

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Major Revision to Preliminary Master Plan for Kenmure PUD (Ellsworth Gallimore, applicant)

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Jeff Hopper **EXT.** 7431

**Agenda Date** 11/12/02 **Regular**  **Consent**  **Work Session**  **Briefing**   
**Public Hearing – 1:30**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

1. APPROVAL of the requested major revision to a PUD Preliminary Master Plan per the attached development order for a 108-acre parcel located south of Red Bug Lake Road between Brooks Lane and Mikler Road, Ellsworth Gallimore, applicant; or
2. DENIAL of the requested major revision to a PUD Preliminary Master Plan for a 108-acre parcel located south of Red Bug Lake Road between Brooks Lane and Mikler Road; or
3. CONTINUE the item to a time and date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicant is proposing a major change to the Preliminary Master Plan for Butler Ridge PUD, also known as Kenmure, approved by the Board of County Commissioners in February 2002. The requested change would relocate a proposed Seminole County utility line crossing the development, and clarify responsibility for a proposed pedestrian access to Red Bug Lake Road. In addition, the Board will consider the need for a left turn lane at the Brooks Lane entrance to the project. Existing and projected traffic levels would trigger County standards for provision of a turn lane. Development in Kenmure, as currently proposed, would consist of 174 single family lots and associated recreational and open space amenities.

**STAFF RECOMMENDATION:**

Staff has no objection to the proposed relocation of the utility easement from internal subdivision streets, as required in the Development Order, to a location that follows a portion of the south project boundary. This change would facilitate construction and maintenance of the utility without adversely affecting development to the south.

Reviewed by: JEC  
Co Atty: \_\_\_\_\_  
DFS: \_\_\_\_\_  
OTHER: MMW  
DCM: SS  
CM: JLB

File No. ph130pdp01

Representatives of the Bartlett Horse Farm property to the south had expressed a concern that too much construction near the common property line would disrupt their own activities. Therefore, the Development Order was drafted to specify an easement location along internal subdivision streets. However, in the months since approval of Kenmure, that property owner has contracted to purchase 8 lots near the south property line which will be left undeveloped to serve as a buffer between the two properties. The easement, proposed to be located between those lots and the Bartlett property, would serve as an effective addition to the buffer

The applicant's other proposed revision is not recommended by staff. The full length of the pedestrian access, to be located within an existing 20' county right-of-way linking the development site to Red Bug Lake Road, should be provided concurrently with development of the project. Despite the potential for intervening properties to benefit from the access, the major need for this facility would be generated immediately by Kenmure, and its completion should not be delayed.

An additional issue is a proposed waiver of a left-turn lane for southbound traffic entering the development from Brooks Lane. Existing traffic, together with traffic associated with Kenmure, will require the left turn lane. Both counts independently meet the thresholds for a turn lane installation. Further, Development Review staff have determined that drainage impacts of the turn lane would be minimal.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

Recommendations of the Planning & Zoning Commission will be presented at the hearing.

