

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY / PLANNING & ZONING COMMISSION  
MARCH 1, 2006**

**Members present:** Matt Brown, Beth Hattaway, Ben Tucker, Dudley Bates, and Walt Eismann

**Members absent:** Jason Brodeur, Rob Wolf

**Also present:** Tom Radzai, Senior Engineer Development Review; Denny Gibbs, Senior Planner; Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Michael Rumer, Senior Planner; Ann Colby, Assistant County Attorney; Cynthia Sweet, Planner; and Candace Lindlaw-Hudson, Secretary.

The Chairman called the meeting to order at 7:00 P.M. He then introduced the members present to the audience and reviewed the manner by which the meeting was to be conducted.

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

**Commissioner Brown seconded the motion.**

**The motion passed unanimously.**

Commissioner Eismann made one correction to the minutes, stating that he was absent from the last meeting.

**Commissioner Hattaway made a motion to accept the minutes as corrected.**

**Commissioner Bates seconded the motion.**

**The motion passed unanimously.**

**TECHNICAL REVIEW ITEMS:**

**A. Edwards Estates Subdivision PSP; Annie Edwards & Paula Maxey, applicants; approximately 38 acres; Preliminary Subdivision Approval for 86 Lots; Single Family Residence; Zoned R1-A; South of Fawn Run, west of Old Lockwood Road. (06-05500008)**

Commissioner Dallari - District 1  
Denny Gibbs, Senior Planner

Denny Gibbs stated that there would be 86 lots, which may be reduced in number, and private roads. Staff recommendation is for approval.

Commissioner Eismann made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion carried 5 – 0.

**B. Windsor Woods PSP**; Windsor Oaks LLC, applicant; Preliminary Subdivision Plan approval for 4 Single Family Residential lots on approximately 8.7 acres zoned RC-1 located on Lake Markham Rd south of SR 46. (05-5500034)

Commissioner Carey – District 5  
Denny Gibbs, Senior Planner

Ms. Gibbs stated that the subdivision will be on 8.7 acres, zoned RC-1, and will have private roads and individual septic systems.

Commissioner Eismann made a motion to recommend approval as outlined in the staff report.

Commissioner Brown seconded the motion.

The motion passed 5 – 0.

**C. Osprey Lakes Phase 4 PSP**; DR Horton Inc, applicant; Preliminary Subdivision Plan approval for 7 Single Family Residential lots on approximately 103.16 acres zoned A-5 (Agriculture District) located on Osprey Lake Circle north of Osprey Lakes PUD. (05-5500037)

Commissioner Dallari – District 1  
Denny Gibbs, Senior Planner

Ms. Gibbs stated that there will be 7 lots zoned A-5 (Agricultural District). The lots are clustered to preserve open space. There will be individual wells and septic, with private roads.

Commissioner Tucker noted the receipt of an e-mail from Deborah Shaffer, in favor of the plan.

Commissioner Hattaway made a motion to recommend approval of the request.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

**D. Wilderness Estates PSP; Geneva 426 LLC/Frank Engel, applicants;** approximately 54.93 acres; Preliminary Subdivision Approval for 10 lots, zoned A-5; located on the west side of CR 426, approximately 1000 feet south of SR 46.

Commissioner Morris – District 2  
Cynthia Sweet, Planner

Ms. Sweet stated that there will be 10 lots on 54.93 acres, zoned A-5. There will be private wells and septic systems.

It was noted for the record the receipt of an e-mail from Deborah Shaffer in favor of the plan.

**Commissioner Eismann made a motion to recommend approval of the request.**

**Commissioner Bates seconded the motion.**

**The motion passed 5 – 0.**

**PUBLIC HEARING ITEMS:**

**E. Edinburgh Small Scale Land Use Amendment and Rezone; Bryan Potts/Ashton Woods Homes, applicant;** approximately 9.34 acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture District) to R-1BB (Single-family Residential District); located on the west side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road. (Z2005-076)

Commissioner Henley – District 4  
Tina Williamson, Senior Planner

Michael Rumer presented the request for a rezone and small scale land use amendment. The small scale land use amendment was for a change from Low Density Residential future land use to Medium Density Residential future land use. The rezone request is for a change from A-1 (Agricultural District) to R-1BB (Single Family Residential District). The plan calls for 34 lots with lots sized from 5,000 to 9,000 square feet. There will be 10 dwelling units per net buildable acre. Staff recommendation is for approval.

