

ITEM # 49

**SEMINOLE COUNTY GOVERNMENT
BOARD OF COUNTY COMMISSIONERS
AGENDA MEMORANDUM
(CONTINUED FROM THE JUNE 13 and 27, 2006 BCC Meeting)**

SUBJECT: Brooks Lane Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling)

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

AUTHORIZED BY: Don Fisher **CONTACT:** Benjamin Dunn EXT. 7440

Agenda Date 07/25/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **DENY** a request for a rezone on 10 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), based on staff findings, (Jay Barfield); or
2. **APPROVE** a request and enact an ordinance for a rezone on 10 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) and authorize the Chairman to execute the aforementioned document, (Jay Barfield, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #1 – Comm. Dallari

Benjamin Dunn, Sr. Planner

BACKGROUND:

The applicant is requesting to rezone 10 ± acres located on the west side of Brooks Lane, approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), in order to develop a single-family subdivision. R-1AA (Single-Family Dwelling) requires a minimum lot size of 11,700 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which is consistent with the requested zoning district. The Seminole County Land Development Code (LDC) requires the

Reviewed by: _____
Co Atty: KET
DFS: _____
OTHER: _____
DCM: JSX
CM: Cec
File No. ph130pdp07

application of the Weighted Method for Determining Single-family Residential Compatibility in the Low Density Residential future land use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does not support the requested rezone to R-1AA. The results from the analysis indicated that R-1AAA is a more appropriate zoning district. The subject site is located between a single-family PUD with minimum lot sizes of 9,000 sq. ft to the east, a single-family subdivision with R-1AAA zoning to the west and A-1 zoning to the north and south. The R-1AAA zoning district requires a minimum lot size of 13,500 square feet.

The subject site was located within the 1995 Bear Gully Creek Area Study that analyzed an existing 798 acres within the LDR and MDR Future Land Use Designations to determine if the Future Land Use Designation of Suburban Estates (SE) would be more appropriate with the character of the area. A brief summary of this study will be presented to the BCC on June 27, 2006.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the request to rezone 10 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling).

However, based on the findings from the lot size compatibility analysis, staff finds a rezone to R-1AAA (Single-Family Dwelling) is more appropriate, 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 DENIAL of the request to rezone 10.4 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), based on staff findings.

ATTACHMENTS:

- Staff Analysis
- Location Map
- FLU/Zoning Map
- Aerial Photo
- Ordinance
- 5-3-06 Planning & Zoning Board Minutes

Brooks Lane Rezone

Rezone from A-1 to R-1AA

APPLICANT	Jay Barfield	
PROPERTY OWNER	Edwin Fernandez, Vissette, Walid & Cassia Akkwi	
REQUEST	Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling)	
PROPERTY SIZE	10 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: July 25, 2006
PARCEL ID	19-21-31-300-0080-0000 & 19-21-31-300-008E-0000	
LOCATION	West side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road.	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-14	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant plans to develop a single-family subdivision.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 10 ± acres located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road from A-1 (Agriculture) to R-1AA (Single-Family), in order to develop a single-family subdivision. The R-1AA zoning requires a minimum lot size of 11,700 sq. ft. The Future Land Use designation of the subject property is LDR (Low Density Residential), which allows single-family residential. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of R-1AA (Single-Family). Since the lot size compatibility analysis indicated R-1AAA may be a more appropriate zoning district, those regulations have been provided as well.

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1AA)	Staff Recommended (R-1AAA)
Minimum Lot Size	43,560 square feet	11,700 square feet	13,500 square feet
Minimum House Size	N/A	1,300 square feet	1,600 square feet
Minimum Width at Building Line	150 feet	90 feet	100 feet
Front Yard Setback	50 feet	25 feet	25 feet
Side Yard Setback	10 feet	10 feet	10 feet
(Street) Side Yard Setback	50 feet	25 feet	25 feet
Rear Yard Setback	30 feet	30 feet	30 feet
Maximum Building Height	35 feet	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)	R-1AA (proposed) / R-1AAA (recommended)
Permitted Uses	Single-family detached, 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 dwelling units, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.
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.	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.
Minimum Lot Size	1-Acre	11,700 sq. ft. / 13,500 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

This proposed site will provide for a transition between the Suburban Estates (SE) Future Land Use (FLU) to the south and the Low Density Residential (LDR) Future Land Use (FLU) to the North. Additionally, the subject site was originally proposed to be located within the boundary area of the Bear Gully Creek Area Plan, but in 1995 the Board of County Commissioners voted to take the site out and leave it with a Future Land Use of LDR.

