

**Minutes for the Seminole County LPA/ P&Z Commission  
Wednesday, June 4, 2003**

**Members present:** Alan Peltz, Chris Dorworth, Ben Tucker, Thomas Mahoney, and Dudley Bates

**Members absent:** Dick Harris, and Beth Hattaway (Commissioner Peltz was not present at the meeting during the hearing on Item H.)

**Also present:** Denny Gibbs, Planner, Michael Rumer, Planner, Jeff Hopper, Senior Planner, Kathy Fall, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

The Chairman called the meeting to order at 7:00 P.M. and a quorum was established. The Chairman then read to the audience the method in which the meeting would be conducted.

**Commissioner Bates made a motion to accept the proof of publication.**

**Commissioner Peltz seconded the motion.**

**The proof of publication was accepted by unanimous vote. (5-0)**

**The minutes of the previous meeting were approved by unanimous vote.**

Commissioner Mahoney announced that item K – Lake Jesup Woods (PZ01-09) has an incomplete application.

**Commissioner Mahoney made a motion to move item K - Lake Jesup Woods (PZ01-09) to the July 16, 2003 meeting's agenda.**

**Commissioner Dorworth seconded the motion.**

**The motion passed by unanimous approval (5 - 0). Item K on the agenda was continued to the July 16, 2003 meeting.**

- A. Sandy Lane Reserve (PSP); Signature Development Corp / CPH Engineers, Inc; approximately 9.6 acres; Preliminary Subdivision approval for 16 Lots, Single Family Residence, zoned R-1AAAA and R-1AAA; located 800 feet south of Sand Lake Road. (03-05500010)  
District 3 - Commissioner Van Der Weide  
Denny Gibbs, Planner**

Denny Gibbs presented the plans and said that the interior road would be a public right of way. Staff recommendation was for approval.

Commissioner Mahoney read into the record the comments about this application made by School Board Representative Dianne Kramer:

- Items VI A, B, and C are all preliminary subdivision plans.  
Please confirm that sidewalks are provided throughout the development and along the road frontage. Ideally, they should connect to the closest existing sidewalk.

**Commissioner Mahoney made a motion to recommend approval of the PSP.**

**Commissioner Peltz seconded the motion.  
The motion passed by a motion of 5 – 0.**

Chairman Tucker noted that item I, W. Lake Brantley Rezone, was requested for continuance to the July 9, 2003 meeting.

**Commissioner Mahoney made a motion to continue Item I, W. Lake Brantley Rezone to the July 9 meeting.**

**Commissioner Dorworth seconded the motion.  
The motion passed with a vote of 5 – 0.**

**B. ADDISION PLACE (PSP); CENTEX HOMES OF ORLANDO/ MADDEN; approximately 9.74 acres; Preliminary Subdivision Approval for 28 Lots, Single Family Residence, zoned R-1A; located at 4475 & 4429 Dike Road (03-05500006)  
Commissioner Maloy – District 1  
Denny Gibbs, Planner**

Denny Gibbs stated that staff recommendation was for approval.

Commissioner Tucker asked what was happening with the fence.

Ms. Gibbs stated that the fence would be dealt with at the time of site plan approval.

**Commissioner Mahoney made a motion to recommend approval for the PSP.**

**Commissioner Bates seconded the motion.  
The motion passed by unanimous vote (5 – 0).**

- C. The Preserve At Interlachen (PSP), Consul-Tech Engineering, applicant; approximately 8.86 acres; Preliminary Subdivision Plan with 9 Lots; zoned R-1A (Single Family Dwelling District); east side of Lake Howell Road, .75 mile south of Howell Branch Road, on the east side of Dover Road.  
Commissioner Henley – BCC District 4  
Michael Rumer, Planner**

Michael Rumer stated that reapproval was necessary because the original application had not been acted upon within 2 years. It had originally been approved by the P&Z. Staff recommendation is for approval.

Commissioner Tucker asked if this project was being done in conjunction with any other project.

Mr. Rumer said that this was not affiliated with any other project.

**Commissioner Mahoney made a motion to recommend a 2 year extension of approval of the PSP.**

**Commissioner Bates seconded the motion.**

**The motion passed by unanimous approval.**

- D. Mikler / Chapman Road PUD; Whitemark Homes / Bill Rigsby, applicant; approximately 46 acres; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for single family residential subdivision; located on the northeast corner of Mikler Road and Chapman Road. (Z2003-010)  
Commissioner Maloy – District 1  
Jeff Hopper, Senior Planner**

Jeff Hopper outlined the following major points concerning the application:

1. The applicant proposes to develop 82 lots on the subject property at a density of 2.7 units per net buildable acre.
2. The Preliminary PUD plan shows a typical lot size of 50' x 110'. Minimum house size would be 1100 s.f.
3. Access into the site will be from Mikler Road on the west and Chapman Road on the south. A total of 11 lots would have direct access to Chapman Road.
4. The site contains several acres of wetlands and a borrow pit which will become a water amenity for the project. There would be approximately 25 waterfront lots.

5. Surrounding zoning is Agricultural to the west and south, R-4 to the north. Future land use in the area is Low Density Residential to the west, High Density Residential to the north, and Suburban Estates to the south.

Staff recommends APPROVAL of the request, subject to conditions listed in the Staff Report, including the following:

- Appropriate transitioning of lot sizes adjacent to the Suburban Estates future land use to the south.
- No lots should have direct access to Mikler Road or Chapman Road except for those not fronting on internal streets. Double frontage lots should have a 6-foot brick or masonry wall along the rear lot line.
- Platted lots should not encroach on water features.

Steve Mellich said that he agreed with the staff conditions except for number 9, which said that the developer will dedicate a 20 foot right of way. And on number 4, Mr. Mellich stated that the language proposed came from the Butler Ridge case. He is providing a 50 foot right of way on the entire south side. The masonry wall will be on the southwest side. On condition number 1, Jeff Hopper said the staff recommendations are being modified to exclude Mikler Road lots from the minimum width and size requirements.

Mr. Mellich addressed the presence of trees in the right of way. There will be a 50 foot right of way with Lots 8 to 14 having a 6 foot masonry wall.

Virginia Mikler stated that she is the nearest neighbor and that she is pleased with the plan.

Phil Lukas owned 17 acres in the area and is concerned with the 50 foot setbacks being in alignment with the rural character of the area. He is not opposed, but would like to see the rural character of the area maintained.

Commissioner Mahoney asked about the setbacks on the 75 foot wide lots.

Mr. Hopper stated that there would be 5 feet setbacks on the side.

Mr. Lukas stated that he would not have a buffer for his property.

Commissioner Tucker inquired about the presence of trees in the buffer.

Mr. Lukas said that he was not sure of the location of trees. He would like a buffer in front. With the borrow pit, substation and the large power lines, and the Expressway, the area has changed.

Jim Potter from the Development Review Division stated that there is a water main extension going through to the Butler Ridge subdivision.

Lee Nelson said that he owns 10 acres on the southwest corner. He was concerned about who would put in the sidewalks to go to the Rainbow Elementary School.

Mr. Mellich said that Whitemark Homes representatives met with Phil Lukas. The traffic study indicates that the traffic light is not required.

Commissioner Mahoney stated that 70 percent of the traffic turns up Mikler.

Mr. Mellich said that in Development Review Committee it was stated that sidewalks will be built up on Mikler and tie up with the adjacent subdivision. All sidewalks will be on the east side.

Commissioner Tucker said that other area sidewalks are on the west side.

Mr. Mellich agreed.

Commissioner Mahoney read the comments of Dianne Kramer of the Seminole County School Board office concerning this request:

- Item VI D will add 82 single family homes and generate approximately 20 elementary students, 9 middle school students, and 10 high school students. The actual impact should be minimal and the project location is in an area that has more capacity than most attendance zones in the county. The schools that currently serve this area are as follows:

Rainbow Elementary	764 enrollment	3 portables
Tuskawilla Middle	1121 enrollment	8 portables
Lake Howell High	1944 enrollment	no portables;

currently under-enrolled

Capacity at the elementary level will added effective school year 2004 / 05. Tuskawilla is also being expanded and will have additional capacity when the project is completed in 2006. Again, the project should provide sidewalks for safe pedestrian access to schools and bus stops.

Jim Potter of the Development Review Division stated that he was not aware of any sidewalks issues at this time.

Commissioner Tucker asked Mr. West what was happening with the site that currently has a driving range.

Mr. West said that the driving range site will be coming up in July as a proposed site for a Wal Mart Supercenter.

Commissioner Tucker asked Mr. West whether it was possible to require sidewalks on Mikler Avenue and if they would be continuous.