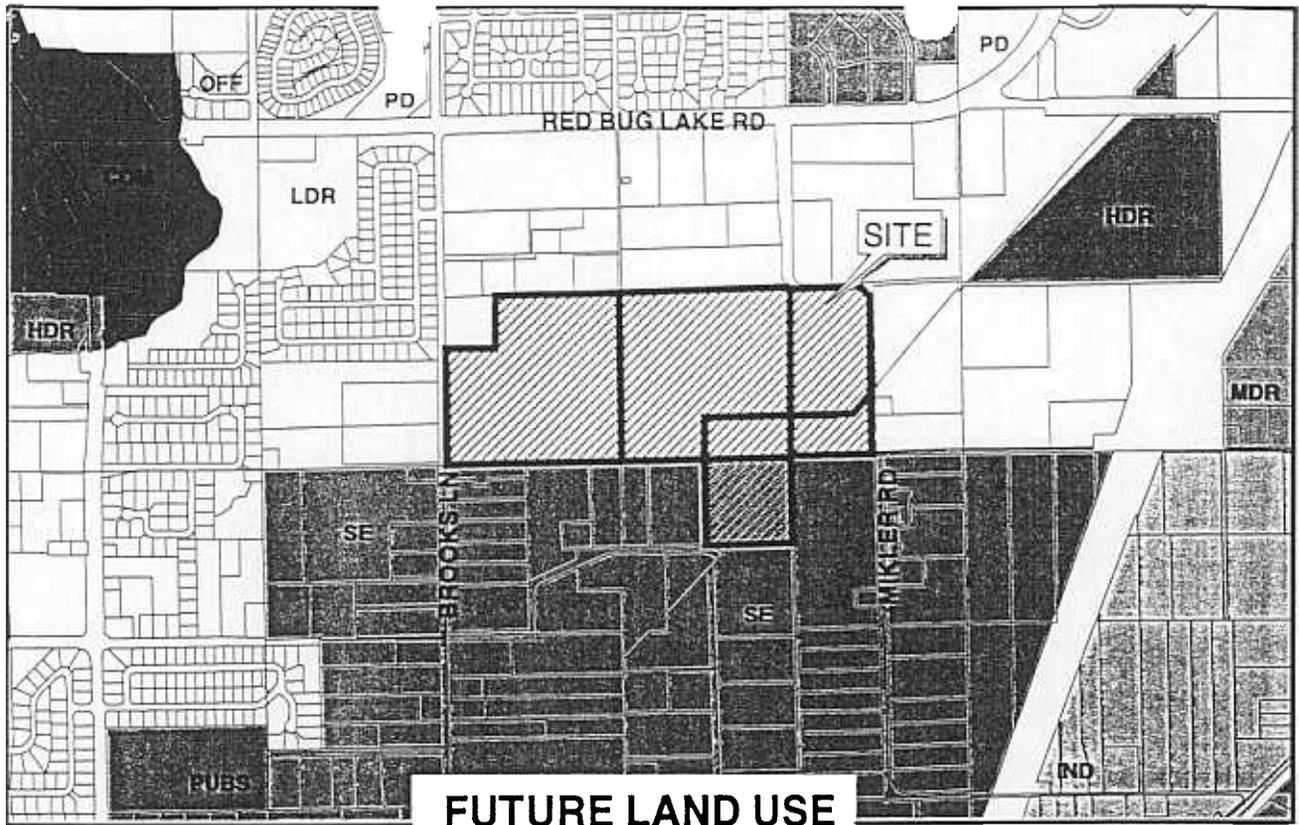
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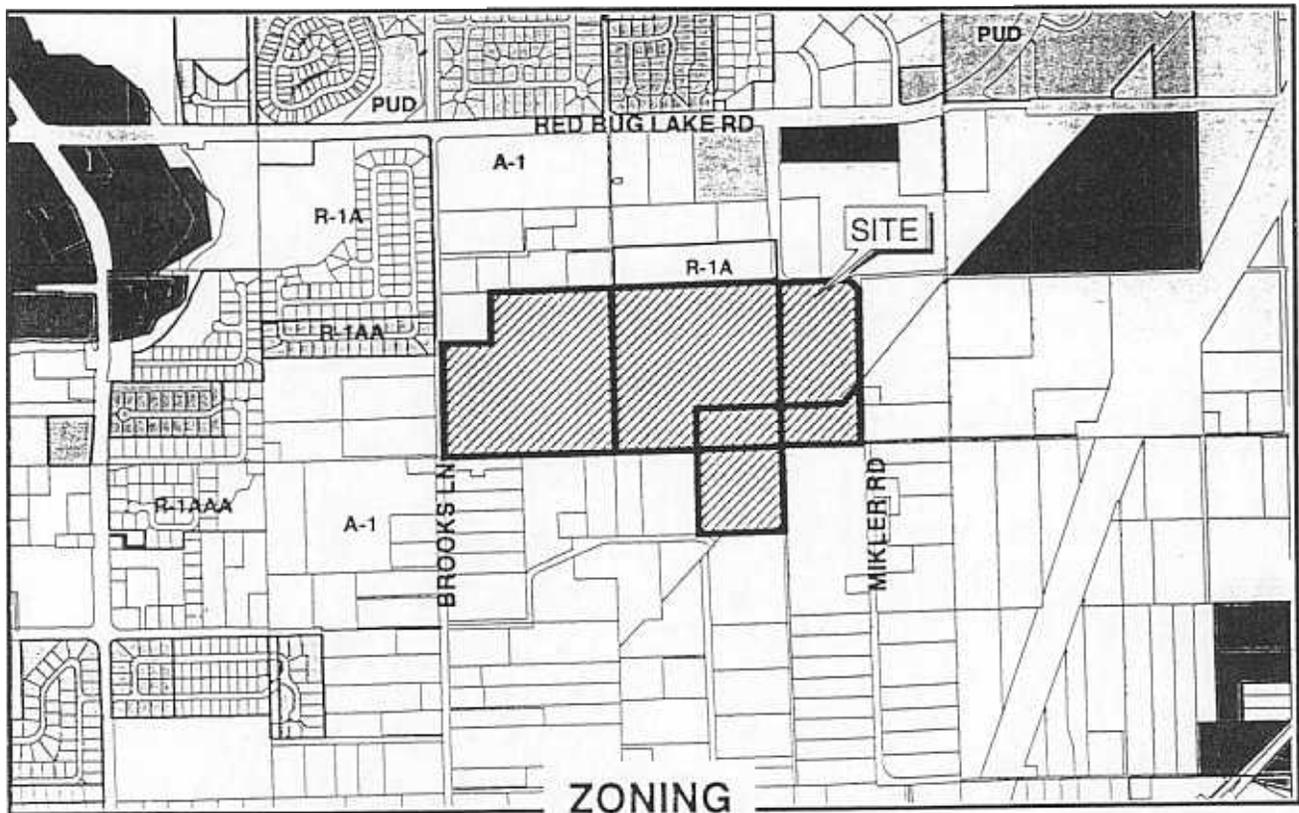


