



Dwelling) zoning district. The lots will be serviced by water provided by Seminole County and the applicant is proposing septic tanks to dispose of wastewater.

**STAFF FINDINGS:**

The applicant is permitted to request a cluster development under Seminole County's Comprehensive Plan Policy FLU 14.9. Clustering within the Suburban Estates designation is encouraged through the use of Planned Unit Development (PUD) zoning to protect natural resources. Lot sizes of less than one (1) acre may be permitted with accompanying PUD zoning; provided, however, that density shall be computed on basis of one (1) dwelling unit per net buildable acre.

The site is located in the Wekiva River Protection Act Area (WRPA) and the newly created Wekiva Study Area (WSA) which was created by the 2004 Wekiva Parkway and Protection Act (WPPA). Development must meet the provisions of both acts. The WPPA includes policies for Land Use Strategies including most effective recharge areas, karst features, sensitive habitat protection, and open space. Policies for a Waste Water Facility Plan including developing a plan to phase out existing on-site disposal systems (septic tanks), and establishing a water reuse program using reclaimed water. A final policy relevant to the site is a Waste Water Management Plan that includes developing a master stormwater management plan designed to ensure protection of surface water and groundwater resources in the Wekiva Study Area.

Staff finds that the Preliminary Master Plan and conditions of the Development Order, including a requirement to connect to central sewer service meet the requirements of all applicable policies of the Seminole County Comprehensive Plan, the Wekiva River Protection Area, and the recently passed Wekiva Parkway Protection Act.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 78.41± acres from A-1 (Agriculture) to PUD (Planned Unit Development), located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46, subject to the attached Preliminary Master Plan and Development Order based on staff findings.

Attachments:

- Staff Analysis
- Location Map
- FLU/Zoning Map
- Aerial Photo
- Preliminary Master Plan (11x17)
- Development Order
- Ordinance
- Letter of Opposition

## Markham Road/Longwood Markham Road Rezone Rezone from A-1 PUD

APPLICANT	C&G Real Estate Group, LLC	
PROPERTY OWNER	Sohrab Gerami Trustee	
REQUEST	Rezone from A-1 (Agriculture) district to PUD (Planned Unit Development)	
PROPERTY SIZE	78.41 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: June 27, 2006
PARCEL ID	34-19-19-29-501-0000-0010 & 33-19-29-300-0020-0000 &34-19-29-300-0100-0000	
LOCATION	Located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46.	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture) district	
FILE NUMBER	Z2006-04	
COMMISSION DISTRICT	#5 – Carey	

### Proposed Development:

The applicant is proposing to cluster a maximum of 38 single family residential lots on 38 net buildable acres resulting in a net residential density of 1 dwelling units per net buildable acre. Lots will be a minimum of 1/2 acre (21,780 square feet) and will conform to the building and setback regulations of the R-1AAAA (Single-Family Dwelling) zoning district.

### ANALYSIS OVERVIEW:

#### **Residential Development within the Wekiva River Protection Area:**

This property is located within the statutorily defined Wekiva River Protection Area. The Wekiva River Protection Act requires that rural character be maintained in the aggregate and that the viability, conservation and preservation of natural resources be considered for the Protection Area as a whole.

The final development form within the Wekiva River Protection Area is a general pattern of one (1) dwelling unit or less per net buildable acre. The assigned Suburban Estates future land use designation is the final land use designation for the subject property.

#### **Clustering Residential Development within the Wekiva River Protection Area:**

Clustering within the Suburban Estates designation is encouraged through the use of planned unit development (PUD) zoning to protect natural resources. Lot sizes of less than one (1) acre may be permitted with accompanying PUD zoning; provided, however, that density shall be computed on basis of one (1) dwelling unit per net buildable acre;

provided, further, that clustering shall not cause incompatibility with adjacent parcels and shall be directed internal to the parcel.

Clustering within residential subdivisions can preserve unique open spaces that support rare upland habitat, greenways, listed species and their habitat, and wildlife corridors. Clustering within planned unit developments can also promote efficient use of infrastructure and provide for recreation and other public facilities.

The Preliminary Master Plan and Development Order conditions are determined to be consistent with the clustering provision. Under the A-1 zoning district, the applicant may plat lots into the wetlands and the 550-foot undisturbed protection area and the 200-foot no clear zone. Under the proposed cluster concept, the applicant is providing the protection of wetlands by, the 50-foot upland buffer adjacent to the wetlands, the 550-foot undisturbed area required by St. Johns River Water Management District, and the 200-foot no clear zone required by the Seminole County Comprehensive Plan in the form of a tract with a conservation easement dedicated to Seminole County and the St. Johns River Water Management District.

**LAND USE / ZONING REQUEST**

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) district and the requested district of PUD (Planned Unit Development) district:

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (PUD)</b>
Minimum Lot Size	43,560 square feet	21,780 square feet
Minimum House Size	N/A	1,200 square feet
Minimum Width at Building Line	150 feet	110 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	30 feet	10 feet
(Street) Side Yard Setback	25 feet	15 feet
Rear Yard Setback	10 feet	30 feet
Maximum Building Height	35 feet	35 feet

**PERMITTED & SPECIAL EXCEPTION USES**

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

<b>Uses</b>	<b>A-1 (existing)</b>	<b>PUD (proposed)</b>
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single-family residential, home office, home occupation.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	N/A
Minimum Lot Size	1-Acre	21,780 Square Feet

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	<b>SE</b> 80-Foot Trail Corridor/Single- Family <i>A-1</i> <i>(1 acre lots)</i>	<b>SE</b> 80-Foot Trail Corridor/Single- Family <i>A-1</i> <i>(1 acre lots)</i>	<b>SE</b> 80-Foot Trail Corridor / Markham Road / Single- Family <i>A-1</i> <i>(1 acre lots)</i>	
(West)	WEKIVA RIVER / Lake County	<b>SE</b> Vacant <i>A-1</i> <i>(1 acre lots)</i>	<b>SE</b> Vacant / State Lands <i>A-1</i>	(East)
	<b>SE</b> Vacant / State Lands <i>A-1</i>	<b>SE</b> Vacant / State Lands <i>A-1</i>	<b>SE</b> Vacant / State Lands <i>A-1</i>	

(South)

\* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FIRM map number 12117C0130E, an area on the west portion of the property located adjacent to the Wekiva River is located in "Zone AE", which is identified as areas located within the 100-year floodplain. All areas within "Zone AE" are located within the 550-foot undisturbed area required by St. Johns River Water Management District and the 200-foot no clear zone required by the Seminole County Comprehensive Plan. No impacts to the area located within the zone "AE" are proposed.

*Wetland Impacts:*

Based on the preliminary master plan submitted and Seminole County wetland map analysis, a portion of the property (38 ± acres) contains wetlands. Compliance with the

Land Development Code and the Wekiva River Protection Act regarding development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final site plan approval.

**PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

The following table depicts the impacts the proposed development has on public facilities:

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	Well	13,300	13,300
Sewer (GPD)	Septic	11,400	N/A
Traffic (ADT)	364	364	0
Schools			
Elementary	9	9	0
Middle	4	4	0
High	5	5	0

\* The Proposed Development is calculated on 20% of the property being dedicated for roads and retention and the proposed lot sizes of 21,780 square feet, for a total yield of 38 lots.

*Utilities:*

The site is located in the service area of Seminole County and will be required to connect to public utilities for water. Water capacity for new development is limited in the Northeast Service Area. Capacity availability for this project will be determined during the Concurrency process. There is a 12-inch water main approximately 350 feet to the east on the south side of Markham Road. The applicant is proposing to use septic. The closest existing sewer line is an 8-inch force main on the east side of Longwood Markham Road approximately 4670 feet to the north. This parcel is in the ten-year master plan for sewer. The proposed sewer line is an eight inch line running along Longwood Markham Road. This parcel is also in the ten-year master plan for reclaimed water and must install Residential Reclaim Water lines. These lines will be charged with Potable water until Reclaimed water is available. Common areas and Entryways in these same subdivisions will also tie into those lines for irrigating.

*Transportation / Traffic:*

The property accesses Markham Road and Longwood Markham Road. Markham Road and Longwood Markham Road have measured Level-Of-Service "A". Markham Road and Longwood Markham Road are not currently programmed to be improved according to the County 5-year Capital Improvement Program.

*School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 18 school age children. This subject site is currently zoned for, and will affect, the following schools:

<b>Schools Impacted</b>	<b>Proposed Impact</b>	<b>Current Capacity</b>	<b>Enrollment as of 2/10/06</b>	<b>Percent Capacity</b>
Northwest Cluster	9			
Bentley Elementary		933	1,018	109.1%
Crystal Lake		853	0	0%
Idyllwilde Elementary		825	1,027	124.5%
Wicklów Elementary		694	1,011	145.7%
Wilson Elementary		881	1,030	116.9%
Sanford Middle	5	1,564	1,507	96.4%
Seminole High	4	2,069	2,900	140.2%

*Public Safety:*

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station # 36, which is located at 6200 Lake Mary Blvd and meets the Level-Of-Service standard.

*Drainage:*

The proposed project is located within the Wekiva River Protection Zone and shall meet SJRWMD criteria pertaining to that area. Design of the drainage system will be evaluated in more detail prior to final engineering approval.

*Parks, Recreation and Open Space:*

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources.

*Buffers and Sidewalks:*

At time of development, a 5-foot sidewalk is required to be installed along the property frontage on Markham Road. Active/Passive setbacks are not required because the adjacent Future Land Use designations are Suburban Estates and the adjacent zoning is A-1.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

**SPECIAL DISTRICTS**

The subject property is located within the Wekiva River Protection Area, Wekiva River Study Area, the Markham Road, Longwood Markham Road and Lake Markham Road Corridor Overlay.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

- Policy FLU 1.2: Flood Plain Protection
- Policy FLU 1.3: Wetlands Protection
- Policy FLU 1.4: Conservation Easements
- Policy FLU 1.5: Cluster Development
- Policy FLU 1.7: Wekiva River Protection
- Policy FLU 2.1: Subdivision Standards
- Policy FLU 14.1: Recognition of the Wekiva River Protection Area
- Policy FLU 14.6: Roadway Corridor Overlays for Markham Road, Longwood-Markham Road and Lake Markham Road
- Policy FLU 14.8: Compliance Agreements Between Seminole County and the Florida Department of Community Affairs.
- Policy FLU 14.9: Wekiva River Protection Area Environmental Design Standards
- Policy FLU 15.2: Wekiva Study Area Natural Resource Protection
- Policy CON 2.5: Wekiva River
- Policy CON 3.8: PUD/Cluster Developments
- Policy CON 3.9: Conservation Easement/Dedication
- Policy REC 7.3: Wekiva and Econlockhatchee River Protection Zone
- Policy PUB 2.1: Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notice was sent to the Seminole County School District on April 18, 2006. To date, no comments have been received.

**LETTERS OF SUPPORT OR OPPOSITION:**

At this time, Staff has received one letter of opposition.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 78.41± acres from A-1 (Agriculture) to PUD (Planned Unit Development District), located on the southwest corner of the intersection of Markham Road and Longwood Markham Road, 1.5 miles south of W. SR 46, subject to the attached Preliminary Master Plan and Development Order based on staff findings.





## SEMINOLE COUNTY DEVELOPMENT ORDER

On June 27, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

Parcel No. 1: That part of the Northwest 1/4 of the Southwest 1/4 of Section 34, Township 19 south, Range 29 East, Seminole County, Florida, lying South of the right-of-way of the Seaboard Coast Line Railroad, less the East 25 feet of the North 50 feet thereof, and that part of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 19 South, Range 29 East, Seminole County, Florida, lying South of the right-of-way of the Seaboard Coast Line Railroad and East of the Wekiva River.

Parcel No. 2: Lots 1, 2, 3, 4, 5, 6 and 7 GARDA PARK HOME SITES filed in O.R. Book 4, Page 10, Public Records of Seminole County, Florida.

### FINDINGS OF FACT

**Property Owner:** Sohrab Gerami, Trustee

**Project Name:** Markham Road/Longwood Markham Rezone A-1 to PUD

**Requested Development Approval:**

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Michael Rumer  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows;

Standard Conditions:

- a. All development shall comply with the Preliminary Master Plan attached as Exhibit B.
- b. The maximum building height shall be two stories, not to exceed 35'.
- c. The minimum size of a residential unit shall be 2,200 square feet, excluding porches, garages, and other appurtenances.
- d. Permitted uses shall be single-family dwelling, home offices, home occupations.
- e. All landscape buffers and common areas shall be maintained by a homeowners association.
- f. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.

Project Specific Conditions:

- a. The maximum number of dwelling units shall not exceed 38 units and net residential density shall be no more than one (1) dwelling unit per net buildable acre.
- b. The utilization of clustering on site for the purposes of preserving wetlands, rare upland habitats, and greenways.
- c. The project must comply with all conditions of the Wekiva Parkway and Protection Act.
- d. The Development shall connect to the County's central sewer service and install Residential Reclaim Water lines. The lines are to be charged with Potable water until Reclaimed water is available.
- e. The encroachment into or the placement or deposit of fill within the one-hundred (100) year floodplain (as adopted by FEMA) or wetlands is prohibited.
- f. A Conservation Easement dedicated to Seminole County will be required over all wetlands and required 50-foot average, 25-foot minimum upland buffers.
- g. A Conservation Easement dedicated to Seminole County will be required over the 550-foot undisturbed area required by St. Johns River Water Management District and the 200-foot no clear zone required by the Seminole County Comprehensive Plan.

- h. Preservation of a minimum of 50% of the existing trees on site.
- i. A minimum of 25% common open space shall be provided.
- j. Accessory structures along Longwood Markham Road shall be setback a minimum of forty (40) feet from the edge of right-of-way of the established right-of-way subsequent to dedication to Seminole County.
- k. The following setback standards shall apply to the individual single-family homes:

Front Yard Setback	25 feet
Side Yard Setback	10 feet
(Street) Side Yard Setback	15 feet
Rear Yard Setback	30 feet
Accessory Structures Rear	10 feet
Accessory Structures Side	10 feet
Pool Edge Rear	10 feet
Pool Edge Side	10 feet
Pool Enclosure Rear	5 feet
Pool Enclosure Side	10 feet

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owners of the said property have expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

Attest: \_\_\_\_\_  
 Maryanne Morse  
 Clerk to the Board of County Commissioners

By: \_\_\_\_\_  
 Board of County Commissioners  
 Carlton D. Henley, Chairman

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, \_\_\_\_\_, the owner of the aforescribed property in this Development Order, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Sohrab Gerami, Trustee

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name

STATE OF FLORIDA     )

COUNTY OF SEMINOLE    )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

*Attn: Commissioner Carey - Dist 5*

4/27/06

To: Seminole County Planning Division  
1101 East 1<sup>st</sup> St.  
Sanford, FL 32771

Subject: Markham Woods Road/Longwood Markham Road Rezone  
Allan Goldberg, C&G Real Estate Group, LLC, applicant.

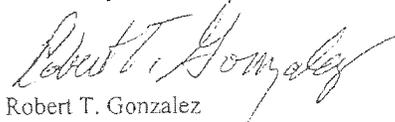
Gentlemen:

This letter will register my opposition, as an adjacent land owner and long time citizen of Seminole County, to the above named property rezoning application from A-1 to PUD for reasons below.

1. This property is surely well within the Wekiva River Protection Zone with certain housing densities established by law. There is no value to anyone except the developer to change this on this property.
2. This property is home to a wide range of wildlife, including Federally protected Gopher Tortoises, Black Bears, Deer, Turkey and Foxes. They have already been somewhat harassed by a pre-mature road building process during the past 3-4 months. ( 10 right of ways 100' apart have been bulldozed out, removing many old growth Oak Trees).
3. An entrance onto or near this busy and dangerous corner would only add more risks to users of this road.
4. This property should be placed on a high priority for State or County purchase to connect to the current State Park property, thereby completing the current State Park all the way to the Wekiva River and saving the above property from development.

Thank you for any help you may offer in keeping the Wekiva River Protection Zone intact and in force.

Yours truly,

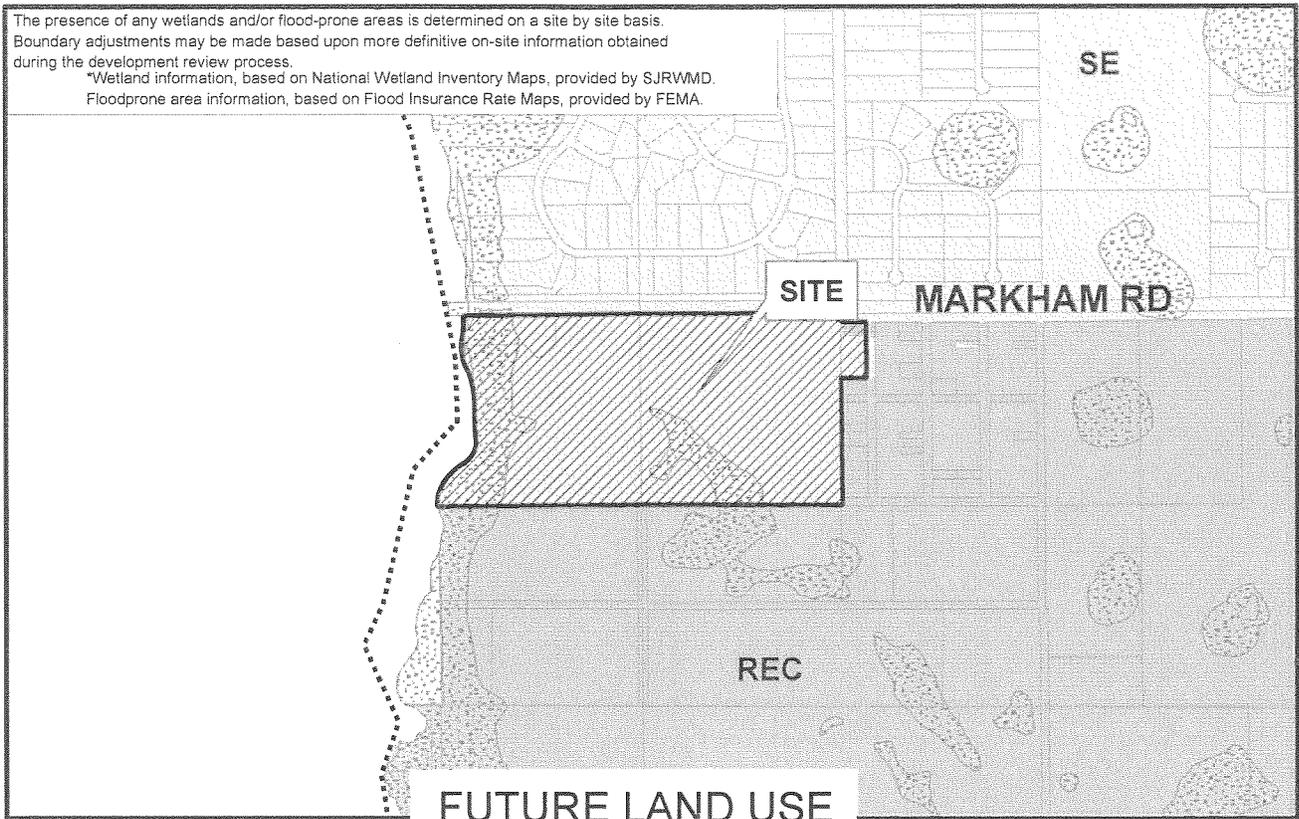


Robert T. Gonzalez  
2535 River Tree Cir.  
Sanford, FL 32771  
407-324-9975

Copy: Rivercrest Home Owners

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.

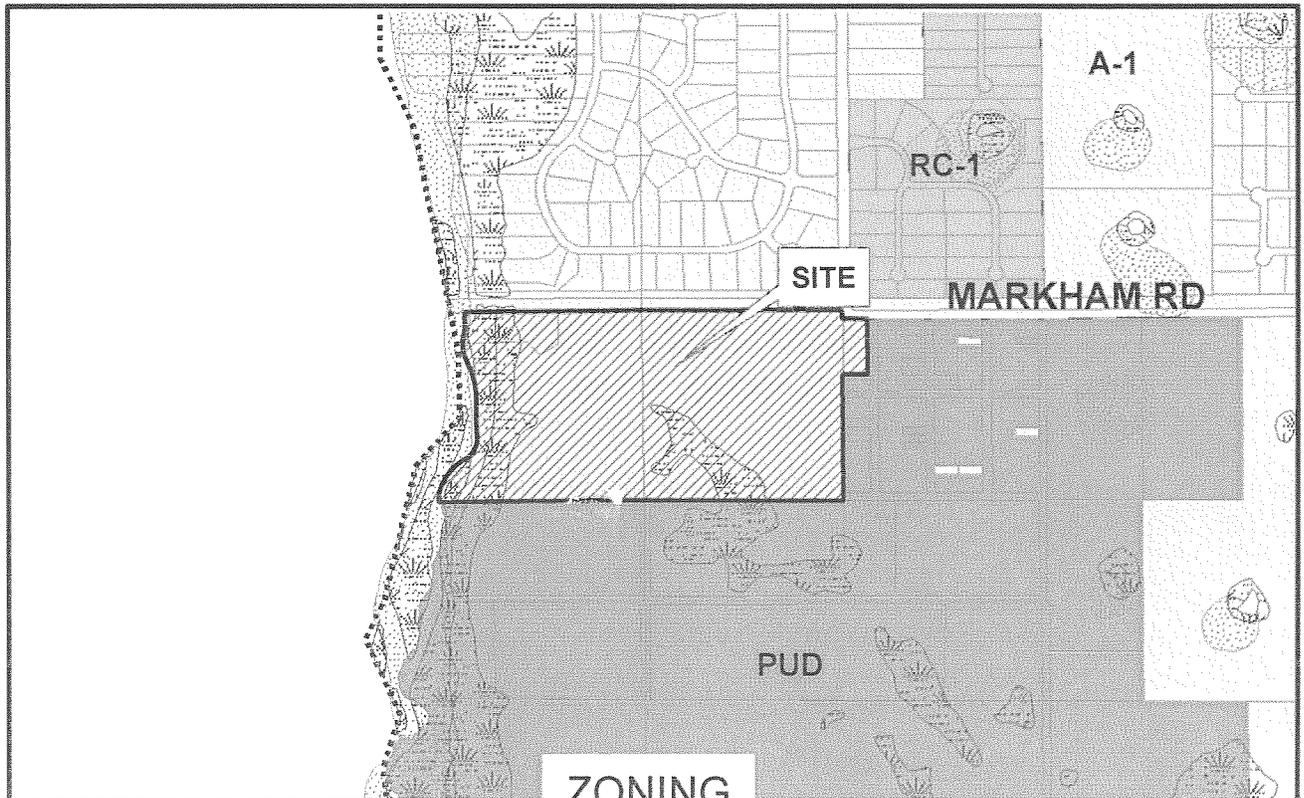


**FUTURE LAND USE**

Site  
  Municipality  
  SE  
  REC  
  CONS

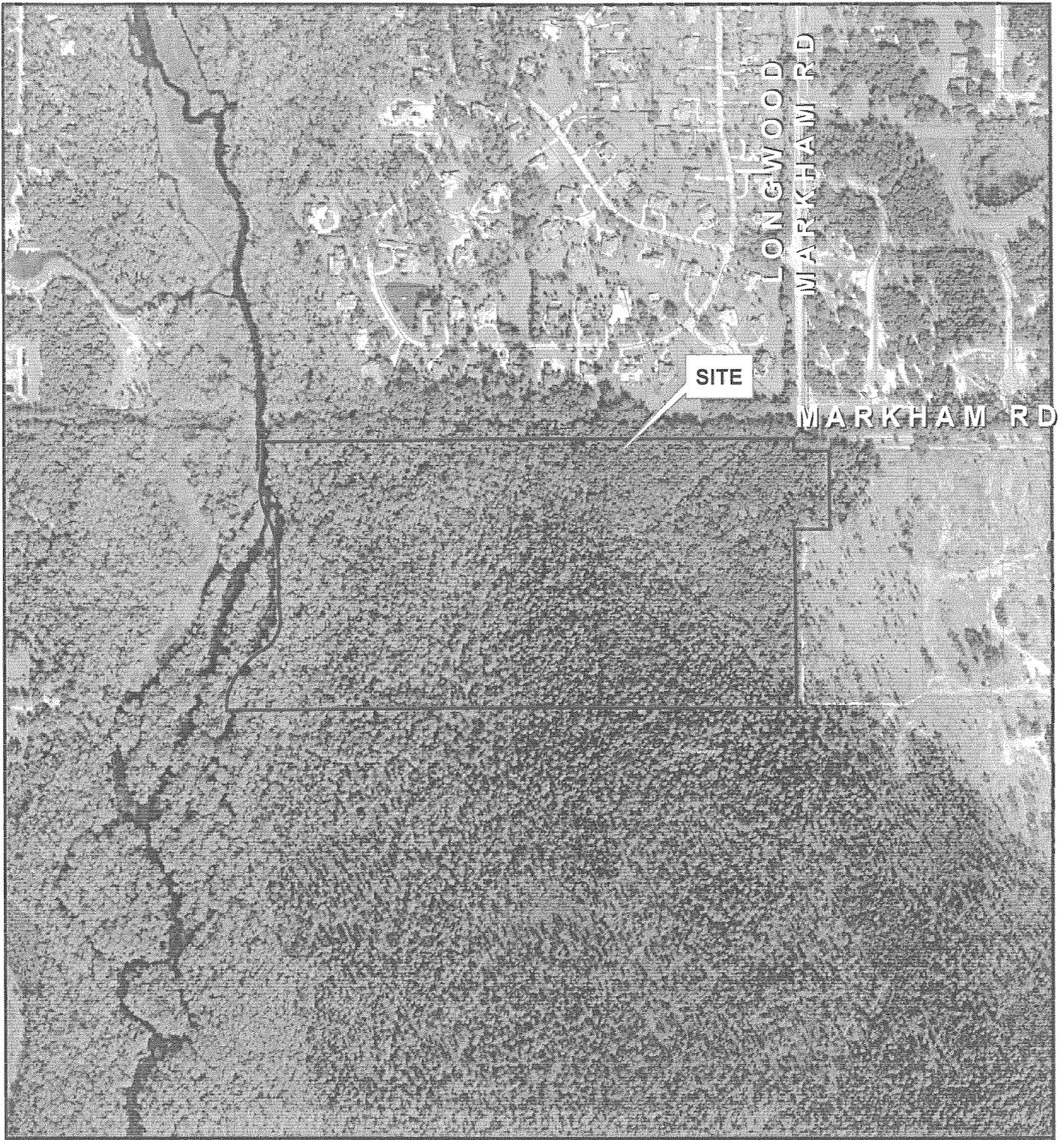
Applicant: C&G Real Estate Group, LLC  
 Physical STR: 33 & 34-19-29  
 Gross Acres: 72.09      BCC District: 5  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-004	A-1	PUD



**ZONING**

A-1  
  RC-1  
  PUD  
  FP-1  
  W-1



Rezone No: Z2006-004  
From: A-1 To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials

