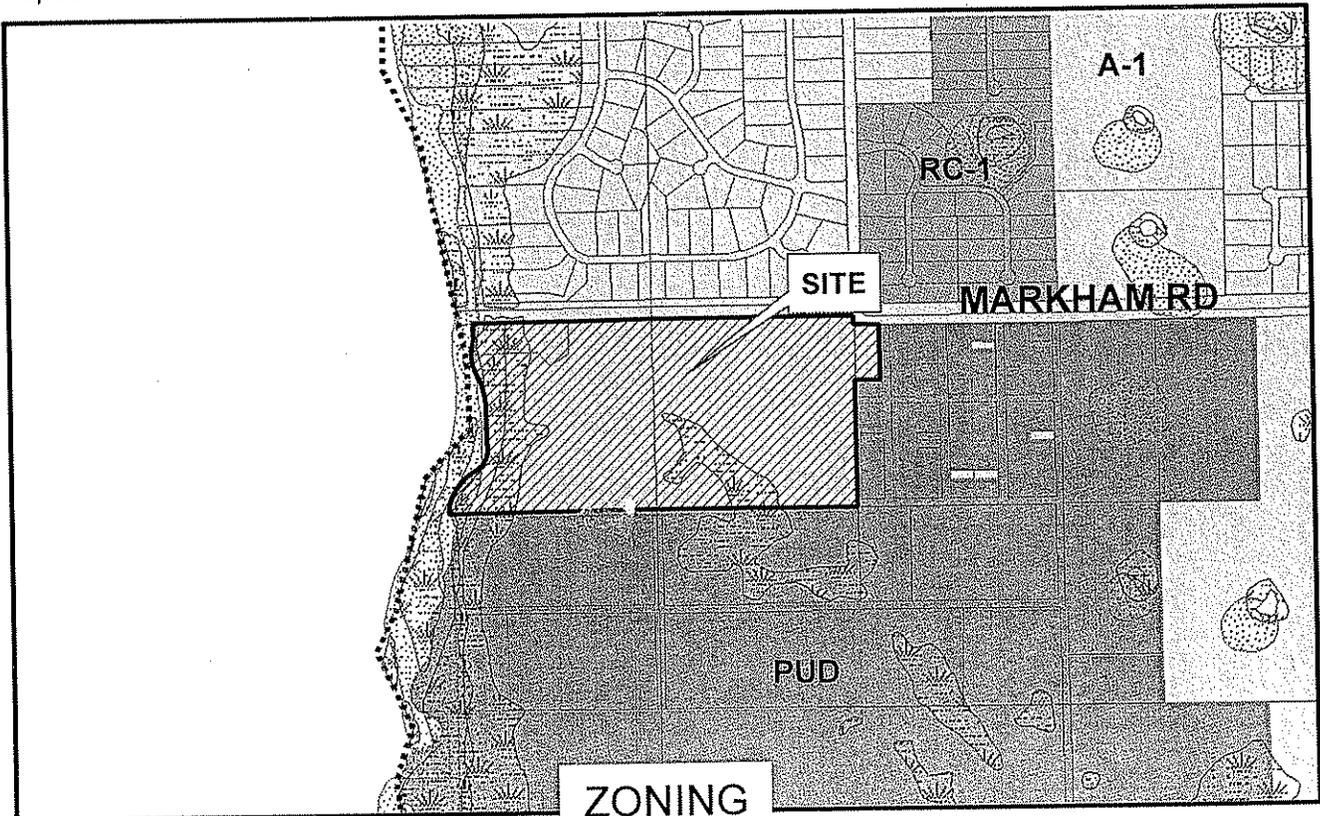
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



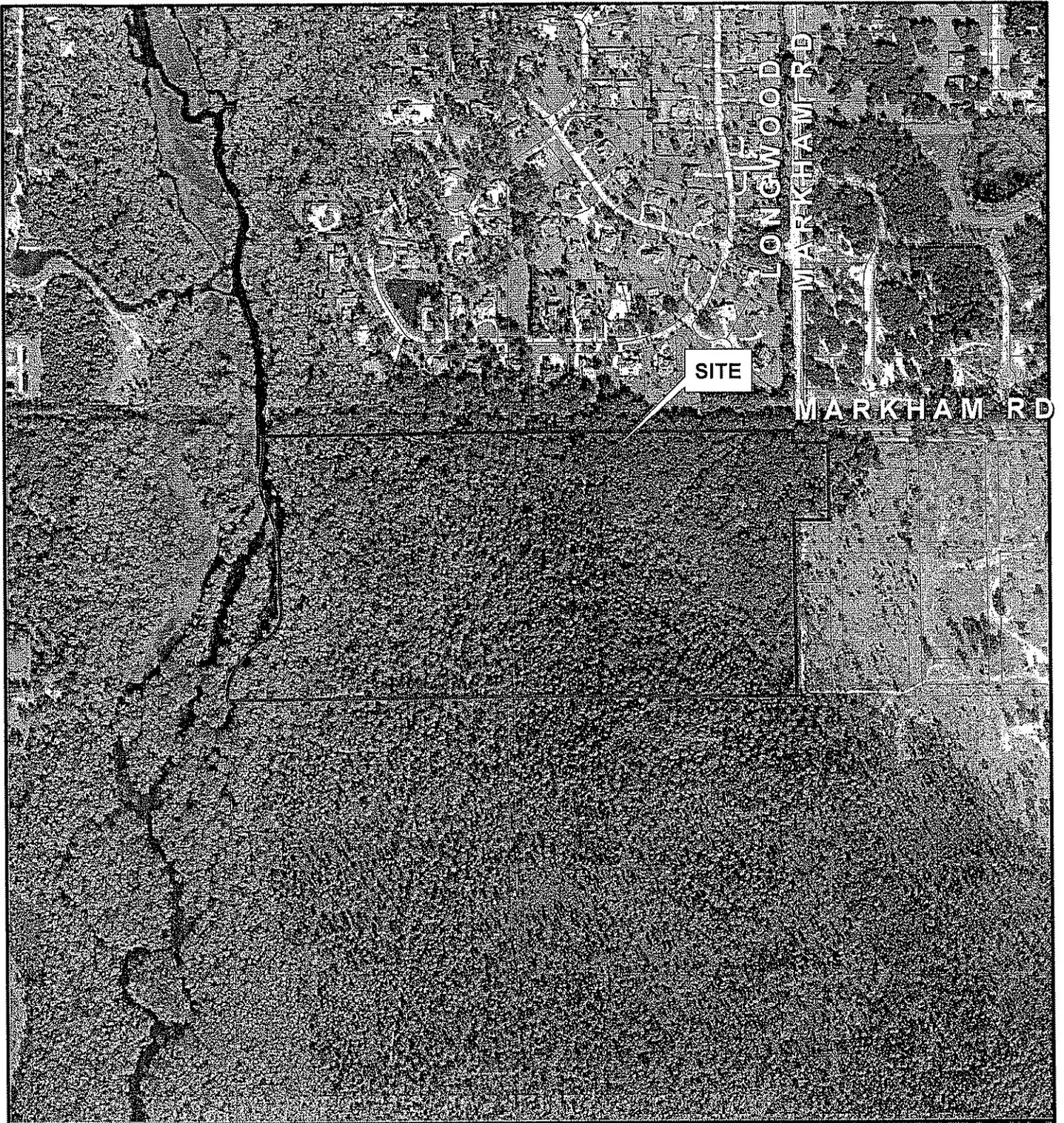
Site
 Municipality
 SE
 REC
 CONS

Applicant: C&G Real Estate Group, LLC
 Physical STR: 33 & 34-19-29
 Gross Acres: 72.09 BCC District: 5
 Existing Use: Vacant
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|-----|
| FLU | -- | -- | -- |
| Zoning | Z2006-004 | A-1 | PUD |



A-1
 RC-1
 PUD
 FP-1
 W-1



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

-  Parcel
-  Subject Property



January 2004 Color Aerials

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 aforescribed legal description has been provided to Seminole County by the owner of the aforescribed 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: Sohrab Gerami, Trustee

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 aforescribed property.

Prepared by: Michael Rumer
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;

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: _____
 Maryanne Morse
 Clerk to the Board of County Commissioners

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

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING DISTRICT THE PUD (PLANNED UNIT DEVELOPMENT) ZONING DISTRICT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY, PROVIDING FOR EXCLUSION FROM 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 insert name, Markham Road/Longwood Markham Road Rezone.

(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 (Agriculture) to PUD (Planned Unit Development):

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.

Section 3. 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 4. EXCLUSION FROM CODIFICATION. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code.