Mr. West said that an argument could be made for them, but that there were intervening pieces of property in the area along the road.

Commissioner Mahoney said that all lots along Chapman would be 75 feet wide and all other lots would be 50 feet minimum. He then asked Mr. Hopper what the next step up in size classification required.

Mr. Hopper said that 90 feet would be the next step up.

Mr. West said that the next size was 11,700 square feet lot size with 90 foot width. One would have to eliminate every third lot.

Steve Mellich said that if you made the lots 75 feet, he would lose 3 lots.

Commissioner Tucker asked if the applicant was going to have 1,100 square foot homes.

Commissioner Mahoney stated that the county needs smaller lots. This is a good place to have smaller lots. Lots 72 to 82 could be wider. If you want an appropriate transition, increase the side setback. This is a PUD. The Commissioner said that he would be happy with a 70 foot lot and 10 foot side setbacks. The 50 foot lots would have 5 foot side setbacks, except for lots on the north side of Chapman.

Mr. Mellich said that the average house size is 1,800 square feet. He would commit to 1,600 square feet. He would like a 15 foot street side setback on the 4 lots at the entrances. (Item 4 in staff report)

Mr. Hopper said that there were 20 foot front setbacks, and along internal streets, setbacks at the project entrances would be inconsistent with an otherwise uniform street setback.

- Item 1: Lots abutting Chapman Road east of the subdivision entrance shall be no less than 75 feet in width and 8,000 square feet in size, with minimum side setbacks of 10 feet
- Item 4: 15-foot side street setback on all corner lots for residential units, accessory buildings and pool screen enclosures
- Item 5: Minimum house size of 1,600 square feet
- Item 9: Developer shall dedicate sufficient right-of-way on Chapman Road to meet County standards, as determined at Final Master Plan review

**Commissioner Mahoney made a motion to approve the request, incorporating the conditions in the staff report and those amendments just stipulated.**

**Commissioner Dorworth seconded the motion.  
The motion passed with unanimous approval.**

**E. Wash N Roll Carwash; Dean Shoemaker, applicant; 0.91 acre. Rezone from C-1 (Commercial) to PCD (Planned Commercial Development); located 400 feet west of the intersection of Red Bug Lake Road and Tuskawilla Road and 200 feet north of Red Bug Lake Road. (Z2003-016)  
Commissioner Maloy - District 1  
Jeff Hopper, Senior Planner**

1. The applicant requests approval of a car wash facility on a vacant commercial parcel to the west of the Eckerd store at the corner of Tuskawilla and Red Bug.
2. As the proposed use is not allowable in the existing C-1 zoning, approval of a car wash as a Planned Commercial Development is being requested.
3. As a PCD, use of the site could be limited to the car wash facility without allowing other uses permitted in the less restrictive C-2 zone.
4. As the property backs up to the Tuskawilla Point subdivision, staff's primary concern is compatibility with the existing residential use to the west.
5. Neighboring commercial uses to the north and south are a bank and an office complex, uses that don't typically generate much activity at night and on weekends.
6. A car wash can be a more intensive use, where automated wash equipment and vacuums may be running at all hours.
7. If the request is approved, substantial site design standards should be considered to ensure compatibility with the nearby residential properties.

Staff recommends APPROVAL of the request, subject to conditions listed in the Staff Report. These include the following:

- Operating hours shall be limited to 7 a.m. to 9 p.m.
- The facility shall be manned during business hours, with fencing and access gates to prevent entry after business hours.
- Buildings shall be set back at least 100 feet from the west property line.
- Structures shall be designed in a residential architectural style with hip or gable roofs.
- Outdoor sound amplification shall be prohibited

Mr. Hopper stated that as a PCD the car wash could be allowed with adequate design criteria to ensure compatibility. If approved, Mr. Hopper outlined recommended site restrictions as detailed in his staff report.

Dan Shoemaker said that he has not met with the neighbors. He showed pictures of a duplicate facility located on Rouse Road. Mr. Shoemaker stated that he would like to have the hours of operation go to 11 P.M., rather than 9 P.M. He stated that this is a self-serve carwash. He agreed to the architectural requirements.

Robert Madison is president of the condo association of the office buildings that lie to the north. Next door is a bank and a dentist. This is not in keeping with the neighborhood. There is no public right of way to this parcel. C-1 zoning could be an office or restaurant. They do not want a carwash there. He stated that there are already 2 carwashes in the area.