The applicant did not make a presentation.

Judy and Stacey Altman wanted to know the size of the houses to be built. Will there be 5,000 square foot lots.

Bryan Potts stated that there would be houses of 2,400 square feet of 3,400 square feet with a price point of \$600,000.00. Lots will be 50 by 125 feet. There will be 5 foot side set-backs and 25 foot rear set-backs. There will be a wall in the rear, with gated access from Longwood-Lake Mary Road. A segment of Longwood-Lake Mary Road will be widened by the high school, with sidewalks.

Chairman Tucker stated that this neighborhood plan will be back for Preliminary Subdivision Plan approval.

**Commissioner Eismann made a motion to recommend approval.**

**Commissioner Bates seconded the motion.**

**The motion passed 5 – 0.**

**F. Monroe Road Development; Harkins Development Corporation, applicant; approximately 1.66 acres; Rezone from A-1 (Agriculture District) to PCD (Planned Commercial Development District); located on the northeast corner of Monroe Road and Church Street. (Z2003-052)**

Commissioner Carey – District 5  
Michael Rumer, Senior Planner

Michael Rumer introduced the request for PCD zoning on the parcel which is located on the northeast corner of Monroe Road and Church Street. The intent is to allow uses from the C-1 (Commercial District) and OP (Office Professional District) zoning classifications. There will be 2 office buildings totaling 10,137 square feet. The current future land use of HIPTI allows PCD as a zoning classification. The staff recommendation is for approval of the request.

Ryan Devlin of 4021 Church Street is a neighbor across the street from the site. He wants a landscaping buffer on the Church Street side, since he would be facing the rear of the property.

Mr. Rumer stated that there would be views of a retention pond and some of the parking lot. Dumpsters would be screened in their location on the site. There will also be 10-foot drainage and landscaping buffer along the property line near the retention pond.

Commissioner Brown gave Mr. Devlin a copy of the landscaping diagram.

Bill Harkins, builder, said that he will be building the complex. He is confident that it will be a good product. He will locate his business there.

There were no comments or questions at this time.

Commissioner Hattaway made a motion to recommend approval of the request.

Commissioner Brown seconded the motion.

The motion passed 5 – 0.

**G. Aagaard-McNary Office; John Herbert, American Civil Engineering, applicant**; approximately .17 acre; Rezone from R-1 (Single Family Residential District) to RP (Residential Professional District); located at 204 O'Brien Road. (Z2006-07)

Commissioner Henley - District 4  
Chris Schmidt, Senior Planner

This item was request to be continued to the April 5, 2006 meeting due to technical issues.

Commissioner Brown made a motion to continue this item to the April 5, 2006 meeting.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

**H. Tuskawilla Acres Rezone and Small Scale Land Use Amendment; William H. Abbott, applicant**; approximately 5.5 acres; SSLUA from SE (Suburban Estates) to LDR (Low Density Residential) and Rezone from A-1 (Agriculture District) to R-1AAA (Single Family Dwelling District); located at 4779 Gabriella Lane. (Z2006-02 / 02-06SS.02)

Commissioner Dallari – District 1  
Chris Schmidt, Senior Planner

Michael Rumer introduced the Tuskawilla Acres Small Scale Future Land Use Amendment and Rezone located on Gabriella Lane. The applicant is requesting a change from SE to LDR and rezone from A-1 to R-1AAA. The lot size would be 100 foot width and a 13,500 square feet minimum size. The property is surrounded on 3 sides by SE (Suburban Estates) future land use and A-1 (Agricultural District) zoning. Parcels to the south and southwest have a designation of LDR (Low Density Residential) and MDR (Medium Density Residential), however, the land contiguous with the site is a wetland. In 1995 the Bear Gully Creek Small Area Study was conducted. At that time the landowners in the area were polled and the majority of them said that they would prefer to keep the area as a large lot residential neighborhood. Although the area has been classified as LDR – Low Density Residential – since 1977, the most