**FUTURE LAND USE**

Site 
  Municipality 
  COM 
  HDR 
  IND 
  LDR 
  OFF 
  PD 
  SE 
  PUBS

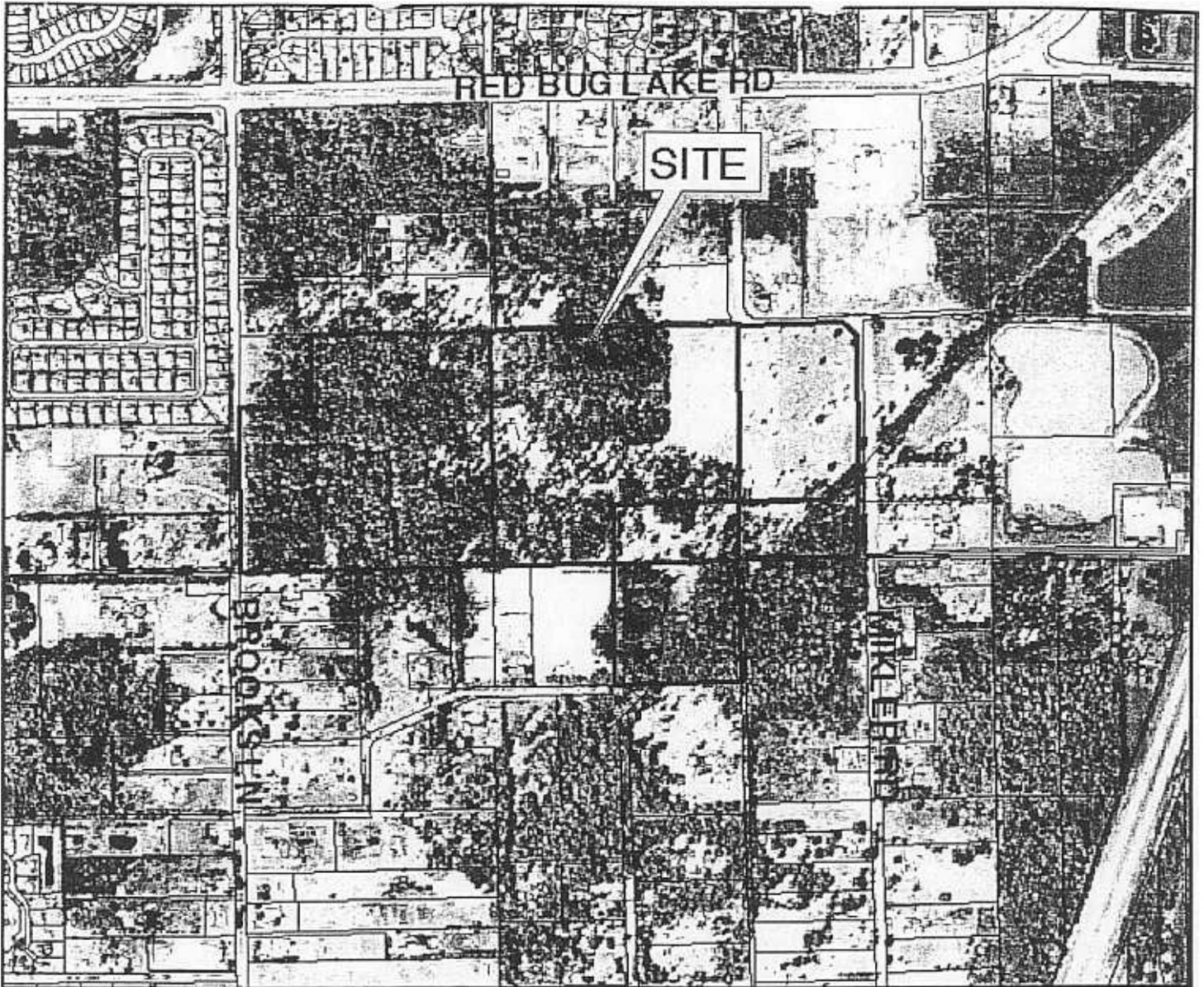
Applicant: Ellsworth Gallimore/Butler Development, Inc.  
 Physical STR: 192131/A/13&A, 14;1621315CA/75;75D;302131/A/1  
 Gross Acres: 107.31 BCC District: 1  
 Existing Use: Grazing Lands  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU			
Zoning	Z2001-041	A-1	PUD



**ZONING**

A-1 
  C-1 
  OP 
  PUD 
  PCD 
  R-1A 
  R-1AA 
  R-1AAA 
  R-4



Rezone No. Z2001-041  
From: A-1 To: PUD

-  Subject Property
-  Parcelbase



February 1999 Color Aerials





## Kenmure PUD

REQUEST INFORMATION	
<b>APPLICANT</b>	ELLSWORTH GALLIMORE/BUTLER DEVELOPMENT INC.
<b>PROPERTY OWNER</b>	BETTY O. GALLOWAY TRUST
<b>REQUEST</b>	MAJOR REVISION TO PUD PRELIMINARY MASTER PLAN
<b>HEARING DATE (S)</b>	P&Z: NOV. 6, 2002      BCC: NOV. 12, 2002
<b>SEC/TWP/RNG</b>	19-21-31-300-0130-0000 and 19-21-31-300-013A-0000
<b>LOCATION</b>	SOUTH OF RED BUG LAKE RD. BETWEEN BROOKS LN. AND MIKLER RD.
<b>FUTURE LAND USE</b>	LOW DENSITY RESIDENTIAL (LDR) AND SUBURBAN ESTATES (SE)
<b>FILE NUMBER</b>	Z2001-041
<b>COMMISSION DISTRICT</b>	1

### OVERVIEW

**Zoning Request:** The applicant is requesting approval of a major revision to the approved Preliminary Master Plan for Kenmure Subdivision, a PUD on approximately 108 acres located ¼ mile south of Red Bug Lake Rd., bordering Brooks Lane to the west and Mikler Road to the east. The proposed land use is single family residential, consisting of 174 lots at a minimum size of 9,000 square feet and 75-foot minimum lot width. Proposed density is 2.34 units per net buildable acre.

Included within the site are approximately 33 acres of wetlands, which are being set aside as an open space amenity. Required open space is approximately 27 acres, comprised of wetlands, a neighborhood park, landscape/buffer areas, and stormwater management areas. Under the approved Development Order, the developer has agreed to include several features in the project to address off-site development issues. These include:

- A conservation easement dedicated to Seminole County over the existing wetland on the west side of the property, allowing storage of off-site stormwater runoff to facilitate drainage in the area. This stormwater retention feature would be connected to Bear Gully Creek via a 20-foot drainage easement through the development;
- A 30-foot utility easement allowing Seminole County Environmental Services to install a major water line which will facilitate service to areas outside the project boundaries; and

A pedestrian walkway connecting Kenmure with Red Bug Lake Road using a 20-foot right-of-way extending south from the Citrus Road intersection. The BCC's intention was to provide safe access to the subdivision for children walking to and from school along Citrus Road.

The present request addresses the second and third items listed above. Since the date of the original zoning approval, the project has undergone the detailed review process associated with Final Master Plan approval. Based on issues arising from this review, the applicant is requesting BCC approval of certain changes to the Development Order.

With regard to the utility easement, the Development Order required a 30-foot width and an internal route along subdivision streets as it crosses the development between Brooks Lane and Mikler Road. The purpose of this route was to avoid the need for work crews to dig along the south property line, where this activity would potentially disturb adjoining property owners. Also, establishing an easement along the south boundary would restrict the type(s) and size(s) of landscape plantings for buffering purposes.

In the intervening months since zoning approval, an adjoining property owner has contracted to purchase 8 lots within the PUD situated near the south boundary (Lots 63-70) in order to keep them in their natural condition. The proposed Final Master Plan indicates that these lots are not to be cleared as part of site work for the project, creating a wider buffer than the 40-foot area shown on the preliminary master plan. In addition, the new easement location will effectively increase the width of the south buffer once installation of the water line is complete.

At the same time, the Environmental Services Department has indicated a preference for the easement to be located along the south boundary of the site, as this location is more accessible for construction and maintenance purposes, and less disruptive to future residents of Kenmure. The approved location would have placed a major water line adjacent to the front yards of homes in the development, as well as complicating the design and installation of utility distribution lines serving these homes.

It should be clarified that the easement alignment, as now proposed, would only follow the south property line for approximately 500 feet. It would be adjacent to the entrance road from Brooks Lane on the west, follow the rear of lots 54-76, cross Bear Gully Canal, and connect to Mikler Road between Lots 173 and 174. The compatibility issue had focused on the area approximately denoted by Lots 63-68, which are separated from the south boundary by Lots 63-68, which are separated from the south boundary by a buffer area 40 feet in width.

The other issue being raised by the applicant involves clarification of responsibility for the pedestrian access to Red Bug Lake Road. This proposed access would be located in an existing unimproved County right-of-way approximately 20 feet in width, extending from the Citrus Road/Red Bug Lake Road intersection directly south to the Kenmure site. The Development Order required the developer to establish this access "if determined to be feasible by the Development Review Division." The applicant agrees to construct a portion of this access connecting an internal Kenmure street to the north project boundary, but argues that other property owners along the right-of-way collectively should provide the balance of the walkway leading to Red Bug Lake Road.

A second point of contention related to the access is a review comment from the Sheriff's Office suggesting that an open pedestrian access defeats the security aspect of a gated community, and could compromise safety within the development. The applicant supports

this viewpoint. However, Planning staff finds that the access would also provide an important safety amenity by creating a path for schoolchildren physically separate from vehicular traffic. If the Board determines that the access is needed, the Kenmure developer should be required to construct the full length of the facility to Red Bug Lake Road.

A final issue for the Board's consideration is a proposal to waive the requirement for a left-turn lane for southbound traffic entering the development from Brooks Lane. According to the Development Review Division, existing traffic levels on Brooks Lane, together with traffic associated with Kenmure, will require the left turn lane. Both counts independently meet the thresholds for a turn lane installation. Further, staff evaluated drainage impacts after installation of the turn lane and found that they would be minimal.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

	<b>Zoning</b>	<b>Future Land Use</b>	<b>Existing Land Use</b>
<b>North</b>	A-1 and R-1A	LDR	vacant and single family residential
<b>South</b>	A-1	SE	vacant and single family residential
<b>East</b>	A-1	LDR	vacant and single family residential
<b>West</b>	A-1 and R-1AA	LDR	single family residential

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

**STAFF RECOMMENDATION**

Staff supports relocation of the utility easement, as the proposed location is more efficient for construction and maintenance and has less potential to disturb residents of the development. Since the neighboring property owners have purchased several lots for buffering purposes, compatibility along the south boundary is not an issue.

The applicant's proposal with regard to the pedestrian access could lead to an undue delay in providing this amenity. Staff feels that, while other property owners may someday benefit from the access without having contributed to it, the need would be immediate and almost wholly a result of the Kenmure project. As for safety, the risk of intruders in the neighborhood should be balanced against the benefits of a paved footpath for schoolchildren, completely separated from vehicular traffic.

Finally, the left turn lane for traffic entering Kenmure from Brooks Lane is justified by existing and potential traffic counts, and should be provided per Code requirements.

**PLANNING & ZONING COMMISSION RECOMMENDATION**

Recommendations of the Planning & Zoning Commission will be presented by staff at the hearing.

FILE # Z2001-041

DEVELOPMENT ORDER # 1-20500003

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On November 12, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

**FINDINGS OF FACT**

**Property Owners:** BETTY O. GALLOWAY, DONNA L. BAYER, SANDRA C. MACHERONE,  
Co-Trustees of the Betty O. Galloway Trust

**Project Name:** Kenmure PUD

**Requested Development Approval:** Rezoning from A-1 zoning classification to PUD zoning classification

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 owners of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER  
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 the owners of the property expressly agree and consent to be bound by are as follows:

- a. Establish a pedestrian access on existing 16-foot Citrus Rd. right-of-way connecting the site to Red Bug Lake Rd., subject to design standards as specified by the Development Review Division.
- b. Require the following minimum building setbacks:
  - 20' front
  - 25' rear
  - 7.5' side
  - 20' side street (corner lots)
- c. No lots shall have direct access to Mikler Rd. except for those not having frontage on internal streets.
- d. The developer shall dedicate sufficient property along Mikler Rd. to provide a 40' half right-of-way.
- e. Minimum lot sizes and widths shall be as follows:
  - 9,000 square feet, minimum 75' width at building line
  - 10,650 square feet, minimum 85' width at building line.
- f. Maximum building height shall be 35'.
- g. Minimum house size shall be 2,000 square feet.
- h. The Developer will provide a 30-foot utility easement between Brooks Lane and Mikler Rd. Final alignment of the easement will be determined prior to Final Engineering Approval.

The developer will dedicate a drainage easement to Seminole County over the existing wetland located on the west side of the property. The County will be allowed to store additional stormwater runoff within said easement to attenuate flows from offsite areas without adversely impacting the development. A 20-foot drainage easement will also be dedicated to Seminole County beginning at the east side of the existing wetland, extending east to the boundary of the Bear Gully Creek Easement. The final easement alignment will be finalized prior to Final Engineering Approval.
- j. The Mikler Rd. entrance shall line up with the north-south portion of Mikler Rd. to form a T-intersection.
- k. The developer will contribute a fair-share payment toward a traffic light at Mikler Rd., if warranted.

Recreational uses to be provided within the development shall be established in the Final Master Plan.

m. On all lots bordering the north property line, the north 10 feet shall be left undisturbed. No fences shall be permitted in this area.

(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.**

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Betty O. Galloway, Trustee, on behalf of herself, Betty O. Galloway Trust and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Betty O. Galloway Trust  
BETTY O. GALLOWAY, TRUSTEE  
Property Owner

\_\_\_\_\_  
Witness

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 Betty O. Galloway who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

**OWNER'S CONSENT AND COVENANT**

COMES NOW, the owner, Donna L. Bayer, Trustee, on behalf of herself, Betty O. Galloway Trust and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Betty O. Galloway Trust  
DONNA L. BAYER, TRUSTEE  
Property Owner

\_\_\_\_\_  
Witness

**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 Donna L. Bayer who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Sandra C. Macherone, Trustee, on behalf of herself, Betty O. Galloway Trust and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Betty O. Galloway Trust  
SANDRA C. MACHERONE, TRUSTEE  
Property Owner

\_\_\_\_\_  
Witness

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 Sandra C. Macherone who is personally known to me or who has produced \_\_\_\_\_ as identification and who did execute the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: