

Nash Trail Development Application (Z/CA-2024-01593)
Neighbors' Proposed Conditions of Approval

I. Background Summary

Walter Ross, Robert Palahunik, R. Michael Gordon, and William T. Sadler ("Neighbors"), own property near the Nash Trail Development which is seeking to rezone a 7.57-acre parcel of property ("Property") from Residential Estate (RE) to Single Family Residence (RS) zoning to allow 53 Townhomes on the Property ("Project") which would otherwise be prohibited in the RE zoning. The Neighbor's properties are all located in the Agricultural Residential (AR) zoning district. (Exhibit A)

A. Density Impingement on AR Zoning District

The AR district **"is designed to protect and enhance the rural lifestyle and quality of life of residents in areas designated as rural residential."** This lifestyle is protected by the RE district which is designed to **"provide a transition between the agricultural and conservation areas and more urban residential communities."** As such, **townhomes are not permitted in the RE district.** The Applicant is asking to strip the protections of the RE buffer by changing the district to RS which allows **"for moderate density single family dwelling units"** including townhomes. (Exhibit B).

In doing so, the Applicant is asking to bring incompatible townhome density closer to the Neighbors. Given that the Applicant is asking to impinge on the Neighbors' rural lifestyle, it should be responsible to protect the Neighbors from the resulting noise, light, flooding and other adverse effects of the Project. To do so, without waiving any prior arguments, the Neighbors would propose the following minimum Conditions of Approval.

I. Neighbors' Proposed Conditions of Approval

A. Wall Along Entire West Property Line¹

- **Barrier: Concrete wall** at least 6 feet tall, set back 10 feet from the property line to offset the introduction of the incompatible RS zoning next to AR zoning without an RE transition.
- **Width and Type Buffer: 20.0 ft. Enhanced Type 3 Incompatibility Buffer along entire west property line along both Mr. Godon and Mr. Sadler's property line.** (Exhibit C)
- **Berm: Three-foot berm:** Needed to Reduce flooding on Gordon and Sadler property which otherwise becomes a swamp and tangle of non-native vegetation. (Exhibit D)
- **Applicant: Agrees with a 6-foot concrete wall with enhanced landscaping only along Mr. Gordon's property** not Mr. Sadler's, ostensibly due to concern for the potential harm to pine trees from mechanical equipment and has suggested a SimTek Fence.
- **Response:** a) the 20-foot Buffer has very few trees in it and is not located in any of the Tree Preservation Areas; b) any trees lost in creating the concrete wall can be replanted or mitigated in another manner under the Code; and c) the removal of exotics and installation of the concrete

¹ The Neighbors do not object to the Applicant's proposed Enhanced North, South and ROW Buffers as presented within their presentation to the Zoning Board on October 3, 2025.

wall with vertical columns and precast panels will be no more harmful than the removal of exotics and installation of a SimTek fence with vertical columns and preformed panels; d) SimTek fence is only rated to 110 mph gusts, many storms now have higher sustained winds.

B. Surrounding Communities Concrete Perimeter Walls

- **Colony Community:** The Colony to the south of the Neighbors **installed a concrete wall along its entire perimeter** during its construction which has been successful in keeping any noise, light and runoff out of the Neighbors' property. (Exhibit E).
- **Blossom Trail:** The DR Horton **Blossom Trail project of 230 homes has recently begun its installation of a concrete wall** and at least a 3-foot berm along its entire perimeter just to the east of the Project. (Exhibit F).

C. Need for Berms

- **Request for Berms:** Notably, while the Neighbors are asking for a 3-foot berm, only along the Western Boundary, each of the Applicant's proposed Buffers includes a 1-foot Berm, showing the need for berms.
- **Taller Berm Needed to Protect Neighbors:** A 3 foot berm is needed to protect Mr. Sadler and Mr. Gordon's property not only to reduce present flooding onto their properties, but also to ensure the drainage run-off into the dry retention area to the east operates correctly.
- **Berms Create More Planting Area:** a taller berm allows for more lush planting area by creating room for more and taller shrubs and a variation in tree height. (Exhibit C)

D. Palahunik Property

- **Extension of Water and Sewer Stub Outs:** Has now been added to the requirements for approval by the Applicant at the Zoning Commission meeting.
- **Extension of Solid Paving on - 52nd Drive South** from the entrance/exit of the Project to the northern terminus of the road near Mr. Palahunik's property should be repaved with solid (not crushed) asphalt.
- **Extension of Solid Pavement Assists Emergency Vehicles** which will have a consistent solid base and resist potholes (especially after a rainstorm) for their heavy equipment.
- **No Parking and Towing Signs** should be installed along the 52nd Drive South from the entrance of the community to the terminus of the road to prevent unnecessary traffic and parking along the side of the road. Applicant has previously indicated it would install such signage if the County provided the signs.



b. Previously Approved Uses

All uses that are existing and were legally established or requested before the effective date of Ordinance No. 2001-061, but are not permitted by the provisions of the AGR district, shall be considered exempted uses as set forth below: [Ord. 2016-042]

1) Exempted Uses – 4 Points Market

May be developed in accordance with FLUE Policy 1.5-I, Pre-Existing Commercial Sites (1. 4 Points Market). [Ord. 2017-002]

2) Right to Farm

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the State Right to Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Art. 5.E, Performance Standards of this Code for noise, vibration, smoke, and emissions and particulate matters. [Ord. 2005-041]

B. Conservation District**1. PC, Preservation/Conservation District**

The PC district is to protect lands that provide habitats for endangered species of wildlife, fish, or flora, that are important habitats for the production of fish and wildlife, or that are sites of historical or archaeological significance.

C. Residential Districts**1. AR, Agricultural Residential District**

The AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes.

a. Previously Approved RSER and Non-Residential Uses

The previously approved site in the RSER Zoning District (Petition 1999-011 Everglades Farm Equipment Co.) requested before the effective date of this Ordinance, may be developed as a conforming use. [Ord. 2005-002] [Ord. 2011-016]

b. Special Agriculture Uses

Additional non-residential uses may be allowed in the AR Zoning District with an SA FLU designation. [Ord. 2023-009]

2. RE, Residential Estate District

The RE district is to provide a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

3. RT, Residential Transitional District

The RT district is to provide a transition between a suburban Single Family atmosphere and estate development, which promotes active recreational facilities within the privacy of an individual lot.

4. RS, Single Family Residential District

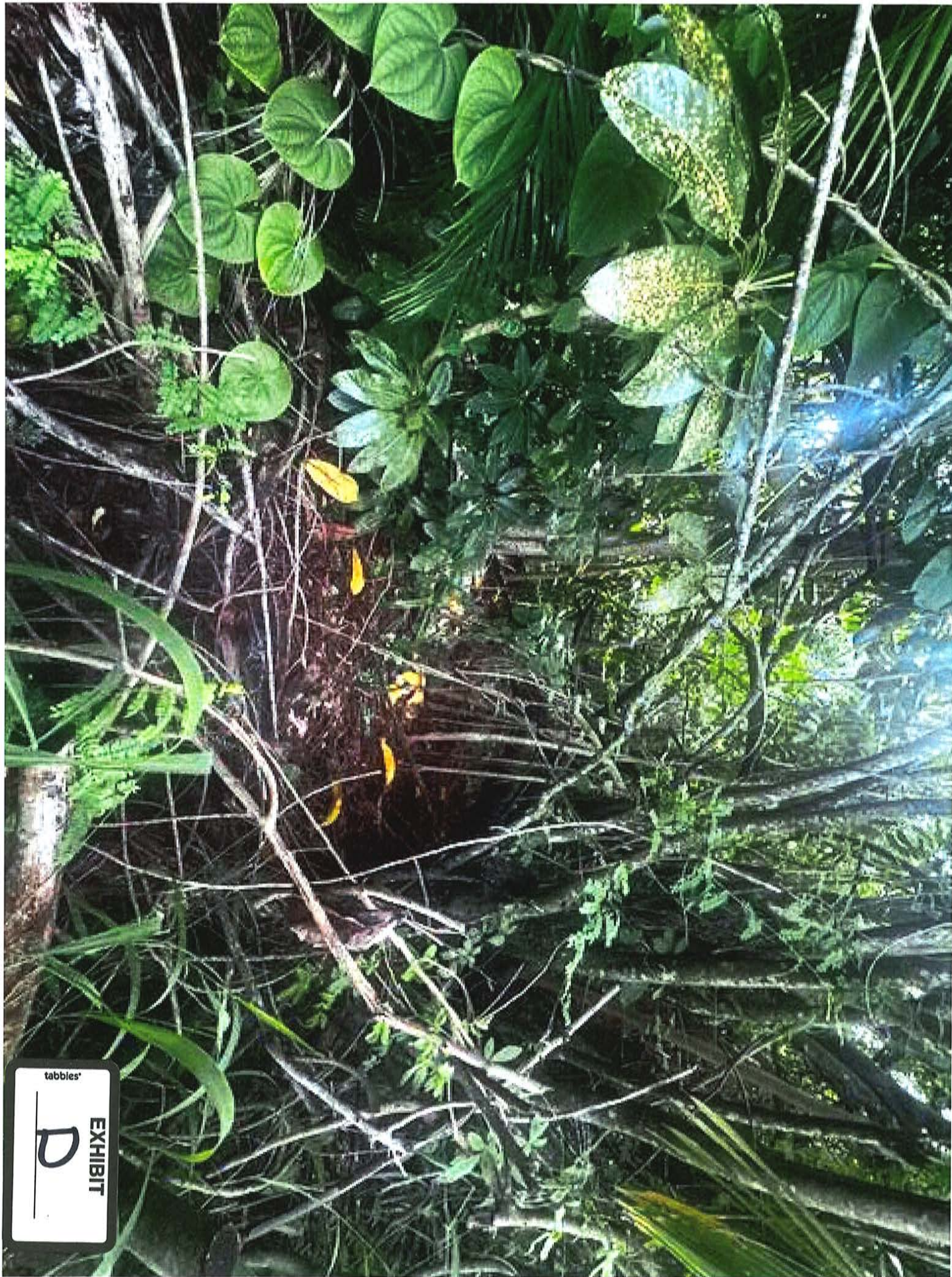
The RS district is to provide areas for moderate-density Single Family dwelling units.

5. RM, Multifamily Residential District

The RM district is intended primarily for the development of multiple family dwelling units.



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EXHIBIT

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