intensive zoning in the area was A-1 for more than 30 years. The neighborhood had developed into primarily 2.5 to 5 acre lots, with the majority of the community believing that the surrounding properties would be developed in a manner that protected the suburban estates life style. The study also found that the storm water and drainage problems negatively affected much of the land within the study area. The unimproved drainage system which was put in place for agricultural uses needs to be improved before more intensive urban development can occur. The internal traffic system within the study area was substandard and not designed to serve more intense urban development. Since the much of the land in the study area was already developed as large acreage lots, one acre lots were considered an increase in density. As a result of the study, the Board of County Commissioners changed the future land use of the area from LDR (Low Density Residential) to SE (Suburban Estates) in 1995. Mr. Rumer concluded by saying that Staff finds that the Bear Gully Creek Small Area Study is still valid. The request for a future land use amendment and rezone are not compatible with the surrounding area. Staff recommendation is for denial of the request.

William H. Abbott, applicant, said that he had the property for more than 35 years. For 18 years, R-1 was encompassed in the residential zoning. The BCC under Ms. Warren had changed that. On all sides of the property is single family residential use. The area along Gabriella Lane is rapidly developing. Four properties have single family houses. After 35 years the sale of the property will support Mr. Abbott and his wife. One can drive short distances and see apartments and residential uses. Growth is in the area. Mr. Abbott stated that he has a contract for 3 houses per acre. \$700K houses will not downgrade anything. Mr. Abbott stated that this property must be rezoned. It is essential to him. Please consider this rezoning on its merits.

No one spoke in support of the application.

Ruth Wood spoke in opposition. She did not get a notice of the hearing, living beyond the perimeter of notification. She indicated on the map a large area of A-1 zoning stretching from the local middle school and Parker Court to and said that there are septic tanks there. Ms. Wood said that a large portion of Mr. Abbott's land abuts Bear Creek. The land is very wet in some areas. One house per acre type development is good for this area. 3 to 4 houses per acre is too intense. It should remain Suburban Estates.

Commissioner Brown asked what size parcel Ms. Woods lived on.

Ms. Woods said that she lived on one acre. Ms. Wood then asked about why the land had the designations of A-1 and Suburban Estates.

Tony Walter explained that one was a future land use designation (Suburban Estates) which allows lots of one net buildable acre or larger, and one was the zoning (A-1).

Ahmad Saidi said that he has 10 acres on Brooks Lane, northwest of the subject property. He said that in 1995 the Bear Creek Study people were championed by a gentleman from Alaquia on Markham Woods Road. Mr. Saidi stated that he owned several parcels which totaled 27 acres. The one acre parcel owners found that one acre zoning was lucrative for them. Mr. Saidi said that he appeared before the BCC and was grandfathered into have 3 and 4 houses per acre. Mr. Saidi stated that he later divided his property with his former wife, leaving him with 10 of the original acres: Parcels numbered 5D, 5E and 5F. He will be asking for zoning for 3 houses per acre on his land soon. His former wife will add her land, to make a 27 acre subdivision. In the last 10 years only one upscale house has been added in the area. Progress is continuing. Managed growth is the County's responsibility. In 1995 he was allowed to build 3 houses per acre. Mr. Saidi said that he is in support of Mr. Abbott's request, since he will have one similar coming up.

Karen Cunningham of 4805 Gabriella Lane stated that she and her husband live immediately adjacent to Mr. Abbott in Lot 4B. She represents the Fernandez family at 4762, the Shank family of 4708, Mrs. Fernandez at 4660, Mr. and Mrs. Bill Watts at 4824, and Mrs. Virginia Miles at 4848 Gabriella Lane. All of these neighbors have sent e-mails in opposition to this request. Mrs. Cunningham said that she had moved to her home in 1993 from an R-1A subdivision in Seminole County. Her family had wanted to remain in Seminole County. They chose Gabriella Lane due to the suburban estates life style. There are native species here and an abundance of live stock. On May 4, 1994 Mr. Abbott petitioned to rezone the 11 acres that he owned from A-1 to R-1A. On July 12, 1994 this petition was denied. At that hearing Tony Matthews was given the task of doing the Seminole County Bear Gully Creek Small Area Land Use Study. Many of the neighbors attended the public hearings on that. A large scale plan amendment was done in December of 1995 adopting the land use change from LDR to SE, with the applicant being Seminole County. Ms. Cunningham stated that it was her impression that the land use amendment would make it difficult to make changes. The neighbors are the same in the area now as eleven years ago. Mr. Abbott has sold the land behind her lot. Mr. Abbott is now working with 5.5 acres. Ms. Cunningham said that she is not opposed to Mr. Abbott developing his land. She is opposed the developing of his land to R-1AAA. That would be four houses per acre without clustering. Ms. Cunningham also stated that there are a few new homes, but they are estate homes. Ms. Cunningham said that she is on 4.9 acres. If Mr. Abbott's land is subdivided into small lots, it will devalue the land surrounding his lot and be incompatible with the neighborhood. There are horses, pigs, and other livestock in the neighborhood. There has been a meeting at Gleason's with the sheriff's department to discuss the traffic in the neighborhood. There will be increased traffic and problems with the upgrading of the intersection of Red Bug Lake Road and Tuskawilla. Regarding the pond on Mr. Abbott's property, it is a retention pond. Bear Gully Lake is across the road, not on the Abbott property as the map indicates. Also, there is no lift station in the

area; it is all on septic. This rezoning will set a precedent for smaller lots. She concluded by asking audience members to indicate their opposition by a show of hands. 27 members raised their hands.

Gerri Bugge of 100 Melinda Lane in Raintree at the end of Gabriella Lane, has lived in the area since 1983. She also participated in the small area study. She is against this request. She questioned the dates when the future land use was changed.

Mike McCoy of 5055 Bruce Lane stated that if this request is approved, it will open up the flood gates to divide up lots along Gabriella Lane and Brooks Lane. He is opposed.

Stephanie Black of 1800 Brooks Lane owns 2 acres behind Publix. She has horses there. She recently rebuilt a new home on the property she has been living on. Ms. Black said she is opposed to this request. She does not mind development, but it must be done according to the parameters. Approving this request would be reverse discrimination – reversing against the rights of local property owners. One can get \$200 - \$250 thousand dollars per one acre for vacant land today. The area does not need the increased traffic. Also the area is on septic systems. Please deny the request.

Gloria Rines is also opposed to the rezone. She bought her property (Lot 38C) from Mr. Abbott in 1996. The area is low lying, with water near the property line. She has a barn with 6 horses. This request will clash with the area. Approving this will destroy her dream. She does not want a subdivision in her back yard.

Virginia Watts has lived at 4824 Gabriella Lane since 1981. Her mother Mrs. Miles lives at 4848 Gabriella Lane. Ms. Watts said that she lives next to Mr. Saidi's former wife's property. Ms. Watts and her husband took part in the 1995 land study. She is amazed that this is going on. Back in 1995 she was told the land use change was the way to save the community. She had a petition with over 200 names opposed to the development plans of Mr. Abbott and Mr. Saidi then. The area has not been stagnant. She and her husband have just built a new home on their lot and a doctor down the street has put in a new home on a 10 acre lot. There are new homes all over the area on one acre lots. People know that it is a community. There are no people looking to develop their land except for Mr. Abbott and Mr. Saidi. It would be reverse discrimination to allow this to occur. It will take away the suburban life style and property values.

Bill Watts said that he thought this battle had been fought years ago. Mr. Abbott's relatives have moved away. After this is rezoned, Mr. Abbott will move on. Mr. Watt's said that notices were sent out for 300 feet. Not all of the neighborhood got notices. When you are dealing with large lots, that is not enough.

Tony Walter explained that hearings are advertised three different ways. One is an advertisement in the newspaper, at least 10 days prior to the meeting. The property is posted with a placard 15 days prior, and notices are mailed out to the surrounding property owners.

Commissioner Tucker asked if the property had been legally posted.

Mr. Walter said that it had.

Commissioner Brown asked if the property had been posted by the applicant or the county.

Mr. Walter said that the county had been unable to reach Mr. Abbott, so Mr. Walter had posted it himself.

