

Item # 44

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Deer Run PUD Major Amendment

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: Tina Deater EXT. 7440

Agenda Date: 9/14/04 Mtg Date Regular Consent Work Session
Briefing

Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. APPROVE the major amendment to the existing Deer Run PUD agreement and enact an ordinance for a rezone from PUD to PUD, and approve the Final Master Plan for 3.6 acres located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse, subject to the attached Addendum #8 to the Developer's Commitment Agreement (Thomas Daly, applicant); or
2. DENY the major amendment to the existing Deer Run PUD agreement, and deny the Final Master Plan for 3.6 acres located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse, subject to the attached Addendum #8 to the Developer's Commitment Agreement (Thomas Daly, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1–Commissioner Maloy

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Thomas Daly, requests a major amendment to the existing Deer Run PUD agreement, which consists of converting 3.6 acres of the vacant golf course training center to 26 townhouse units at a net density of 9.25 dwelling units per acre, and approval of the PUD Final Master Plan for the 3.6 acres. The 3.6 acres proposed for townhouses are located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

Reviewed by	<u>[Signature]</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>ph700pdp01</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested major PUD amendment and Final Master Plan, subject to the attached Addendum #8 to the Developer's Commitment Agreement.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on August 4, 2004 and voted 4 to 1 to recommend DENIAL of the request.

DEER RUN PUD MAJOR AMENDMENT

APPLICANT:	Thomas Daly			
PROPERTY OWNER:	Golf Enterprises of Central Florida			
REQUEST:	Major PUD Amendment and Final Master Plan Approval			
HEARING DATES(S):	P&Z:	8/4/04	BCC:	9/14/04
PARCEL ID NO.:	Parcel to be changed to townhouses: 15-21-30-300-0010-0000			
PROJECT LOCATION:	Deer Run PUD is located on the north side of Red Bug Lake Road, between South Winter Park Drive and Tuskawilla Road; 3.6 acres proposed for townhouses is located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse.			
APPROXIMATE SIZE:	3.6 acre tract to be changed from golf training center to townhouses, 1038.3 acres in the entire Deer Run PUD			
FUTURE LAND USE:	PD (Planned Development)			
ZONING:	PUD (Planned Unit Development)			
FILE NUMBER:	Z2004-02			
COMMISSION DISTRICT:	District 1–Commissioner Maloy			

OVERVIEW

Zoning Request: The applicant, Thomas Daly, requests a major amendment to the existing Deer Run PUD agreement, which consists of converting 3.6 acres of the vacant golf course training center to townhouses, and approval of the PUD Final Master Plan for the 3.6 acres. The 3.6 acres proposed for townhouses are located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse. The subject property has a PUD (Planned Unit Development) zoning classification and a PD (Planned Development) future land use.

The subject property is currently designated as part of the golf course and clubhouse under the original PUD agreement that was approved in 1981. The applicants want to convert approximately 3.6 acres of property that now contains a vacant golf training center into a 26 unit townhouse project. The project is proposed at a net buildable density of 9.25 units per acre. In order to ensure compatibility between the townhouses and the single-family houses to the south, staff is recommending the following conditions of approval, which are contained in the attached Addendum #8: a 50' building setback shall be required from the property line of any single-family lot, a 15' landscape buffer with a 6' PVC fence shall be required along the south property line with the existing vegetation to be preserved to the maximum extent possible, as determined by

the Planning Manager, and balconies and similar structures shall be prohibited in the rear of buildings along the south property line adjacent to the single-family residential.

The entire Deer Run PUD contains 1038.30 acres. The Seminole County Land Development Code requires a PUD to have 25% open space, which is a minimum of 259.57 acres in the Deer Run PUD. Currently, the PUD contains approximately 265.71 acres of open space. If the 3.6 acres are converted from open space to townhouses, there would still be 262.11 acres of open space in the entire PUD, which is greater than the required 25%.

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

Direction	Zoning	FLU	Current Use
Site	PUD (Planned Unit Development)	PD (Planned Development)	Vacant Golf Training Center
North	PUD (Planned Unit Development)	PD (Planned Development)	Golf Course
East	PUD (Planned Unit Development)	PD (Planned Development)	Golf Course
South	PUD (Planned Unit Development)	PD (Planned Development)	Single-family Residential
West	PUD (Planned Unit Development)	PD (Planned Development)	Golf Course

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

SITE ANALYSIS

Facilities and Services:

Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.

Water and Sewer:

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

Compliance with Environmental Regulations:

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

Compatibility with Surrounding Development:

The existing PUD zoning classification and the PD future land use designation are compatible with the surrounding land use designations. The proposed townhouse use is compatible with the other residential uses within the PUD, if the conditions of approval contained within Addendum #8 are implemented.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested major PUD amendment and Final Master Plan, subject to the attached Addendum #8 to the Developer's Commitment Agreement.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on August 4, 2004 and voted 4 to 1 to recommend DENIAL of the request.