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

(North)

	<p>LDR Single-Family <i>R-1AAA</i> (13,500 sq. ft. lots)</p>	<p>LDR Single-Family <i>A-1</i> (5+ acre lots)</p>	<p>LDR <i>Brooks Lane/ Single-Family Kenmure PUD</i> (9,000 sq. ft. lots)</p>	
(West)	<p>LDR Single-Family <i>R-1AAA</i> (13,500 sq. ft. lots)</p>	<p>LDR Single-Family <i>A-1</i></p>	<p>LDR <i>Brooks Lane/ Single-Family Kenmure PUD</i> (9,000 sq. ft. lots)</p>	(East)
	<p>LDR Conservation <i>R-1AAA</i> (13,500 sq. ft. lots)</p>	<p>SE Single-Family <i>A-1</i> (1 acre + lots)</p>	<p>SE <i>Brooks Lane/ Single-Family A-1</i> (1 acre + lots)</p>	

(South)

Example:

<p>Future Land Use Existing Use <i>Existing Zoning</i> (Lot Size)</p>
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* **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.

* The lands south and southeast of the subject site are located within the Bear Gully Creek Area Plan.

The Land Development Code requires the application of the Weighted Method for determining single-family residential compatibility within the LDR Future Land Use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does not support the requested rezone to R-1AA.

The calculations assign differing weights to the surrounding zoning districts according to permitted development intensities within those districts. For example, the R-1AA district

requires a minimum lot size of 11,700 square feet, so its weight factor is 7, while A-1 requires one-acre lots and has a weight factor of 4. A-1 zoned properties in proximity to a proposed rezoning receive a base weight of 4, but additional points can be assigned if water, sewer, and paved roads are available, up to a maximum weight of 7. Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the “compatible” zoning for the subject property. After running the lot size compatibility analysis for the proposed 10 ± acre rezone request to R-1AA, the results from the analysis indicated that R-1AAA may be a more suitable zoning district.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map number 12117C0165E, there appears to be no floodprone areas on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, a portion of the site contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

A Threatened and Endangered (T&E) Study along with a species of special concern survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, 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 and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency Review prior to subdivision approval.

The following tables depict the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development (R-1AA)*	Net Impact
Water (GPD)	3,500	10,150	6,650
Sewer (GPD)	3,000	8,700	5,700
Traffic (ADT)	96	278	182

* The Proposed Development is calculated on 20% of the property being dedicated for roads and retention and the proposed lot sizes of 11,700 square feet, for a total of 29 lots.

Public Facility	Existing Zoning (A-1)	Proposed Development (R-1AAA)*	Net Impact
Water (GPD)	3,500	8,750	5,250
Sewer (GPD)	3,000	7,500	4,500
Traffic (ADT)	96	239	143

* The Proposed Development is calculated on 20% of the property being dedicated for roads and retention and the proposed lot sizes of 13,500 square feet, for a total of 25 lots.

Utilities:

The site is located in the Seminole County Southeast Utility Service Area and will be required to connect to public utilities. There is currently a 12-inch water main on the west side of Brooks Lane and a 6-inch force main located on the east side of Brooks Lane. This project is located within the ten year master plan for reclaimed water, therefore, a separate irrigation system will be required until reclaimed water becomes available.

Transportation / Traffic:

The property access is from Brooks Lane, which is classified as a local roadway. Brooks Lane is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The applicant will be required to dedicate a 40' half right-of-way along the property frontage on Brooks Lane prior to final engineering approval.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 14 school age children compared to the 4 school age children generated by the existing zoning. This subject site is currently zoned for A-1, and will affect the following schools:

Schools Impacted	Applicant Proposed Impact	Staff Recommended Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Rainbow Elementary	7	6	705	912	129
Tuskawilla Middle	3	3	1389	1130	81
Lake Howell High	4	3	2487	2181	88

* Based on applicant R-1AA Zoning request

* Based on staff recommended R-1AAA zoning

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 developments that will impact schools. This information will be provided at the Board meeting.

Public Safety:

The nearest response unit to the subject property is Station # 27, which is located at 5280 Red Bug Lake Road. The County Level-Of-Service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan. This project is in compliance with the standard public safety response time.

Drainage:

The subject parcel is located within the Howell Creek Drainage Basin and contains some depressional areas (borrow pits). A significant amount of offsite runoff from the south contributes to the site and there is an existing drainage conveyance system on the eastern border of the property. Therefore, all of these factors must be accounted for in the drainage analysis at the time of final engineering.

Parks, Recreation and Open Space:

The applicant is required to provide 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

Because this is a proposed residential project adjacent to both residential and agricultural zoning and Future Land Use Designations, no exterior buffers are required. Per the Seminole County LDC, the applicant will have to construct a sidewalk along their property frontage on Brooks Lane and on both sides of any internal roadways.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

SPECIAL DISTRICTS:

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020):

The following policies are applicable with the proposed project:

- Policy FLU 2.5: Transitional Land Uses
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice to the Seminole County School Board was sent on April 14, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received letters of support and opposition.

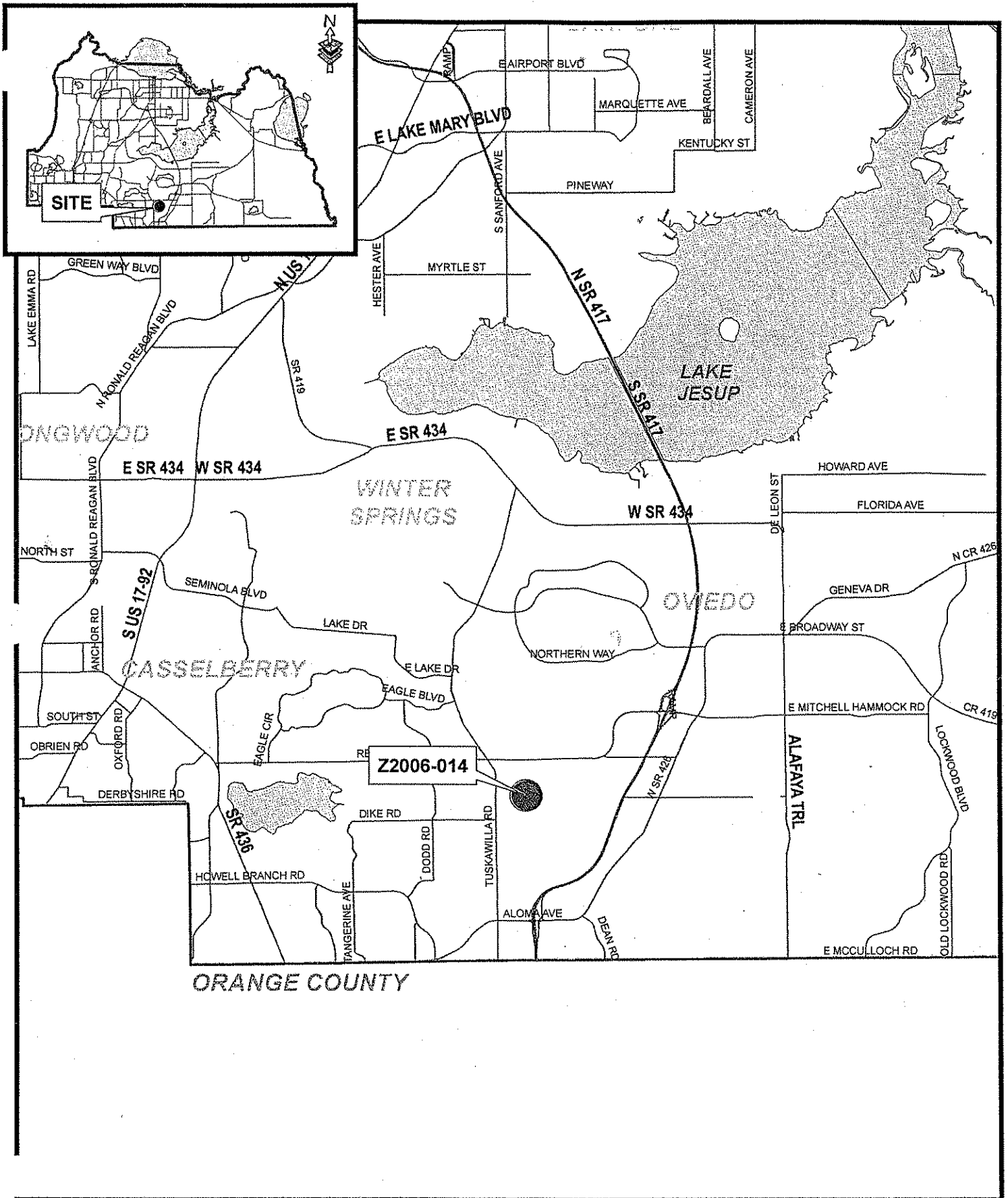
STAFF RECOMMENDATION:

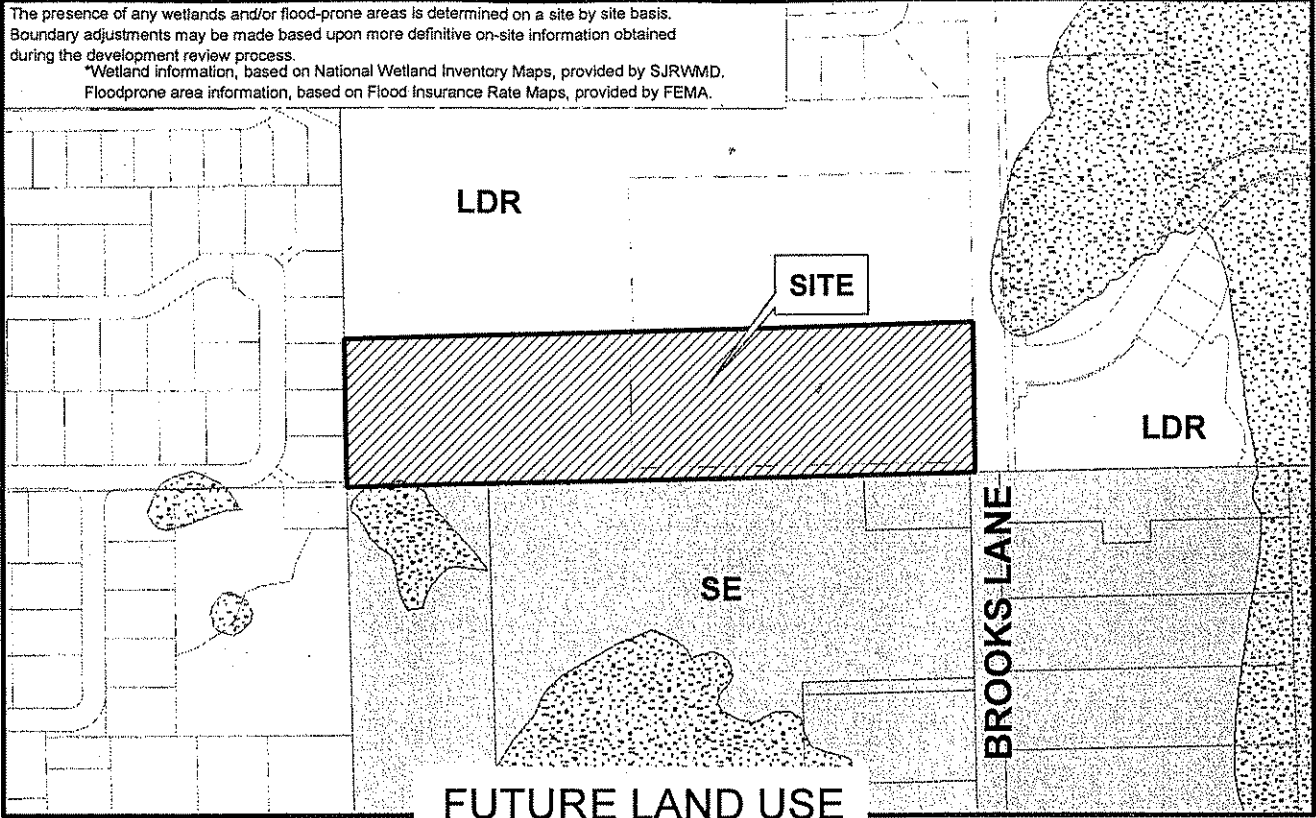
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However, based on the findings from the lot size compatibility analysis, staff finds a rezone to R-1AAA (Single-Family Dwelling) is more appropriate, based on staff findings.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend DENIAL of the request to rezone 10.4 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), based on staff findings.

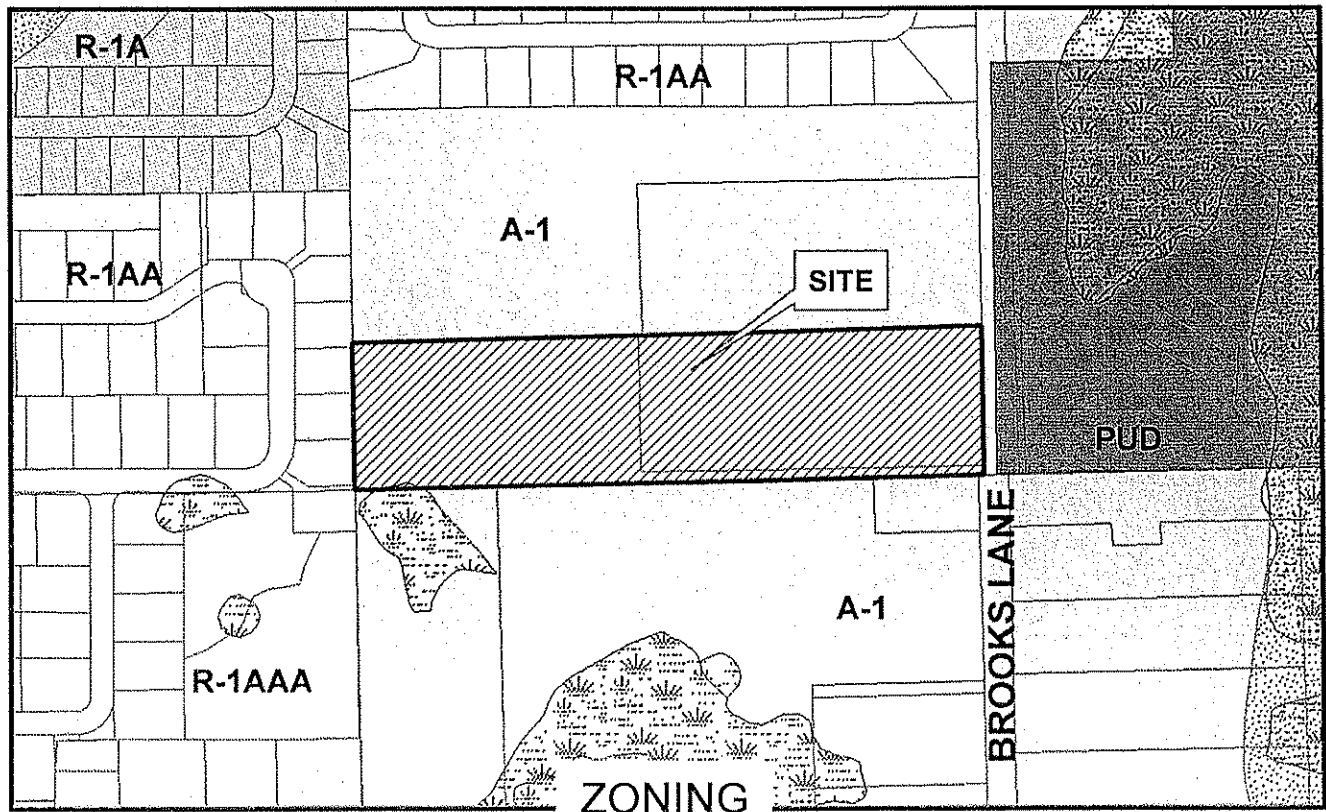




Site
 Municipality
 LDR
 SE
 CON S

Applicant: Jay Barfield
 Physical STR: 19-21-31-300-0080-0000 and 008E-0000
 Gross Acres: 9.95 BCC District: 1
 Existing Use: Existing Home
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-014	A-1	R-1AA



R-1AA
 R-1AAA
 R-1A
 A-1
 PUD
 FP-1
 W-1



Rezone No: Z2006-014
From: A-1 To: R-1AA

-  Parcel
-  Subject Property



January 2004 Color Aerials

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1AA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; 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 "Brooks Lane 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 R-1AA (Single-Family Dwelling):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 25th day of July 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

Parcel A

The East 758.00 feet of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of The Southwest $\frac{1}{4}$, less the South 20.00 feet and less the East 33.00 feet, Lying in Section 19, Township 21 South, Range 31 East, Seminole County, Florida.

Parcel B

The South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, less The following described parcel: the East 758.00 feet of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, less the South 20.00 feet And less the East 33.00 feet, lying in Section 19, Township 21 South, Range 31 East, Seminole County, Florida.

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1AAA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; 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:

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(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Brooks Lane Rezone, dated May 3, 2006.

(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.

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BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

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**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.

Brooks Lane Rezone: Jay Barfield, applicant; 10.4 ± acres; Rezone from A-1 (Agriculture) to R-1AA (Single Family); located on the east side of Brooks Lane, 0.42 ± miles south of Red Bug Lake Road. (Z2006-14)

Commissioner Dallari – District 1
Benjamin Dunn, Senior Planner

Benjamin Dunn stated that north of the subject site there was low density residential future land use, while south of the site there was an area of suburban estates future land use, part of the Bear Gully study area. To the east is the Kenmore PUD, with 9,000 square foot lot size, and to the west is R-1AAA zoning. Staff recommendation is for denial. R-1AAA may be more compatible with the area.

Jay Barfield, of Florida Homes Constructors. He stated that he had developed Talman Mews, off of Gabriella Lane, about 3/4 mile from this site. He said that he builds what he develops, with individually designed houses, leaving the neighborhood trees. Mr. Barfield said that he disagreed with the staff recommendation. This site is .4 mile from Red Bug Lake Road, with intense development. There is a multi-family development within a third of a mile from the site. The difference between R-1AA and R-1AAA is economics. Mr. Barfield said that the difference between 11,700 and 13,500 square feet is the number of lots. His lots are 12,077 square feet and 90-foot width. Most buyers want to buy according to price and quality, and do not regard the 10-foot difference in width of lot. He can put his 2,500 to 4,000 square foot houses with a price of \$500,000. to \$750,000. here. Mr. Barfield stated that the difference is the presence of 3 more lots in R-1AA versus R-1AAA zoning. This property is 330 feet by 1330 feet. With the road down the middle this is the best arrangement of lots. There is more depth than a typical R-AAA lot, but he cannot get the width without cutting 3 lots from the design. The setbacks are the same for the two zoning districts.

The south boundary will retain the trees along the property line. Heading north along Brooks Lane, the trees will remain there. With R-1AA zoning, the road can be gently curved. It is an infill project. The density is 2.5 per acre, which is low. The Blakelys would see 11 houses along their property line in R-1AAA zoning, versus 12 houses along their property line with R-1AA zoning. The trees will be there and the setbacks will remain the same. Mr. Barfield said that he understood that no one likes change. He builds neighborhoods, not subdivisions.

Mr. Barfield pointed to the line on the area map that divided the site of the application from the area with suburban estates future land use to the south.

Mr. Dunn said that the SE future land use area had been designated as such after the Bear Gully Creek Study in 1995, which designated that area for suburban estates future land use.

Mr. Barfield said that the property to the south is zoned A-1 and is designated SE future land use. The PUD to the east was the same, but it was approved as a PUD with 9,000 square foot lots. How is that buffered?

John Herbert of American Civil Engineering said that the weighted compatibility analysis was 6.18. He was looking for a 7. Using the lot compatibility analysis of R-1AA to the property to the north of the subject site, (Lot 2A on the map) the weighted analysis comes out to be 6.78, which rounds out to a 7. With Red Bug Road 2,200 feet to the north, the PUD to the east and single family housing to the north and west, and townhomes to the northeast, the area is heading to R-1AA zoning. This area could support the three extra homes.

Martha Cannon of 1470 Brooks Lane, Oviedo, owns property to the north of the subject property. She wants to keep the land A-1 in a rural setting. She does not want a subdivision there. She has no desire to develop her land. She wants to keep horses and have a rural setting.

Alice Cannon said that she wants to keep the area rural. They will be surrounded by concrete walls. People have built large lot homes here. There are drainage problems in spots.

Martha Cannon said that after the construction of Cobblestone subdivision the roads needed to be replaced; with fill there will be flooding during wet periods. With a subdivision going in, the drainage will be worse. Ms. Cannon said that she will not be developing her land and asked that the subdivision not be permitted.

Alice Cannon said that numerous trees have been banded in orange for removal.

Bill Watts of 4824 Gabriella Lane said the note that this project is on the west side of Brooks Lane. He stated that there is no community support for this application.

Virginia Watts spoke for herself and her mother Virginia Miles who also owns property in the neighborhood. They are both opposed to the application. Ms. Watts said that the entire neighborhood fought to have the area made into suburban estates ten years ago. The residents of the area are vehemently opposed to any R-1AA zoning going in. She said that R-1AA zoning is not an appropriate transition from A-1. The traffic from Kenmure subdivision speed down Brooks Lane and Mikler Road. The public does not want this. Please keep it A-1.

Jim Black of 1800 Brooks Lane is an architect and contractor. He stated that most of the houses on Brooks Lane are set back 100 feet. That is as wide as the lots proposed. Brooks Lane was paved back in 1996, with no improvements for drainage. There is a wetland that is on the north end of Brooks Lane. Fish swim across the road there in times of rain. There are several 3 and 5 acre parcels that are being developed as 1 to 1.5 acre homesites. 5 acre parcels are also being bought for equestrian ranches and the existing housing is being replaced with new homes on the larger parcels. Adding 26 homes with septic is not good for the area, being too dense.

Stephanie Black of 1800 Brooks Lane said that the subject property is green and lush. We are in the middle of a major drought. This means that the property is damp now. When she rebuilt her home recently, they had to fill and raise the homesite. That would have to be done in the subject site as well. She asked for denial of the request.

Tracy Blakey owns 25+ acres to the immediate south from Brooks Lane to Dike Road. She has no plans to develop her property. There is a drainage problem with Tiffany Woods; there are trees blocking Kenmure from view. Traffic is an issue here. She would like to see estate homes here.

John Herbert returned to the podium and stated that there will be no septic in this project. There will be a lift station. There will be proper drainage, according to code. The trees with ribbons on them were that way from a tree inventory conducted during a survey that was made on the property. They will not be cut. Assuming that the land to the north will some day be rezoned, the only difference we are seeing along the south property line would be 12 homes with R-1AA and 11 homes with R-1AAA.

Jay Barfield said that the area was allotted as LDR in the Vision 2020 Plan, and this is compatible with that designation. There were similar concerns with Talman Mews on west Gabriella Lane, and now it is a neighborhood. He requested R-1AA zoning.

Commissioner Brown said that the LDR area in the north had the potential for smaller lots.

Benjamin Dunn stated that the property to the north had a future land use of LDR, but had been developed in larger lots and A-1 zoning.

Tina Williamson stated that 5-acre lots is what is existing on the property to the north of the subject property.

Commissioner Wolf asked how that differed with the SE future land use to the south.

Mr. Dunn said that Suburban Estates to the south was one dwelling unit per acre for future land use.

Commissioner Wolf pointed out the five-acre parcels and one-acre parcels with the R-1AAA in between.

Mr. Dunn pointed out that the lot compatibility analysis has a point system. For LDR with A-1 zoning start with 4 points, with water and sewer available you get an additional 2 points, with frontage on a public road you get another point. For Suburban Estates, you start with a standard 4 points; with R-1AA you get 6 points, going out 330 feet and doing the analysis that way for compatibility.

Commissioner Wolf said that only one area abuts a small lot subdivision.

Commissioner Brown said that the back of a property should be a dividing line, rather than a road. There was a concern with such a thing in Longwood.

Commissioner Eismann said that one cannot see Kenmure houses from the road. He cannot see putting an island of R-1AA in the middle of larger lots.

Commissioner Eismann made a motion to recommend denial of the request.

Commissioner Wolf seconded the motion.

Commissioner Brown asked if there could be some consideration given to the type of access to the property and its curb-side appeal. He said that staff did a good job in handling this application.

Commissioner Wolf said that knowing the impacts to potential engineering problems would aid in the decision making later.

Benjamin Dunn said that he understood Commissioner Wolf's concern, but typically the engineering was done at the time of final site plan review.

Commissioner Brown said that he was not sure if R-1AAA would be appropriate here either.

The vote was 7 – 0 in favor of the motion to recommend denial of the application.