

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028**

**WEDNESDAY, OCTOBER 1, 2025
6:00 PM**

MINUTES

CALL TO ORDER AND ROLL CALL

Present (6): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Richard Jerman

Absent (1): Commissioner Lourdes Aguirre

ACCEPT PROOF OF PUBLICATION

A motion was made by Commissioner Brandy Ioppolo, seconded by Vice Chairman Tim Smith to accept the Proof of Publication. **The motion passed unanimously.**

Ayes (6): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Richard Jerman

APPROVAL OF MINUTES

A motion was made by Commissioner Carissa Lawhun, seconded by Commissioner Brandy Ioppolo to approve the September 3, 2025 Minutes, as submitted. **The motion passed unanimously.**

Ayes (6): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Richard Jerman

TECHNICAL REVIEW ITEMS

Tuskawilla United Methodist Church Preliminary Subdivision Plan – Approval is requested for the Tuskawilla United Methodist Church Subdivision containing two (2) lots on approximately 5.35 acres zoned A-1 (Agriculture) located on the south side of Red Bug Lake

Road, west of Dodd Road; (Joseph A. Kovacs, Applicant); District1 - Dallari (Annie Sillaway, Principal Planner).

Annie Sillaway, Principal Planner, presented this item as stated in the Staff report. She further stated that the site has a Future Land Use of Low Density Residential that allows up to four (4) dwelling units per net buildable acre and an A-1 Zoning, which requires a minimum lot size of one (1) acre. The PSP proposes two (2) lots. Lot 1 is approximately 2.94 net buildable acres and will contain the existing Tuskawilla United Methodist church. Lot 2 is approximately 2.41 net buildable acres and will accommodate a day care facility. Both proposed lots meet the minimum required lot size of one (1) net buildable acre in the A-1 Zoning district. The existing church on Lot 1 is required to provide 83 parking spaces, but currently has 31 parking spaces. This is a deficiency of 52 spaces. Lot 2 contains a total of 84 parking spaces, while the day care center operating on the lot is only required to maintain 64 spaces, leaving 19 surplus spaces. To address the parking shortfall, the church and day care center property owners have entered into a shared parking agreement. The agreement allows the church to use 54 parking spaces on Lot 2 on Sundays from 10:00 AM to 1:00 PM for church services, which will enable the church to meet its full parking requirement. Each newly created lot will have access through a private 75 foot wide ingress/egress easement that has public access onto Red Bug Lake Road. Seminole County is the utility provider for water and sewer. The PSP complies with all of the conditions of Chapter 35 of the Seminole County Land Development Code and with the land use and zoning designations of the property. Staff requests approval of the Tuskawilla United Methodist Church Preliminary Subdivision Plan.

Commissioner Richard Jerman asked if this request is a clean-up process since there is an existing day care on the property. Ms. Sillaway responded that the day care is proposed, and does not currently exist on the property. She further stated that the day care is also applying for a Special Exception.

McGregor Love, for the applicant, with Lowndes Law, stated that he is here on behalf of the applicant, he concurs with Staff's recommendations for approval, and is available for questions.

Chris Bravo, the engineer of record for the property, with Bravo Engineering in Winter Park, clarified the use question, and there has been a school on the site. This is a minor change from the existing school to a change with dropping the age to include preschool in addition to the existing school use.

Audience participation included the following:

In support of the project in writing included; 1) Jim and Mary Allen of Winter Springs, 2) Ryan Eber of Oviedo, and 3) Lynell and Doug Pacey of Winter Springs.

In opposition to the project, who provided oral comments as follows:

George Karl, of Casselberry, Florida. Mr. Karl stated that his opposition includes concerns with numerous changes with the allowed number of students on the property. From 44 students in a nursery in 1988 to 150 students in 1997. The Development Order (D.O) has expired as of January 18, 2019 and he doesn't know how an expired D.O. can still be used for the operation of the new lot. In that D.O. it states that there can be 100 students between the

ages of 5 and 22. That order was approved for Arbor School, which no longer exists to his understanding. In 1988, the playground located behind his property was moved to the north of the sanctuary. There is no existing playground facilities for any students at any day care or other school. They would be in the property behind his property. They've had several incidents when the students were playing of young people climbing their fence to retrieve balls and other objects. The problem that he has is that his swimming pool is in his back yard and it presents a dangerous situation. He can't monitor it while they are at school. There are other factors that he provided to the Board in a written report. At this time, he recommends denial of this request until the Board of the church and the acquiring agency submits their Special Exception that they claim they'll submit after this PSP. How do they know how the property will be operated if they don't know what their Special Exception states.

Mr. Love, in his response/rebuttal, stated that the Preliminary Subdivision Plan doesn't allow for a particular use and this is just the first step in platting the property from one to two lots. The Special Exception process is the process where the County will review the proposed use, the number of students, and will evaluation whether that use can be accommodated without creating harm to the surrounding property owners. That process is the appropriate process for determining the issues that Mr. Karl raised. Their request tonight is simply to start the process in dividing one lot into two lots.

Neysa Borkert, Deputy County Attorney, stated that Mr. Love is correct that this request is a technical review item and the Board should look at this from a technical standpoint. At this point, the Development Order on the property is still controlling. When the Site Plan review comes in, it will be reviewed in accordance with the current Development Order. This is only preliminary and they will have to submit a final. If they don't receive the Special Exception with the preschool, and the change in the age of the children, then they will need to remain compliant with the current Development Order and the amount of students. Tonight's item before the Board tonight is just a technical review and doesn't have anything to do with the uses, other than the use on the property controls the parking and setbacks.

Commissioner Jerman asked if this Board will see the Site Plan application or will that be a Staff function. Ms. Sillaway responded that the Site Plan is reviewed internally by Staff. She further stated that the Final Plat will be a Consent agenda item through the Board of County Commissioners. She further stated that the applicant has submitted an application for a Special Exception, to amend the Special Exception, which will come through to the Planning & Zoning Commission (this Board) and also to the Board of County Commissioners, which will outline the uses and number of students. Ms. Borkert added that will be the appropriate time for members of the public to speak of their concerns.

A motion was made by Commissioner Carissa Lawhun, seconded by Commissioner Richard Jerman to approve the Tuskawilla United Methodist Church Preliminary Subdivision Plan. **The motion carried unanimously.**

Ayes (6): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Richard Jerman

B & M Affordable Construction Preliminary Subdivision Plan – Approval is requested for the Preliminary Subdivision Plan for the B & M Affordable Construction Subdivision containing

eleven (11) residential lots on 5.41 acres zoned R-1AAA (Single Family Dwelling) located on the west side of Brooks Lane, approximately 2,100 feet south of Red Bug Lake Road; (Rodolfo Sucre, RSP Engineers, Inc., Applicant); District1 - Dallari (Annie Sillaway, Principal Planner).

Annie Sillaway, Principal Planner, presented this item as stated in the Staff report. She further stated that the subject property has a Low Density Residential Future Land Use, which allows a maximum of four (4) dwelling units per net buildable acre and R-1AAA Single Family Dwelling Zoning. The PSP proposes 11 single family residential lots with a maximum density of 2.24 dwelling units per net buildable acre. The development proposes access from Brooks Lane and the internal road will be privately owned and maintained by the Homeowners association. Seminole County is the utility service provider and the development is required to connect to public utilities for water and sewer. There does not appear to be any wetlands or flood plains on the site. Staff finds the PSP to be in accordance with all conditions of Chapter 35 of the Seminole County Land Development Code and with the land use and zoning designations of the property. Staff requests approval of the B & M Affordable Construction Preliminary Subdivision Plan.

Bobby Malhortra, for the applicant and representing B & M Affordable Construction, stated that they are requesting the subdivision PSP approval. There will be a thorough and detailed engineering that will be performed and submitted with detailed feedback as part of the process. RSP is their Civil Engineers and are representing them throughout this process.

No one from the audience spoke in favor or in opposition to this request.

Three written comments were received in support of this project; 1) Jasbir Gandhi, 2) Bobby Malhortra, and 3) Mohinder Gandhi.

A motion was made by Commissioner Carissa Lawhun, seconded by Commissioner Brandy Ioppolo to approve the B & M Affordable Construction Preliminary Subdivision Plan. **The motion passed unanimously.**

Ayes (6): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo, Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Richard Jerman

PUBLIC HEARING ITEMS

Land Development Code Amendment: Certified Recovery Residences - Consider an Ordinance amending the Land Development Code to establish a process for reasonable accommodations and the review and approval of Certified Recovery Residences, and to add a definition for Certified Recovery Residence; Countywide (David German, Senior Planner).

David German, Senior Planner, stated that he is presenting a proposed amendment to the Seminole County Land Development Code that will amend Chapter 30: Zoning Regulations and Chapter 2: Definitions to establish process for reasonable accommodation requests for the review and approval of Certified Recovery Residences in instances where they would not be otherwise permitted. The proposed changes to the Land Development Code are required for compliance with state law, the Fair Housing act, and the Americans with disabilities act. On July 1, 2025, Chapter number 2025-182 became effective in Florida law. This chapter

added new text to Florida statutes 397.487 creating a new subsection 15 in the existing statute. This was done to implement Senate Bill 954 which went through the Florida House and Senate earlier in the year. Senate Bill 954 is entitled “Certified Recovery Residences” and requires local governments to adopt an ordinance to establish the process for the review, approval, and consideration of reasonable accommodation requests for certified recovery residences. Adoption of the ordinance and establishment of the process must be done before January 1, 2026 per subsection 15(a) of Florida Statutes 397.487.

Along with the proposed amendments, it is important for us to briefly discuss what Certified Recovery Residences are and how they fit into our communities. The definition of Certified recovery residences as it is stated in the Florida Statutes is as follows: “Certified Recovery Residence” means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator. There are differences in the levels of certified recovery residences:

- **Level 1** certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety, and is democratically run by the members who reside in the home.
- **Level 2** encompasses the traditional perspectives of sober living homes. There is oversight from a house manager and residents are expected to follow rules outlined in a resident handbook. Residents must also pay dues as needed, and work toward achieving realistic and defined milestones within a chosen recovery path.
- **Level 3** has higher supervision by staff. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services; such as life skill mentoring, recovery planning, and more. Clinical services may not be performed at the residence.
- **Level 4** residences are offered by a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living.

Neysa Borkert, Deputy County Attorney, stated that this is an unusual item for this Board to see and wanted to clarify why this Board was hearing it tonight. Ms. Borkert started by saying that this is not a Planning & Zoning, but they’re seeing this because the State has now mandated that this process be put into an Ordinance and into our Code. Years ago, when recovery residences/sober living homes were coming to be about 10 years ago, there were issues about how they were integrated into residential neighborhoods. HUD put out a joint statement about what can and can’t be done from a zoning perspective; such as what can or can’t be prohibited and many jurisdictions around the State adopted a reasonable accommodation process. There was a tendency of some local governments to not allow these sober living homes in neighborhoods, because of a variety of reasons. With that happening, there were issues under the FHA and ADA, because those people in alcohol or drug abuse recover, are considered to be disabled, under the Fair Housing Act, under the Americans with Disability Act, and under State Law. Therefore, they are considered to be a Protected Class, and as such, Federal Law came into play. What the legislature has done is to require everybody adopt a reasonable accommodation process. Reasonable accommodation processes are not a variance and not traditionally how you would think from a Planning perspective. It is specific to the applicant and it does not run with the property, but rather just the person or entity that the reasonable accommodation is made. They don’t know how often this will come up in Seminole County, because we don’t have restrictions like other jurisdictions do. This process is generally laid out in the Statute and is in compliance with

Federal Law, which is what was looked at with putting this together for the Code. An applicant is a person or a provider and they are required to establish first that they are protected individuals under the Fair Housing Act and the Americans with Disabilities Act. How they do that is through a disability verification form, verifying they have a disability that effects their life, and that is done through some type of social services professional or medical professional. If it is an organization, then it has to be certified by the State, with a license to establish a certified recovery residence. The applicant is also required to show that the accommodation they're requesting is reasonable and necessary to afford an equal opportunity to use and enjoy the residence, which is the standard federal law on determining whether or not the request for the reasonable accommodation lines up with the disability being shown.

The applicants will come through the Planning & Development division, which must include a description of the accommodation being requested and demonstrate why the request is needed. They must include a verification of disability status, and any other supplementary documentation that they may want to submit to support their request for a reasonable accommodation. The Planning staff reviews these applications, the Development Services Director is the person or their designee, reviews and issues a determination, with that determination to be issued within 60 days. Considering these applications, the criteria is as follows:

- Whether the applicant has established that they are disabled or handicapped
- That the accommodation being requested is reasonable and necessary to provide an equal opportunity to use the residence
- Whether or not the request imposes an undue financial or administrative burden on the County
- Whether or not the request within itself would result in a fundamental alteration of the nature of the County's existing regulations.

Once these criteria are all considered, then the Development Services Director issues 1) an approval, 2) approval with conditions, or 3) denial of the request.

There are some other conditions in the Ordinance which are based on what is being requested. To be a certified recovery residence, you have to be certified through a licensing agency, which are done by the State. These requests only run with the applicant, and not with the property.

Staff requests the Planning & Zoning Board approve and refer the Land Development Code (LDC) Amendment for Certified Recovery Residences to the Board of County Commissioners.

Commissioner Dan Lopez asked if these changes are specifically for sober homes and not Assisted Living Facilities (ALF's) and Ms. Borkert responded yes, that is correct.

No one from the audience spoke in favor or in opposition to this request.

A motion was made by Vice Chairman Tim Smith, seconded by Commissioner Brandy Ioppolo to approve and refer the Land Development Code Amendment for Certified Recovery Residences to the Board of County Commissioners.

Ayes (6): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Brandy Ioppolo,

Commissioner Carissa Lawhun, Commissioner Dan Lopez, and Commissioner Richard Jerman

CLOSING BUSINESS

No report from the Development Services Deputy Director, Dagmarie Segarra.

ADJOURNMENT

Having no further business, the meeting adjourned at 6:35 PM.