Commissioner Brown asked if the county checks to see that the site had been posted.

Mr. Walter said that the site is visited by staff and the applicant must send in an affidavit to verify that the posting occurred.

Commissioner Eismann said that he had seen the posting himself, and that upon revisiting the site after a large storm he had seen the placard on the ground.

Martha Gravely said that she moved to the area in 1965. Her mother lives at #4872 and she lives at 4880. When she moved to the area it was totally rural. There are two subdivisions in the immediate area and others on the edge. Traffic is increasing daily. The area is flood prone. The petitioner's property is right next to a wetland. Developing the area will bring more flooding.

Mike Gambrell lives at 4631 Parker Court. He is concerned about a cut-through on Parker Court. The Tuskawilla Estates area is serene. There is a country setting there. He would like to preserve the area the way it is. Please keep it at the one acre level. The requested change will open the flood gates for development in the area.

Mr. Abbott said that the pond on his property was dug in 1954 by the State of Florida Agriculture department. It is an active pond. It is not retention. He does not think that the easement coming off of Parker Court would be used actively, except for the easement.

Mr. Abbott can feel for the previous speakers. As one of the speakers pointed out, there is development all around in subdivisions. His He has lived there for 20 years and his wife has lived there for more than that. He asked for the commission's consideration

Commissioner Eismann said that he lives on Edgar Court. He feels that the application is wrong for the area.

**Commissioner Eismann made a motion to recommend denial for the request.**

**Commissioner Bates seconded the motion.**

Commissioner Tucker said that concerning property rights, other people have a right to attempt to develop their property and have a fair hearing.

Commissioner Brown said that Suburban Estates is a guideline for the area.

Commissioner Hattaway supports Mr. Abbott's right to ask for a rezoning, but she agrees with the findings of the small area study.

**The motion passed 5 – 0.** The application was recommended for denial.

### **Planning Manager's Report**

Tony Walter said that Evaluation and Appraisal Report was begun in January of 2005 with a public hearing to determine major issues to consider. Every seven years the County is required to examine the comprehensive plan to see what is working, what did not work, and how things are progressing with implementation. A report is made to the state for changes. There have been 2 public meetings. The first was February 9<sup>th</sup>, the second will be March 20. Staff will bring the issues to the Commission on April 5. Mr. Walter asked the commissioners if they wanted a second hearing for this.

Commissioner Brown said that he would like to see one meeting, with the workshop at the beginning of the meeting.

Commissioner Tucker agreed.

Mr. Walter said that the session could begin at 6 P.M. instead of the usual 7 P.M. for the April 5 meeting. The Evaluation and Appraisal Report must go to the BCC in May for transmittal for review.

Commissioner Tucker asked what would occur at the March 20 meeting.

Mr. Walter said that all elements will be covered, with representatives from all of the departments present to answer questions: issues include neighborhood protection, intergovernmental coordination, libraries, and protection of the HIP area, infill, making the comprehensive plan more accessible and understandable, and drainage issues. Schools and the water supply plan will also be covered.

Commissioner Tucker asked if the presentations made on March 20 will be the same as what will come to the commission on April 5.

Mr. Walter said it would be, but changes would be made according to the input. The meeting will be in the BCC Chamber on March 20 at 6:00 P.M. There will be displays.

Commissioner Tucker asked for the commissioners to be notified of the time and place for the meeting on the 20<sup>th</sup>.

Mr. Walter said that he would notify the commissioners. A workshop will be done later to get input on the staff reports.

Commissioner Tucker asked if the board will have another chance to talk to the land development code consultant.

Mr. Walter said that the consultant would be back. In the summer the engineering manual and two elements of the Land Development Code would be examined in first draft form. The consultant has been given direction by the BCC.

Mr. Walter said that he would transmit information in PDF form to make things easier. The new one will Code will be user friendly.

Commissioner Tucker asked about the Black Hammock special hearing held recently in Winter Springs.

Mr. Walter said that he had not gone, but Tony Matthews had. That can be brought back in April. They are looking at clustering concepts, with larger open spaces. Staff is monitoring the information.

There being no further business, the meeting adjourned at 8:35 P.M.