

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Osprey Lakes Phase 4 Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development (PD) and Rezone from A-5 (Rural Zoning Classification) to PUD (Planned Unit Development District); and the associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan, (D.R. Horton, applicant)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date <u>2/8/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input checked="" type="checkbox"/>

MOTION/RECOMMENDATION:

1. TRANSMIT the request for a Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development (PD) on approximately 100.89 acres, located north of Grey Owl Run and east of Jacobs Trail, and the associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan, to the Florida Department of Community Affairs, (D.R. Horton, applicant); or
2. DENY the request for a Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development (PD), rezone from A-5 (Rural Zoning Classification) to PUD (Planned Unit Development District) on approximately 100.89 acres, located north of Grey Owl Run and east of Jacobs Trail, and denial of the associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan, (D.R. Horton, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Dallari Tina Deater, Senior Planner

BACKGROUND:

The applicant, D.R. Horton, proposes a rezone from A-5 to PUD, a Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development

Reviewed by: <u>[Signature]</u>
Co Atty: <u>[Signature]</u>
DFS: <u>[Signature]</u>
OTHER: <u>[Signature]</u>
DCM: <u>[Signature]</u>
CM: <u>[Signature]</u>
File No. <u>ph700pdp03</u>

(PD), and a Text Amendment to amend the Urban/Rural Boundary, for a single-family residential development on approximately 100.89 acres, located north of Grey Owl Run and east of Jacobs Trail. The proposed development program consists of 47 single-family lots at a net buildable density of 2.06 units per acre.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested Large Scale Land Use Amendment from Rural-5 to Planned Development, rezone from A-5 to PUD, and associated Text Amendment to amend the Urban/Rural Boundary based on the following findings:

1. The proposed development is not compatible with the character of the surrounding area; and
2. At this time the proposed utility provision to the subject property cannot be assured; and
3. The proposed development does not comply with the Standards for Amending the Urban/Rural Boundary contained in the Vision 2020 Comprehensive Plan.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on January 5, 2005 and voted 6-1 to recommend DENIAL of the request for a Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development (PD), rezone from A-5 (Rural Zoning Classification) to PUD (Planned Unit Development District) on approximately 100.89 acres, located north of Grey Owl Run and east of Jacobs Trail, and denial of the associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan, based on staff's findings.

ATTACHMENTS:

**EXHIBIT A: STANDARDS FOR AMENDING THE URBAN/RURAL BOUNDARY
PRELIMINARY MASTER PLAN
PUBLIC E-MAILS
COLOR MAPS
AERIAL MAP**

Osprey Lakes PUD
Large Scale Land Use Amendment and Rezone Staff Report

Rural-5 to Planned Development (PD)		Amendment (Z2004-058, 055.FLU02, 05S.TXT.02)
REQUEST		
APPLICANT	D.R. Horton	
PLAN AMENDMENT	Rural-5 to Planned Development	
REZONING	A-5 (Rural Zoning Classification) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	100.89	
LOCATION	North of Grey Owl Run and east of Jacobs Trail	
BCC DISTRICT	District 1 – Commissioner Dallari	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION	Staff recommends DENIAL of the requested Large Scale Land Use Amendment from Rural-5 to Planned Development, rezone from A-5 to PUD, and associated Text Amendment to amend the Urban/Rural Boundary.	

SITE DESCRIPTION

1. DEVELOPMENT TRENDS AND EXISTING AND PERMITTED USES:

Location	Future Land Use*	Zoning*	Existing Use
Subject Property	Rural-5, Conservation	A-5 (Rural Zoning Classification)	Vacant
North	Recreation	A-5 (Rural Zoning Classification)	Vacant
South	Planned Development	PUD (Planned Unit Development)	Single-family Residential
East	Rural-5, Conservation	A-5 (Rural Zoning Classification)	Vacant
West	Rural-10, Rural-5, Recreation	A-5 (Rural Zoning Classification), A-10 (Rural Zoning Classification)	Vacant, Single-family Residential

❖ See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element, Design Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element and adopted Design Element (Transportation Policy 2.1).*

Access to the subject property is via Grey Owl Run, which is classified as a local street and does not have an adopted level of service. Before a final development order is issued, the project will be required to undergo concurrency testing, in order to ensure that adequate capacity is available.

B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:

The subject property is currently located within the County's Rural Area, and therefore does not have water and sewer services available. The nearest water and sewer service area belongs to Aqua Utilities (formerly Florida Water Services). In order for Aqua Utilities to be able to service the proposed project, the Urban/Rural Boundary would have to be amended so that the subject property is included within the Urban Area, and then Aqua Utilities would have to apply to the Florida Public Service Commission to determine if they can expand their service area to include the proposed development.

C. Public Safety – Adopted Level of Service: *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 2.1).*

The property is served by the Seminole County EMS/Fire Station 43. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders, under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policies 2.3 and 2.4).*

A review of the availability of public facilities to serve this property indicates that adequate public facilities could be made available to this development, however in order to serve this project with urban level services, the Urban/Rural boundary must be amended to include the subject property within the Urban Area.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains extensive wetlands and a wetlands mitigation plan shall be required prior to final engineering approval for any proposed development on the subject property.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. Compatibility: When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

The proposed use is a single-family residential subdivision with minimum lot sizes of 12,000 square feet. The subject property is adjacent to a single-family residential subdivision to the south and properties designated for conservation and recreation that are owned by St. Johns Water Management District, to the north, east, and west. The single-family subdivision to the south is part of the Osprey Lakes PUD Phase 1. The minimum lot size in the existing Osprey Lakes PUD is 21,780 square feet. Hypothetically, even if this property were in the urban area, the 12,000 square foot minimum lot sizes proposed in this development would not be an appropriate transitional use between the ½ acre minimum lot sizes to the south and the 5-acre minimum lot sizes to the north. Therefore, staff does not believe that this development is compatible with the surrounding area.

Standards for Amending the Urban/Rural Boundary: Amendments to the County's Urban Rural Boundary, as depicted in Exhibit FLU: Special Area Boundaries, may be considered only if all of the following standards are affirmatively met:

A. Demonstration of Need

- 1. Are additional urban lands needed to accommodate population, housing, or employment projected for the horizon year of this Plan?; or*
- 2. Are additional lands required to support affordable housing or redevelopment goals of the County?; or*
- 3. Are additional lands required to support economic development goals of the County?*

B. Locational Analysis of Amendments

- 1. Availability of facilities and services, and the orderly, efficient and cost-effective provision of service; and*
- 2. Fiscal capacity to provide adopted levels of service; and*
- 3. Protection of environmental and natural resource:*
 - a. Analysis that the amendment would not negatively impact the interconnected system of wetlands/uplands that exist in the Rural area and provide a high quality mosaic of regional significance. This analysis must describe how the amendment protects the wetlands/uplands system including:*
 - Retaining the connectivity of wetlands;*
 - Retaining /Improving the ecological quality of wetlands; and*
 - Retaining the functional and structure values of wetlands in the Rural Area.*
 - b. If amendment to the Urban/Rural Boundary is approved, developments shall avoid impact to wetlands to the maximum extent possible by utilization of clustering and other special techniques.*
- 4. Contiguity to existing boundary and urban development patterns, so as to discourage urban sprawl; and*
- 5. Adequate transitions to maintain compatibility with adjacent, existing communities.*

The applicants submitted a series of analyses, which are attached as Exhibit A. The applicants have not adequately addressed how the proposed development meets the Demonstration of Need criteria. They have not provided any calculations indicating that additional urban lands are needed to accommodate population, housing, or employment projected for the horizon year of this Plan, or that additional lands are required to support affordable housing or redevelopment goals of the County, or that additional lands are required to support economic development goals of the County, as required by the Comprehensive Plan.

The applicants have adequately addressed portions of the Locational Analysis of the Amendment. The applicants are proposing to hook up to the existing utilities within the existing Osprey Lakes subdivision, which are provided by Aqua Utilities. In order for Aqua Utilities to be able to service the proposed project, the Urban/Rural Boundary would have to be amended so that the subject property is included within the Urban Area, and then Aqua Utilities would have to apply to the Florida Public Service Commission to determine if they can expand their service area to include the proposed development. Therefore, utility service is not assured. The subject property is contiguous to the existing Urban/Rural Boundary, however, because the proposed lot sizes are so much smaller than the lots in the adjacent subdivision, staff does not believe that the proposed subdivision is a compatible transitional use between the conservation lands to the north and the existing single-family subdivision to the south.

