

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

**WEDNESDAY, DECEMBER 7, 2022  
6:00 PM**

**Towns at Greenleaf Small Scale Future Land Use Map Amendment and Rezone –** Consider a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential and a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for a thirty-three (33) lot townhome subdivision on approximately 6.71 acres, located southwest of Slavia Road and west of State Road 426; (Z2022-25/07.22SS.04) (Henry Chirinos – Beazer Homes, Applicant) District1 - Dallari (**Annie Sillaway, Project Manager**).

Annie Sillaway, Senior Planner, presented this item as stated in the Staff Report. She further stated the Applicant is requesting a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential and a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for a thirty-three lot townhome subdivision on approximately 6.71 acres, located southwest of Slavia Road and west of State Road 426. The proposed townhome subdivision is for a maximum density of 7.87 dwelling units per net buildable acre. Each town home dwelling unit will be a minimum of 1,200 square feet in size and a lot width of twenty feet. Ms. Sillaway stated that a memo was emailed, and a paper copy given to the Planning and Zoning Commission today, December 7, 2022, regarding small changes to the development plan. 1.) Net developable area went from 4.19 acres to 4.20 acres, 2.) Proposed Net Residential Density went down from 7.88 to 7.86 dwelling units per net buildable acre, 3) Road A – in the Land Use tract table was changed from Seminole County to HOA for ownership and maintenance, 4) A note was put on the plan stating, “Density calculations may change at Final Engineering based on the Final Layout”. As required by Sec.30.250 of the Land Development Code of Seminole County (LDCSC), the Applicant has provided a Development Plan showing the layout of buildings, circulation, buffers, and parking for the townhome units. The requested Medium Density Residential Future Land Use designation allows a maximum density of ten dwelling units per net buildable acre and permits the requested R-3A zoning classification. A tree preservation area is called out on the development plan located on the western portion of the subject site and the Applicant will be required at the time of Final Engineering to provide a tree survey. Also, along the west portion of the site, is approximately 1.51 acres of wetlands. The Applicant is not proposing any impacts to the wetland area and is showing a fifteen foot minimum, twenty five foot overall average wetland buffer. A Conservation easement dedicated to Seminole County will be required over the wetlands and to indicate the required wetland buffers. Water and Sewer

service within the Seminole County utility service area and is available to serve the proposed development. The property proposes access onto SR 426, which is classified as an urban minor arterial road. State Road 426 is currently operating at a level-of-service "B" or "C" depending on direction and time of day and does not have improvements programmed in the FDOT 5 Year Work Program. A Signal Warrant Analysis will be required at the time of Final Engineering. The proposed project is located within the Howell Creek Drainage Basin and may have a constrained outfall with limited downstream capacity therefore the site will have to be designed to hold up to the entire twenty five year, twenty four hour storm event with 8.6 inches of rainfall volume onsite unless a viable legal outfall is determined. The proposed development is providing the required twenty-five percent open space. The Applicant proposes a fifteen foot wide buffer on the north, south, east, excluding the west portion that will remain undisturbed. In compliance with Seminole County Land Development Code Sec. 30.49 – Community Meeting Procedures, the Applicant conducted a community meeting on September 13, 2022. Per Sec. 30.241 of the Land Development Code of Seminole County (LDCSC), the requested R-3A zoning classification is composed of medium to high density residential areas, plus open space, where it is likely and desirable to extend such type of development. The district is situated where it is well serviced by public and commercial services with convenient access to thoroughfares or collector streets. The R-3A zoning classification permits one, two- and three-story apartment buildings, townhomes, and condominiums. The subject zoning classification requires a minimum perimeter building setback of twenty five feet for one story buildings, and thirty five feet for two-story buildings. The Development Plan proposes two story townhomes with thirty five foot setbacks. Staff recommends the Board of County Commissioners adopt the proposed Ordinance enacting a Small Scale Future Land Use Map Amendment from Medium Density Residential and Commercial to Medium Density Residential and a Rezone from A-1 (Agriculture) to R-3A (Multiple Family Dwelling) for a thirty-three lot townhome subdivision on approximately 6.71 acres, located southwest of Slavia Road and on the West of State Road 426.

Chairman Smith asked Ms. Sillaway where the closest subdivision or any like development was located. Board discussion ensued.

Doug Kelly with England, Tims and Miller, for the Applicant was present and stated he agreed with Staff as presented.

The following individuals from the audience spoke regarding the project:

1. Robert Kingsland, Oviedo, stated he was neither opposed or in favor of the project and stated he owned twenty one acres after construction of SR 417 took four acres. He stated that beginning at Slavia Road, there is a series of ditches that was apart of the Slavia drainage district and an easement that runs along their north side that takes all of the water from St. Luke's Retirement Home, under Aloma Avenue and into a ditch. Seminole County has no jurisdiction over the ditch and are relying on private landowners to run the water up to a ninety degree turn and down to SR 417. Mr. Kingsland stated he would be happy to give Seminole County an easement if the County promises to maintain the easement.

2. Steven Lehenbauer, representing St. Luke's Lutheran Church and school, spoke regarding SR 426 traffic back up and the combined entrance near the Church's elderly home and school.

Doug Kelly with England, Tims and Miller, for the Applicant, stated he appreciated when individuals come to the community meetings so they are aware of any issues but is not aware of all of the issues that could potentially take place.

Chairman Smith stated that the drainage of the development was a major concern. Mr. Kelly stated the draining issue was brought up during the community meeting and his engineering manager on this project was updated on the drainage issue. The actual drainage ditch is immediately north of Towns of Greenleaf property and the developer is not allowed to do any type of temporary construction on the property line or into the other property adjacent to Towns of Greenleaf. Mr. Kelly stated he wanted to avoid any impact to the ditch because it isn't maintained. Additionally, there is no impact from his development to the wetland due to possible disturbance of the current water drainage flow. Mr. Kelly suggested that the county work with the property owner to the north of the development. Mr. Kelly stated he understood there is a regional trail and that is something that draws regional development. Regarding traffic concerns, Mr. Kelly stated that during 4:30 PM to 5:30 PM, SR 426 is congested. He stated that on a portion of the subject property is commercial zoning and an office or retail space could possibly be built and would increase the traffic as well. He stated the Applicant is only interested in rezoning for multi-family development however, if they sold part of the property the new developer would have to resubmit a plan to Planning and Zoning Commission. Mr. Kelly stated he did complete a traffic study and the results may be different from when the Lutheran Church completed their study years ago.

Commissioner Jerman asked Mr. Kelly if they had to retain a twenty four hour, twenty five year storm event regarding drainage. Mr. Kelly stated yes. Commissioner Jerman asked where the excess water drains to. Mr. Kelly stated that is the reason he is storing more volume on the site is to account for that. So, there is not an access of run-off from the site. Commissioner Jerman asked if the excess water was draining into the subject ditch at all. Mr. Kelly replied no.

Chairman Smith asked if stormwater was available down the SR 426 corridor. Mr. Kelly stated no, this development contains only one cul-de-sac, so he did not pursue DOT regarding their drainage system. Chairman Smith stated his question was is there stormwater available on SR 426. Mr. Kelly stated yes there is capacity in the system, but they are not going to use it.

Discussion ensued between the Board, Mr. Bill White, engineer for Seminole County, Mr. Kelly and Mr. Kingsman, regarding drainage.

Commissioner Jerman asked if Mr. Kelly was willing to increase his buffer on the south side of the property. Mr. Kelly stated he would have to defer that question to his client.

Discussion ensued between the Board.

Commissioner Jerman stated he would like to hear more information regarding the drainage, the traffic situation, and the buffer.

A motion was made by Commissioner Jerman, seconded by Commissioner Lawhun to table the request for rezone until the next regularly scheduled P&Z Meeting on January 4, 2023, in order to provide Mr. Kelly more time to research and be able to answer the above questions.

*Ayes: (5) Chairman S. Smith, Commissioner Jerman, Commissioner Lawhun, Commissioner Lopez, and Commissioner Turnage*

*Absent: (2) Commissioner Grundorf and Commissioner T. Smith*

**Lutheran Haven Small Scale Future Land Use Map Amendment and PD Rezone –** Consider a Small Scale Future Land Use Map Amendment from Medium Density Residential and Low Density Residential to Planned Development and a Rezone from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to PD (Planned Development) for a total of forty existing and eight new duplex buildings for a total of ninety-six units on approximately 21.62 acres, located on the northeast corner of Woodpecker Lane and West Chapman Road; (Z2021-35/09.20SS.06) (Constance D. Silver, Applicant) District1 - Dallari (**Annie Sillaway, Project Manager**). Annie Sillaway+, Senior Planner, presented this item as stated in the Staff Report. She further stated the Applicant is requesting a Small Scale Future Land Use Map Amendment from Medium Density Residential and Low Density Residential to Planned Development and a Rezone from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to PD (Planned Development) for a total of forty existing and eight new duplex buildings for a total of ninety six units on approximately 21.62 acres, located on the northeast corner of Woodpecker Lane and West Chapman Road. The Applicant is requesting sixteen additional age restricted duplex units located on 2.60 acres, to combine it with the existing duplex community owned by the same owner Lutheran Haven that is on 19.02 acres. The total project is 21.62 acres and ninety-six units. The proposed additional sixteen units will be owned and maintained by Lutheran Haven, Inc. The sixteen units are consistent with the existing duplex neighborhood and will be incorporated into the existing community adjacent to the proposed site with golf cart internal access. The Lutheran Haven community obtained this parcel to be able to meet the demand for more age-restricted units that are not available within the area. The Applicant is proposing to cap the dwelling units per net buildable acre to 4.44 dwelling units per net buildable acre as part of the Future Land Use Ordinance. The density of 4.44 dwelling units per net buildable acre is more consistent with the surrounding Future Land Uses of Low Density Residential than the existing Medium Density Future Land Use, which allows up to ten dwelling units per net buildable acre. The Applicant was approved on July 28, 2022, for the Net Buildable Acres Definition Vesting Certificate to fall under the old definition for net buildable acres. There appears to be no wetlands or floodplain on the subject property. The site is located in Seminole County's utility service area and will be required to connect to public utilities, and water and sewer capacity is available to serve the proposed development. Access for the new portion of the development will access onto Chapman Road with a right-in and right-out only connection. Chapman Road is a County four lane divided road classified as an Urban Major Collector. The proposed new

development will also access the existing development through a private golf cart path connecting the existing and proposed developments as one site. The existing development accesses Chapman Road, a County roadway, through Woodpecker Lane an internal private roadway and network with access to SR 426. There are existing sidewalks along the roadway frontages. The new portion of the development will connect to the existing sidewalks. The Applicant proposes a fifteen foot buffer along the north, south, and east portions of the subject site as well as a six foot high wall. The existing development is not required to provide any landscape buffers since there is no new development being proposed on that portion of the site. Buffer components will be established at Final Development Plan. There will be twenty five percent common usable open space that will be provided throughout the entire development. Landscape buffers will not be counted toward open space per Ordinance 2012-27. The Applicant held a community meeting on October 10, 2022, and seventeen people attended. The proposed project supports the objectives of the PD Zoning designation and provides the required minimum twenty five percent open space and provides adequate buffering to maintain compatibility between the proposed development and adjacent residential properties. Staff recommends the Board of County Commissioners adopt the proposed Ordinance enacting a Small Scale Future Land Use Map Amendment from Medium Density Residential and Low Density Residential to Planned Development and a Rezone from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to PD (Planned Development) for a total of forty existing and eight new duplex buildings for a total of ninety-six units on approximately 21.62 acres, located on the northeast corner of Woodpecker Lane and West Chapman Road.

Constance Silver, for the Applicant was present and stated she agreed with Staff as presented.

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

Mr. Steven Lehenbauer provided a written statement in support of the request.

A motion was made by Commissioner Turnage, seconded by Commissioner Lawhun to recommend to the Board of County Commissioners to adopt the proposed Ordinance enacting the Small-Scale Future Land Use Map Amendment and Rezone.

*Ayes: (5) Chairman S. Smith, Commissioner Jerman, Commissioner Lawhun, Commissioner Lopez, and Commissioner Turnage*

*Absent: (2) Commissioner Grundorf and Commissioner T. Smith*