ADDENDUM #8

Deer Run and Country Club Planned Unit Development

The Deer Run and Country Club Planned Unit Development dated July 7, 1981, as amended, is hereby further amended as follows:

On September 14, 2004 the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the following described property, known as Deer Run Unit 30:

I. The following additions and deletions are made to the Land Use Table (strikethroughs are deletions, underlines are additions):

Land Use Classification	Acres	Units	DU/Acre	<u>DU/Net Buildable Acres</u>
<u>Townhomes</u>	<u>3.6</u>	<u>26</u>	<u>7.22</u>	<u>9.25</u>
Golf Course	146.21 <u>142.61</u>			

II. The following additions and deletions are made to the Tract Breakdown Table (strikethroughs are deletions, underlines are additions):

Tract Breakdown	Type Construction	Units	Density	<u>Net Buildable Density</u>	Acres
<u>Deer Run Unit 30</u>	<u>Townhomes</u>	<u>26</u>	<u>7.22</u>	<u>9.25</u>	<u>3.6</u>
<u>TOTAL</u>		<u>2,915</u>	<u>5.29</u>		<u>880.69</u>

The following shall apply to Deer Run Unit 30 (Deer Run Villas) described in Exhibit A:

1. **LEGAL DESCRIPTION:**

See Exhibit A

2. **MASTER PLAN**

See Exhibit B

3. **PROPERTY OWNERS**

Golf Enterprises of Central Florida Inc.
109 Commerce Street, Suite 1101
Lake Mary, Florida. 32746

4. **OPEN SPACE AND RECREATION AREAS**

Total Residential Land Area: 3.6 acres
Required Open Space: .90 acres
Open Space Provided: .90 acres

5. **MINIMUM BUILDING SETBACKS FROM PROPERTY LINES**

North Property Line: 10'
East Property Line 10'
South Property Line (except where adjacent to a single-family lot) 25'
South Property Line (adjacent to a single-family lot) 50'
West Property Line 20'

6. **MINIMUM BUILDING SETBACKS ON LOTS**

Front: 26'
Side: 0'
Rear: 10'

7. **MINIMUM SEPARATION BETWEEN BUILDINGS**

20'

8. **SETBACKS FOR ACCESSORY STRUCTURES**

The following minimum building setbacks shall apply to accessory structures associated with the townhouse units:

Pools, and other accessory structures: Side - 5 foot, Rear – 5 foot
Screen enclosures: Side - 3 foot, Rear – 3 foot

9. **MAXIMUM BUILDING HEIGHT**

35'

10. **MINIMUM UNIT SIZE**

1,000 square feet of living area.

11. **PERMITTED USES**

Attached Single-family Dwelling Units
Single Family Homes
Home Offices and Home Occupations

12. **LANDSCAPE & BUFFER CRITERIA**

At the time of Final Master Plan approval, the developer shall demonstrate how they are saving 25% of the existing trees onsite.

South Property Line (adjacent to the single-family residential)

- Minimum 15-foot landscape buffer and a 6' PVC Fence.
- The existing vegetation shall be saved to the maximum extent possible as determined by the Planning Manager. Any trees saved shall count towards tree removal mitigation requirements.

North Property Line

- Minimum 5' landscape buffer
- The existing vegetation shall be saved to the maximum extent possible as determined by the Planning Manager. Any trees saved shall count towards tree removal mitigation requirements

All landscape buffers and common areas shall be maintained by a homeowners association.

13. **ARCHITECTURAL STANDARDS**

Architectural renderings shall be provided at the time of Final Master Plan approval.

Second-story balconies, patios, porches, terraces, catwalks, or any architectural structure deemed to be similar by the Planning Manager shall be prohibited in the rear of buildings along the south property line adjacent to the single-family residential.

14. **WATER, SEWER AND FIRE PROTECTION**

WATER: Water services shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrant shall be located according to Seminole County regulations.

15. **PHASING**

The development will be constructed in one phase.

DONE AND ORDERED ON THE DATE FIRST WRITTEN ABOVE

By: _____

Daryl G. McLain
Chairman, Seminole County Board of Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Golf Enterprises of Central Florida Inc., on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

Witness

Print Name

Witness

Print Name

By: _____
Robert Dello Russo, Manager of Golf Enterprises of
Central Florida Inc.

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, Robert Dello Russo, Manager of Golf Enterprises of Central Florida, Inc. who is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2004.