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 on the recording date of the Development Order #06-20500001 in the Official Land Records of Seminole County.

ENACTED this 27th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

From: Jeff Gillett [mailto:jeffydevil@hotmail.com]
Sent: Friday, May 05, 2006 7:27 PM
To: Venn, Gretchen
Subject: District 4 Wekiva Area Concerns

Mr. Henley,

My name is Jeff Gillett. I am a citizen and a registered voter in Altamonte Springs. I am emailing you to express my deep concerns for the Wekiva River area. I have lived in Altamonte my entire life. I have heard alot about you, and I have alot of respect for you. I am also a Lyman High School graduate, class of 2000, and am a senior in the biology department over at UCF. I have always had a great concern for the Wekiva area. I believe that there is a sense of urgency to protect the Wekiva River and the lands surrounding it.

On May 3rd, 2006, the planning and zoning meeting decided to go forward with the next stage towards the approval of the development off Markham Road.

This was item K on the agenda. Not only is this area right near the pristine river, but it is also full of wildlife that ought to be protected. Very importantly, this area is in close proximity to other managed areas such as Seminole Forest, and Rock Springs Run Preserve. It has been scientifically proven in several peer reviewed scientific journals that the best way to protect existing preserves (such as those near the Wekiva) is to protect nearby land. This would allow animals to move more efficiently between buffers of protected area. This land should remain agricultural, and should not be rezoned to allow development. There were also several gopher tortoise burrows, and the area is essential FL Black Bear habitat.

I also want to stress the effect that development will have on the River. To protect a river, uplands as well as wetlands near the river must be protected. The site mentioned has both. The Wekiva is also listed under the Wild and Scenic Rivers Act. Development will mean more water being taken out of the aquifer during a time when we are entering a water crisis. The river is teeming with limpkins, otters, and rare and endangered snails and clams, plants, and animals. It is also a great place to go fishing on a day off.

Private property rights should not be an issue, because at this time, there is nobody living there because it is still undeveloped. Furthermore, the majority of citizens have voiced strong desire to keep the Wekiva area pristine. I believe we are all under no obligation to comply with any developer to build in this area

I put my trust in you, Mr. Henley, to make good decisions on this matter, just as you have made good decisions at our old school, Lyman High. Please do not allow this or any developer the right to develop the area on Markham road and Longwood Markham Road in the Wekiva area. The long term benefits of denying the developer will outweigh the profits he would ever make off of destroying this area.

With much respect,
Jeff Gillett

Attn: Michael Rymer, Senior Planner

4/27/06

To: Seminole County Planning Division
1101 East 1st St.
Sanford, Fl 32771

Subject: Markham Woods Road/Longwood Markham Road Rezone
Allan Goldberg, C&G Real Estate Group, LLC, applicant.

Gentlemen:

This letter will register my opposition, as an adjacent land owner and long time citizen of Seminole County, to the above named property rezoning application from A-1 to PUD for reasons below.

1. This property is surely well within the Wekiva River Protection Zone with certain housing densities established by law. There is no value to anyone except the developer to change this on this property.
2. This property is home to a wide range of wildlife, including Federally protected Gopher Tortoises, Black Bears, Deer, Turkey and Foxes. They have already been somewhat harassed by a pre-mature road building process during the past 3-4 months. (10 right of ways 100' apart have been bulldozed out, removing many old growth Oak Trees).
3. An entrance onto or near this busy and dangerous corner would only add more risks to users of this road.
4. This property should be placed on a high priority for State or County purchase to connect to the current State Park property, thereby completing the current State Park all the way to the Wekiva River and saving the above property from development.

Thank you for any help you may offer in keeping the Wekiva River Protection Zone intact and in force.

Yours truly,

Robert T. Gonzalez
2535 River Tree Cir.
Sanford, Fl 32771
407-324-9975

Copy: Rivercrest Home Owners

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION
MAY 3, 2006**

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Matt Brown, Jason Brodeur, Walt Eismann, and Rob Wolf.