Sally Luken stated for the record that she is opposed to the project.

Roger Van Sak of 1340 Tuskawilla Road, Suite 112, said that this project looks trashy. It will create a decline in the neighborhood. The lot is too small for the proposed use. 11 P.M. is too late to have it open.

Felice Muniz of 47 Huckleberry Lane stated that she lives directly behind the site and that this would be right by her bedroom. She already has problems with noise and people there at night.

Mr. Shoemaker stated that the site has proper access and there is a traffic light there. The hours of operation could be investigated and the site is large enough.

Commissioner Peltz stated that he lives in the area and that he feels that this is not an appropriate use.

Commissioner Mahoney agreed with Commissioner Peltz' opinion. He stated that this is not the best location for this type of project. It should be on a fronted road. This is a fairly intense use to be abutting housing.

**Commissioner Mahoney made a motion to recommend denial.**

**Commissioner Peltz seconded the motion.**

**The motion passed by unanimous vote (5 - 0).**

- F. **Hester Avenue Rezone**; Jim Cooper, applicant; 17 acres; rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); located on the west side of Hester Avenue, ¼ mile



south of Ronald Reagan Boulevard. (Z2003-013)  
Commissioner McLain - District 5  
Jeff Hopper, Senior Planner

1. Jeff Hopper stated that the staff recommendation was for approval. The applicant is seeking to develop a single family subdivision consisting of approximately 45 lots on the subject property, and is requesting R-1A zoning to permit such a development.
2. Actual lot yield and lot sizes will be determined through the platting process if the rezoning is approved. The R-1A district allows lots at a minimum size of 9,000 square feet.
3. As the site is bordered on 3 sides by Agricultural zoning and by R-1AAA on the 4<sup>th</sup> side, compatibility with lower density properties is somewhat of a concern.
4. Allowable density drops to 1 unit per acre under Suburban Estates in much of the area south of the railroad tracks.
5. However, the Vision 2020 Plan does allow consideration of up to 4 units per acre on the applicant's property and most neighboring lots as well.
6. It should also be pointed out that the existing Autumn Chase subdivision was developed in R-1A at a greater distance from CR 427 and utility sources.

Jim Cooper stated that he agreed with Mr. Hopper's staff report.

Nancy Jasmine, Jean Michaels, and Lolie DeHaven all submitted comment sheets voicing their objection to the application.

Commissioner Mahoney read the comments concerning this application from Dianne Kramer of the Seminole County School Board office into the record:

- Item VI F will add 45 single family homes and generate approximately 11 elementary students, 5 middle school students, and 6 high school students. The actual impact on the system should be minimal. The schools that currently serve this area are as follows:

Northeast Cluster for elementary		
Hamilton	670 enrollment	11 portables
Pine Crest	680 enrollment	7 portables
Midway	407 enrollment	9 portables
Millennium Middle	1745 enrollment	8 portables
Seminole High	2596 enrollment	18 portables

No capacity improvements are currently planned for the northeast cluster until school year 2008 / 9. Capacity will be added at the middle school level in school year 2006/07. A 28 classroom building is currently under construction at Seminole High School and another high school in the Oviedo area will open in school year 2005/06. High school attendance

zones will be adjusted at that time.

Frances Lord of 4835 Hester Avenue said that she lives 200 feet from the subdivision. The area is agricultural and she does not want small houses there.

Danny DeCirian of North Lake Jesup Community, Inc., is vice president. He stated that in the last 2 years he had worked in Myrtle Street conservation area. He wanted to know why the conservation village concept was not being used here.

Lois DeCirian of 1581 Silk Tree Circle said that she would like to see a conservation village. She felt that 45 lots is too high a density for here.

Lois Dickerson stated that she is opposed to the project.

Alex Dickerson of 4851 Hester Avenue lives across from the proposed site and asked why this is located at the gates of the Myrtle Street study area. The estimates of students is not good. 45 homes will have young families. This is good land which drains down onto his land. He would like to see water retention on the site. He asked to have R-1AAA at least here. He was concerned about the traffic light or lack of one on Hester.

Peter Butt of 5906 Autumn Chase Circle was opposed to the application. Hester is a narrow road with no sidewalks. He suggested a lower density, not R-1A.

B.J. Simons of 1550 Myrtle Street owns 12 acres in the area and is concerned about runoff. Ditches have been cleaned out and it is not enough to deal with the water problem. Infrastructure should be put in before expanding in the area. It will be a mistake to have small, dense housing in this site.

Carol Rogier of 4850 Hester Avenue lives next door (on north side) to the parcel and will be boarding horses on her property. She has dogs, chickens, and horses on her land. She is concerned about the lack of fencing.

Mac Thorn of 1400 Myrtle Street is a North Lake Jesup Community member. He said that the conservation village concept had been agreed upon and this design is the opposite of that plan.

Jim Cooper said that the County Comprehensive Plan allows for 4 units per acre. It will have public utilities and will have a conservation easement. The site will retain a 25 year storm. The price point of the houses will be about \$200,000.00. He is not opposed to a 1,600 to 1,700 square foot minimum for house size. During the DRC meeting it was said that he must contribute to the placement of a traffic light.

There were no comments from the floor. The public hearing was now closed.

Commissioner Tucker asked Matt West if he knew how the school board got their figures that are used in the meetings.

Mr. West said that a figure was used from national or state averages, based on number of dwelling units. He added that traffic lights are determined by the county or state engineers. The county gets payment from the developer to pay for part of the light.

Commissioner Tucker asked about how the drainage would be addressed.

Mr. West said that according to the county code the rate of water discharged cannot be increased from the rate of discharge prior to development. This site is just outside of the Myrtle Street area. This is LDR (low density residential) and in the urban service area. Staff feels that this zoning with 9,000 square foot lots is appropriate.

Commissioner Mahoney stated that he could not see R-1AAA. He was in favor of R-1AA zoning, with 90 foot wide lots.

**Commissioner Mahoney made a motion to recommend denial of R-1A zoning and to make the recommendation for R-1AA zoning to the BCC.**

**Commissioner Dorworth seconded the motion.**

In discussion, Commissioner Mahoney said that 70 foot lots are quite different. He would like to see a 1,600 square foot minimum house size and R-1AA zoning in the area.

Commissioner Tucker stated the criteria of 11,700 square foot minimum lot size, and setbacks of 25 feet in front, 10 feet side setbacks, and rear yard setback of 30 feet.

Commissioner Mahoney said that R-1AA standards are bigger, with 3 homes per acre.

Mr. West said that there could be thirty-something lots with R-1AA zoning on 17 acres.

Commissioner Tucker said that this project averages out at 1.7 units per acre. Autumn Chase should not set the precedent.

Commissioner Tucker said that he did not have a problem with 2 units per acre.

**The vote was called. The motion passed by unanimous approval.**

- G. Red Bug Village**; Bradley D. Smith, applicant; Major Amendment to PCD (Planned Commercial Development) to allow liquor sales as a secondary use in restaurants; located on the NE Corner of Red Bug Lake Road and Dodd Road. (Z2003-017)  
Commissioner Maloy – District 1  
Jeff Hopper, Senior Planner

Jeff Hopper said that staff recommends approval of the requested PCD Major Amendment subject to the following conditions:

1. Liquor sales shall be permitted only as an incidental use within restaurants.
2. Pool halls and pool tables would be prohibited.
3. No liquor would be sold for consumption off-premises except beer and wine as incidental sales.
4. Restaurant hours of operation would conform to existing PCD restrictions of 7 a.m. – 11 p.m., with restaurants remaining open until 1 a.m. on Fridays and Saturdays.

Brad Smith, CEO of Stonecrest Investments, wants to allow liquor sales in the restaurant. He has agreed with the conditions of the staff report.

There were no comments from the floor. The public hearing was now closed.

**Commissioner Peltz made a motion to recommend approval, subject to the conditions in the staff report.**

**Commissioner Mahoney seconded the motion.**

**The motion passed by unanimous vote. (5 – 0)**

- H. Hawthorn Glen**; **Daly Design Group / Thomas Daly, applicant**; approximately 45.970 acres; rezone from UC to PUD for townhomes and commercial uses; located on the northwest corner of Old Lockwood Road and East McCulloch Road. (Z2003-012)  
Commissioner Maloy – District 1  
Kathy Fall, Senior Planner

Kathy Fall outlined the major points of the staff report and stated that the traffic study performed in the area indicated that this project was within the allowed parameters. Impact on schools in the area would be minimal. Staff recommendation was for approval with the conditions recommended in the staff report.

Ken Wright of Shutts and Bowen represented the property owner. He stated that he was concerned with the commercial tract. The application is for Medium

Density Residential (MDR), which is allowed by the County Comprehensive Plan. The corner will be neighborhood commercial, which is allowable. The County Comprehensive Plan provides for commercial uses imbedded in residential areas. The Comprehensive Plan table 2.1 allows for MDR to be adjacent to neighborhood residential. One of the neo-traditional elements of Baldwin Park's smart growth is to imbed commercial uses in residential to reduce trips outward.

John Polasek of 2731 Newark Way, Orlando, spoke on behalf of his parents, the property owners. He stated that his parents have owned the property since 1982. It had UC zoning then. UC zoning permits anything found in a university. When Future Land Use (FLU) changed in 1986, it was designated HIP. As far as he is concerned, UC zoning allowed the proposed uses. This townhouse project has less than 10 units per acre.

Thomas Daly, of Daly Design Group, Winter Park, represents Centex Homes. He stated that the corner piece will be retained by the Polasek family. The previous application on this site had been for student housing. Map 1 shows existing land uses. 7 different land uses are found in the area: 5 subdivisions, the Econ Wilderness Area, Tivoli and Northgate Apartments and a Winn Dixie. There is a commercial site with mixed uses. There are 4 schools in the area. The largest uses in the area are Seminole Community College and the University of Central Florida. UCF has plans to grow. SCC has plans to grow. There could be 7,500 employees of the two colleges with 100,000 students in this area. This proposed project addresses housing needs in this area.

Mr. Daly stated that he had met with people who had been active in the Portofino case. He had been told that neighbors want single family residential there. There had been no discussion of setbacks or buffers at this meeting.

Mr. Daly stated that this is a conceptual plan, with access aligned with University Estate. This will be the only vehicular access to the site. Centex Homes also did Aloma and Tuskawilla projects. The projected price point for this project is to be \$120,000. dollars with 1,300 to 1,500 square feet units. There will be a home owner association and will be deed restricted. There could be an addendum to the contract. Mr. Daly showed a contract from the Waterford Lakes area. Such an addendum could set minimum leases at 6 months and disallow leasing by the bedroom. Each purchaser would be approved by the home owners' association. Mr. Daly stated that Centex does not build student housing.

Mr. Daly stated that he concurred with staff recommendations. This is the last piece of HIP transitional land in Seminole County. Town homes and commercial uses have already been approved by this board. Mr. Daly stated that this project is two stories and buildings will be a maximum of 150 feet in length. It will have 15 percent impervious use. This has less impact than the formerly proposed student housing projects.

Mr. Daly stated that he had gotten e-mails indicating that many people thought that this parcel had been zoned for single family residential use. It is not currently.

Mr. Daly said that the project had been approved for concurrency by staff. The density proposed is medium density, not high density.

Commissioner Tucker stated that he had received 5 public comment forms from people in the audience who objected to the project, but did not wish to speak.

Mike Cole of 2516 Fawn Run stated that there are multi-family dwellings in the area, close in.

Tim Philips of 14945 Loughton Circle represented the home owners of University Estates. He stated that the proposed rezoning is not compatible with the Rybolt Property West. He was opposed to multi-family uses and stated that the Tivoli and Northgate apartments were over one mile away. He estimated that there would be approximately 679 bedroom units in this proposal.

Roman Kozarski of 3804 Beacon Tree said that he lives in Madison Park and is Vice President of the Carillon HOA, representing 833 homes. He asked for a recommendation of denial. He said that the proposal is incompatible with the Comprehensive Plan. It is close to a nature preserve. He acknowledged that the project serves a need, but the project should be located elsewhere.

John Keriazis of 14806 Faversham Circle stated that he was also opposed.

Ken Wright said that the County would never use the proximity to the Econ Wilderness Park as a reason for denial. He reiterated that the staff was in support of the request.

The public hearing was now closed.

Commissioner Tucker asked Mr. Matt West about flooding in the Econ Wilderness Area.

Mr. West said that the County is still studying the damage done recently in the area. Mr. West said that the proposed development will not impede drainage.

Jim Potter of the Seminole County Development Review Division stated that the site flows north to the Econ and has no adverse impact to the area. Drainage issues are to be addressed at the final engineering site plan stage.

Commissioner Mahoney asked Mr. Daly about the setbacks in the request.

Mr. Daly stated that the town homes have 40 foot natural buffers. The commercial will have buffering to be addressed in final engineering. The buildings will be 55 feet from the right of way. Emergency access may be onto Old Lockwood Road. He said that the site plan is a concept only. There will be a 30 foot wide landscape buffer on the west property line. The buildings shall be 175 feet from the west property line.

Commissioner Tucker asked about the density of the residential area.

Mr. Daly said that there would be 250 units, with 6 units per acre.

Commissioner Mahoney read the comments from School Board representative Dianne Kramer concerning this project:

- Item VI H will add 250 townhouses and generate approximately 29 elementary students, 13 middle school students, and 14 high school students. Although the actual impact may be minimal, multi-family residential school impact is very dynamic and difficult to predict. Rental units can have an especially dramatic impact. The schools that currently serve this area are as follows:

Carillon Elementary	995 enrollment	no portables
Chiles Middle	1158 enrollment	no portables
Oviedo High	2988 enrollment	12 portables

Capacity at the elementary level will added effective school year 2004/05, and a new high school will open in school year 2005/06 at the site of the current Chiles Middle School.

Commissioner Mahoney stated that he had been opposed to the last application for student housing. Student housing is designed specifically for students. Nothing about this is designed for students. Seminole County needs less expensive homes. This High Intensity Planned Development is one such place. These units are less than 150 feet in length and have no direct access onto Old Lockwood Road. This project is of lesser impact than the previous application.

**Commissioner Mahoney made a motion to recommend approval for the rezone of the property from UC to PUD with the 12 staff recommendations and two more: 1) proposed contract restrictions introduced by Mr. Daly and 2) recommendation to increase buffering on Old Lockwood Road to 50 feet with a 20 ft. building setback.**

**Commissioner Bates seconded the motion.**

**The motion passed by a unanimous vote of 4 – 0.** (Commissioner Peltz had left the meeting prior to the beginning of this item.)

- I. **W. Lake Brantley Road Rezone / J. David Free, applicant;** 0.75 acre; Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and rezone from R-1A to RP; located on the east side of West Lake Brantley Road, 300 feet north of SR- 436. (Z2003-015)  
Commissioner Van Der Weide - District 3  
Earnest McDonald, Principal Coordinator

**Commissioner Mahoney made a motion to continue this item to the July 9, 2003 meeting.**

**Commissioner Dorworth seconded the motion.  
The motion passed by unanimous vote.**

- J. **Chuluota Rezone / Wilson & Company, applicant;** 1.0 acre; Rezone from R-3 (Multiple-Family Dwelling District) to R-2 (One and Two-Family Dwelling District); located on the northwest corner of West 5th Street and County Road 419 in Chuluota. (Z2003-019).  
Commissioner Maloy - District 1  
Cathleen Consoli, Senior Planner

Cathleen Consoli informed the Board that the 300 foot notification to adjacent property owners had not gone out in a timely manner. Staff had made hand deliveries and faxed notices to all owners. The newspaper legal ad and the placard had been posted in a timely manner.

The Commissioners unanimously decided that such notice, along with the newspaper ad and the placarding of the site gave adequate notice and that the application would be heard.

Deborah Shaffer sent a letter of approval.

Ms. Consoli stated that staff recommendation was for approval of the application. She said that a daycare center could be approved with the granting of a special exception and downzoning.

Parks Wilson stated that the building will be within Chuluota design standards. He had encountered no opposition from neighbors. There is a need for daycare in the area.

Michele Humphrey, future owner, stated that there was no existing child care facility in the area.

There were no comments from the audience.



The public hearing was now closed.

**Commissioner Mahoney made a motion to recommend approval of the rezoning from R-3 to R-2.**

**Commissioner Bates seconded the motion.**

**The motion passed by unanimous approval (4-0).**

- K. Lake Jesup Woods; Harling Locklin & Assoc./Hugh Harling; 81 acres; Large Scale Comprehensive Plan Amendment from Suburban Estates (SE) to Low Density Residential (LDR); (01F.FLU01); Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); south of Myrtle Steet, north of Cadillac Street, and east of Hester Avenue. (PZ01-09)**  
Commissioner McLain - District 5  
Tony Walter, Principal Planner

This item had an incomplete application and was continued to the July 16, 2003 meeting. (See page 1 for details.)

There being no further business, the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson