

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Seminola Blvd. Town Home Rezone R-1A to PUD

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Dan Matthys **CONTACT:** Tony Walter **EXT.** 7375

Agenda Date <u>1/10/06</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input checked="" type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

1. APPROVE the request and enact an ordinance to authorize a rezone of approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development), per the staff report, preliminary master plan and subject to the conditions in the attached development order; (Vanson Enterprises, Inc., applicant); or
2. DENY the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development); (Vanson Enterprises, Inc., applicant); or
3. CONTINUE the item to a time and date certain.

District 2 – Commissioner Morris

Tony Walter, Planning Manager

BACKGROUND:

The applicant, Vanson Enterprises, Inc. requests the rezoning of approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development). The future land use designation of the subject property is HDR (High Density Residential), which permits a maximum density of 50 dwelling units per acre. The applicant intends to develop 9 townhomes at a density of 18.11 dwelling units per net buildable acre.

After meeting with County and City of Casselberry Staff, the applicant modified the plan to be consistent with the City of Casselberry's RMF 13 Zoning District and Medium Density Residential Land Use.

Reviewed by:	<u>KL</u>
Co Atty:	<u>KL</u>
DFS:	_____
OTHER:	_____
DCM:	<u>AS</u>
CM:	<u>AS</u>
FileNo	ph130pdp03

LPA/P&Z NOVEMBER MEETING:

At the November 2, 2005 LPA/P&Z meeting the applicant requested to be continued until the December 7, 2005 LPA/P&Z meeting to allow the applicant to review the City of Casselberry letter dated October 25, 2005. At the December 7, 2005 meeting, the LPA/P&Z voted 3 to 1 to recommended approval of the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development), per the staff report, preliminary master plan and subject to the conditions in the attached development order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development), per the staff report, preliminary master plan and subject to the conditions in the attached development order.

District

Attachments: Staff Report

Preliminary Master Plan

Location Map

Land Use & Zoning Map

Plat Map

Development Order

Ordinance

November 2, 2005 and December 7, 2005 LPA/P&Z Meeting Minutes

City of Casselberry Correspondence

SEMINOLA BLVD. TOWN HOMES

Rezone from R-1A to PUD

APPLICANT	Vanson Enterprises, Inc	
PROPERTY OWNER	Robert G. Iraci	
REQUEST	Rezone from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development)	
PROPERTY SIZE	0.78 ± acres	
HEARING DATE (S)	P&Z: November 2, 2005, December 7, 2005	BCC: January 10, 2006
PARCEL ID	08-21-30-501-0000-0020	
LOCATION	east side of Seminola Boulevard, approximately 100 feet north of Button Road	
FUTURE LAND USE	HDR (High Density Residential)	
ZONING	R-1A (Single-Family Dwelling District)	
FILE NUMBER	Z2005-054	
COMMISSION DISTRICT	#2 – Morris	

Proposed Development:

The applicant is proposing to develop 9 townhome dwelling units at a net density of 18.11 units per net buildable acre.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Vanson Enterprises, Inc. requests the rezoning of approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development). The future land use designation of the subject property is HDR (High Density Residential), which permits a maximum density of fifty (50) dwelling units per acre. The following table depicts the minimum regulations for the current zoning district of R-1A (Single-Family Dwelling District) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (R-1A)	Proposed Zoning (PUD)
Minimum Lot Size	9,000 square feet	1,280 square feet
Minimum House Size	1,100 square feet	1,200 square feet
Minimum Width at Building Line	75 feet	20 feet
Front Yard Setback	25 feet	20 feet
Side Yard Setback (south)	7.5 feet	10 feet
(Street) Side Yard Setback	25 feet	N/A
Rear Yard Setback	30 feet	30 feet
Minimum Building Separation	N/A	15 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:

Zoning District	Permitted uses	Special Exception	Minimum Lot Size
R-1A (existing)	Such as single-family dwelling and their customary accessory uses, boathouses and boat docks as accessory uses, community residential homes housing six (6) or fewer permanent unrelated residents, public and private elementary schools, home offices	Such as churches with their attendant educational, recreational buildings, and off-street parking, public and private middle and high schools, parks and recreational areas publicly owned and operated, guest cottages, subdivision sewage treatment and water plants, assisted living facilities and community residential homes, communication towers,	9,000 square feet
PUD (proposed)	Townhomes and their customary accessory uses and home offices	N/A	1,280 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)

	HDR Vacant <i>R-1A</i>	HDR Vacant <i>R-1A</i>	HDR Vacant <i>R-1A</i>	
(West)	City Road/Dealership <i>Com</i>	HDR Vacant <i>R-1A</i>	HDR Retention Pond <i>R-1A</i>	(East)
	City Road/Car Dealership <i>Com</i>	HDR Vacant <i>R-1A</i>	HDR Residential <i>R-1A</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 Casselberry 564, a small portion of the site is within the 100-year floodplain. Compliance with all floodplain policies will be required and verified prior to final engineering approval.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, none of the site contains wetlands.

Endangered and Threatened Wildlife:

A Threatened, Endangered and Species of Special Concern survey will be required prior to final engineering 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 and therefore, is required to submit an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

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

Public Facility	Existing Zoning (R-1A)	Proposed Development*	Net Impact
Water (GPD)	1,050	3,015	1,965
Sewer (GPD)	900	2,700	1,800
Traffic (ADT)	29	53	24
Schools			
Elementary	1	2	1
Middle	0	1	1
High	0	1	1

* Proposed PUD development is based on number of units requested by the applicant.

Utilities:

The site is located in the service area of the City of Casselberry and will be required to connect to public utilities. A letter of capacity, dated October 13, 2005 and intent from the City of Casselberry for water and wastewater has been received. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Seminola Boulevard, which is classified as a four-lane divided collector road. Seminola Boulevard is currently operating at a level of service "C". Staff determined that signal modifications are required by the applicant at the intersection of Seminola Boulevard and Button Road prior to Certificate of Occupancy.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 4 school-age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Casselberry Elementary	2	940	762	81.1%
South Seminole Middle	1	1,150	1,218	106%
Lyman High	1	2,540	2,390	94.1%

Public Safety:

The nearest response unit to the subject property is Station # 21, which is located at 681 Seminola Boulevard. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 2 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

A small portion of the site is in the 100-year flood plain. Any impacts to the 100-year flood plain will be required to be compensated.

Parks, Recreation and Open Space:

The applicant is proposing to provide 0.28 acres (36.4%) of open space. The applicant will be required to demonstrate 25% of the open space is available to the residents as common usable open space prior to Final Master Plan approval which may reduce the total number of dwelling units.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is not within a special district.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications

Policy POT 4.5 Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were sent to the City of Casselberry and the Seminole County School District on October 20, 2005. A copy of a response from the City of Casselberry is attached.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition

LPA/P&Z NOVEMBER MEETING:

At the November 2, 2005 LPA/P&Z meeting the applicant requested to be continued until the December 7, 2005 LPA/P&Z meeting to allow the applicant to review the City of Casselberry letter dated October 25, 2005. At the December 7, 2005 meeting, the LPA/P&Z voted 3 to 1 to recommended approval of the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development), per the staff report, preliminary master plan and subject to the conditions in the attached development order.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development),

Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development), per the staff report, preliminary master plan and subject to the following conditions as outlined in the attached development order:

- a. The south entrance shall be relocated to align with the intersection of Seminola Blvd. and Button Road.
- b. The internal drive isle shall be 2-way and a minimum width of 24 feet.
- c. The applicant shall fund signal and intersection modifications required at Seminole Blvd. and Button Rd.
- d. The applicant shall secure a cross access easement with Seminole County with the property to the south for the realigned southern entrance.
- e. Minimum unit size shall be 1,200 square feet.
- f. Minimum lot size shall be 20 feet by 64 feet.
- g. Garages shall not be converted to living space.
- h. Accessory structures shall be prohibited.
- i. Boat and recreational parking on site shall be prohibited.
- j. The applicant shall provide a minimum of 2.33 parking spaces per unit.
- k. The applicant shall provide a minimum of 25% common usable open space which may reduce the total number of dwelling units.
- l. The applicant shall provide a landscape plan including a 7.5 foot perimeter and 10 foot front landscape buffers and a common usable open space plan prior to Final Master Plan approval.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On January 10, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEGAL DESCRIPTION

LEG PT OF LOT 2 DESC AS BEG SW COR RUN N 9 DEG 16 MIN 1 SEC
W 240 FT E 142.70 FT S 12 SEC
23 MIN E 210.93 FT S 78 DEG 18 MIN 59 SEC W 151.06 FT TO BEG
ADD TO CENTRAL PARK PB 7 PG 9

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

FINDINGS OF FACT

Property Owner: Robert G. Iraci
3141 Knotting Pine Ave.
Winter Park, Florida 32792

Project Name: Seminola Blvd. Town Homes

Requested Development Approval:

Rezone from R-1A (Single-Family Dwelling) To PUD (Planned Unit Development.

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: TONY WALTER
1101 East First Street
Sanford, Florida 32771

Order**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:
 - a. The south entrance shall be relocated to align with the intersection of Seminola Blvd. and Button Road.
 - b. The internal drive isle shall be 2-way and a minimum width of 24 feet.
 - c. The applicant shall fund signal and intersection modifications required at Seminole Blvd. and Button Rd.
 - d. The applicant shall secure a cross access easement with Seminole County with the property to the south for the realigned southern entrance.
 - e. Minimum unit size shall be 1,200 square feet.
 - f. Minimum lot size shall be 20 feet by 64 feet.
 - g. Garages shall not be converted to living space.
 - h. Accessory structures shall be prohibited.
 - i. Boat and recreational parking on site shall be prohibited.
 - j. The applicant shall provide a minimum of 2.33 parking spaces per unit.
 - k. The applicant shall provide a minimum of 25% common usable open space which may reduce the total number of dwelling units.
 - l. The applicant shall provide a landscape plan including a 7.5 foot perimeter and 10 foot front landscape buffers and a common usable open space plan prior to Final Master Plan approval.
- (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 owner of the said property has 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.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1A (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Seminola Boulevard Town Home Rezone dated January 10, 2006

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development District):

SEE ATTACHED EXHIBIT A

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # _____ in the Official Land Records of Seminole County.

ENACTED this 10th day of January, 2006

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

LEG PT OF LOT 2 DESC AS BEG SW COR RUN N 9 DEG 16 MIN 1 SEC W
240 FT E 142.70 FT S 12 SEC
23 MIN E 210.93 FT S 78 DEG 18 MIN 59 SEC W 151.06 FT TO BEG
ADD TO CENTRAL PARK PB 7 PG 9

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 2, 2005**

Members present: Rob Wolf, Matt Brown, Ben Tucker, Walt Eismann, and Jason Brodeur

Members absent: Dudley Bates, and Beth Hattaway

Also present: Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Brian Nelson, Principal Coordinator; Denny Gibbs, Senior Planner; Cynthia Sweet, Planner; Tony Matthews, Principal Planner; Tom Radzaj, Senior Engineer, Development Review; and Candace Lindlaw-Hudson, Senior Staff Assistant.

H. Seminola Boulevard Town Homes PUD Rezone; Vanson Enterprises, Inc., applicant; approximately 0.78 acres; Rezone from R-1A (Single Family Residential District) to PUD (Planned Unit Development); located on the east side of Seminola Blvd., 100 feet north of Button Road. (Z2005-054)

Commissioner Morris – District 2
Tony Walter, Planning Manager

The future land use on the property is high density residential. Mr. Walter stated that there were a variety of uses around the parcel. To the west side is a car dealership. To the north is a group of single family homes and a church. To the south is county owned land. To the east is a retention pond. To the southeast is a high density residential parcel which is in the City of Casselberry.

The applicant is asking for 9 units to be on the site. Staff has transmitted a list of conditions to the applicant. The City of Casselberry has stated that they will provide utilities to the site. The City has a number of comments and concerns about the development. Mr. Walter said that he has tried to respond to the comments which were received. Several of them would be addressed at the time of final engineering. What we are looking at tonight is compatibility. Staff is recommending approval. There is a development order in the staff report.

The applicant stated that they had not seen the comments by the City of Casselberry.

Hank Lander of 426 Lake Port Cove represented Congregation Beth Chiam, north and adjacent of the site. The congregation has concerns regarding the setbacks and roadway safety. Around Lake Catherine are 52 single family homes set back from the road. The proposed 2-story project is too dense. There is a concern with lights on the back part of the property. Where will the parking

be? The roads in the area are 40 MPH here. There is an area of congestion at Button Road. The position of the driveway is a concern. Setbacks are a concern. A trail proposal had the Congregation set their building back. This should be done here too. What will separate the properties? Will there be a wall? Will the view of the road be blocked by a wall at the congregation's exit? What about signage?

Commissioner Tucker asked Mr. Lander if he had seen the comments by the City of Casselberry.

Mr. Lander had not seen them and was given a copy by the commissioners.

Jennifer Wiewlora from DRMP said that there will be garage spaces, each unit has 2 parking places – one in the garage, and one in the driveway. There will be driveways onto the one-way street. There is a 10-foot buffer between the houses and the dry retention pond. There is a 7.5-foot setback to the side property line. She did not know about the wall. She had just seen the comments from the City of Casselberry. The 35-foot setbacks will not be possible. She will have to ask the applicant if they have to have 9 units here.

Commissioner Brown asked about the entrance being on someone else's property.

Ms. Wiewlora stated that the plan was to align with the county property.

Tom Radzai stated that the county had no objection to the entrance aligning there.

Commissioner Tucker said that the City of Casselberry was providing sewer for the project, and the City will definitely have a say in how the project is developed. Commissioner Tucker pointed out that there would be no time lost if this item were continued until the next meeting of this commission. It is not scheduled for the BCC until January 11.

That was agreeable.

Commissioner Brown made a motion to continue this item until the December 7 meeting of the commission.

Commissioner Eismann seconded the motion.

Commissioner Brown asked that the applicant consider the comments from the City of Casselberry, particularly about the access and driveways. Also note the park fee proposed.

Commissioner Tucker pointed out the 25% surcharge on water and sewer.

The motion passed unanimously.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 7, 2005**

Members present: Ben Tucker, Dudley Bates, Matt Brown, and Jason Brodeur.

Members absent: Beth Hattaway, Rob Wolf, and Walt Eismann.

Also present: Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Brian Nelson, Principal Coordinator; Tony Matthews, Principal Planner; Kim Laucella, Assistant County Attorney; Tom Radzai, Senior Engineer; Denny Gibbs, Senior Planner; Brian Walker, Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

D. Seminola Boulevard Town Homes PUD Rezone; Vanson Enterprises, Inc., applicant; approximately 0.78 acres; Rezone from R-1A (Single Family Residential District) to PUD (Planned Unit Development); located on the east side of Seminola Blvd., 100 feet north of Button Road. (Z2005-054)

Commissioner Morris – District 2
Tony Walter, Planning Manager

Tony Walter explained that this item has been continued from last month's meeting. At that time public input was taken and the public hearing was closed. The item was continued to give the applicant time to meet with the City of Casselberry about the conditions they want added to the development order.

The future land use designation on this parcel is High Density Residential, which permit up to 50 dwelling units per acre. The applicant is requesting to change the R-1A (Single Family Residential District) zoning to a Planned Unit Development (PUD). The applicant is proposing 9 townhomes on the .78 acres with a net density of approximately 18 units per buildable acre. Mr. Walter noted the addition of one condition to the development order. This condition is the requirement that the applicant provide a landscape plan and a common open space plan prior to approval of the final master plan.

Since the drafting of the agenda memo for the last meeting, there has been input from the City of Casselberry. Mr. Walter said that an additional 5 conditions have been added to the development order as a result of these consultations. These conditions include: 1) The internal drive aisle shall be a two-way drive aisle, which meets County requirements; 2) The northern building set-back shall be increased to 18.5 feet on the north; 3) The minimum front setback shall be a minimum of 35 feet; 4) 2.33 parking spaces shall be provided per unit; 5) garages shall be prohibited from being converted to living spaces.

Mr. Walter stated that staff recommendation was for approval.

Commissioner Tucker asked if the staff had communicated with the City of Casselberry.

Mr. Walter said that they had met with and had spoken to the City on several occasions.

There were not questions from the commissioners at this time.

No one spoke in favor of the request.

Sally Grey spoke on behalf of Congregation Bet Chaim, which owns the property adjacent to the subject site on the north side. Their main concern is the density of the PUD does not conform to the neighborhood. Most of the homes around Lake Kathryn are one-story homes. The proposed buildings will look out-of-place there. Ms. Grey said that they were also concerned about the traffic on Seminola Boulevard. She is also concerned about the division between temple property and the townhomes. Will the entrance to the temple be blocked in the line of sight goings and comings in their driveway? The property is .78 acres. PUD's are usually 3 acres or more. She asked that the County and City of Casselberry abide by their own regulations.

Sandra J. Smith, Chief Planner for the City of Casselberry read a statement into the record concerning this rezone:

"In addition to the formal written comments provided by the City of Casselberry that include deficiencies of the proposed site plan, such as poor internal vehicular and pedestrian circulation, reduced setbacks, buffering and landscaping, I would like to make the following points:

This site will receive its water and sanitary sewer service from the City of Casselberry. Therefore, the developer will be required to sign an annexation agreement with the City prior to the City authorizing utility hookup. The site could be annexed into the City immediately since it is contiguous to the City. Any subsequent development that is not in conformance with City requirements will make the property non-conforming when annexed.

The most recent townhome developments on Seminola Boulevard are on sites that are more than twice the size (1.9 acres and 1.78 acres) of the proposed site (.78 acres) and are developed at 10 units per acre rather than the 13 units per acre proposed by this developer.

Seminole County has zoning classifications for multi-family development (R-3, R-3A, and R-4) that restrict the number of units to 1/acre or 13/acre and that are

consistent with the high density residential future land use. These zoning classifications are indicated in Seminole County's Vision 2020 Comprehensive Plan as compatible with the High Density Residential future land use which specifically includes townhomes. These zoning designations are more in keeping with other development that is occurring along the Seminola Boulevard corridor.

Planned Unit Development (PUD) is a zoning classification within the County's following Future Land Use designations: Mixed Development, Planned Development, Higher Intensity Planned Development Core/Transitional/Target Industry/Airport, Office, Commercial, Industrial and Recreation. The Planned Unit definition implies a mix of residential and commercial uses. The Seminole County Land Development Code states the intent of a PUD is "to encourage the development of land as planned communities,...to provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs;...and provide a stable environment character compatible with surrounding areas." These statements imply that a PUD would be much larger in size than 0.78 acres in order to achieve all of the stated parameters.

Planned Unit Development zoning is not appropriate for this site and should not be considered until the site is aggregated with adjacent properties providing a larger development parcel. If the County allows the PUD zoning classification, a classification that is meant for larger developments, such action could encourage additional poor development trends in the area. The City cannot guarantee water and sewer services for this development unless it meets all the requirements of the City's Land Development Code."

Commissioner Tucker asked about the water and sewer.

Ms. Smith said that it would depend on the development plan that was brought forward, and how it was compatible with the City's design criteria. In discussions with staff and the applicant, it appears that there may be an amicable resolution.

Commissioner Tucker said that this was the reason for the item being continued from last month.

Ms. Smith pointed out that the County's LDC points to R-3, R-3A, or R-4 zoning. A PUD is for larger properties. There is a 3-acre minimum in the City for a PUD, to allow for clustering and the providing of amenities and open space. This is a strip of multi-family and is more appropriate for straight zoning.

Commissioner Brown asked about the capacity and the fact that the applicant will have to annex into the City. A letter from Phyllis Wallace states that water and sewer will be available upon annexation. No design criteria or zoning standards are mentioned.

Ms. Smith said that the letter was referring only to Public Works Department ability to provide services.

There was no rebuttal.

The public hearing was closed.

Commissioner Brodeur asked about the southern road being on someone else's property.

Tony Walter said that the southern entrance is on County property. The County will be entering into an access easement agreement. The intent of this is to have the property access at the signal, which will be much safer.

Commissioner Brodeur asked about changing the chain link fence on the plan.

Commissioner Brown said that the chain link fence is on County property to separate the retention pond that is on the parcel.

Commissioner Brodeur asked about having a fence around this project.

Will Lenahan stated that the south side of the property would have a privacy fence.

Commissioner Brodeur asked about reclaimed water being required for the site.

Dan Matthys stated that they will have to dry line the property and use a shallow well until reclaimed water is available.

Commissioner Brown said that the City of Casselberry had no reclaimed water available.

Commissioner Tucker asked about the signal at the intersection.

Mr. Walter said that the development would improve and re-signalize the Button Road intersection on Seminola Boulevard.

Commissioner Tucker said that as a board this group has to address the County's Code. This is difficult.

Commissioner Brown agreed. He said that the City's Code did not enter in to tonight's deliberations. This is not a typical case.

Commissioner Tucker said that in the past, issues with conflicting codes have been worked out.

Mr. Matthys said that the applicant would be entering into a pre-annexation agreement with the City of Casselberry before finalizing plans. Mr. Walter has discussed this application with Ms. Smith.

Commissioner Brown pointed out the advantage a city has over an applicant when the city is to be the water provider and annexation is required. The owner has a right to use his land.

Commissioner Tucker said that the 9 houses will be non-conforming when annexed into the City of Casselberry. What will the ramifications be for the property that will be non-conforming in case of fire for replacement?

Ms. Smith said that if more than 50% of the structure is damaged by fire, then the structure must be replaced according to current City codes, in which case only 5 townhomes, instead of 9, will be rebuilt. The City would like to have this conform to City Code; R-3/4 would be more compatible with City standards, rather than the PUD proposed. This will have to be annexed into the City, so it should meet City standards for multi-family zoning.

Mr. Walter said that the solution is to work together to make the PUD close to the straight zoning requirements with the City.

Commissioner Brown said that the City Commission could change requirements for the property.

Commissioner Bates asked what caused this to be a PUD, not a straight zoning.

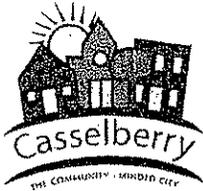
Mr. Walter said that this was in infill project on a small piece of property. County PUDs have flexibility on setbacks and buffering.

Commissioner Brown made a motion to recommend approval with staff recommendations and amendments discussed tonight.

Commissioner Bates seconded the motion.

Commissioner Tucker said that he was not comfortable with everything being done. He questioned a PUD on this size parcel. His vote will be "no".

The vote was 3 to 1 in favor of the motion. Commissioner Tucker voted "no".



City of Casselberry

Special Projects Coordinator

95 Triplet Lake Drive, Casselberry, Florida 32707 ▪ Telephone (407) 262-7725, Ext. 1237
Fax (407) 262-7767 ▪ Email pwallace@casselberry.org

October 13, 2005

Mr. Jennifer Wiewiora
DRMP
1050 East Colonial Drive
Orlando, Florida 32803

Subject: *Service Availability for Tax Parcel ID 08-21-30-501-0000-0020*

Dear Mr. Fraser:

With regards to the property known as the Proposed Townhomes (located near the intersection of Button Road & Seminola Boulevard) the City of Casselberry is the service provider for both water and sewer. The City has adequate capacity to support this proposed development of approximately 9 townhomes. Please be advised that the applicant will be required to pay the City the current water & sewer benefit and connection fees prior to installation of a meter to service the site. Also, you will be required to execute and return an Annexation form to the City before service will be provided. The City does not have reclaimed water to this site. All utility plans MUST be approved by the City of Casselberry.

Should you have any questions or concerns regarding this issue, please feel free to contact me at 407/262-7725, extension 1237.

Sincerely,

Phyllis A. Wallace
Special Projects Coordinator

/paw

c: Tony Segreto, Interim City Manager - Duplicate, Do Not File
Bill Goucher, P.E., Interim Public Works Director/City Engineer - Duplicate, Do Not File
Dick Wells, Community Development Director
File - PW/Availability 2005



City of Casselberry

Assistant Public Works Director

95 Triplet Lake Drive, Casselberry, Florida 32707 ▪ Telephone (407) 262-7725, Ext. 1234
Fax (407) 262-7767 ▪ Email cityengineer@casselberry.org

October 11, 2005

Jennifer Wiewiora
DRMP
1505 E. Colonial dr.
Orlando, FL 32803

Subject: Seminole County Parcel No. 08-21-30-501-0000-0020

Dear Ms. Wiewiora:

This is to verify that the City of Casselberry has potable water service available for the subject project. There is also sanitary sewer available in the median of Seminola Boulevard, however, there was never a lateral constructed across Seminola to the subject parcel's property line. A jack and bore would be necessary to connect to the sewer main. Reclaimed water is not available to the property.

If you have any questions, please call me at 407-262-7725, extension 1234.

Sincerely,

William C. Goucher, P.E.
Interim Public Works Director



City of Casselberry

Chief Planner

95 Triplet Lake Drive, Casselberry, Florida 32707 • Telephone (407) 262-7700, Ext. 1108
Fax (407) 262-7763 • Email: ssmith@casselberry.org

TO: Tony Walters, Seminole County Planning Manager
FROM: Sandra J. Smith, AICP, Chief Planner
DATE: October 25, 2005
RE: Seminola Townhomes/ PIN 08-21-30-501-0000-0020
Rezoning from R-1A to PUD

Seminole County has received a request to rezone the referenced property in from R-1A to PUD. The site is .78 acres. Based on a joint inter-local agreement, the City is notified when properties in the County near the City limits are to be redeveloped. The City is allowed to comment on the proposed action. In this particular case, the City of Casselberry will be the utility provider for water and sanitary sewer. Therefore, an annexation agreement must be executed with the City prior to services being provided to the site. Staff comments regarding the zoning designation change are provided below.

Background

Seminole County Requirements:

Definition: Planned unit development: An area of land devoted by its owner to development as a single entity for a number of dwelling units and complimentary commercial uses in accordance with a plan which does not necessarily comply with the provisions of other zoning districts with respect to lot size, lot coverage, setbacks, off-street parking, bulk or type of dwelling, density, and other restrictions.

Sec. 30.441. Intent and purpose.

It is the purpose of this part to permit planned unit developments which are intended to encourage the development of land as planned communities; encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas and the multiple use of wetlands; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of conventional zoning districts; provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and provide a stable environment character compatible with surrounding areas.

- Development of a PUD that is both residential and commercial requires a minimum of 20 acres. No minimum size is required for residential development.

Site data: The current property is zoned R-1A (single family residential) and is less than 34,000 square feet in area (.78 acre).

Analysis

Casselberry Code provides the same opportunities for development of properties; however, the minimum allowed size of a PUD is three acres. This development tool is generally provided to maximize the use of larger properties for a mixed-use development with direct access to major collectors or arterials (Exhibit A).

If a standard Seminole County multi-family residential zoning designation is placed on this property, the following design standards would be required:

Required setbacks:	35 feet for the front, rear and side property lines
Open space:	35%
Landscape requirement:	Perimeter and Street-front
DUA:	10 - 13

Providing this site with the PUD designation allows the site to be proposed, and possibly approved, with:

Setbacks:	7.5' side, 32' front, and 45' rear
Open space:	25%
Landscape:	No street front
DUA:	20

Conclusion/Recommendation

Casselberry staff has reviewed the proposed site plan and provided comments regarding the intensity of the proposed development (Exhibit B). Staff concludes that this site is not appropriate for a PUD zoning designation since it is not a large development and the benefits obtained by the developer will be detrimental to the surrounding properties. The PUD designation will result in overdevelopment of an under-sized parcel; therefore, the City requests Seminole County to deny the request.

EXHIBIT A

Section 4-20.1. Purpose and intent.

Planned unit development districts (i.e., see planned residential district (PRD) and planned mixed-use districts (PMX-L and PMX-H)) are established to implement provision of the Comprehensive Plan directed toward conserving open space and natural resources, promoting more effective use of developable uplands with available urban services, and promoting mixed-use development of strategically located large parcels having urban services and direct access to major arterial streets.

The planned unit development districts provide a voluntary management framework for coordinating objectives of the development of the community which may be inconsistent with conventional zoning district provisions. The planned unit development districts incorporate a more flexible management structure for negotiating private sector development objectives which reinforce and further public sector goals, objectives and policies for the City's development and resource conservation.

The planned unit development districts are intended to:

1. Encourage innovative planning to achieve urban infill, commercial revitalization, and natural resource preservation. The planned unit development concept is intended to present developers incentives for accomplishing these objectives by providing significantly more flexibility in the design of future development. The planned unit development option frees developers from most of more rigid size and dimension criteria of Table 2-5.4 in Article V. However, the planned unit development option also is intended to require higher standards and increased amounts of urban design amenities than may be achieved through conventional development. Therefore, the site plan review process shall incorporate opportunities for flexibility and negotiation of development and design alternatives directed toward Comprehensive Plan objectives and these regulatory intents;
 2. Promote efficient use of land by facilitating more cost-effective and environmentally sensitive site planning;
 3. Create opportunity for clustered development as directed in the Comprehensive Plan on uplands adjacent to environmentally sensitive lands in order to allow for more efficient use of the uplands while conserving environmentally sensitive lands as open space and preserving private property rights to reasonable use of land;
 4. Conserve and protect the natural environment including wetlands, natural habitat, drainage corridors, floodprone lands, and other environmentally sensitive lands; and
 5. Provide for more useable and suitably located open space and recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.
- Although the planned unit development districts provide opportunities for unique concepts, a planned unit development shall comply with the community character as promoted by the City Commission and shall be designed to limit impacts of the development internally within the confines of the planned unit development through compliance with the regulations established in the Comprehensive Plan and as stipulated in the land development regulations.

EXHIBIT B

Attached are Casselberry's staff comments regarding the proposed Seminola Townhomes project by DRMP. It does not meet several of the County's multi-family requirements as well as many of the City's requirements.

Community Development: Sandra Smith/ 262-7700 x:1108

1. The southern entrance is located on property owned by Marie Haas. This does not appear to be part of the development area. Please explain.
2. Seminole County Code requires a 35' front, rear, and side yard setback for two-story, multi-family dwellings. The front yard is only 32 feet and the side yards are only 7.5 feet.
3. Seminole County Code Section 30.1344 requires 35% open space. Additionally, landscaping is required around the perimeter and along the streets of major collectors and arterials. No landscaping is provided adjacent to Seminola Blvd.
4. A landscape plan was not provided. What type of landscaping is proposed around the site?
5. Will the driveway radii allow sufficient turning room for garbage trucks and tire equipment?
6. Are the townhomes to have fire sprinklers?
7. The roadway is 12' wide and the driveways are 20' deep (serves as a required parking space). Should a vehicle encroach into the roadway and the parallel parking space be utilized, sufficient room is not provided for through traffic.

City requirements:

8. A 10' wide street front landscape strip is required adjacent to the roadway. The right-of-way can not serve this purpose.
9. The bottom of retention ponds (wet and dry) are impervious. What is the impervious calculation for the entire site when this is a consideration?
10. The City requires a park impact fee of \$390 per residential unit to compensate for the required park/recreation area. Will the developer provide this payment to the City?
11. Buffers are required between multi-family projects and single family properties. The 7.5 foot side yard does not provide the appropriate buffer.

Public Works: Phyllis Wallace/ 262-7700 x:1237

1. Water and Sewer service will be provided by the City of Casselberry. Applicant must submit full engineered utility plans with details for approval by Public Works.
2. The current location of the water meters is unacceptable to the City. The water meters must be within the ROW of Seminola Boulevard.
3. The roadway is substandard and the City requests the roadway remain the private responsibility of the Association.
4. There is no pedestrian access from the units to Seminola Boulevard.
5. Appears that the roadway will be one-way; however 12' wide roadways may not accommodate emergency vehicles.
6. The radius of the southern driveway appears to be inadequate to support emergency vehicles.
7. As part of the Plat Recording – the applicant needs to state that:
 - a. The sanitary sewer lines from the ROW of Seminola Boulevard are private and will be the sole responsibility of the Association.
 - b. The water lines from the ROW of Seminola Boulevard are private and will be the sole responsibility of the Association.
 - c. The detention pond is the sole responsibility of the Association.
 - d. The roadway is the sole responsibility of the Association.
8. Where will the mail kiosk be placed?

9. Does the applicant propose to have outdoor lighting (street lighting)?
10. It appears that the southern driveway entrance is actually on the adjacent property. Please address how access onto private property will be granted.
11. What off-site warnings will be placed to indicate this subdivision entrance? The project is just around the curve of Seminola Boulevard and the existing driveways have caused conflicts with the traffic on Seminola Boulevard.

Fire Department: D.M. Jones, Fire Inspector /407-262-7735 x:1204

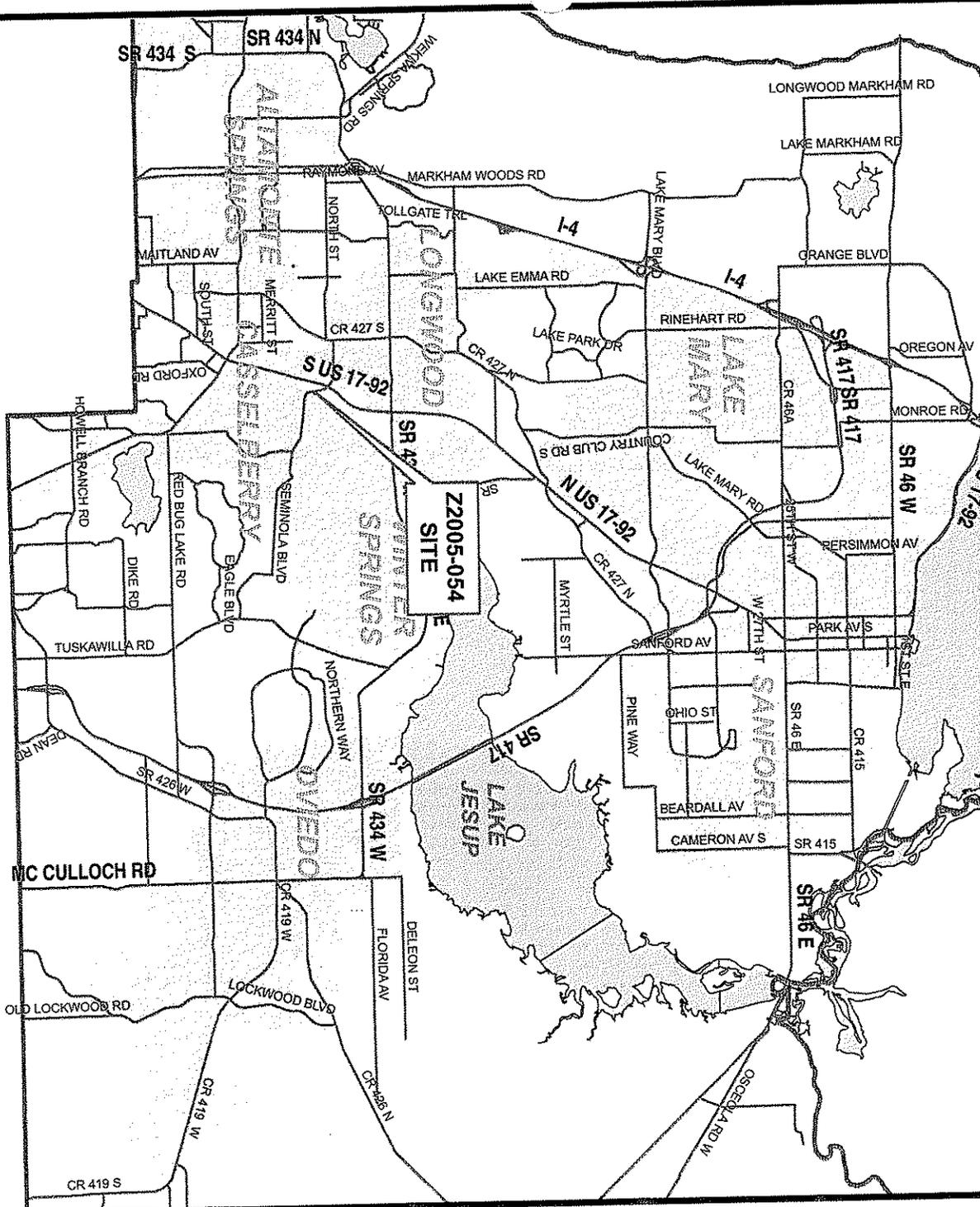
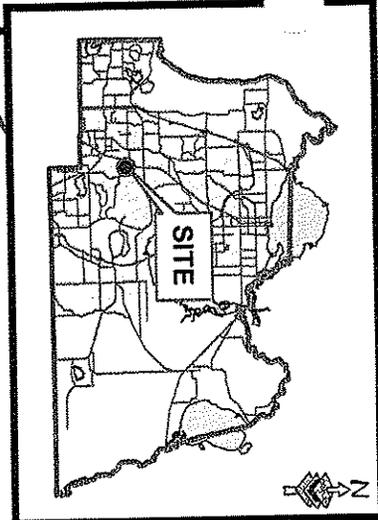
01. Plans show this project will be provided with fire sprinkler systems in each structure. What type of fire sprinkler systems NFPA 13, 13D or 13R will be installed in this project?
Provide plans from a licensed fire sprinkler contractor and advise the fire department of what type of system will be installed.

02. Fire Department Connection will need to be relocated to a more accessible location.
Contractor shall consult and confirm with the Fire Department as to the location of the FDC.

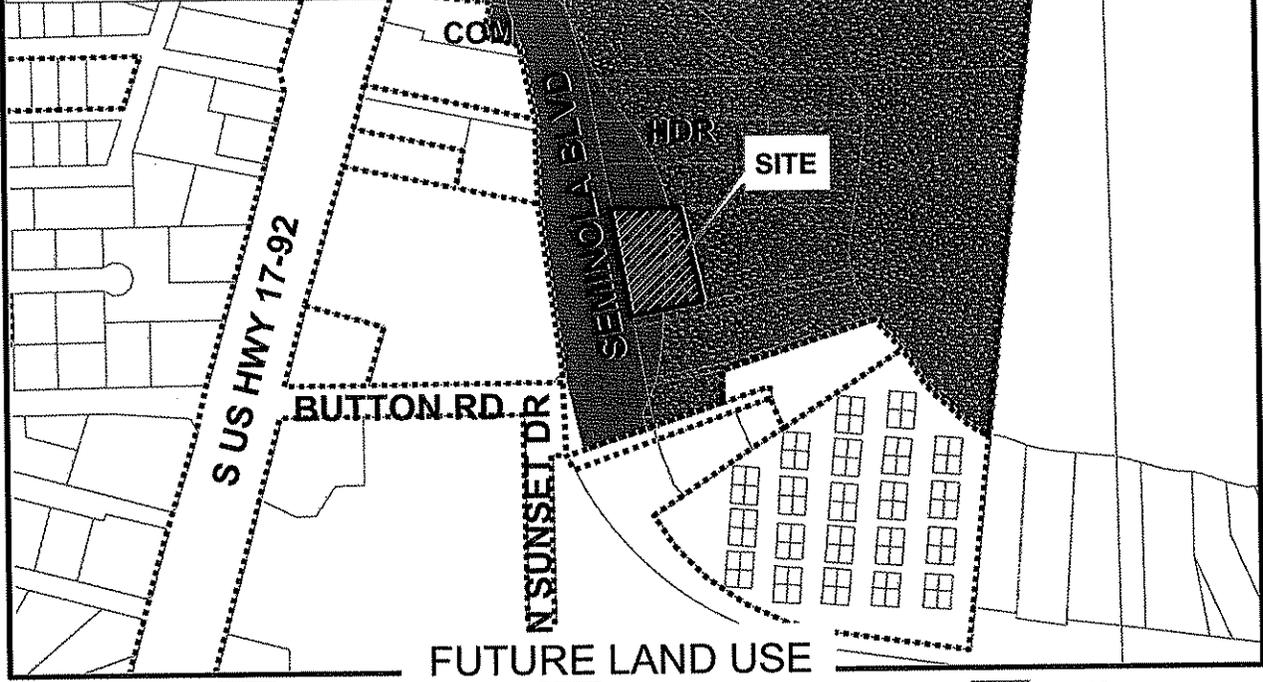
03. Entrance driveways and internal corners do not appear to be provided with the adequate turning radius. Fire Department requires a minimum of 60' 40' turning radius for access to this site.

Owner shall also be responsible for the supervision and maintenance contracts for the fire sprinkler systems at this site.

Please keep us informed as to the progress of this development and any revisions that may occur. Thank you for the courtesy of this review.



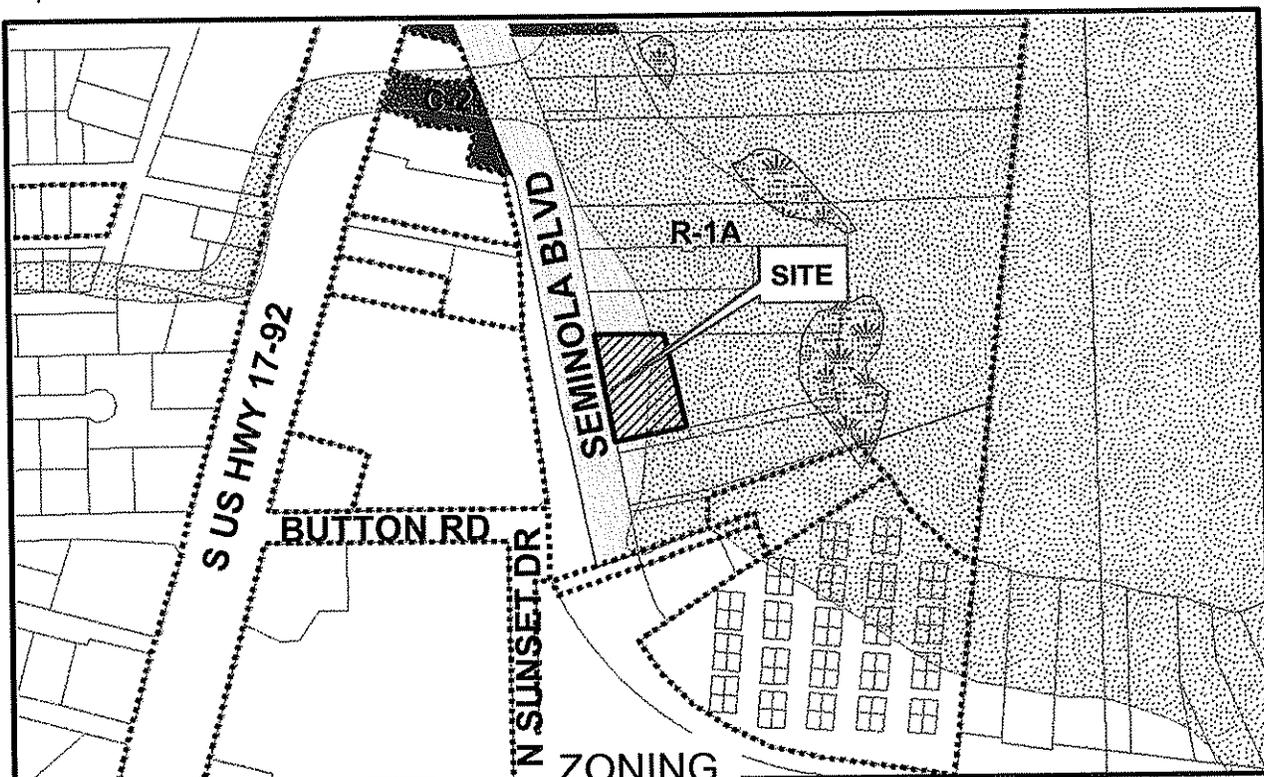
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland Information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area Information, based on Flood Insurance Rate Maps, provided by FEMA.



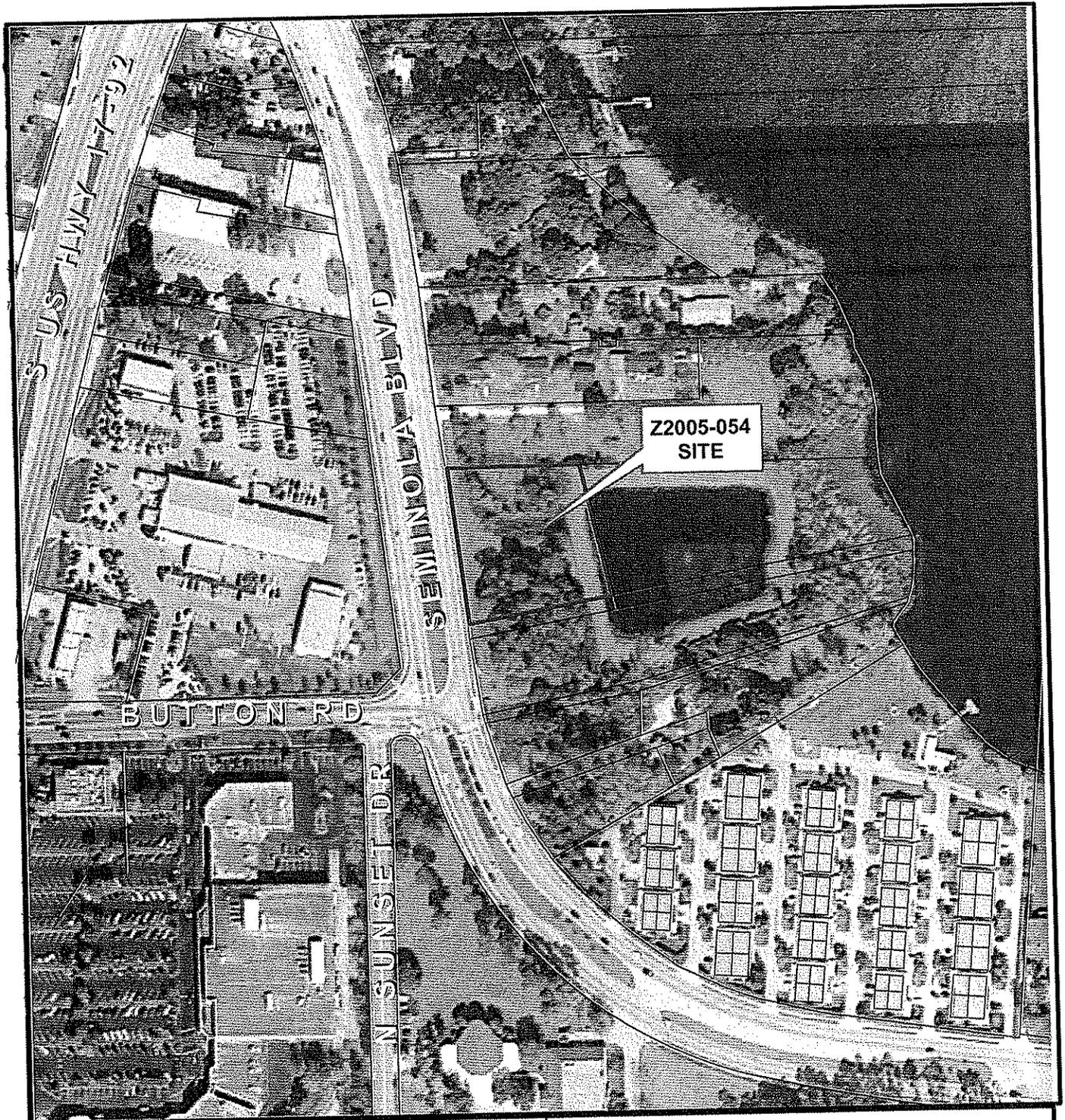
Site HDR COM Municipality CONS

Applicant: William Lenihan
 Physical STR: 08-21-30-501-0000-0020
 Gross Acres: .78 +/- BCC District: 2
 Existing Use: Vacant Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-054	R-1A	PUD



Site C-2 R-1A Municipality FP-1 W-1



Rezone No: Z2005-053
From: R-1A To: PUD

-  Parcel
-  Subject Property



January 2004 Color Aerials

