

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

(CONTINUED FROM 7/09/03)

SUBJECT: Rockwell, Request for Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development), and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development District) (John Rinehart, applicant)

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

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

Agenda Date <u>8/06/03</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the requested Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development), and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development District) on 51.4 acres located on Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (John Rinehart, applicant); or
2. Recommend DENIAL of the requested Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development), and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development District) on 51.4 acres located on Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (John Rinehart, applicant) based on staff findings; or
3. Continue the item to a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant requests a change in future land use designation from Suburban Estates (SE) to Planned Development (PD) to accommodate 117 single family homes on a 51-acre site. At a net density of approximately 2.6 units per net buildable acre, the project is described as a "traditional neighborhood development" with front porches, alleys and large open space areas. Development to the north includes an assisted living facility, an apartment complex, and

Reviewed by: <u>KZC</u>
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z-2003-011 / 03F.FLU02</u>

commercial/office uses within the Oakmonte PUD. To the south and west are single family residential developments at densities of 1 unit per acre or less. The site adjoins the Seminole-Wekiva Trail on the west.

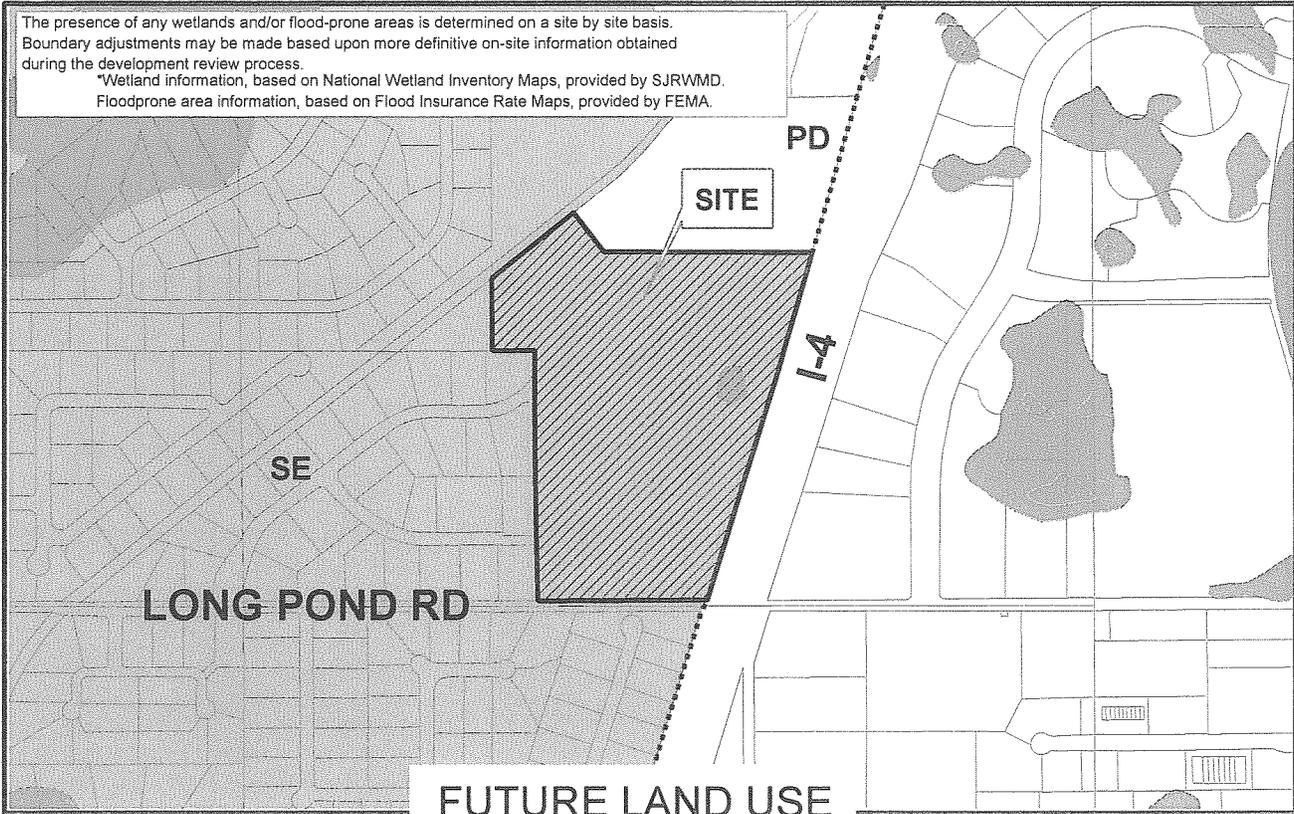
STAFF RECOMMENDATION:

Due to significant differences in density between the proposed development and existing residential uses to the south and west, and lack of access through the Oakmonte PUD, lack of transition of lot sizes between the existing neighborhood and the proposed lots, Staff recommends DENIAL of the request per the attached staff report.