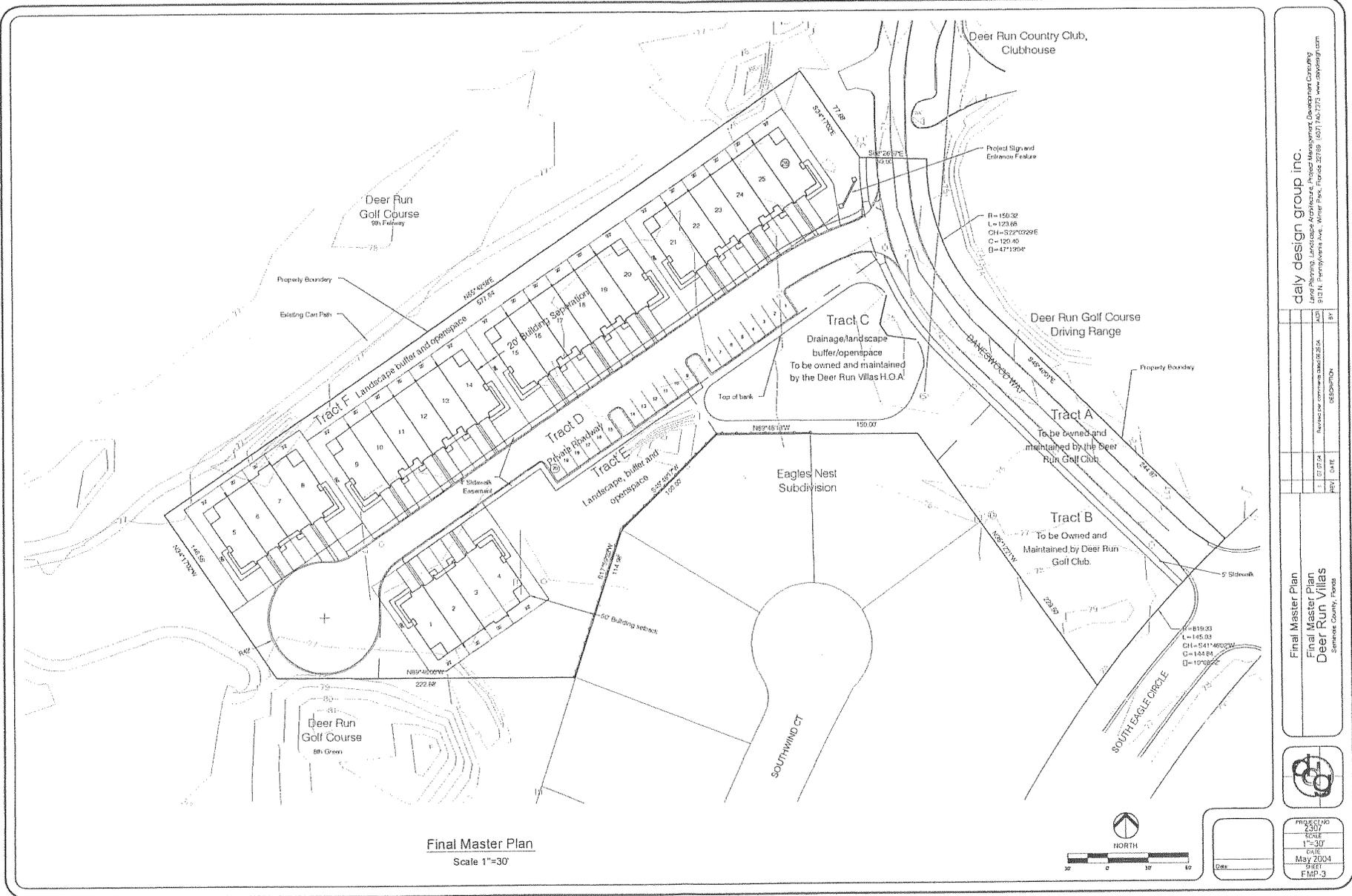
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

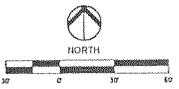
EXHIBIT A

Begin at the most Easterly corner of Lot 15, Deer Run Unit - 8 "A" Plat Book 26, Pages 89 through 90, Official Records of Seminole County, Florida. Said point also being on the Westerly right-of-way line of Eagle Circle Drive; thence departing said Westerly right-of-way line run North $35^{\circ}12'21''$ West along the Northerly line Lot 15 and Lot 16 of said Plat for a distance of 229.50 feet to the most Northerly corner of Lot 16 of said Plat; thence run North $89^{\circ}48'18''$ West along the Northerly line of said Lot 16 and Lot 17 of said Plat to the most Northerly corner of said Lot 17; thence run South $45^{\circ}46'17''$ West along the Northwesterly line of said Lot 17 for a distance of 100.00 feet to the Northwesterly corner of Lot 18 of said Plat; thence run South $17^{\circ}59'23''$ West along the Westerly line of Lot 18 for a distance of 114.98 feet to the Southwest corner of said Lot 18; thence departing said corner of said Plat run North $89^{\circ}46'06''$ West for a distance of 222.88 feet; thence run North $34^{\circ}17'02''$ West for a distance of 146.55 feet; thence run North $55^{\circ}42'58''$ West for a distance of 577.64 feet; thence run South $34^{\circ}17'02''$ East for a distance of 77.68 feet; thence run South $88^{\circ}26'57''$ East for a distance of 50.00 feet to a point of curvature of a curve concave to the East having a radius of 150.32 feet, thence run Southeasterly along said curve through a central angle of $47^{\circ}13'04''$ for an arc distance of 123.88 feet; thence run South $45^{\circ}40'01''$ East for a distance of 244.87 feet to a point of curvature of a curve concave to Southeast having a radius of 819.33 feet; thence run Southwesterly along said curve and aforesaid Westerly right of way line of Eagle Circle Drive through a central angle of $10^{\circ}08'32''$ for an arc distance of 145.03 feet to the aforesaid POINT OF BEGINNING.

