

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

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

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

The meeting was called to order by the Chairman at 7PM. The Chairman reviewed with the attendees the manner in which the meeting was to be conducted, including voting procedures.

Commissioner Peltz made a motion to accept the proof of publication.

Commissioner Bates seconded the motion.

The motion passed unanimously.

Commissioner Bates made a motion to accept the minutes as amended.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

Technical Review Items:

- A. **Markham Woods Road Enclave PSP**; King Builders, LLC; approximately 6.1 acres Preliminary Subdivision Plan for a 5 Lot, Single Family Residential Subdivision, zoned PUD; located on Markham Woods Road, North of Acre Court and south of Carter Road. (04-05500020)

Commissioner McLain – District 5
Michael Rumer, Planner

Michael Rumer introduced the site of the PSP, stating that there was A-1 (Agriculture Zoning). The internal roads for the project will be private. No waivers have been requested.

Commissioner Harris asked how the internal roads are to be maintained.

Mr. Rumer stated that there will be a 2 year maintenance bond posted.

Commissioner Eismann made a motion for approval of the request.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (5 – 0).

B. **Gallimore Subdivision (PSP)**; Forest Creek, Inc./Ellsworth Gallimore, applicant; approximately 44.45 acres; Preliminary Subdivision approval for 112 Lots, Single Family Residence, zoned PUD; located on the south side of Sand Lake Road between Hunt Club Boulevard and West Lake Brantley Road. (03-05500033)

Commissioner Van Der Weide – District 3
Denny Gibbs, Planner

Michael Rumer stated that the water service was to be provided by Utilities, Inc. No waivers had been requested and the internal road will be private.

Commissioner Bates made a motion for approval.

Commissioner Eismann seconded the motion.

The motion passed unanimously (5 - 0).

C. **Heathrow International Business Center**; Shutts & Bowen LLP, applicant; approximately 436.7 acres; Major Amendment to the Heathrow International Business Center PUD Master Plan; approximately bounded by CR 46A, Interstate 4, Lake Mary Boulevard, and Banana Lake Road. (Z2004-029)

Commissioner McLain – District 5
Tina Deater, Senior Planner

The above item is being requested for continuance until September 1, 2004.

Commissioner Bates made a motion to continue this item to the September 1 meeting.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (5 – 0).

D. **Lake Howell Lane Rezone**; Gregory T. Leonard, applicant; approximately 3.94 acres; rezone from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District); located on the north side of Lake

Howell Lane, approximately 550 feet east of Lake Ann Lane. (Z2004-018)

Commissioner Maloy - District 1
Tina Deater, Senior Planner

The above item is being requested for continuance until September 1, 2004.

Commissioner Bates made a motion to continue this item to the September 1, 2004 meeting.

Commissioner Eismann seconded the motion.

The motion passed unanimously (5 – 0).

E. **Riverton Rezone**; M.I. Homes / Eric Wills, applicant; 15.65 acres; rezone from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) for a single-family subdivision; located on the southeast corner of the intersection of Orange Blvd and Wilson Road. (Z2004-033)

Commissioner McLain – District 5
Tina Deater, Senior Planner

Tina Deater stated that the Low Density Residential future land use designation allows R-1AA zoning. This is compatible with the surrounding zonings. Staff recommendation is for approval.

Eric Wills was present to answer the questions of the Commissioners.

Don Beverly of 1525 Emmet Avenue wanted to know about the placement of the entrance and also about how water retention would be handled.

Mr. Wills said that the retention would be addressed in the Preliminary Subdivision Plan. Access would be off of Wilson Road. The northeast corner will be for retention.

Commissioner Eismann made a motion to recommend approval, based on the conditions of the Staff report.

Commissioner Peltz seconded the motion.

The vote was 5 – 0 in favor of the motion.

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

Commissioner Maloy – District 1
Tina Deater, Senior Planner

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

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

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

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

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

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

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

Commissioner Peltz asked about water retention.

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

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

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

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

Commissioner Peltz asked if there are tennis courts.

Mr. Bogumil said that there is one tennis court.

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

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

Commissioner Peltz said that there would be parking by two of the properties.

Mr. Bogumil said that his HOA does not like headlights shining into their homes.

Commissioner Peltz asked if a brick wall would be better.

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

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

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

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

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

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

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

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

The public hearing was now closed.

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

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

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

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

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

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

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

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

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

Commissioner Hattaway asked the projected price of the townhomes.

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

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

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

Mr. Daly agreed.

Commissioner Hattaway asked about the balconies.

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

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

It was noted that Stephen Clark sent an e-mail in opposition to the request.

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

Commissioner Eismann seconded the motion.

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

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

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

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

Planning Manager’s Report:

The Celery Estates South project has been sent for transmittal.

The Mikler Shoppes project has been delayed.

Florence Arbor has been continued to next Tuesday’s BCC meeting.

The BCC is to consider the Charter Amendment Ordinance which will describe an eastern rural boundary and also call for the BCC to review certain land use changes. If this passes, it will be on the ballot on November 2. It will not prohibit cities from annexing or prohibit people from requesting changes.

There being no further business, the meeting was adjourned at 8:15 P.M.

Respectfully submitted,

Candace Lindlaw – Hudson
Secretary