INSERT

**COLOR MAPS
AERIAL PHOTO
DEVELOPMENT PLAN**

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

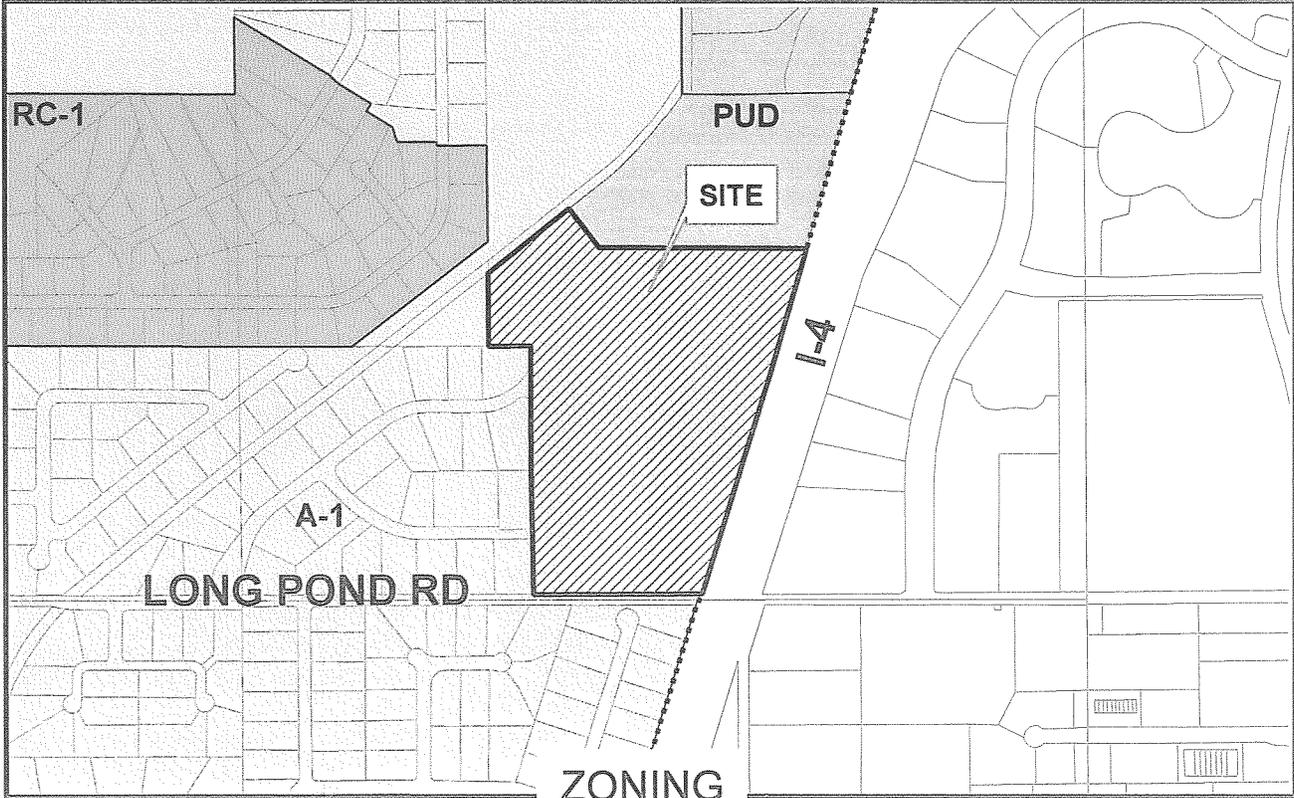


FUTURE LAND USE

Site
 Municipality
 SE
 PD
 CONS

Applicant: Glattig Jackson
 Physical STR: 13-20-29-300-005B-0000
 Gross Acres: 51.443 BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	03F.FLU02	SE	PD
Zoning	Z2003-011	A-1	PUD



ZONING

A-1
 RC-1
 PUD
 Municipality



Amendment No: 03F.FLU02

From: SE To: PD

Rezone No: Z2003-011

From: A-1 To: PUD

 Parcel

 Subject Property



NOT TO SCALE

February 1999 Color Aerials

Project Team

DEVELOPER:

United Associate Properties
 1017 E. South St.
 Orlando, FL 32801
 Dennis Casey

APPLICANT / PLANNER

Glatting Jackson Kercher Anglin Lopez Rinehart, Inc.
 33 East Pine Street
 Orlando, FL 32801
 (407) 843-6552
 John F. Rinehart, ASLA
 Christi Eiflein, AICP

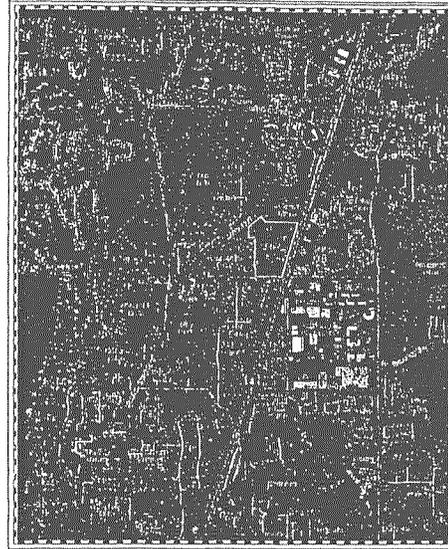
LEGAL COUNCIL

SHUTTS & BOWEN
 300 S. Orange Ave.
 Suite 1000
 Orlando, FL 32801
 Ken C. Wright, Esquire

SHEET SCHEDULE

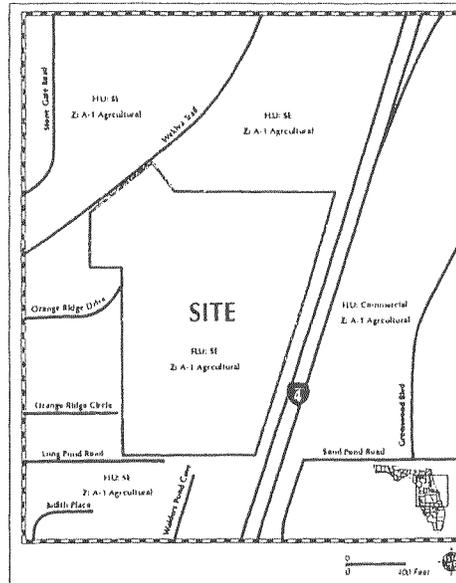
Cover	Sheet 1 of 6
Boundary Survey & Legal Description	Sheet 2 of 6
Topographic, Floodplain & Wetland Survey	Sheet 3 of 6
Soils Survey	Sheet 4 of 6
Master Plan	Sheet 5 of 6
Notes	Sheet 6 of 6

Vicinity Aerial



N.T.S.

Vicinity Map



RECEIVED
 JUN 24 2003



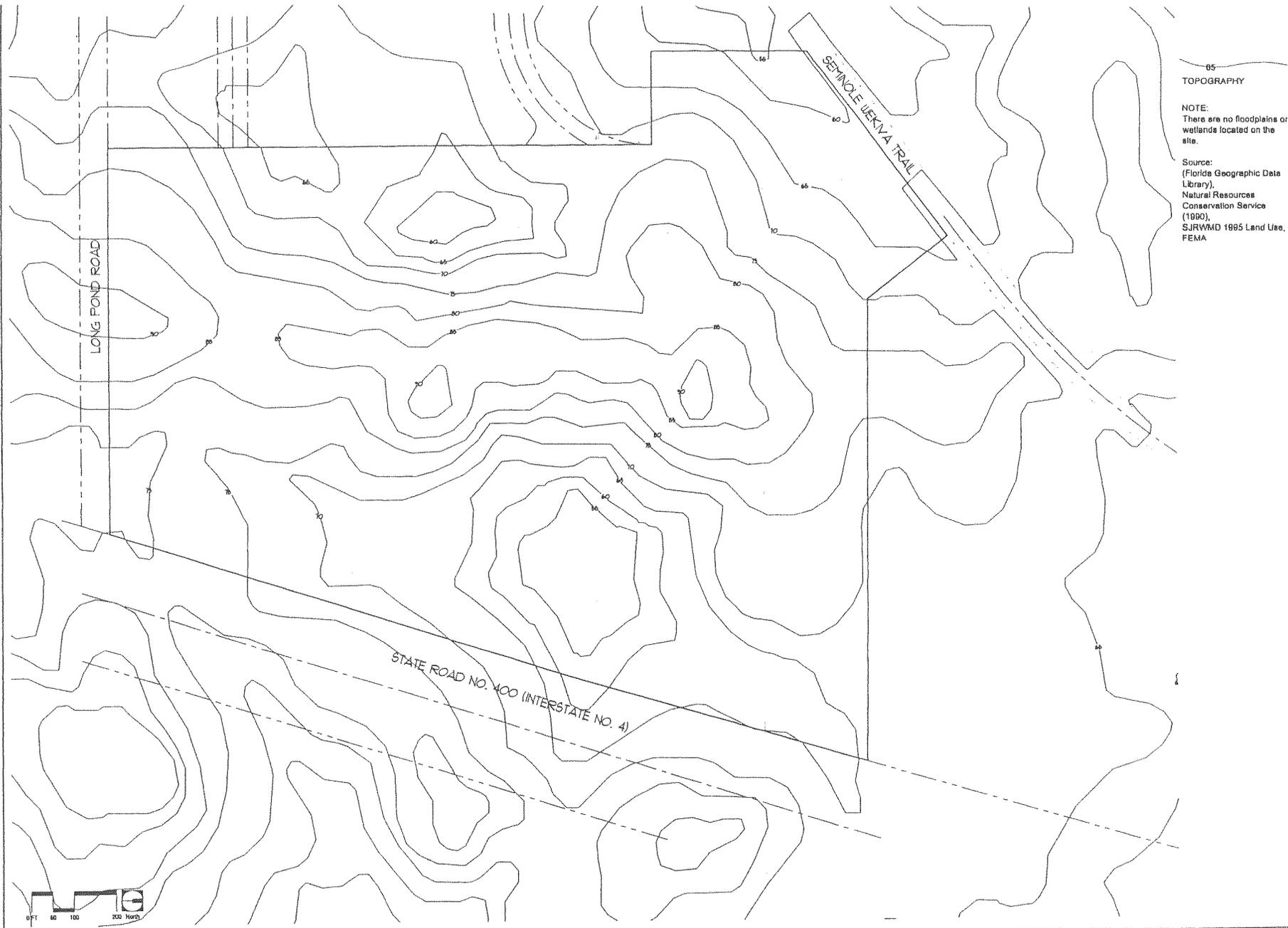
Project
 Cover

ROCKWELL
 Planned Unit Development
 Seminole County, Florida

Project No. 17203
 Designed By ABD
 Drawn By JT
 Checked By JFR
 Revisions:
 Date 06.23.03

Date 04.18.03

Sheet
 1 of 6



Topographic,
Floodplain &
Wetland Survey

05
TOPOGRAPHY

NOTE:
There are no floodplains or
wetlands located on the
site.

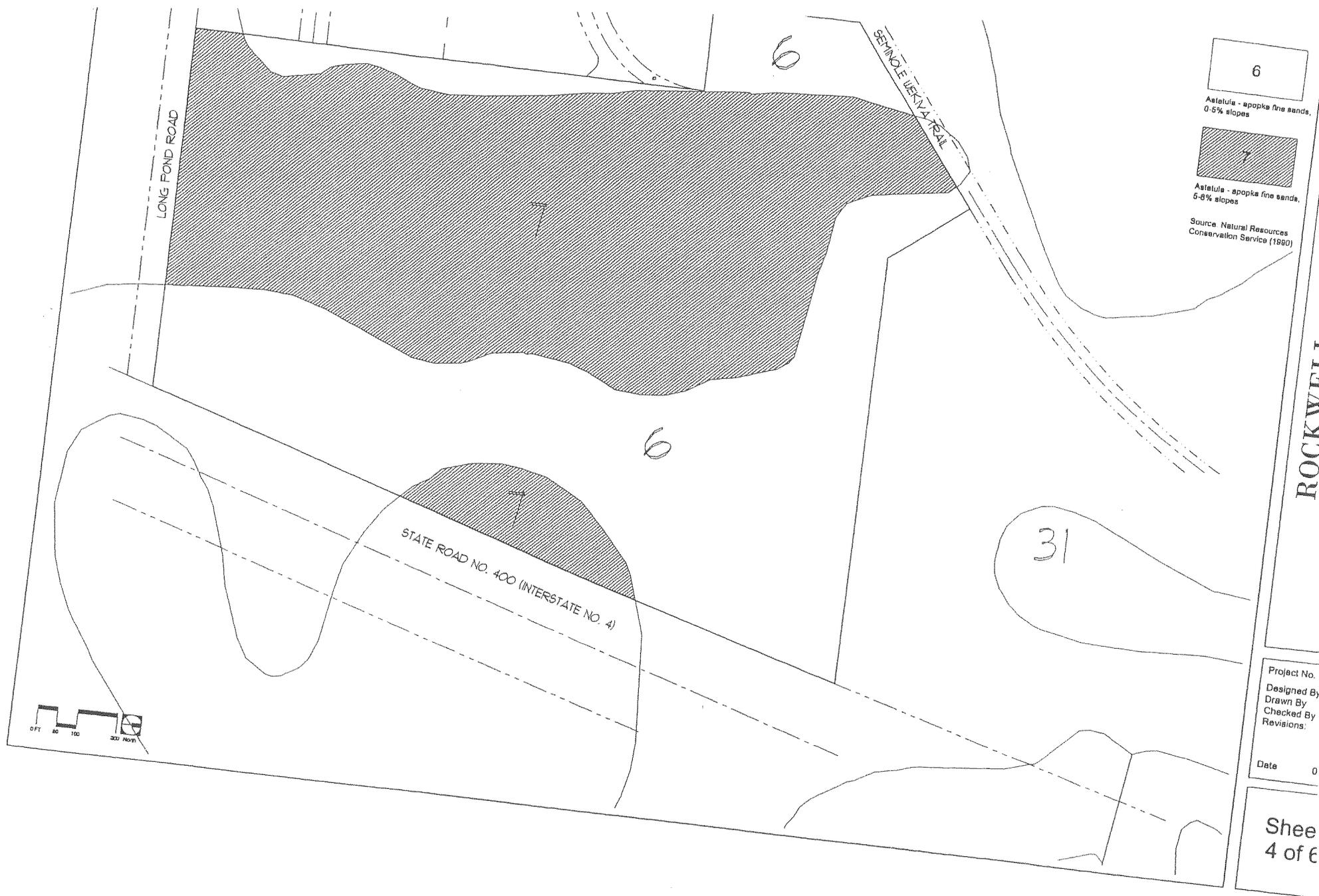
Source:
(Florida Geographic Data
Library),
Natural Resources
Conservation Service
(1990),
SJRWMD 1995 Land Use,
FEMA

ROCKWELL
Planned Unit Development
Seminole County, Florida

Project No. 17203
Designed By ABD
Drawn By JT
Checked By JFR
Revisions:

Date 04.18.03

Sheet
3 of 6



6

Astetula - apopka fine sands,
0-5% slopes

7

Astetula - apopka fine sands,
5-8% slopes

Source: Natural Resources
Conservation Service (1980)

Project No.
Designed By
Drawn By
Checked By
Revisions:

Date 0

Sheet
4 of 6



Master Plan

ROCKWELL

Planned Unit Development
Seminole County, Florida

Project No. 17203
Designed By ABD
Drawn By JT
Checked By JFR
Revisions:

Date 04.18.03

Sheet
5 of 6

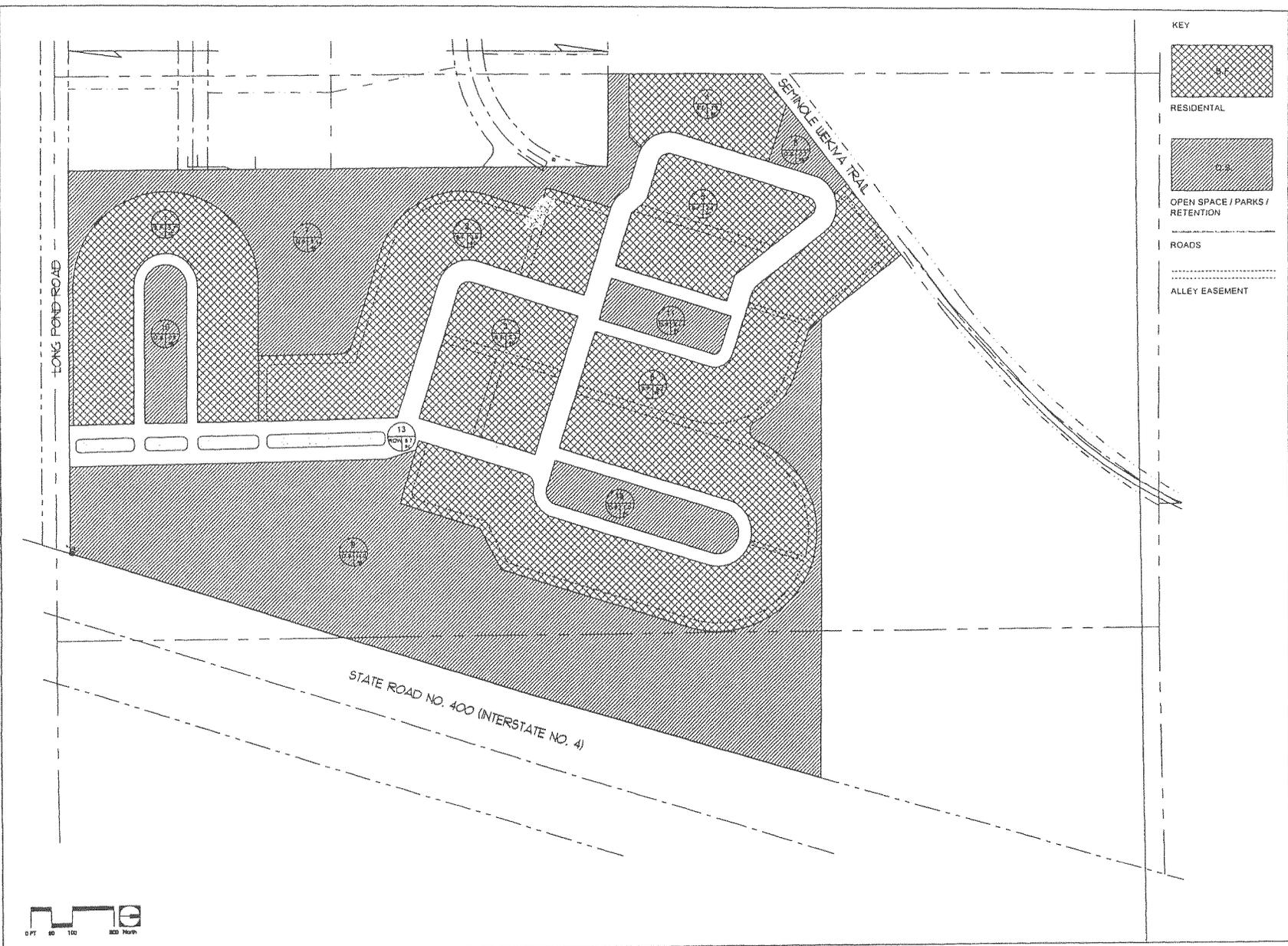
KEY

RESIDENTIAL

OPEN SPACE / PARKS / RETENTION

ROADS

ALLEY EASEMENT



1. Land Use

Tract	Land Use	Acres
1, 4	Single Family Estate Lots	5.0
2, 3, 5, 6	Single Family Cottage Lots	17.5
Total Residential		22.5
13	Roads	6.7
Total Roads		6.7
N/A	Wetlands	N/A
7, 8, 9, 10, 11, 12*	Uplands / Retention	22.2
Total Open Space		22.2
TOTAL		51.4

* Tracts 7 and 9 contain 11.2 acres of stormwater retention

2. Density

Gross Residential Density Calculation

$$\frac{\text{Total Units}}{\text{Gross Res. Acres}} = \frac{117 \text{ units}}{51.4 \text{ acres}} = 2.3 \text{ units/acre}$$

Net Density Calculation

$$\frac{\text{Total Units}}{\text{Gross Res. Acres}} = \frac{117 \text{ units}}{44.7 \text{ acres}} = 2.6 \text{ units/acre}$$

3. Utility Services

All stormwater management design shall comply with the Seminole County Land Development Code, the St. Johns River Water Management District and any other local or state codes.

Water and sanitary sewer will be provided by Seminole County Utilities.

4. Legal Instruments will be created for providing for the management of common areas and facilities.

5. Fire Protection will be provided via fire hydrants with pressure and supply consistent with Seminole County Codes.

6. Impact Analysis

Traffic Analysis

Vehicle access will be provided from Long Pond Road. Long Pond Road will be paved to County standards from the end of the existing pavement to the project entrance (approximately 1200-1500 feet). Long Pond Road connects to Markham Woods Road. According to information provided by Seminole County, Markham Woods Road currently carries 11,331 daily trips on the segment between E.E. Williamson and Lake Mary Boulevard. A road of this nature has a capacity of 14,600 daily vehicles (FDOT Q/LOS Handbook, Generalized Tables). For the purposes of analyzing the traffic impact created by Rockwell, 120 units were used. Per ITE Trip Generation, 6th Edition, 120 single-family dwelling units are expected to generate 1,226 daily trip ends. For the purpose of this analysis, it is assumed that the traffic distribution onto Markham Woods Road is 70 percent to/from the north and 30 percent to/from the south. Based on these figures, the segment of Markham Woods Road north of Long Pond Road is projected to carry 12,189 vehicles daily (11,331 + 858 = 12,189). Similarly, the segment south of Long Pond Road is projected to carry 11,699 vehicles daily (11,331 + 368 = 11,699). Both of these volumes are below the acceptable capacity of the road and therefore would not adversely affect the level of service operation of either segment of Markham Woods Road. These projected volumes do not include any future growth in background traffic, which is consistent with the County's concurrency study methodology.

School Analysis

Rockwell will generate approximately 98 students as shown in the calculation below:

School	Units	Students/Unit	Number of Students
Elementary	117	.31	36
Middle	117	.23	27
High	117	.28	33
Total			96

7. General Purpose and Character

Site Description

The subject property is 51.4 acres in size and is located on Long Pond Road adjacent to Interstate 4, directly opposite Corporate Pointe Business Center. The site currently has a zoning designation of A-1, however a rezone to Planned Unit Development (PUD) will allow flexibility to build the proposed new residential community "Rockwell." Rockwell will be a traditional neighborhood development featuring homes with front porches, alleys, and large expanses of open space. A maximum of 117 dwelling units are proposed.

8. Structural Concepts

The single-family homes will consist of a mixture of approximately nineteen (19) estate lots and ninety-eight (98) cottage lots. The homes will feature traditional architecture comparable to the homes built in Celebration. There will be a combination of rear and front loaded homes, with most having rear-loaded alley garages. The maximum height will not exceed the thirty-five (35) foot code height limit.

9. Major Landscaping Concepts

The Rockwell community will be beautifully landscaped in order to enhance the natural palette of plant materials currently existing in the area. In order to reduce the demands on water, maintenance and other resources, a xeriscaped landscape design will be implemented. Clustering the homesites around the open spaces will preserve substantial portions of the existing topography and the native tree species.

10. Recreation and Open Space

Open space and recreation are central components of the master plan. Approximately 40% of the site will be reserved as open space. On the east side of the property, a dry retention pond surrounded by landscaping will create a large expanse of open space that will visually and audibly buffer the community from I-4. On the west side of the property, a minimum 50-foot buffer is provided as a transition between the adjoining neighborhoods. Along the Wekiva Trail, a private trailhead is planned as a gateway to the community. Central to the site, three neighborhood parks are planned. These parks are strategically located to preserve existing natural areas and to provide a neighborhood green where homes front the park. One of the neighborhood greens will have a "Post," containing a mail depot, benches, and playground equipment, to serve as a focal point and community gathering place.

11. Housing types, price ranges and staging.

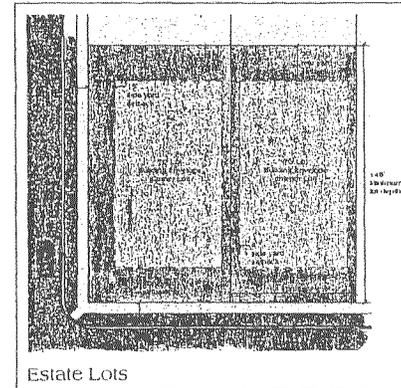
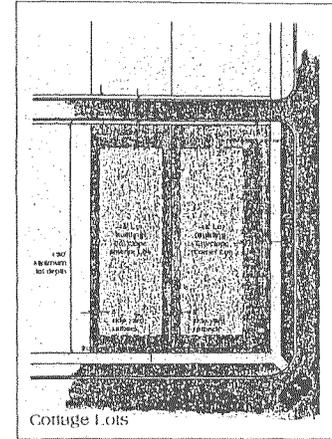
Rockwell is a single-family community offering a choice of either estate homesites or cottage homesites. The community will be built in one continuous phase beginning at the entrance to Long Pond Road. Home prices will be comparable to or higher than other homes in the area.

12. Pedestrian, bicycle and vehicular linkage plans

The project is designed as a traditional neighborhood with a connectivity and linkage system planned for pedestrians, bicyclists and vehicles. All of the roads within the community have sidewalks leading to the private trailhead adjacent to the Wekiva Trail. Pedestrian and bicycle access to the commercial services available on Lake Mary Boulevard is provided through the trail systems.

13. Setbacks

The minimum residential setbacks are as presented in the following diagrams:



14. FDOT Easement

The Florida Department of Transportation (FDOT) owns a permanent easement for stormwater retention purposes on lands located in Open Space Tract 9. The retention area is a dry facility that does not require fencing. A joint use agreement between the property owner and FDOT states that if expansion of the pond is needed for the development of the property, the pond may be expanded and reconfigured as needed for up to 44 acre/feet of stormwater retention for the development's use and 8.3 acre/feet for FDOT use. Additionally, the agreement states that the pond may be reshaped or relocated to accommodate a development so long as there is sufficient capacity within the new pond to accommodate 8.3 acre/feet. The stormwater management system planned for rockwell is consistent with this agreement. The FDOT stormwater retention area will be combined with Rockwell's stormwater retention in Open Space Tract 9.



Notes

ROCKWELL
 Planned Unit Development
 Seminole County, Florida

Project No.	17203
Designed By	ABD
Drawn By	JT
Checked By	JFR
Revisions:	
Date	08.23.03
Date	04.18.03

Sheet
6 of 6

Rockwell Large Scale Land Use Amendment Staff Report

Suburban Estates (SE) to Planned Development (PD)		Amendment (Z2003-011 03F.FLU02)
REQUEST		
APPLICANT	John Rinehart / Glatting Jackson	
PLAN AMENDMENT	Large Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD)	
REZONING	A-1 (Agriculture) to Planned Unit Development (PUD)	
APPROXIMATE GROSS ACRES	51.4	
LOCATION	Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4	
BCC DISTRICT	District 5 – McLain	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION August 6, 2003	Staff recommends DENIAL of the request.	

STAFF ANALYSIS

Suburban Estates (SE) to Planned Development (PD)		Amendment (Z2003-011 03F.FLU02)
--	--	--

1. Property Owner: Catholic Diocese of Orlando
2. Tax Parcel Number: 13-20-29-300-005B-0000

3. **Development Trends:** Development to the west and south of the subject property is predominantly single family in nature at densities not exceeding 1 unit per acre. Historically the area has been viewed as a neighborhood of large-lot estates, with proposals for higher densities rejected as being out of character. Development to the north of the proposed Rockwell site consists of a cluster of commercial and other higher intensity uses centered on the I-4 interchange at Lake Mary Boulevard. The Oakmonte PUD represents a gradient of intensity, beginning with commercial and office tracts adjacent to the major thoroughfares on the north and east, and transitioning to multi-family and other, lower-impact nonresidential uses to the south and west. Included in this complex of uses is the ITT Business Training Facility and the Oakmonte Senior Village at the south end of the PUD. Approved with a 6-foot wall along the south property line, the Senior Village has been viewed as the southern extremity of urban uses into the Markham Woods area. Access through the Senior Village is prohibited by the PUD Development Order for Oakmonte.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designations of Suburban Estates currently assigned to the subject property, permits single family residential development at a maximum density of one (1) dwelling unit per net buildable acre. Existing A-1 zoning allows agricultural and related low-intensity uses.

Location	Future Land Use*	Zoning*	Existing Use
North	PD	PUD	Oakmonte Senior Village (approved)
South	SE	A-1	SF residential
East	CITY	CITY	I-4
West	SE	A-1	SF residential

• See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. **PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via Long Pond Road, a local street. However, LOS information is available for Markham Woods Road, the Collector road serving the area. Existing LOS is "A", adopted LOS standard is "E" + 20%. Markham Woods Road is a policy-constrained roadway and will remain a 2-lane road indefinitely.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Seminole County water and sewer service area. Water, sewer service and reclaimed water are currently available to the site

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #36. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. Compatibility: When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the proposed Planned Development land use would not be in keeping with future land use designations on adjoining properties to the west and south. Approval of the proposal on this site would introduce a residential development at a density of 2/6 dwelling units per acre which is a pattern not typical of the neighborhoods along Long Pond Road. In concept, the Rockwell proposal could function as a transitional use in relation to multi-family and nonresidential uses to the north. However, there would be no physical connection with adjoining development in Oakmonte PUD, as road access is not available in that direction. Access to the subject property is limited to Long Pond Road, connecting to Markham Woods Road, effectively making the project a close neighbor of the Suburban Estates areas to the west and south. Although buffering is proposed

adjacent to these areas, the project's density of 2.6 units per net buildable acre is significantly higher and not comparable with the established residential development around it. The proposed lots are smaller in size than adjacent lots. These lots are clustered on the western portion of the property closer to the larger lots rather than being located closer to Interstate 4.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Previous discussions and decisions by the Board of County Commissioners have suggested that the transition of land uses from higher to lower intensities in the area was to be accomplished within the Oakmonte PUD, terminating at the south property line of the Oakmonte Senior Village site. The subject property lies beyond that conceptual boundary and, owing to lack of access or other forms of integration, has no practical role in this progression. (Please see attached minutes from the July 22, 2002 Board of County Commissioners public hearing.)

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.

FLLU 2.12 On-Site Traffic Flow

FLU 5.5: Water and Sewer Service Expansion

Planned Development Future Land Use Definition

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the request due to significant differences in density between the proposed development and existing residential uses to the south and west, and lack of access through the Oakmonte PUD, and lack of transition of lot sizes between the existing neighborhood and the proposed lots.

Minutes from BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

JULY 23, 2002

The following is a non-verbatim transcript of the **BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA**, held at 9:30 a.m., on Tuesday, July 23, 2002, in the **SEMINOLE COUNTY SERVICES BUILDING** at **SANFORD, FLORIDA**, the usual place of meeting of said Board.

The Board, thereupon, recessed at 3:30 p.m., reconvening at 7:05 p.m. with all Commissioners and all other Officials, with the exception of Deputy Clerk Sandy McCann who was replaced by Deputy Clerk Carylon Cohen, who were present at the Opening Session.

PLAN AMENDMENT AND REZONE

JEWISH SENIOR HOUSING COUNCIL

Proof of publication, as shown on page _____, calling for a public hearing to consider Comprehensive Plan Amendment from Suburban Estates to Planned Development; and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); property located west of I-4, east of Seminole-Wekiva Trail, and 3000 feet south of Lake Mary Boulevard, Jewish Senior Housing Council, received and filed.

Cindy Matheny, Senior Planner, addressed the Board to state this hearing continues the adoption hearings for the Spring 2002 Large Scale Plan Amendments. She said the applicant is requesting the amendment and rezoning in order to develop an elder housing complex on a 20-acre parcel abutting I-4, the Oakmonte PUD, and vacant Suburban Estates properties. She advised the Department of Community Affairs issued its Objections, Recommendations, and Comments report on June 28, 2002, and there were no comments related to this amendment. Staff is recommending approval of the amendment to Planned Development and the rezoning to PUD, with staff findings and subject to the development order, which includes the requirements for a wall along the south and west sides of the project. The wall will preclude further development to the south with no further access to this site to the properties to the south. That area will remain designated as Suburban Estates for residential development at one unit per net buildable acre. Additional vacant Suburban Estates property to the west of the site is bounded by the Seminole Wekiva Trail and also remains designated for one unit per acre for residential uses. The development order also includes standards related to buffering, lighting, and design standards. If the Board adopts the amendment, it will be included in an amendment ordinance for the Spring Large Scale Cycle and the ordinance will be adopted by the Board by the final amendment hearing.

Aaron Gorowitz, applicant, Lowndes, Drosdisk, Dostor, Kantor & Reed, 250 N. Eola, addressed the Board to state they agree with the staff. He requested Board approval consistent with the staff recommendations.

Frank Shelton, Vice President, representing the Markham Woods Homeowners Association, 14 Stone Gate North, addressed the Board to state the homeowners feel double-crossed by County government. He said some of the citizens served on the Citizens Advisory Committee when the 1987 Comprehensive Plan was drafted where they spent hundreds of hours participating in the public input and approval meetings. The Plan produced was considered by everyone to be the County's long-range master plan to protect everyone's future property rights with a geographical outline of future land uses. They reached an agreement between surrounding homeowners, the Planning & Zoning Commission, and the BCC, through the adoption of the Comp Plan to maintain an agreed to boundary line between the newly included PUD area and minimum one-acre lot future residential area, between the PUD and existing one-acre lot subdivisions to the west and south. He displayed a colored map (not received and filed) of the areas being pointed out. He said the compromise reached allowed for reasonable, higher intensity development while protecting the surrounding residential area. Transitional uses were expected to occur within the perimeter of the PUD. He said nothing has occurred since 1987 or altered the factors considered at that time, and neither the County staff or Board should be a party to throwing out the Comp Plan land use designations that received such great scrutiny by County government and its citizens. Otherwise, property owners have no way to protect the future of their neighborhoods. He said the area proposed for Oakmonte Senior Villages would decrease the minimum distance between current residential areas and the PUD boundary from an agreed to minimum 850 to 900 feet to about 300 feet. The proposed development would set a precedence for more intense development, specifically multi-family housing, in the entire suburban estates band between the PUD on the south side of Lake Mary Boulevard to Markham Woods Road. This area was intended for minimum one-acre home sites to protect the aesthetics, quality of life, and property values of existing homeowners and to ensure compatibility. He said the proposed development is far too intense and incompatible with surrounding, existing one-acre developments and future one-acre residential developments. The applicant is proposing 250 housing units in an area currently zoned for a total of 16 one-acre homes. He feels it is unfair to ask homeowners to compromise over and over again to wear them down to the point they cease to care. He stated the PUD in Oakmonte has already been drastically intensified through four amendments. He asked when is enough, enough. He clarified that their opposition is based only on its incompatible land use close to their surrounding residential area and the precedence it sets for future land use changes in their area. The Board's decision should be based on the impact on property owners in the immediate area and past promises. He asked the Board to either deny the request or require the rearrangement they propose to be implemented.

Mr. Gorowitz stated Mr. Shelton's comments were essentially the same as the last time. He said they have a petition that was submitted (copy in the staff report) with more than 2,000 signatures with hundreds from the Markham Woods Corridor. They have significant restrictions on what they can do. He said 100% of the traffic goes through Oakmonte and no cars go onto Markham Woods Road, which was a huge concession. He stated the Catholic Church has told them that this is the only property they will sell. This is a very high-end project and will service the Markham Woods area and enhance and serve Seminole County with no detrimental impacts.

Commissioner Morris asked why couldn't the project be more oriented towards I-4; why there could not be more parking or green space to the west side. He said while this a minority view, it is still valid when they go back to 1987 and the debates that occurred on this land.

Mr. Gorowitz stated when the meetings were held in 1987, there were sets of circumstances that are very different now. This area has developed to a considerable degree in the last 15 years. They looked not to maximize the intensity of the land, but to do a project that would be a good transitional one between the office commercial parcels and the one-acre home sites. They are adjacent to I-4, commercial, and apartments, and the idea was to provide a legitimate, non-intrusive buffer and transitional project between those high intensity uses and the one acre homes that would likely be built on the balance of the property.

Harold Lefkowitz, representing the Jewish Senior Housing Council, addressed the Board to state they felt three practical reasons were appropriate: (1) I-4 is not the same as it was in 1987. The impact it creates on the property is significantly more than it would have been. He said Oakmonte recognized that and held all their residential away from I-4 and they have commercial adjacent. This property does not have commercial between it and I-4. They are trying to produce a higher-grade type product that is residential and is subject to the negative detrimental impacts of I-4. They did provide for an area of intensity adjacent to the interstate so that the area directly impacted is minimized. (2) When they acquired the property, the Catholic Church had a perception of how they wanted to sell the property. They came up with basically what the Catholic Church wanted to do. (3) They discussed the property on the west side and how to minimize what the impact adjoining would be on the residential areas. That's why they held the height limitation to 20 feet, single story high maximum; pitched roof type facilities; and built in significant setbacks; and determined not to have roads directly against the western boundary and keep residential backyards, and they also would have a wall around it; additionally, the closest their property is to anything is in excess of 400 to 500 feet. He said when you take the intense portion of the project, even if they were to move more southerly adjacent to the interstate, that intense building would not be any further away than what is currently planned.

Mr. Gorowitz advised that the nearest house is 550 feet from the 20-foot units and probably 850 to 900 feet to the other 35-foot units.

No one else spoke in support or in opposition.

Speaker Request Form for Mr. Shelton was received and filed.

Commissioner Morris stated that his initial assumption when he looked at the project was that it is a violation of the 1987 bond that was made. He understands what Mr. Lefkowitz said with respect to it's now 2002. He asked why, in staff's opinion, they do not find this a breaking of that 1987 commitment that occurred in this corridor. He clarified that he thinks in 1987 there were "lines in the sand" drawn, and he is trying to understand the southern and western boundary. There was a lot of discussion about one acre zoning and one house per acre zoning, and there have been a lot of changes that have occurred that in some cases were less intense. He asked staff why they recommended this project to DCA.

Matt West, Development Review Manager, addressed the Board to state this project is of a less intense nature than apartments and townhomes. It won't be 2.5 people per unit, but typically retirees, and a lot of the units will be single occupants. The building heights are not those that are not allowed in A-1. This project is no larger or more intense from a height, traffic, or use standpoint and it is still residential in nature. Mr. West said he heard the term "lines in the sand" before that apparently there was some kind of understanding with Oakmonte and previous projects that development was not allowed to cross some certain line. He said he is not aware what that line is.

Don Fisher, Planning and Development Director, addressed the Board to state there were architectural considerations in making this recommendation. He said he was not involved in the process in 1987, but when the plan was done, the considerations were for traffic on Markham Woods Road, compatibility with the surrounding neighborhood and in keeping with the lifestyle compatibility of the area. He said the things that led staff to breaking that "line in the sand" were: (1) The project was not getting access to Markham Woods Road; but going internal through Oakmonte and getting access out to Lake Mary Boulevard by I-4 and the commercial development. They were also considering architectural standards and internal buffers to the development. The internal transition was with buffers, setbacks, trees, walls, etc. running from the west to the east with the east being most intense towards I-4. The site plan considers that with the lower buildings on the west and more intense and higher buildings on the east side. The more intense buildings at 35 feet height are not out of character for many of the much larger homes being built along Markham Woods Road now.

Upon inquiry by Chairman McLain, Mr. Fisher explained the "line in the sand" in 1987 was established by the BCC, based on the circumstances at that time, having to do with traffic. He affirmed Chairman's McLain statement that in 1987, in approving additional land use in this area, the Board commented that they were no longer going to allow any densities other than single family residential. The Board made a commitment in 1987 based on future land use from their perspective.

County Attorney Robert McMillan stated a Board can never commit that a future Board will not make changes, or that situations won't change, and factors change. The Board cannot sit today and say they will never approve something beyond this point. This just can't be done.

Chairman McLain said especially over the last three decades, land use and property rights have been examined and rules put in place where now the County is required to have a Comp land use plan, and the County is accountable to state agencies for their review. This Board has always had a very open forum for public comment and always tried to protect the quality of life and the impacts any development would have over the existing residential, commercial, or industrial properties. This is another case where the Board has to make a decision whether it is compatible and the buffers are correct. He reiterated that the Department of Community Affairs have reviewed this and have no objection to the project.

Commissioner Morris stated he is still concerned with the additional land left on the property. He said there has been a casual reference made that this would probably be single family. He asked what is the staff's understanding and how do they see that proceeding. Whereupon, Chairman McLain said the current land use is Suburban Estates, one unit to the net buildable acre. The property owner would have to come before the Board to request a land use

change, and the Board is the only authority that can change that. He said staff has stated they believe the property should remain Suburban Estates, one unit to the net buildable acre.

Commissioner Morris asked if the Board could approve this with findings that the compatibility of single family on one unit to the acre is the transition for any future application. He is speaking of the remainder portion of the property owned by the Catholic Church. Whereupon, Mr. Fisher said staff would be recommending that this property be one development unit per net buildable acre.

Chairman McLain stated he agrees with the assessment that's probably what it should be, but he doesn't know if the Board has the ability or right to sit and dictate what the future land use would be on someone's property who is not present to represent themselves or made application for the property on what use they choose. Discussion ensued. Commissioner McLain stated, as the District Commissioner, he is not prepared to make any commitments on someone else's property and commit them to what they can or cannot do as findings in this hearing. He said they have a right to come before the Board. He suggested continuing the hearing and asking the Catholic Diocese if they wish to come before the Board to discuss their future plans and make commitments prior to the Board approving the project.

Commissioner Henley stated he thinks they are all concerned and trying to do what is best for all concerned. He commended Mr. Shelton for coming before the Board on many occasions to try to defend this area. He said at the last meeting, based on the information provided, the Board felt this was a viable use for the property without the intensity being out of character for the area. He has not seen anything tonight that would cause him to think the reason this was sent to DCA has changed. The information and facts are still present, and he agrees with the County Attorney's assessment that they can't bind future Boards. He believes Commissioner Morris was attempting to give some thought to what the future use might be, based upon what the Board has been saying would be acceptable and compatible. If this project is approved, the developers and citizens who live there will be just as concerned as Markham Woods is about what would go on the rest of the property. They would want something that would be totally compatible with what they are trying to set up. He thinks this project would be a valuable asset to the County and has a less impact than other type developments proposed. He asked if staff had any different information than presented at the last meeting that would cause the Board to think differently and consider denying the project.

Mr. Fisher advised there have been no changes since the first presentation and tonight's meeting. Whereupon, Commissioner Henley stated he had a phone call earlier tonight from a resident whose only concern was to ensure there was no entrance on exit onto Long Pond Road. Without hearing of any changes, he still feels this is a good use of the property, as well as providing an excellent service in a community that is aging. He said he would like to hear good reasons why, if the Board does consider denying the project.

Commissioner Maloy stated he spoke with Mr. Shelton about the western border idea and thinks it would be nice to put the project next to I-4. He also spoke with the Catholic Diocese and they said they were not interested in that. He said overall, with the assisted living facility, there is next to no impact. There would be very little traffic and with it going onto Lake Mary Boulevard, there won't be any negative impacts to Markham Woods Road other than how close

is the project. He summarized the project is 550 feet away, there are buffers, and a trail, so overall he does not see any negative impact at all and he is prepared to support the project.

Mr. McMillan stated Commissioner Morris could make any findings he wishes to give as a means for him to make his decision. That would not bind any future Board as to what findings they make or whether they disagree. He said it was clear in the developer's presentation that this was a buffer and they are selling it as a transition between the commercial on one side and residential on the other side.

Commissioner Morris said that was what he was trying to get an answer to and was not trying to be argumentative. He was trying to get findings that would give direction to some future Board if the Diocese Church comes back in 10 to 15 years. He said time is on the side of the developer and they may come back. At least, there would be some record where there was not a record. He was trying to get to the point that there was never a "line in the sand" conversation made in the public record, but the Board knows there was an intent. Mr. Shelton was probably right on the intent at the time. One way to memorialize this would be by having a finding that says this project was found to be good, lawful, and permissible based upon its proposed transition of future land use next to it being one unit to the acre. This does not bind anyone, but it says what the Commissioners have been saying. Further discussion ensued by the Board.

Commissioner Maloy said the property to the south is going to be limited on its own because it does not have access through the subject property and the only way to intensify it would be to have access other than Markham Woods Road. He is a little uncomfortable trying to put in words that would affect the property next door.

Chairman McLain stated during the last 10 years, the property south of the subject property has had many attempts to come forth for development other than single family residential. The Board of County Commissioners has always resisted and denied that opportunity. He thinks Commissioner Maloy made a good point that the parcel to the south only has access to Markham Woods Road. He said the Board does want to maintain their protection of the one unit to the acre development along Markham Woods Road. This is a premiere corridor and, other than some properties on E.E. Williamson Road, and along the inner sections at the Interstate, the corridor has been protected. He feels it is inappropriate as a County Commissioner to put any kind of limitations on another person's property without them present to make comment on what they think their personal property rights and intentions are. He feels all the protections are in place, from DCA to the planning process and Comprehensive Plan, and he doesn't think it's appropriate to try to dictate what a future land use might be 10 to 15 years from now.

Commissioner Morris stated he was trying to show a road map to show this Board's opinion of this future property.

Upon request by Commissioner Morris, Chairman McLain recessed the meeting at 7:51 p.m. and reconvened at 8:00 p.m.

Chairman McLain referred to staff recommendations and actions for the Jewish Senior Housing Council rezoning, Item #1, and asked staff if they would amend the wording to read

“the request, as proposed, would be compatible with surrounding Suburban Estates.” Whereupon, Mr. West stated staff would not object to that amendment. Chairman McLain said he thinks that would memorialize the Board’s position very clearly. He thinks it is clear that the Board members’ feelings are that they think this project is compatible with Suburban Estates and that is the current land use. The Board have all expressed the desire that the remaining property be developed as single family residential, one unit to the net buildable acre.

Chairman McLain recommended supporting the staff’s recommendation and findings from the Department of Community Affairs.

Motion by Commissioner Maloy, seconded by Commissioner Henley, to adopt the Chairman’s recommendations to adopt the Comprehensive Plan amendment from Suburban Estates to Planned Development, and rezoning from A-1 to PUD, for a 20-acre site located west of I-4, east of the Seminole-Wekiva Trail, and 3000 feet south of Lake Mary Boulevard, based on the amended staff findings and findings from the Department of Community Affairs; and approval of Development Order, as shown on page _____, as described in the proof of publication, Jewish Senior Housing Council.

Under discussion, Commissioner Morris said he will vote in favor of the motion based on what District Commissioner McLain just said relative to the findings of staff and the intent as to why this project is being approved. He stated his findings for the Record is that this is a compatible use because the surrounding uses would be single family, one unit to the acre. Hopefully, that will be a road map to future Commissions when they review any future land use on the surrounding properties.

Districts 1, 2, 4, and 5 voted AYE.

PUBLIC COMMENT

Susan Eberle, 652 W. Palm Valley Drive, addressed the Board to thank them for the traffic light at the corner of McCulloch and Rouse Road. She discussed the issue of the University of Central Florida master plan and her concerns for traffic, infrastructure, and the environment. She said she would like to see a small area study be done and asked the Board to consider that and notify her in writing of their decision. She also discussed the Wal-Mart Neighborhood Market that has been proposed for Alafaya Trail at the northwest corner of McCulloch Road. She stated there are a number of concerns (traffic, crime, noise, lighting, and compatibility with existing neighborhoods) the residents would like to bring before the Board to resolve before the store is built. She submitted her letter (received and filed) to Chairman McLain for the Record setting forth the issues and also submitted copies of the letters (received and filed) to her from Commissioner Maloy and Matt West. Ms. Eberle requested that the Board hold a public hearing.

Chairman McLain advised that Commissioner Maloy is the District Commissioner and he’s sure he will meet with staff and report his recommendations to the Board.

Commissioner Maloy stated he is familiar with these issues and staff is making changes where they can, but the County cannot change some of the things. He reported on his recent meeting with the residents and Planner Ian Ratliff. For those things that can be addressed at site

plan, the County will be making changes. He explained there would not be a public hearing on the zoning because the property is already zoned.

Mr. West discussed some of the commitments to be made.

Upon inquiry by Chairman McLain regarding a small area study, Commissioner Maloy explained that in this particular situation, there's really nothing to study as there are not too many parcels left undeveloped that are not already zoned.

Chairman McLain advised Ms. Eberle of how the Board has worked with UCF on different occasions. He stated there are some things the County cannot physically or legally do.

The Speaker Request Form for Ms. Eberle was received and filed.

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 8:17 p.m., this same date.

ATTEST _____ Clerk _____ Chairman

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Rockwell Large Scale Land Use Amendment Staff Report."

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development District):

LEGAL DESCRIPTION ATTACHED EXHIBIT A

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

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

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of recording of Development Order #3-20500006 in the official land records of Seminole County.

ENACTED this 25th day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A

LEGAL DESCRIPTION

SEC 13 TWP 20S RGE 30E THAT PT OF GOVT LOT 2 & E 1/2 OF SW 1/4 S OD RY & W
OF I-4 (LESS W
215.7 FT OF 1321.92 FT & BEG SE COR OF BLK C OAKMONTE PARK PB 53 PG 75
RUN S 16 DEG 11 MIN 40 SEC W 850.93 FT W 1087.66 FT N 37 DEG 49 MIN 36 SEC W
240.65 FT N 52 DEG 10
MIN 24 SEC E 182.38 FT NELY ALG CURVE 679.05 FT E 875.51 FT TO BEG & S 33 FT
FOR RD)

**SEMINOLE COUNTY
ADMINISTRATIVE ORDER**

On August 12, 2003 Seminole County (the “County”) issued this Administrative 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 the County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: CATHOLIC DIOCESE OF ORLANDO
Requested Development Approval: REZONE FROM A-1 TO PUD

After fully considering staff analysis and all evidence submitted at the public hearing on August 12, 2003, to this matter, the Board of County Commissioners (the “Board”) has found, determined and concluded that the request for a change in zoning classification, as proposed, would not be compatible with the adjacent neighborhoods and is inconsistent with the development trends in the area per the analysis contained in the staff report entitled “Rockwell Large Scale Land Use Amendment Staff Report.”

Lastly, the Board finds that the owner(s) will retain beneficial use of the property without the requested change in classification from A-1 to PUD.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first above.

By: _____
Daryl G. McLain
Chairman
Board of County Commissioners

Exhibit A

LEGAL DESCRIPTION

SEC 13 TWP 20S RGE 30E THAT PT OF GOVT LOT 2 & E 1/2 OF SW 1/4 S OD RY
& W OF I-4 (LESS W
215.7 FT OF 1321.92 FT & BEG SE COR OF BLK C OAKMONTE PARK PB 53 PG
75
RUN S 16 DEG 11 MIN 40 SEC W 850.93 FT W 1087.66 FT N 37 DEG 49 MIN 36
SEC W 240.65 FT N 52 DEG 10
MIN 24 SEC E 182.38 FT NELY ALG CURVE 679.05 FT E 875.51 FT TO BEG & S
33 FT FOR RD)