EXHIBIT B



Final Master Plan
Scale 1"=30'



daly design group inc.
Land Planning, Landscape Architecture, Project Management, Developer Community
310 N. Pennsylvania Ave., Suite 1000, Project #2009-065174-0378, www.dalydesign.com

NO.	DATE	DESCRIPTION
1	10/20/04	REVISIONS COMPLETE PROJECT BOOK

Final Master Plan
Final Master Plan
Deer Run Villas
Sevier County, Florida



PROJECT NO.
2009-065174-0378
SCALE
1"=30'
DATE
May 2004
SHEET
FMP-3

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE PUD ZONING CLASSIFICATION THE PUD ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Deer Run PUD Major Amendment Staff Report."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from PUD to PUD in accordance with the contents of the documents titled, "Deer Run PUD Major Amendment Staff Report" and Addendum Number 8 to the Deer Run and Country Club Planned Unit Development:

SEE ATTACHED EXHIBIT A

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

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

Section 5. EFFECTIVE DATE.

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of Addendum Number 8 to the Deer Run and Country Club Planned Unit Development, dated July 7, 1981 in the Official Land Records of Seminole County.

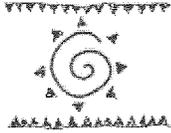
ENACTED this 14th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A LEGAL DESCRIPTION

Begin at the most Easterly corner of Lot 15, Deer Run Unit - 8 "A" Plat Book 26, Pages 89 through 90, Official Records of Seminole County, Florida. Said point also being on the Westerly right-of-way line of Eagle Circle Drive; thence departing said Westerly right-of-way line run North 35°12'21" West along the Northerly line Lot 15 and Lot 16 of said Plat for a distance of 229.50 feet to the most Northerly corner of Lot 16 of said Plat; thence run North 89°48'18" West along the Northerly line of said Lot 16 and Lot 17 of said Plat to the most Northerly corner of said Lot 17; thence run South 45°46'17" West along the Northwesterly line of said Lot 17 for a distance of 100.00 feet to the Northwesterly corner of Lot 18 of said Plat; thence run South 17°59'23" West along the Westerly line of Lot 18 for a distance of 114.98 feet to the Southwest corner of said Lot 18; thence departing said corner of said Plat run North 89°46'06" West for a distance of 222.88 feet; thence run North 34°17'02" West for a distance of 146.55 feet; thence run North 55°42'58" West for a distance of 577.64 feet; thence run South 34°17'02" East for a distance of 77.68 feet; thence run South 88°26'57" East for a distance of 50.00 feet to a point of curvature of a curve concave to the East having a radius of 150.32 feet, thence run Southeasterly along said curve through a central angle of 47°13'04" for an arc distance of 123.88 feet; thence run South 45°40'01" East for a distance of 244.87 feet to a point of curvature of a curve concave to Southeast having a radius of 819.33 feet; thence run Southwesterly along said curve and aforesaid Westerly right of way line of Eagle Circle Drive through a central angle of 10°08'32" for an arc distance of 145.03 feet to the aforesaid POINT OF BEGINNING.



Karen Mathews/Seminole

08/05/2004 08:22 AM

To Tina Deater/Seminole@Seminole

cc

bcc

Subject Fw: Deer Run PUD Major Amendment

Tina,

This came in through the PlanDesk folder. I gave Candy a copy for her file.

Karen Mathews
Senior Staff Assistant
1101 E. 1st St.
Room 2201
Sanford, FL 32771
407 665-7371
407 665-7385 (fax)

----- Forwarded by Karen Mathews/Seminole on 08/05/2004 08:21 AM -----



brismall1@aol.com

07/30/2004 11:45 AM

To plandesk@seminolecountyfl.gov

cc

Subject Deer Run PUD Major Amendment

Tina Deater:

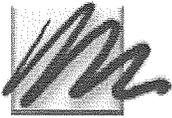
I would like to express my concerns regarding the proposed town houses to be located on the west side of Daneswood way between South Eagle Circle and the Deer Run Country Club.

My biggest concern, is the overall size, especially the height. Seems to me, two story buildings of that size and the number of units contained would be totally out of place adjacent to one story residences. This would lower our property values due to the following:

- 1) Obstruction of golf course views (lots were sold at extra cost as golf course view lots)
- 2) Twenty some odd new residence in that area would create traffic, noise, and lack of privacy.
- 3) The destruction of a potentially beautiful wooded area.
- 4) Tract C (Drainage/ Landscape buffer/ Open space) This is basically a retention pond that will at times be full of water, at times not. Very questionable.

While I appreciate greatly the improvements made to the Deer Run Country Club and golf course, and understand the owners desire to recoup investment... I know this project would have a negative effect on our neighborhood.

