

**LOCAL PLANNING AGENCY/**  
**PLANNING AND ZONING COMMISSION**  
**COUNTY SERVICES BUILDING**  
**ROOM 1028**  
**January 9, 2002 – 7:00 P.M.**  
**MINUTES**

**Board Present:**

Tom Mahoney, Acting Chairman  
Ben Tucker  
Don Nichols  
Beth Hattaway

**Board Absent**

Dick Harris, Chairman  
Paul Tremel  
Alan Peltz

**Staff Present:**

Matt West, Planning Division  
Cindy Matheny, Planning Division  
Craig Shadrix, Planning Division  
Jerry McCollum, Engineering Division  
David Martin, Engineering Division  
Shannon Saffron, Development Review Division  
Karen Consalo, Assistant County Attorney

**I. CALL TO ORDER**

Tom Mahoney, Acting Chairman, convened the meeting to order at 8:06 p.m.

**II. ROLL CALL**

Quorum was established.

**III. ACCEPTANCE OF PROOF OF PUBLICATION**

**Commissioner Mahoney asked for Proof of Publication**

**Motion by Commissioner Tucker to accept proof of publication. Second by Commissioner Nichols.**

**Motion passed unanimously. (4-0)**

#### **IV. APPROVAL OF MINUTES**

**Approval of the minutes for the December 5, 2001 meeting was deferred until the next scheduled LPA meeting on February 5, 2002 at 7:00 pm.**

#### **V. OLD BUSINESS**

**TRAILS PROTECTION ORDINANCE; SEMINOLE COUNTY (ENGINEERING DIVISION / PARKS AND RECREATION / PLANNING AND DEVELOPMENT / COUNTY ATTORNEY / STATE OF FLORIDA OFFICE OF GREENWAYS AND TRAILS);** APPROVAL OF A TRAILS PROTECTION ORDINANCE THAT WILL ALLOW SEMINOLE COUNTY THE ABILITY TO BETTER OVERSEE AND PROTECT THE COUNTY'S TRAIL SYSTEM BY ESTABLISHING AN APPROVAL PROCESS FOR TRAIL CROSSINGS, SHARED USES, AND ENCROACHMENTS.

##### ***COUNTYWIDE***

***Jerry McCollum***

The Board had looked at an initial Trail Protection Ordinance in June and since that time staff has met with several user groups. The proposed Ordinance is a coordinated work effort that has been reviewed extensively by the Trails and Greenways Advisory Committee, the Development Advisory Board, representatives for private property owners along the Trail corridors and concerned citizens. The vast majority of all input received from these groups has been incorporated into the proposed Ordinance.

At this stage, staff believes this Ordinance is about 99.9% acceptable to all the parties that staff has been working with. With this Ordinance in place, the County will have the ability to better oversee and protect the County's Trail system by establishing an approval process for Trail crossings, shared uses and encroachments.

##### PUBLIC COMMENT

Andrea Holman, 1208 Clinging Vine Place, is with the Sierra Club of Central Florida. She thanked the Trails Committee for going back and readdressing some of the issues in the Ordinance. She had two areas of concern. The first is in Section 9, Standards of Review, Item b. She feels that if there is a change in land use, that other accesses are justified and the integrity of the Trail may be compromised with those additional crossing. She would like to see stronger language that if a new zoning occurred which included a land use change to a more intense use, the developer of the property would have to demonstrate that no additional crossings would be made or if there were, they could reroute the Trail or do something else that would protect the integrity of the Trail. In Section 9(c), she feels that language for the access structures could be stronger as well. The Trail that goes through the Oviedo area has several footbridges that go across and make the unsightly. There are several accesses to the Trail along roads and many of those roads are neighborhood roads. To see the Trail broken up with a lot of footbridges makes the Trail not as beautiful.

The second issue is penalties on encroachment in Section 11(h). There is no incentive to encourage people to get a permit ahead of time.

In Section 13(c), there is no real penalty for tree damage or removal. She feels that language could be stronger there as well.

Tim Doniha, 1709 Fountainhead, is on the Trail Protection Committee. He is very pleased with the Ordinance and feels it is a product worth forwarding to the Board of County Commissioners.

**Motion to approve by Commissioner Tucker. Second by Commissioner Nichols.**

**Motion was approved unanimously. (4-0)**

**VI. NEW BUSINESS**

- A. LAKE FOREST SECITON 16 (PSP); GARY ADAMS / DRMP / DAVE LOWE; APPROXIMATELY 17.58 ACRES MORE OR LESS; PRELIMINARY SUBDIVISION APPROVAL FOR 38 LOT, SINGLE FAMILY RESIDENCE, ZONED PD; 550 S OREGON CT,SANFORD, FL 32771**  
**Commissioner McLain – District #5 Shannon Shaffron**

The applicant, Orlando Lake Forest Joint Venture, is requesting approval of a 38 lot Preliminary Subdivision Plan for the Lake Forest Planned Unit Development located on the south side of Orange Boulevard, north of SR 46 and south of Nevada Avenue. The property is approximately 17.58 acres and is zoned PD (Planned Development). The minimum lot size is 8,775 square feet. Minimum lot width at the building line is 65’.

Seminole County is providing water and sewer. The roads are private and maintained by the homeowner’s association. The PSP meets all Land Development Code requirements. There were no waivers requested for this project and staff does recommend approval.

**Motion by Commissioner Nichols to approve to approve the Preliminary Subdivision Plan as presented by staff. Second by Commissioner Tucker.**

**Motion passed unanimously. (4-0)**

- B. WEKIVA GLOBAL COMPLIANCE SEMINOLE COUNTY GOVERNMENT; THE WEKIVA GLOBAL COMPLIANCE AGREEMENT AND THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN REQUIRE ADOPTION OF ENVIRONMENTAL DESIGN STANDARDS FOR THE WRPA (OUTSIDE THE EAST SYLVAN LAKE TRANSITIONAL AREA) COUNTYWIDE**  
**Craig Shadrix**

- C. WEKIVA GLOBAL COMPLIANCE SEMINOLE COUNTY GOVERNMENT; THE WEKIVA GLOBAL COMPLIANCE AGREEMENT AND THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN REQUIRE ADOPTION OF OUTDOOR LIGHTING STANDARDS FOR THE STATE ROAD 46 SCENIC CORRIDOR. COUNTYWIDE**  
**Craig Shadrix**

The Wekiva Global Compliance Agreement and Vision 2020, policy FLU 14.9, required adoption of three mandatory environmental design standards and directed the study of optional standards to be applied to development in the Wekiva Protection Area. Staff has prepared an Ordinance that includes the mandatory standards and components of the optional standards that were deemed professional feasible. . These are also requirements of the adopted Comprehensive Plan policies.

The schedule for this item is planned to proceed as follows:

Briefing of the BCC.....February 12, 2002  
LPA/P&Z public hearing .....February 6, 2002  
BCC public hearing #1.....March 12, 2002  
BCC public hearing #2.....March 26, 2002

The first Ordinance involves Environmental Design Standards for the Wekiva River Protection Area, Policy 14.9. This requires the adoption of four mandatory design standards and the study of three additional ones. The Ordinance presented tonight is a combination of those that staff has studied and have sent out to the environmental groups that have been involved with the process and the Development Advisory Board for review.

The second Ordinance is regarding outdoor lighting standards for the SR46 Scenic Corridor Overlay that was recommended by this Board back in May and adopted by the Board of County Commissioners. This Ordinance develops outdoor lighting standards to be applied in those areas applicable to that overlay and provides for type and styles that produce more environmentally friendly lighting (i.e., reduction of glare and spillage) while still retaining the overall function of the lighting.

**Commissioner Mahoney had a comment to send forward on Item B, Page 6, *Development Activity*. It talks about forbidding any fill within the 100 year floodplain. While wetlands are important resources to be protected and buffering those with an average of 15' and a minimum of 25' is a good idea, he cannot find any reason under any study that prohibits fill and is not supported by any facts that he knows of.**

**Commissioner Tucker asked if staff was only using the FEMA map?**

Mr. Shadrix said no. Staff is using St. Johns data as a tool to identify where wetlands potentially occur. This is wording from the actual settlement agreement and that is why it is in the Ordinance as such. Staff always tries to use the best available source of data.

**Commissioner Mahoney asked staff to clarify whether the data is being used to determine wetland lines or floodplain lines before it is brought back on February 6<sup>th</sup>.**

**Commissioner Tucker asked about the wildlife corridors on Page 4, Section 5, last paragraph. What kind of feedback has there been in reference to that from neighborhood associations?**

Mr. Shadrix said as of this time he has not received any feedback but staff has received permission to advertise by the Board of County Commissioners which means that now a copy of the Ordinance is available in County records for public review.

**Commissioner Tucker said that he has heard a lot of comments now that were not in favor of creating wildlife corridors as it interfaces with private homes.**

Mr. Shadrix asked Commissioner Tucker if his comment was directed towards the concept of clustering?

**Commissioner Tucker said when there is clusterings with corridors that go around them and have specifications of individual fencing it mandates different things and would allow wildlife to go through and children to go out, it infringes upon the use of it as a private residence for families. We ought to give consideration to that and the fencing requirements that this will eventually impact.**

***D. YANKEE LAKE SEMINOLE COUNTY GOVERNMENT; LARGE SCALE ADMINISTRATIVE COMPREHENSIVE PLAN AMENDMENT FROM PUBLIC-QUASI PUBLIC AND CONSERVATION TO RECREATION; 02S.ADMIN01; NORTHERN ONE THIRD OF THE YANKEE LAKE PROPERTY LOCATED APPROXIMATELY 1 MILE EAST OF THE COUNTY LINE, NORTH OF STATE ROAD 46, ABUTTING THE LOWER WEKIVA STATE PRESERVE TO THE EAST AND THE RIVERSIDE RANCH WILDERNESS AREA TO THE WEST.***

***Commissioner McLain – District #5***

***Craig Shadrix***

This amendment for a portion of the Yankee Lake property is required by the Wekiva Global Compliance Agreement and the Seminole County Vision 2020 Plan. The Board of County Commissioners authorized the processing of the amendment by resolution on August 14, 2001.

Consistent with Policy FLU 14.5, the County conducted a study to determine what portion of the Yankee Lake Wastewater Treatment Facility property is necessary to accommodate present capacity and projected wastewater treatment needs. Upon completion of the study, that portion of the Yankee Lake property determined to be surplus to this function shall be reassigned the Recreation land use designation and, consistent with applicable bond covenants, incorporated into the County's Greenways, Trails and Natural Lands Program. In addition, if at any time thereafter, it is determined by the County that a portion of the Yankee Lake property is not required as a public utility, then that portion shall be reassigned the Recreational land use designation and also incorporated into the County's Greenways, Trails and Natural Lands Program. It is the intent of this policy to ensure those public lands valuable to

the protection of natural resources within the Wekiva River Protection Area are retained for preservation in perpetuity.

**Commissioner Tucker asked what kind of recreation was going there?**

Mr. Shadrix said it would be passive resource space recreation consistent with our Natural Lands Program. It would be combined with the Riverside Ranch Wilderness Area that has recreational land use also into one big natural lands property, all of which was approved in a Master Plan by the Board of County Commissioners. They have the right to set land uses by resolution.

**Commissioner Tucker said it is a misnomer to call it a recreation property on those floodplains. He asked if it would be fenced off?**

Mr. Shadrix said there is a fence that is placed around the perimeter of all our natural lands properties. There are some uplands on there and trails that exist and it has been recommended by adjacent homeowners that they would like to use it for horseback riding. Additionally, it is for preservation. It is a significant area that is used by black bears and other wildlife.

**Commissioner Tucker said he has no problem with it being recreation if it is truly recreation. It is fenced off with no access by the public and to say it is recreation is not correct.**

Mr. Shadrix said it would be open to the public.

PUBLIC COMMENT

Jim Lee, PO Box 6196, did not speak but was in favor of the Plan Amendment. His comments were entered into record.

Keith Shue, Sierra Club, was in favor of the Plan Amendment. It allows for the management of that property by Natural Lands personnel at the County and allows them to facilitate and actually improve and protect that corridor for the wildlife that is there. It also offers the opportunity for recreational uses by the citizens of Seminole County, which is a tremendous benefit. He recommended approval by the Board.

Sam Kendall, 510 Hermits Trail, spoke in favor of the Plan Amendment. He encouraged the Board to move forward with staff's recommendation. He felt that changing the land use would have a number of benefits not just for the wildlife but also for the citizens of Seminole County. He agrees with Commissioner Tucker that the benefits from this land use change will occur because of the opportunity to save the wetlands that exist on this site more than it would be a recreational value. He thanked Seminole County for their active role in the restoration of the Scrub Jay habitat at the Yankee Lake facility.

**Motion by Commissioner Tucker for approval with the comment that preservation instead of recreation would be a better classification for this property. Second by Commissioner Nichols.**

**Motion passed unanimously. (4-0)**

***E. SR 46/RYLAND HOMES; SEMINOLE COUNTY GOVERNMENT; APPROXIMATELY 2.5 ACRES MORE OR LESS; SMALL SCALE ADMINISTRATIVE LAND USE AMENDMENT FROM COMMERCIAL TO SUBURBAN ESTATES; 01-02SS.1; PROPOSED RESIDENTIAL SUBDIVISION; SOUTHEAST CORNER OF SR 46 AND LONGWOOD MARKHAM ROAD***

***Commissioner McLain – District #5***

***Cindy Matheny***

The applicant, Seminole County, requests approval of an administrative small-scale land use amendment from Commercial to Suburban Estates for this 2.5 acre parcel in order to minimize future non-residential intrusion into the Wekiva River Protection Area and to create a more compatible environment for future development trends within the Wekiva River Protection Area.

This Commercial land use is one half of the commercial land use located at the intersection of SR46 and Longwood Markham Road. On October 9, 2001, the Board of County Commissioners rezoned the southeast corner of the intersection to PUD for the Ryalnd Group. At that time, the Board indicated that the Commercial land use should be eliminated, as it would be a benefit to the development trends of the area. In addition, the Friends of the Wekiva and the Audubon Society indicated that it would be beneficial to the environment by eliminating the Commercial land use. The owners of the property have consented to the processing of this amendment.

Staff recommends approval of the Suburban Estates land use with findings that Suburban Estates land use, as proposed, would be:

1. Consistent with Plan policies related to the Suburban Estates land use designation; and
2. Consistent with adjacent Low Density Residential and Suburban Estates land uses within the area; and
3. Consistent with the policies and guidelines within the Wekiva River Protection Area; and
4. An appropriate use at this location; and
5. Consistent with Plan policies identified at this time.

**PUBLIC COMMENT**

Jim Lee, Friends of the Wekiva, is in favor of the request but did not speak. His comments were entered into record.

Keith Shue, Sierra Club, supported the land change and submitted a letter of comments along with photographs and a list of bears killed in Seminole County from 1985-2000 in the SR46 corridor east of the Wekiva River, which were entered into the record.

**Motion by Commissioner Nichols to approve the land use change. Second by Commissioner Tucker with comments.**

**Commissioner Tucker said this was a portion of an overall site that we had a considerable amount of discussion on and there was a considerable amount of concessions by the landowner and also by the County. We came up with a good way to develop a good piece of developable property that was zoned Agriculture. Some additional yield was given up in exchange for changing the land use from Commercial back to this rural land use.**

**Motion passed unanimously. (4-0)**

***F. PICERNE DEVELOPMENT CORPORATION, ROBERT M. PICERNE/ CHRISTOPHER L. NEW; APPROXIMATELY 2.51 ACRES MORE OR LESS; REZONE FROM AGRICULTURE (A-1) TO COUNTRY HOMES DISTRICT (RC-1); NORTHEAST CORNER OF MARKHAM ROAD AND LAKE MARKHAM ROAD***

***Commissioner McLain – District #5***

***Jeffrey Hopper***

The applicant is seeking to rezone from A-1 (Agriculture) to RC-1 (Country Homes District) in order to divide the subject property into 2 residential lots. The property is approximately 2.5 acres and is located at the northeast corner of Markham and Lake Markham Roads. The lot width requirement in A-1 is 150', while RC-1 requires only 120'. Due to the width of the property a lot division could not be approved under A-1 zoning. Each resulting lot will be a minimum of 1 net buildable acre in size. Minimum house size will be 1,200 square feet. Both lots will have legal access on Lake Markham Road. Along this road frontage, requirements of the Longwood-Markham Overlay will have to be met, including fencing made of natural materials; and no sodding or clearing of native vegetation. An existing driveway connecting to Markham Road may be used for physical access into the east lot. However, no new Trail crossing points will be allowed.

Future land use in the area is Suburban Estates and the proposal is consistent with the designated land use. Surrounding land uses are: a soccer field in A-1 to the north; an electric power substation in A-1 to the east; a Seminole County Trail Corridor to the south; and vacant A-1 to the west.

Staff recommends approval of the request, based on compliance with the Land Development Code and the Vision 2020 Plan, specifically the Suburban Estates land use designation.

The applicant, Robert Picerne, agreed with staff recommendations and requested Board approval.

PUBLIC COMMENT

No public comment.

**Commissioner Tucker said the existing soccer field is established there and is a major asset to this community. When it is heavily used, it is noisy. He wanted it noted up front that there would be a lot of cars there, a lot of parents there, and a lot of lighting, noise and whistles. At some point, neighbors have come in from other sides that were there before this and understandably complained about the issues at hand. It is there, it is going to stay, and if you don't like soccer, this would be the wrong place to live. Commissioner Tucker requested his comments be forwarded to the Board of County Commissioners.**

**Motion by Commissioner Tucker for approval. Second by Commissioner Nichols.**

**Motion passed unanimously. (4-0)**

***G. PARKER OFFICE COMPLEX; HARLING & ASSOCIATES/HUGH HARLING; APPROXIMATELY 2.6 ACRES MORE OR LESS; REZONE FROM AGRICULTURE (A-1) TO RESIDENTIAL PROFESSIONAL (RP) TUSKAWILLA-GARIELLA ROAD AND RR ROW EAST SIDE OF TUSKAWILLA ROAD, 500' NORTH OF SR 426***

***Commissioner Maloy - District#1***

***Jeffrey Hopper***

The applicant, Hugh Harling, is requesting a rezoning from A-1 (Agriculture) to Residential-Professional (RP) in order to develop an office complex on 2.6 acres near the intersection of Tuskawilla Road and SR426. The subject property is adjacent to a Seminole County Trail right-of-way located immediately to the south. A convenience store has recently been constructed south of the trail at the intersection. Single family development also exists to the west, across Tuskawilla Road. The applicant's site plan shows 12,000 square feet of office space in 3 buildings.

Surrounding land uses are: single family and a day care facility to the north; vacant immediately to the south; vacant to the east; and single family across Tuskawilla Road to the west.

Staff's main concern with this proposal involves compatibility with the developed single family subdivision in the Low Density Residential (LDR) area to the north. Future land use on the subject property is Medium Density Residential (MDR), potentially allowing up to 10 units per acre. However, RP may be considered in an MDR area where it is not detrimental to the character of the surrounding neighborhood or inconsistent with trends of development.

Compatibility may be achieved through sensitive design standards such as buffers, limited building heights, and architectural controls. With proper site design, staff feels that the proposed office use may be an effective transition between commercial uses to the south and low-density residential neighborhoods to the north.

As required by Code, the applicant has agreed to provide active edge buffers on the north property line, and also adjacent to the day care site. Because of the irregular shape of the parcel, the applicant is requesting waivers to reduce active edge building setbacks and buffer widths, but will provide the required 6' brick or masonry walls. In addition, the applicant is showing 10' landscape buffers on the south and west, adjacent to the Trail right-of-way and Tuskawilla Road.

Staff recommends approval of the request, subject to the following conditions:

1. Active buffers shall be provided along the north property line and adjacent to the day care facility, subject to the following waivers:
  - a. reduction of active edge building setback from 50 to 30 feet on north property line;
  - b. reduction of active edge buffer width requirement from 25 to 12.5 feet on north property line, with no retention permitted in the buffer;
  - c. reduction of active edge building setback from 50 to 10 feet adjacent to day care facility;
  - d. reduction of active edge buffer width requirement from 25 to 10 feet adjacent to day care facility.
2. Applicant shall provide a 6-foot brick or masonry wall adjacent to the day care site and between the two north buildings along the north edge of the parking area.
3. Building height shall not exceed 1 story.
4. Open space shall constitute at least 25% of the site, and retention areas shall be arranged as visual amenities where they are counted toward this requirement.
5. Applicant shall attempt to obtain joint access to Tuskawilla Rd. with the adjoining day care center, subject to review and approval by the Development Review Division.
6. No vehicular trail crossing shall be permitted.
7. Applicant shall provide paved pedestrian paths connecting entrances of buildings to the sidewalk on Tuskawilla Rd.
8. All buildings shall have hip or gable roofs.
9. Windows must be provided in all sides of buildings.
10. Buildings must be designed with residential-style architecture.
11. North buildings shall have motion-sensor security lights only.
12. There shall be no parking lot lighting fixtures within 100 feet of rear lot lines of residential lots. Maximum height of these fixtures shall be 15 feet.
13. Fire lanes shall be provided in accordance with the Land Development Code.
14. Dumpster(s) shall be located at least 100 feet from north property line.

15. Mechanical units shall be screened. No mechanical units shall be allowed on roofs or within 50 feet of the north property line.

**Commissioner Mahoney noted that the map that was included in the Board's package did not reflect the three buildings.**

Hugh Harling, the applicant, said this property where the day care is located is the former homestead of the owner, Bob Parker. Mr. Parker has since sold that property and we will cooperate in trying to get a joint access with the day care for this particular location.

The information that has been provided by Mr. Harling is current and does have the three building locations. There was previous design that had two buildings, and he have improved upon that, and this is the improved version that the applicant wishes to construct.

Staff made an excellent presentation and he has no changes on items 1 through 5 and 7 through 15, however he would like to make a change to item 6, "*No vehicular trail crossing shall be permitted*". He wishes to exercise his rights to cross the trail. If you look at the aerial in this particular location, there is a vacant piece of property just to the south of the Trail and to the south of that is a brand new 7-11. If you look at the property immediately to the east, there's a 14 acre tract that is a PUD that also includes a combination of Office and Storage and Commercial on the front. He is working with those property owners right now. The intent on that out-parcel in that particular location is to put in a Walgreens type facility and to have a small office park similar to the one that has been constructed on Lake Mary Boulevard. It is residential in scale, single story and is a very popular design for an office park at this time.

The purpose in having a vehicular trail crossing adjacent to Tuskawilla is to widen the crossing there at Tuskawilla at that same location. It would be a co-location and allow significant cross access between all of these properties and allow people to come in and use the property and go from site to site without interfering with the traffic flow on both Tuskawilla and SR426. There are significant trip reductions that would take traffic out of the intersection of 426 and Tuskawilla and he feels it is warranted on that basis. Mr. Harling respectfully requested that Item 6 be deleted as a requirement for this project.

**Commissioner Mahoney asked if the crossing that the applicant is seeking was vehicular or pedestrian only?**

Mr. Harling said it would be vehicular.

## PUBLIC COMMENT

Bob Ashton, 2770 Tuskawilla Road, lives across the street directly west of the subject property and across Tuskawilla Road. He is not specifically opposed to the changing of the zoning and he agrees that it is probably the best use for that parcel. He had several concerns. The development of that corner is already quite extensive. The lighting from the 7-11 on that corner is unbelievable in the evening. He would like to request that a significant landscape buffer be placed between the office complex and Tuskawilla Road. He would also like to get a better understanding of what the applicant proposes with the joint access with the day care center, and what is referred to as a "full median access." At the present time there is a left turn only median opening coming from the north on Tuskawilla Road, to the south toward Aloma, in front of the day care center. He would like to know if they are proposing a full median cut in lieu of that partial median cut for access, not only both right/in and right/out for this office complex but also left/out going to the south across Tuskawilla Road.

Mr. Harling said Mr. Ashton is correct. There is a left turn only median opening coming in off Tuskawilla, located almost at the property line between the two pieces of property, and it would be his intent to get a joint access at that point and he would continue to use that left/in only. There is no intent to develop a full median entrance at that location.

As a current Trail user, Mr. Ashton would be opposed to vehicular traffic crossing the Trail at that point.

### **Commissioner Tucker asked if items #11 and #12 would sufficiently address the lighting situation?**

Mr. Ashton said that item #12 refers to the rear lot line of the residential lots in the Bear Creek Subdivision. Mr. Ashton's property is located to the west.

### **Commissioner Hattaway asked Mr. Ashton if his main concern regarding the buffer along Tuskawilla Road is the light pollution?**

Mr. Ashton said yes, it is already extremely significant. There is not enough buffer with the 7-11.

Jim Hunt, 2760 Tuskawilla Road, spoke in opposition to the request. He owns two homes along Tuskawilla directly to the west across from the subject property. He is concerned about staff's conclusion that office use, as proposed, is an effective transition between commercial uses to the south and low density residential uses to the north. He believes additional efforts by the property owner and the County need to be taken to help ensure that the hours of operation, the lighting, the landscape plan and other buffers are truly compatible and consistent not just with development to the north and to the south but also with those directly across Tuskawilla Road along the western line of the property. He feels special consideration should be given concerning the light pollution and the hours of operation because this is still a predominantly residential area.

Andrea Holman, 1208 Clinging Vine, is concerned about the Trail crossing. She asked for clarification on where the trail crossing would be and whether this is for convenience or a necessity.

Mr. David Martin said the Cross Seminole Trail, which abuts this property, is owned by the State and managed by Seminole County. He disagrees with Mr. Harling. There is no "right" to cross this trail and no benefit to the Trail users but more of a safety concern for Trail users. We already will have to cross Tuskawilla Road with our design and to have another crossing in that close proximity would not be supported. The State in issuing any type of crossing would seek County support to approve that.

**Commissioner Mahoney asked if the applicant wished to request a crossing, with whom would he make the request to since this Ordinance is not adopted yet?**

Right now the State would handle the request for the crossing and that would be a request for an easement and then the County would be contacted and asked whether or not they supported it.

**Commissioner Hattaway asked where the next closest crossing is located other than Tuskawilla Road?**

Mr. Martin said the next closest crossing of the Trail would be down at Bear Gully Road.

Mr. Harling said he appreciated the input from the property owners across the street. There is a 10' landscape buffer, which is a code requirement, along Tuskawilla Road. He is willing to enhance that landscaping.

In response to the light pollution issue, the 15' height is fine. In addition, having those lights directed down into the parking lot is also fine. There may be people working there until 9:00 at night but we can set it up where after a certain time period, maybe 9:00 p.m., the number of lights that are working are reduced so that there is still security but less light pollution.

**Commissioner Mahoney said he is concerned about the rezone to RP for this site that is surrounded by residential on three sides. There are 4 requests for deviations from the standards that are in place to ensure that a development would be appropriate. The reductions in item #1 are inappropriate. He is not saying it is inappropriate to put office on this site, but he feels that those 4 conditions make it inappropriate and incompatible with the surrounding area. Therefore, he is not going to support this request.**

**Commissioner Tucker said these conditions would probably not be there or not as large a reduction if this property were not a uniquely configured piece of land. Commissioner Tucker did not agree with Commissioner Mahoney and asked him if he would like to pass the gavel to make a motion.**

**Commissioner Nichols felt this was a good transition and commended the applicant for working with the residents and being sensitive to their concerns.**

**Motion by Commissioner Nichols to approve the recommendation with item #12 modified to direct the west side lighting directly on the property. Second by Commissioner Tucker.**

**Motion passed 3-1. Commissioner Mahoney voted against the motion.**

**H. BUTLER RIDE DEVELOPMENT BUTLER DEVELOPMENT, INC./ELLSWORTH GALLIMORE; APPROXIMATELY 107 ACRES MORE OR LESS; REZONE FROM AGRICULTURE (A-1) TO PLANNED UNIT DEVELOPMENT (PUD); SOUTH OF RED BUG ROAD BETWEEN BROOKS ROAD AND MIKLER ROAD**

**Commissioner Maloy - District#1**

**Jeffrey Hopper**

The applicant is requesting approval of Kenmure Subdivision, a PUD approximately 108 acres located ¼ mile south of Red Bug Lake Road, bordering Brooks Lane to the west and Mikler Road to the east. The proposed land use is single family residential, consisting of 178 lots on the subject property at a density of 2.4 units per net buildable acre and 1.65 units per gross acre.

The Preliminary PUD plan shows lots at a minimum size of 9,000 square feet and a 75' minimum lot width. Minimum house size would be 1600 square feet with a maximum building height of 35'. Future land use on the subject property is Low Density Residential and Suburban Estates.

Surrounding land uses are: vacant and single family in LDR land use to the north; vacant and single family in Suburban Estates to the south; vacant and single family in LDR land use to the east; and single family in LDR to the west.

Access to the site will be from Brooks Lane on the west and Mikler Rd. on the east. Streets will be private and entrances will be gated.

The applicant has agreed to provide a pedestrian access to the subdivision in an existing 16' R/W linking the subject property with Red Bug Lake Rd. along a North-South alignment extending to S. Citrus Rd. This would be used primarily by elementary school children walking north along Citrus Rd.

Included within the site are approximately 33 acres of wetlands, which are being preserved as an Open Space amenity. Open space in the development also includes a neighborhood park, wet retention ponds, and buffers. Landscaping on the site will be provided at the main entrance on Brooks Lane; and in a 10' buffer along Mikler Road (which will include a 6' masonry wall). Also, a minimum of 3 trees would be preserved or provided on each lot.

Although the lot sizes are similar to those found in R-1A, proposed setbacks are somewhat smaller, at 20' front, 25' rear, and 7.5' on the sides.

A 30' buffer is being provided along the south boundary of the site such that no lots will directly touch SE land use areas. The portion of the subject property extending into the SE land use will remain in its natural state. Included within this south buffer area will

be a 15' utility easement to be dedicated to Seminole County. The applicant will also dedicate additional right-of-way and contribute to improvement costs for Mikler Road.

Staff recommends approval of the request, subject to the following conditions:

1. Establish a pedestrian access on existing 16' Citrus Road right-of-way connecting the site to Red Bug Lake Rd., if determined to be feasible by the Development Review Division during Final PUD review.
2. Require the following minimum building setbacks:
  - 20' front
  - 25' rear
  - 7.5' side
  - 20' side street (corner lots)
  - 10' accessory structures
  - 5' pool deck
  - 5' patio deck
3. No lots shall have direct access to Mikler Road or Brooks Lane.
4. The developer shall dedicate sufficient property along Mikler Road to provide a 40' half right-of-way, and contribute a fair share payment to improvement of Mikler, to be determined at Final PUD.
5. Minimum lot sizes and widths shall be as follows:
  - a. 9,000 square feet, minimum 75' width at building line;
  - b. 10,650 square feet, minimum 85' width at building line;
  - c. corner lots shall have a 15% greater width and area than corresponding interior lots to accommodate setbacks from both streets.
6. Maximum building height shall be 35'.
7. The developer will provide a 15-foot utility easement across the southern portion of the site prior to Final Plat approval.
8. The Mikler Road entrance shall line up with the north-south portion of Mikler Road to form a T-intersection.
9. The developer will install a southbound left turn lane at the Brooks Lane entrance.

**Commissioner Tucker asked staff to point out some of the recent zoning changes in the area.**

Mr. West said just to the north about a 1-1/2 years ago, an adjacent piece of property got rezoned to R1A. They came in and got preliminary subdivision approval and went to final subdivision stage but never built this subdivision. It was single family, R-1A. Also on the corner of Mikler and Red Bug Lake Road there is an approved elder apartment complex that Hugh Harling represented and this corner will have elder apartments on it with a special exception. The CA Stone property is going to have

neighborhood commercial uses. This is about 6 acres. There is another retirement home on the corner of Citrus.

Allan Carpenter, project manager, said that to date a lot of planning has gone into the layout of this subdivision. Mr. Gallimore, the owner, is in agreement with staff's recommendation. He has met with a number of the abutting property owners and will continue to work with them to address any concerns they might have. Mr. Gallimore requested Board approval and that it be sent forward to the Board of County Commissioners for approval.

#### PUBLIC COMMENT

Hal Kantor, PO Box 2809, represents Barrett Farms. He does not oppose the project but has some issues. The staff report indicates the south portion on the southern boundary of the property has single family and undeveloped and that is a little misleading. If you look at this site, there is an operating horse farm, Barrett Farms. It's been operating since 1989. It may not be developed from the perspective of having homes on it but it does have an operating business on it. He feels the staff report should be modified to reflect that. The property that his client owns is in Suburban Estates on the southern boundary and the edges are always difficult to develop. The northern boundary of our property is the southern portion of the property that Mr. Gallimore is trying to develop. We have met with him and the 3 issues we have are:

1. We would like the access road that goes to Brooks Lane pushed further north. We have discussed this with Mr. Gallimore and he is waiting to get environmental information and topography to see if this is possible. He is willing to work with us on this issue.
2. The buffer is not adequate from the perspective of our operating a horse farm. We are also working with Mr. Gallimore on this issue.
3. There is flooding on our property to the south and on that of the adjacent neighbors as well. This flooding has been enhanced over the last couple of years even though there has been less rainfall. There is something happening north of this property that is creating a worse situation and it's obviously not the property Mr. Gallimore seeks to develop. That really needs to be addressed and Mr. Gallimore is looking into that. He does not have a legal obligation to solve an already existing problem, but he has nevertheless agreed to look at a circumstance where he might be able to address part of the problem by piping some of the drainage through his drainage system into an outfall. Whether or not that can be done, it's too early to tell. The County should be paying attention to this as well and he will be talking to the appropriate County staff.

He does not oppose the project but he would like to see these issues addressed.

Tom Boyko, 1451 Thornhill Circle, is the assistant to the Chairman of the Red Bug Residential Coalition. The Coalition is in favor of this request but seeks that the property be developed in the proper way. Mr. Gallimore met with the Coalition this week and their concerns were addressed with understanding and compassion. He is requesting Board approval for this request.

Mr. David Cass, 2100 Mikler Road, does not really oppose the request but would like to see a light at Mikler Road and Red Bug Road. Making a left turn onto Red Bug Road now with no light is scary without an additional 178 proposed homes. He asked if a light could be put there if the Citrus entrance could not be worked out.

**Commissioner Mahoney said the addition of a traffic signal is not a subjective question that the Board can say yes or no to. There are transportation studies, trip counts, projections, they will measure the load at that intersection presently and it will either warrant a signal or not. If it does, the applicant will pay for it, if it doesn't, he won't. It is really not a question for the Board tonight.**

David Polley, 1535 Brooks Lane, realizes that development is inevitable and he feels this plan looks fairly benign. We will lose some of our rural atmosphere but that is probably inevitable also. He also asked that the drainage problem be looked into. He would also like to see accesses out to Mikler Road in addition to Brooks Lane so all the traffic does not accumulate his way.

Michael Amato, 1567 Brooks Lane, is concerned about the greenbelt and the buffer zones they plan on putting up. They are addressed on the Mikler Road side but very little on the Brooks Lane side. He would like to have something a little more specific as to how much of a buffer and how much distance there will be between their property line and where the actual road will be and how much of the existing trees will be left behind between the road and property line.

**Commissioner Mahoney said the application is site plan specific and the Board needs some clarification of what Mr. Amato is concerned about because they are going to vote on a rezoning request and this plan. Commissioner Mahoney asked Mr. Amato if there is something about this plan that is not clear enough?**

Mr. Amato said what is specifically unclear is how much of the tree line and landscaping that is currently there right now will be preserved.

**Commissioner Tucker asked Mr. Amato if he agreed with the request to move that road further north to allow for more of the buffer to be preserved?**

Mr. Amato said it would be great if it could be moved further north to accommodate his request.

Bernard Duncan, 5010 Double R Lane, said his biggest concern is the stormwater drainage. The County is aware of it and started 3 years ago to put underground piping under there to get the water from our property to the canal that goes behind the

property. The County couldn't get all the property owners to work with them on it at that time. The biggest problem now is that water comes through there and the road washes out. He would like to see something done about that.

Nick Hidu, 5175 Double R Lane, is also concerned about the drainage issue. We are in a low area where all of Bear Gully Creek was an original drainage ditch. The big concern is that most people who bought in this area bought because they wanted large pieces of property isolated from subdivisions. It seems like everything in Orange and Seminole Counties is going to subdivisions. One of the impacts that he is concerned about is the light, sound and drainage coming from 178 houses on 50 acres. He is in opposition to the amount of houses being put on 50 acres of land. He is also concerned that the wildlife and native habitat may not be preserved.

A fax to the Planning Department from Robert and Pat Olliff was submitted into the record.

Mr. Gallimore said he didn't want the road out to Brooks Lane either but it was a condition of County staff and he agreed to accommodate them along with the easement for the water line. In answer to Mr. Kantor's concerns about the Brooks Lane access, once he gets the environmental report and topography for that area, he will be happy to look at realigning Brooks Lane. To get that road out to Brooks Lane he needs to go through a little bit of a wetland and the Water Management District requires avoidance or minimization so that is why the road ended up there in the first place. If he finds another area where he can move it to the north, he'll do that to increase the buffer from the property to the south.

Mr. Gallimore and Mr. Kantor are discussing the buffer to the south and hopefully some kind of agreement can be worked out.

Mr. Gallimore said it is not our intention to exacerbate any flooding but what we are going to do is work with the County staff, identify the flooding situation and see if there is anything that we can do, as a developer, to help alleviate that.

The next concern was the traffic light and if one is warranted, we will participate in putting one in.

We will continue to work with the abutting property owners to address their comments and ask for approval of this request.

**Commissioner Nichols said if there is going to be a road put across and the water seems to be flowing from the south across these properties, I assume that your road is not going to be under water.**

Mr. Gallimore said it has not been engineered but we would elevate the road above the existing ground. There is probably a historical hydrology amount of water that flows through there naturally. In a normal condition, if we weren't developing anything, we would design the storm drainage system to convey the predeveloped flow-through. It sounds like there is a staging when the water comes up above a normal water

elevation. When the water stages, we'll take the flood waters which would be conveyed by our property and possibly convey them through our retention pond.

Mr. Hopper said there is one staff condition that needs to be clarified: Conditions for approval, Item #3: *"No lots shall have direct access to Mikler Road or Brooks Lane."* The applicant does have two lots in the southeast corner fronting only on Mikler Road. Staff's comment was really addressing lots that had internal road frontage that might back up to one of the other roads.

**Commissioner Mahoney said the Board was aware of the meaning of that condition.**

**Commissioner Nichols said the citizens that are here tonight seemed to have some concerns about what the applicant is doing. Now that they have had a chance to look at the Plan, it doesn't seem quite as offensive as they once thought it could be. One of his concerns is the impact of 178 homes on Rainbow Elementary and the school zone. That's another issue. We've got children crossing Red Bug Road; that's another issue. As we have growth these are some of the things we need to look at.**

**Commissioner Mahoney is in favor of the request but is concerned about the entrance road to the subdivision abutting the property to the south. It's not the applicant's desire but is staff's request to put the road in to the east and he also understands why we need that road, to spread the traffic out and for public safety purposes. He continues to be concerned about our approving the construction roads that create double frontages. He will support a motion to approve but we need to get out of the habit of putting in roads that abut someone else's property.**

**Motion by Commissioner Tucker to approve the rezoning request from A-1 to PUD with staff conditions as listed in the package. Second by Commissioner Nichols.**

**Motion passed unanimously. (4-0)**

#### **PLANNING MANAGER'S REPORT**

No report was given.

#### **VI. OTHER BUSINESS**

Mr. West thanked the Board for their patience and for the newest member, Commissioner Beth Hattaway, for coming tonight. He reminded the Board that there will be two meetings in February. They will be one held on February 6<sup>th</sup> and another on February 20<sup>th</sup> at 7:00 p.m.

## **VII. ADJOURNMENT**

Meeting adjourned at 10:17 p.m.  
Respectfully Submitted,

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Fran Newborg, Recording Secretary

**The public hearing minutes of the Seminole County Local Planning Agency/Planning and Zoning Commission are not a verbatim transcription. Recorded tapes of the public hearing can be made available, upon request, by contacting the Seminole County Planning Division Office, 1101 E. First Street, Sanford, Florida, 32771, (407) 665-7371.**