

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

**WEDNESDAY, AUGUST 6, 2025
6:00 PM**

MINUTES

Nikolic Home Small Scale Future Land Use Map Amendment– Consider a Small Scale Future Land Use Map Amendment from Public, Quasi-Public to Suburban Estates for a proposed single family development on approximately 2.6 acres, located on the west side of Markham Woods Road, south of Markham Road; (12.24SS02) (Lonnie Groot, Applicant) District 5 - Herr (**Kaitlyn Apgar, Senior Planner**).

The subject property has a future land use designation of public, quasi-public and a zoning classification of A-1, agriculture. The intent of the existing Public, Quasi-Public Future Land Use is to provide appropriate locations for public uses such as schools, cemeteries, safety facilities, and transportation facilities; residential uses are not permitted. The Applicant proposes to develop the site as a single-family residence which warrants the need for the proposed amendment. The subject property is currently vacant and is adjacent to an existing historical cemetery known as the Pinnie Grove Cemetery (aka New Island Lake Cemetery). Due to the historical cemetery being located directly adjacent the subject site, Staff conducted research to validate that the subject site was not previously utilized or registered as a cemetery. The Applicant provided a Ground Penetrating Radar (GPR) Report that was performed on September 30, 2024. The Applicant also contacted the appropriate state agencies and nonprofit/historical entities, these correspondences as well as the Ground Penetrating Radar Report are included in the agenda package for review. The site is located within Seminole County's utility service area and will be required to connect to public utilities for water and reclaim water. Sanitary sewer connection is not readily available to the subject property; therefore, the site may utilize a septic system for wastewater. The property proposes access onto Markham Woods Road, which is classified as an Urban Major Collector. Markham Woods Road is currently operating at a level-of-service "B".

There is an existing sidewalk along Markham Woods Road; therefore, the addition of a sidewalk will not be required upon development. The A-1 zoning classification requires a minimum lot size of one (1) acre with a minimum lot width of 150 feet at building line. The permitted uses include single family residential and is consistent with the proposed Future

Land Use of Suburban Estates. Per the Seminole County Comprehensive Plan FLU Objective 1.6 Standards of Review, Land Use Amendments are evaluated utilizing the criteria as depicted on the slide above. In summation, the surrounding character of the area has become developed over time consistent with the Suburban Estates Future Land Use. The property adjacent to the west has remained a cemetery, but the other properties in the vicinity are developed as single-family homes on a minimum of one (1) acre. The site does not appear to contain any wetlands or floodplain but will be evaluated further during the building permit process. The request is compliant with the Wekiva River Protection Area (WRPA) in that it limits density and complies with standards set forth in the Act and Comprehensive Plan. Suburban Estates and Public Future Land Uses are compatible transitional land uses. The Future Land Use of Suburban Estates and zoning district of A-1 requires larger lot sizes than other FLU/Zoning districts, which mitigates potential impacts in the transition from Public to Suburban Estates. The proposed amendment to Suburban Estates is compliant with the Wekiva River Protection Area (WRPA) in the County's Comprehensive Plan by meeting the intent of the following policies:

- Per FLU Policy 2.2.5, The County shall implement standards to maintain low density and enforce development standards farthest from surface waters and wetlands, and minimize development impacts. There are no wetlands per estimates from the National Wetland Inventory maps, and any development on the subject property is subject to the maximum impervious surface ratio of 60 percent due to being in the Aquifer Recharge Overlay.
- Per FLU Policy 2.3.3, Development within the WRPA is that of one (1) dwelling unit or less per net buildable acre and those land use designations in the WRPA shall not be amended except to reassign a land use to Suburban Estates for the purpose of developing single family units. This request is compliant with the policy.
- Per FLU Policy 2.3.8, The intent is also one (1) dwelling unit per net buildable acre. This also meets the policy as previously discussed.

Staff requests the Planning and Zoning Commission recommend the Board of County Commissioners adopt the proposed Ordinance enacting a Small Scale Future Land Use Map Amendment from Public-Quasi Public to Suburban Estates for a proposed single family dwelling on approximately 2.60 acres, located on the west side of Markham Woods Road, south of Markham Road.

Commissioner Carissa Lawhun asked if the applicant is able to have a second residence later, and Ms. Apgar responded that they would have to go through the subdivision process in order to do that. The current right-of-way frontage is only twenty (20') feet, and any created lot requires a 20' minimum of public frontage. Based on their current public frontage amount, they're only able to do one residence.

Lonnie Groot, for the applicant, of Daytona Beach Shores, Florida, stated that he is representing the property owners. In his view, based on the Comprehensive Plan, this is really just a clerical correction. The bottom line is that maintaining the current Future Land Use designation on the property is actually inconsistent with the Seminole County

Comprehensive Plan. The property is not appropriate for Public-Quasi-Public, it's appropriate for private uses. He further stated that if this property had not been conveyed to a church in 1946, we wouldn't be here today. That is what caused this whole issue to arise today.

Commissioner Lawhun asked what the responses received from the black cemetery network. Mr. Groot stated that their resources are reported cemeteries and reported graves in the black community. They checked out the Florida Department of State, as recommended, but they didn't have anything.

Neysa Borkert, Deputy County Attorney, stated that for the record, the memorandum Mr. Groot references is on Page 84 of the agenda.

Public Comment included the following:

- William Klatt, of Lake Mary, opposed to this request. A news video was played about the area and the history of the Town of Markham.
- Ernest Ciappa, yielded his time to Mr. Klatt, opposed to this request.
- Kristopher Thorpe, of Lake Mary, opposed to this request. He directed the Board to look at the Ground Penetrating Radar (GPR) report when making their decision. He stated that the lot is nowhere near where you can get a good GRP report, and it needs to be cleared before the site digs up an African American gravesite.
- Maureen Thorpe, of Lake Mary, opposed to this request. No additional comments.
- Ronnie Whitlock, of Lake Mary, opposed to this request. He stated they want to know what is proposed to be built on the lot, since nobody knows.
- Joel and Sue Russell, of Lake Mary, yielded their time, opposed to this request.

Neysa Borkert, Deputy County Attorney, commented in response to the question if whether a church be located on the property, and she said that in the A-1 zoning district that civic assembly uses requires five (5) acres, and this site is only 2.6 acres, therefore it wouldn't meet the requirements to have a church on the property. She further stated that this is within the Wekiva River Protection Area (WRPA), and those uses are limited to one (1) single family residential dwelling unit per acre. The WRPA requirements are an over-arching requirement for this area. If agricultural uses were proposed, they could probably do that, but mitigated by the WRPA standards.

Mr. Groot, in his rebuttal, stated that there's no proof there is a cemetery on his client's property. The Property Appraiser removed the Department of Revenue Code for cemeteries and put Single Family Residential in 2012, which is the case now. They concluded that there never has been a cemetery church no longer there, and he realizes it isn't written very well. The church that owned the property stated had not been a church for sixty years. Since 2012, this property has been on the tax roll, why

there was a tax deed, and why his client is paying a \$4,000 tax bill this year. As to the GPR issue, if there was construction on the site, State Law requires you stop if there is a grave found. The applicant plans to have one single family residence and they're not interested in going through the subdivision process. There is no intent to do a church. They only want to build one single family residence on the site.

A motion was made by Vice Chairman Tim Smith, seconded by Commissioner Brandy Ioppolo to approve and refer the Nikolic Home Small Scale Future Land Use Map Amendment to the Board of County Commissioners. **The motion passed unanimously.**

Ayes (5): Chairman Mike Lorenz, Vice Chairman Tim Smith, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, and Commissioner Brandy Ioppolo