Thank you,
Brian Small (407) 484-6862
Lot 16



Candace Hudson /Seminole
08/04/2004 01:19 PM

To Tina Deater/Seminole@Seminole
Earnest McDonald/Seminole@Seminole, Tony
cc Walter/Seminole@Seminole, Matt
West/Seminole@Seminole
bcc
Subject Fw: P&Z Comments 8.04.04

Candace Lindlaw-Hudson
Sr. Staff Assistant
Seminole County Planning Division
1101 E. First Street, Suite 2201
Sanford, FL 32771
Phone: 407.665.7450
Fax: 407.665.7385

----- Forwarded by Candace Hudson/Seminole on 08/04/2004 01:17 PM -----



Dianne_Kramer@scps.k12.fl.
us
08/04/2004 01:09 PM

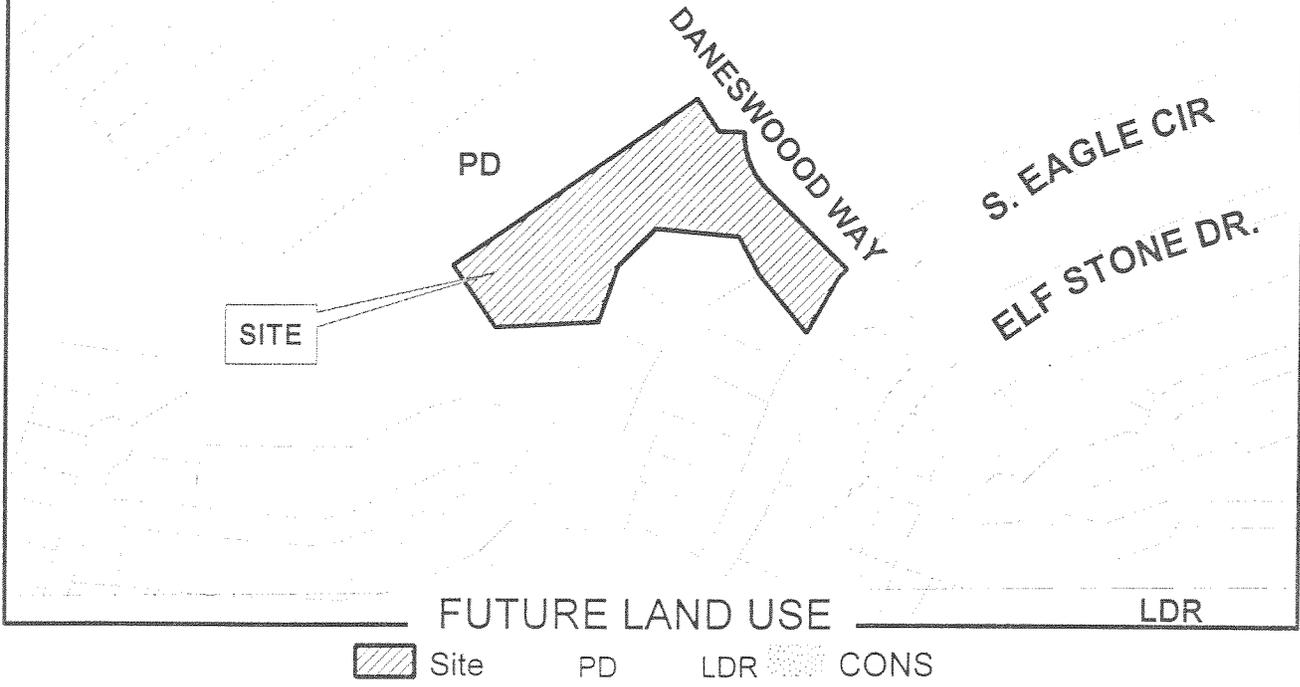
To chudson@seminolecountyfl.gov,
mwest@seminolecountyfl.gov
cc Board-Members_DL/scps_esc@mail.scps.k12.fl.us
Subject P&Z Comments 8.04.04

Since Public Hearings C and D are being continued until September, I will respond only to items E and F. Both items permit a minimal increase in residential units and would generate a minimal increase in the number of public school students. It is a concern, however, that residential density is being increased (E) and that non-residential property is being converted to residential use (F). The impact to the school system associated with the Deer Run PUD amendment (F) could be reduced if the development order stipulated that the units would be owner-occupied and not rental. Please feel free to contact me if you have any questions. Thank you.

Dianne L. Kramer, Deputy Sup^t./Operations
Seminole County Public Schools
407.320.0060 direct line
407.320.0292 FAX