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Jeffrey Hopper, Senior Planner; Benjamin Dunn, Senior Planner; Tony Walter, Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Brian Walker, Planner; Cynthia Sweet, Planner; Denny Gibbs, Senior Planner; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Markham Road/Longwood Markham Road Rezone; Allan Goldberg, C&G Real Estate Group, LLC, applicant; 78.41 ± acres; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of West S.R. 46. (Z2006-04)

Commissioner Carey – District 5
Michael Rumer, Senior Planner

Mr. Rumer said that this requested PUD would cluster 38 single-family residential lots on 38 net buildable acres, resulting in a net residential density of one dwelling unit per acre. The lots will be a minimum of one half acre, or 21,780 square feet and will conform to the building and setback requirements of R-1AAAA zoning. Lots will be serviced by Seminole County water and have septic tanks. The request to cluster development is permitted in the County's Comprehensive Plan Policy 14.9 which allows clustering within the Suburban Estates future land use designation in order to protect natural resources. Lot sizes of less than one acre shall be permitted with accompanying PUD zoning provided however, that the density shall be computed on a basis of one dwelling unit per net buildable acre. The site is located within the Wekiva River Protection area and the newly created Wekiva Study area. Staff finds that the Preliminary Master Plan and requirement of the Development Order that the PUD connect to a central sewer service meet the requirements of all applicable policies of the Seminole County Comprehensive Plan, the Wekiva River Protection Area, and the recently passed Wekiva Parkway Protection Act. Staff supports the rezone request with the conditions in the staff report and development order.

Chad Moorehead of Madden Engineering represented the applicant. He said that they agreed with the staff report. He asked that when the force main is run, they would like to work out an agreement with the Utilities Department concerning future hook-ups.

Lee Andrews of 8286 Day Lily Place lives north of the site of the request. He said that the surrounding area is one acre parcels. The lots are pristine. He would like to see one acre parcels here, too. He said more people notified of the rezone.

Michael Rumer reviewed the Florida statutes on public notification: notice is to be given two weeks in advance of the hearing in a newspaper; Seminole County policy is to do a 300 foot notification to property owners through the mail and to post the property two weeks prior to the meeting.

Commissioner Tucker pointed out that that there was also a newspaper article on this item today.

Mr. Rumer said that he also notified the Wekiva groups that are generally interested in projects in this area.

Michael Levy of 517 River Tree Circle, north of the site, said that he would like to see the petition denied. In River Crest, there are one to three acre parcels. This is inconsistent with the surrounding parcels. He is also concerned with vehicles west bound on Markham Road making left turns into the property no having line of site.

Commissioner Tucker said that traffic concerns would be addressed at an appropriate time.

Debbie Doyle of Silversmith Circle is one of the developers of Markham Estates. She asked why they could not do 38 one acre homes here. She also noted that there was severe flooding to the west of this site.

Jeff Gillett of Altamonte Springs stated that he is opposed to development of this area which is environmentally sensitive and provides essential habitat to many species and will change the quality of the area.

Kathleen Wilkes submitted comments asking for denial of the request. She said there was not enough information given and that the public needed more time to give input and get the facts.

Chad Moorehead said that part of the Wekiva River Protection act allows for clustering. This does not increase density; it allows for creation of more open space. As far as access to the site, that will be taken care of later. The project will be built in one phase. There will be a force main and a sewer system. There are upgraded requirements from the SJRWMD (St Johns River Water

Management District) and the Wekiva Protection Act. Threatened and endangered species will be traced.

Commissioner Tucker asked about plans for trails and access to the river.

Mr. Moorehead said that there were no plans at this time.

Commissioner Brown asked if the applicant would make a commitment not to give access to the river. Alaqua built a dock which was later removed. Will they build a dock?

Alan Goldberg stated that he would like to have a dock for each property that runs along the river. The 550-foot setback will be a conservation easement owned by the home owners association and dedicated to the county. He wants the right to have boardwalks and docks out to the river.

The public hearing was now closed.

Commissioner Bates asked why the staff reports say that there will be septic, rather than sewers.

Michael Rumer said that the report was written weeks ago and that they were now going with sewers.

Commissioner Brodeur asked about reclaimed water to the site.

Chad Moorehead said that they are required as well.

Chairman Tucker said that the sewer is in the area and that if the applicant brings it into the area, then offsetting the cost by future payments for hook ups is fair.

Commissioner Brown said the Code allows clustering. Is the serpentine design clustering? Why not keep everything back by Markham Road, away from the river. We should not have docks going down to the river.

Commissioner Tucker said that of 78 acres, 38 acres are developable. They are preserving half of the green space.

Michael Rumer said that the lots are 550 feet from the river. They are not platted into the river, as they are in River Crest. Preserving wetland with a 50-foot buffer in the middle of the bend in the road is also planned.

Commissioner Tucker asked what was allowed to be done on the river with riverfront homes and dock use.

Mr. Rumer said that there is ownership if the lots are platted to the river.

Commissioner Tucker said that Florida is as strict as any state, but private property rights must also be respected. He could not see more than a dock going in for the neighborhood.

Commissioner Tucker asked about the railroad right of way.

Mr. Rumer said that will be an 80 foot mulched trail. There is an 30 – 50 foot buffer from the properties to the north. Mr. Rumer said that the project meets all of the required policies. He reiterated the clustering policy mentioned earlier.

Commissioner Tucker stated that Wekiva River is a pristine river.

Commissioner Wolf asked if the home sites were clustered on high ground.

Mr. Madden said that for the most part it was high ground.

Commissioner Wolf asked if there was any fill required.

Mr. Madden said that 50 % of the trees had to be saved in this area, so there could not be a lot of fill put in there.

Commissioner Wolf asked if there were any more environmental groups who could reduce the amount of net buildable acres on this site.

Michael Rumer said that the SJRWMD had to approve the wetland delineation line, as well as a county natural resource officer. After the wetlands are delineated, then the net buildable acres are determined. During final engineering of the site the net buildable acres will be exactly put forth.

Commissioner Brown asked what is being saved by clustering.

Michael Rumer said that there is no increase in density and open space is being retained. Under A-1 zoning, with one acre lots more area would be taken up by the homes, by putting in the easement of 550 feet by the river, land is being saved in perpetuity.

Commissioner Brown said that the applicant is talking about putting in walkways across the land that is being dedicated to the county.

Mr. Rumer said that anything that impacts the wetlands will have to be permitted through the SJRWMD. Staff sees this as a 550 foot wildlife corridor, which is a benefit.

Commissioner Brown said that a retention pond is not a good open space.

Commissioner Bates said that he understands about private property rights. He is also concerned with the impact of development on this area. He does not see anything in the request to want to support it.

Commissioner Tucker said that he could not support it if it had individual docks each running to the river. There is a county park looking to put in boat launching on the river.

Commissioner Wolf said that it was his understanding that the land could be developed immediately with one acre lots.

Commissioner Brown said that some of the impacts from building road may reduce the number of houses.

Commissioner Tucker said that there are a lot of compliance issues with building on the river.

Commissioner Wolf said that normally clustering is a good thing.

Mr. Rumer said that the lots in A-1 would be 150 feet wide and have wells and septic.

Commissioner Hattaway said that this layout preserves about half of the property.

Commissioner Brodeur said that the SJRWMD still has to come in and review it.

Commissioner Wolf said that this could be viewed as the lesser of two evils.

Dan Matthys said that staff had encouraged clustering and use of sewers. Staff saw that this does comply with all of the county rules. Because this is a PUD conditions can be put on the approval.

Commissioner Brown asked if Alaqua still had its dock.

Dan Matthys said that he did not know.

Commissioner Wolf made a motion to recommend approval with the addition of the use of a sewer system and a maximum of one dock.

Commissioner Hattaway said that the dock will be up to the SJRWMD. If it is mentioned, it may appear that one dock was going to be permitted. She took back the second she was going to make.

Commissioner Wolf amended his motion to say that he made a motion to recommend approval with the added condition of the use of sewers.

Commissioner Hattaway seconded the motion.

Commissioner Brown asked if a recommendation that there be no docks would be appropriate.

Mr. Matthys said that if there is no stipulation against docks, the applicant can go to the SJRWMD and make application for many docks. If you condition the number of docks, the county will enforce that. Conditioning would be better if it specifically delineated what was permitted or prohibited.

Commissioner Brown said that he would like to see "no docks" there.

Commissioner Tucker said that they already have the 80 foot right of way to the river. He would like to see no more than one dock.

Commissioner Wolf said that he agreed.

Commissioner Eismann said that it could be a very large dock.

Commissioner Brodeur said that it would be limited by the SJRWMD.

Commissioner Bates asked about the weight of the stipulation for the use of sewers.

Mr. Matthys said that the use of sewers is a condition in the development order. It would be required for development.

Commissioner Wolf amended his motion to include the required use of sewer hook up and no more than one dock, if approved by the SJRWMD.

Commissioner Hattaway agreed.

The motion passed 7 – 0.