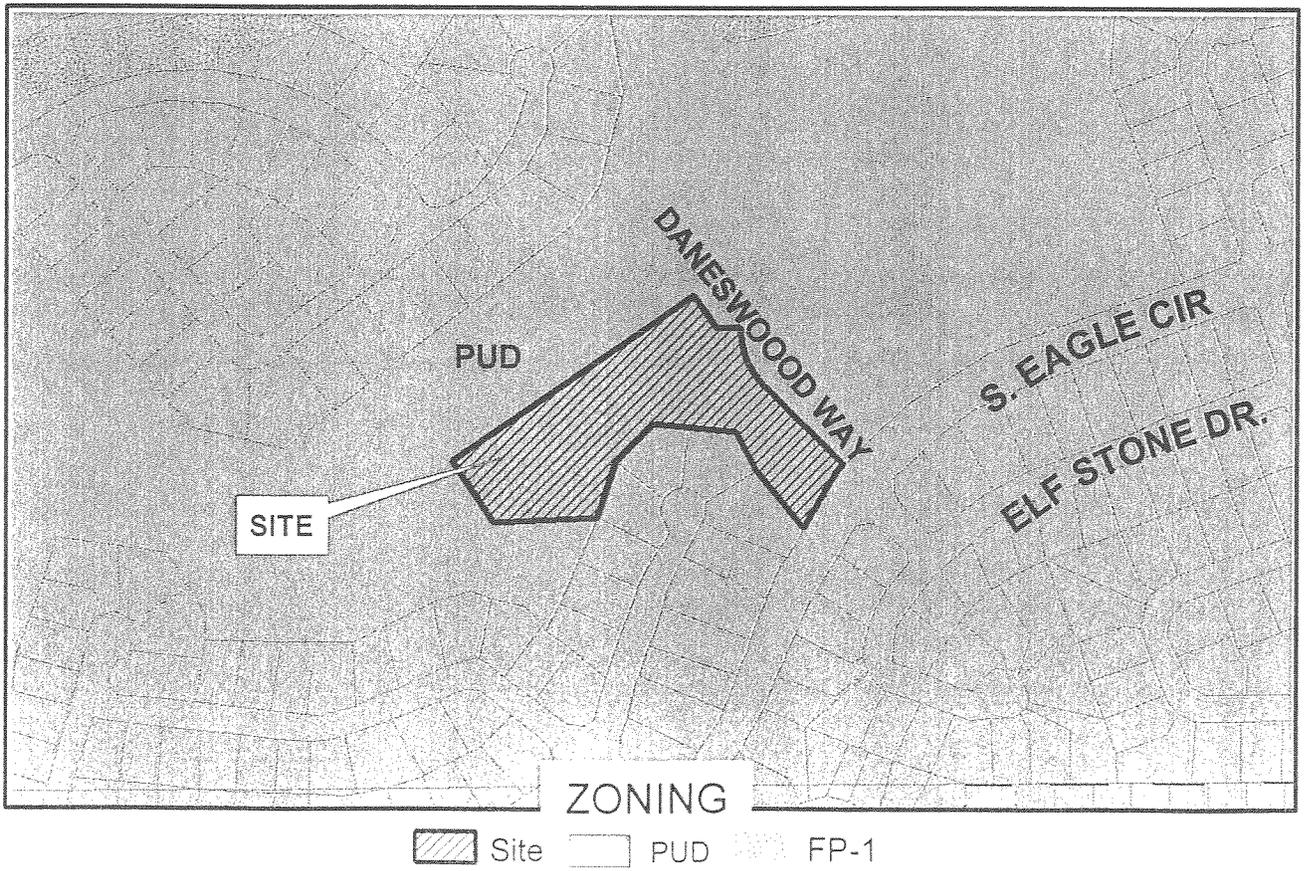
<mailto:dianne_kramer@scps.k12.fl.us>

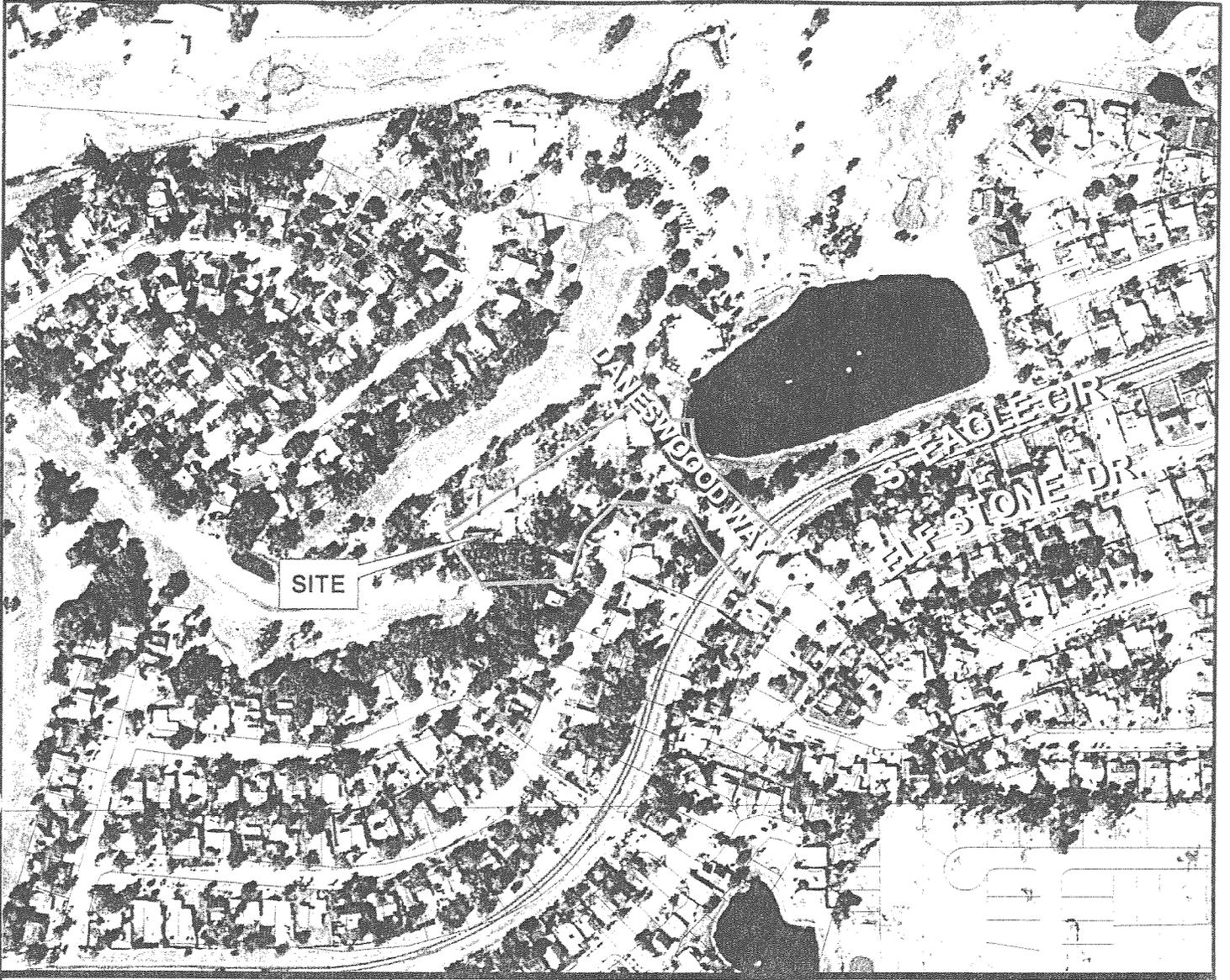
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process
 *Wetland information, based on National Wetland Inventory Maps provided by SJRWMD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



Applicant: Thomas Daly, Daly Design Group
 Physical STR: 15-21-30-300-0010-0000
 Gross Acres: +/- 3.65 BCC District: 1
 Existing Use: Golf Course
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-002	PUD	PUD





Rezone No: Z2004-002
From: PUD To: PUD

Parcel
Subject Property

February 1999 Color Aerials

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AUGUST 4, 2004**

Members present: Alan Peltz, Dick Harris, Beth Hattaway, Walt Eismann, and Dudley Bates.

Also present: Matt West, Planning Manager; Tina Deater, Senior Planner; Tony Walter, Assistant Planning Manager; Steve Lee, Deputy County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Deer Run PUD Major Amendment; Thomas Daly/ Daly Design Group, applicant; Major Amendment to the Deer Run PUD (Planned Unit Development) agreement to convert approximately 3.6 acres of the vacant golf training center to townhouses; the 3.6 acres proposed for townhouses is located on the west side of Daneswood Way between South Eagle Circle and the Deer Run Country Club Clubhouse. (Z2004-002)

Commissioner Maloy – District 1
Tina Deater, Senior Planner

Tina Deater presented the location of the location of the request to place approximately 28 townhomes adjacent to the golf course area of the Deer Run PUD. She stated that based on a study of the character of the surrounding area of the PUD, a 7.7 dwelling units per acre density is acceptable and that staff recommendation was for approval subject to the attached Addendum #8 to the Developer's Commitment Agreement including the following conditions: a 50 foot building setback shall be required from the property line of any single-family lot, a 15 foot landscape buffer with a 6 foot PVC fence shall be required along the south property line with the existing vegetation to be preserved to the maximum extent possible, as determined by the Planning Manager, and balconies and similar structures shall be prohibited in the rear of buildings along the south property line adjacent to the single-family residential homes.

Thomas Daly of Daly Design Group spoke for Golf Enterprises. He stated that the owners bought the course two years ago and want to remove the old golf academy. He would like to place townhouses on the 9th fairway and the 8th green. Mr. Daly stated that the golf academy was comprised of 4 mobile homes, parking lots and an access road.

Mr. Daly stated that he had met with the adjacent property owners at the country club. The area property owners concerns included buffers and setbacks. Mr. Daly stated that a 50 foot buffer is appropriate. There are a lot of trees to the south. He will present a tree survey. He agrees that the Planning Manager can

approve trees for placement. This will tie in to the Developer's Commitment Agreement.

Concerning the Staff Report, Mr. Daly said that he would like to change the provisions concerning balconies. There are open balconies on the second floor of the buildings. Also, there are dense oak trees on part of the property lines near Mr. Gillis. Mr. Daly stated that he would like to put an ornamental aluminum fence near the Gillis lot. He will put in landscape buffers and brick columns with it. This is under item 11. Change PVC to brick columns, aluminum fencing and landscaping.

He also requested a change on the second item on balconies.

Commissioner Harris asked if there was any picture of the fencing.

Mr. Daly did not have one, but he said that it is aluminum pickets with 4-inch separation and a 6 foot column (2 feet by 2 feet). He will have a picture for the BCC.

Commissioner Peltz asked about water retention.

Mr. Daly stated that there would be a dry pond which will drain into an existing drainage system in the area.

Greg Bogumil, President of the Eagles West Homeowners Association, spoke next. He is representing 72 homeowners who are opposed to this. He stated that this is green space on the plans for the PUD. The height of the proposed townhomes intrudes into the privacy of the homeowners. The lighting required for parking will be a nuisance. This is a low density area. The recessed balconies limit privacy greatly. He would prefer tennis courts. The retention pond will breed mosquitoes. These townhouses will become rental units. This will devalue the homes around the project. His group has contacted a real estate attorney. He requested that this not be recommended by the Commission.

Commissioner Harris asked if the group had met concerning this matter.

Mr. Bogumil said that they had met last evening and that no one was in favor of the project.

Commissioner Peltz asked if there are tennis courts.

Mr. Bogumil said that there is one tennis court.

Commissioner Hattaway asked if any sort of housing would be acceptable there.

Mr. Bogumil said "no." If there were no choice, then single family would be better.

Commissioner Peltz said that there would be parking by two of the properties. Mr. Bogumil said that his HOA does not like headlights shining into their homes.

Commissioner Peltz asked if a brick wall would be better.

Mr. Bogumil said that it would, but that other problems are not being addressed with this being in people's backyard.

Brian Small lives adjacent to the proposed dry retention pond in Tract C. He questioned the location of the pond and how it would be kept. He also noted that 26 units would bring more than 50 cars, dogs, kids on bikes, and so on, into the neighborhood. He appreciates the new owner's efforts to fix up the area, but this is not good.

Dana Giesler stated that she bought her home with a golf course view. This will be across the green from her property. She would like to see a buffer with trees.

Raylene Arft lives on Lot 19. She has a view of the 8th green. She is disturbed by people looking at her in her yard.

Tim Gillis of Lot 18 said that he is directly affected. In the winter the foliage dies back and this project is directly behind his swimming pool and porch. This will change the character of the area. He does not want porches or balconies.

Larry Bigalow stated that this will bring property values down. He is concerned about building height and density.

Katherine Hughes stated that this will lower property values in her neighborhood.

Ellen Divine stated that she has lived in the neighborhood for 10 years and that the eco system in the area is failing. She is concerned about this project's further killing off wild life.

The public hearing was now closed.

Mr. Daly stated in rebuttal that this area is not greenspace. It has been a commercial operation since 1988. It could be viewed as an existing commercial use and a business could be run there. Currently, it is trailers, parking and gravel roadway, and no landscaping.

Mr. Daly said that the lighting will be addressed and comply with the County Lighting Ordinance. This will be done at the time of the PSP.

The retention pond is a shallow one. The soil beneath is good. He does not want an ugly entrance. This will only be 3 to 4 feet deep.

As for the properties becoming rental units, Mr. Daly said that there is a limit to what you can tell a property owner. This project will be appealing to "empty nesters." One cannot restrict investment owners.

Pertaining to buffers, there will not be a sea of cars. There are cars there now with no buffering.

In answer to Mr. Small's concern about traffic, there is an existing road there. This project will fall in the range of the existing traffic density. This is not to be a gated community at this point. On the south end, the cul de sac was enlarged at the request of the Fire Department.

The 8th green is higher than the surrounding properties. The green will screen the cars somewhat.

Mr. Daly stated that he had personally met with Mr. Gillis and had changed his plan to please the homeowners. He will supplement plantings and have a 50 foot setback. Tree retention will be good.

Balconies cannot be prohibited. It costs too much to redesign the buildings and lowers the value.

Commissioner Hattaway asked the projected price of the townhomes.

Mr. Daly said that they should start around \$140,000.00 with a minimum of 1,300 to 1,600 square feet.

Mr. Daly said that he lives on the 13th fairway and that his home is still valued at around \$155,000.00.

Commissioner Harris asked if Mr. Daly will commit to 1,300 square feet of living area, which was item 10.

Mr. Daly agreed.

Commissioner Hattaway asked about the balconies.

Tina Deater read addendum #8: "balconies and catwalks or any similar structures deemed by the Planning Manager..."

Commissioner Harris read the e-mail from School Board representative Dianne Kramer which voiced concern with the increased impacts on schools in the area.

Stephen Clark sent an e-mail in opposition to the request.

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

Commissioner Peltz said that the density is too high and that a 2 story design is not acceptable. The plans could be revised for a single story.

Commissioner Bates agreed with Commissioner Peltz. He stated that in a project like this one, he always considers if it is an improvement and a bettering of the community. There are many considerations here, with more negative than positive.

Commissioner Harris said that this is a derelict piece of property which need to be used productively. The Commission does not have the power to change plans. There should be compromises reached. This density is inappropriate.

**The vote was 4-1 in favor of the motion to recommend denial.
Commissioner Hattaway voted "nay."**