The subject property is within the Econlockhatchee River basin and contains extensive wetlands. Two-thirds of the property is proposed to be put under a conservation easement, but there are wetland impacts for the access roads and within proposed lots 4 through 7, 22 through 28, and 39 through 42. Lots 5, 6, 40, and 41 are entirely wetlands. There are also wetland impacts in some of the proposed stormwater retention areas. Seminole County's Natural Resources Officer has identified the wetlands on the subject property as being of high quality and has further identified several areas where impacts to the wetlands could be further reduced. Therefore, the proposed impacts do not meet the County's policy of minimizing the disruption of wetland functions to the high quality wetlands on site, and therefore do not comply with Part 3 of the Locational Analysis criteria.

Should the Seminole County Board of Commissioners wish to amend the Urban/Rural Boundary, staff recommends that it be done as a result of a comprehensive study, as done previously in the Chuluota area, and not in a piecemeal, parcel by parcel fashion.

Other applicable plan policies include, but are not limited to:

FLU 2.1 Subdivision Standards.

FLU 4.2 Infill Development

FLU 5.5: Water and Sewer Service Expansion

FLU 2.11 Determination of Compatibility in PUD and PCD Zoning Classifications

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public*

facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the impacts of development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

5. SCHOOL IMPACTS – The proposed residential units will generate an estimated twelve elementary school students, five middle school students, and six high school students. The School Board provided the following comment on this proposed development: 47 single-family homes; minimal impact; no comment. An email from Dianne Kramer is attached.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested Large Scale Land Use Amendment from Rural-5 to Planned Development, rezone from A-5 to PUD, and associated Text Amendment to amend the Urban/Rural Boundary based on the following findings:

1. The proposed development is not compatible with the character of the surrounding area; and
2. At this time the proposed utility provision to the subject property cannot be assured; and
3. The proposed development does not comply with the Standards for Amending the Urban/Rural Boundary contained in the Vision 2020 Comprehensive Plan.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on January 5, 2005 and voted 6-1 to recommend DENIAL of the request for a Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development (PD), rezone from A-5 (Rural Zoning Classification) to PUD (Planned Unit Development District) on approximately 100.89 acres, located north of Grey Owl Run and east of Jacobs Trail, and denial of the associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan, based on staff's findings.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

JANUARY 5, 2005

Members present: Richard Harris, Chris Dorworth, Dudley Bates, Walt Eismann, Beth Hattaway, Ben Tucker, and Matt Brown.

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Earnest McDonald, Principal Coordinator; Rebecca Hammock, Principal Coordinator; Tina Deater, Senior Planner; Jeffrey Hopper, Senior Planner; April Boswell, Senior Planner; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

J. Osprey Lakes Phase 4 LSLUA and Rezone; D.R. Horton, Inc., / Jeff Newton, applicants; approximately 100.89 acres; Large Scale Land Use Amendment from Rural 5 (R-5) to Planned Development (PD); and rezone from A-5 (Agriculture District) to PUD (Planned Unit Development District); located north of Grey Owl Run, east of Jacobs Trail; and associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan; (Z2004-055 / 05S.TXT.02).

Commissioner Dallari - District 1
Tina Deater, Senior Planner

Ms. Deater introduced the Osprey Lakes Phase 4 Large Scale Land Use Amendment from Rural-5 to Planned Development and Rezone from A-5 (Rural Zoning Classification) to PUD (Planned Unit Development District); and the associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan. The subject property contains approximately 100.89 acres and is located north of Grey Owl Run and east of Jacobs Trail.

The applicant proposes a rezone from A-5 to PUD, a Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development (PD), and a Text Amendment to amend the Urban/Rural Boundary, for a single-family residential development on approximately 100.89 acres, located north of Grey Owl Run and east of Jacobs Trail. The proposed development program consists of 47 single-family lots at a net buildable density of 2.06 units per acre.

The proposed use is a single-family residential subdivision with minimum lot sizes of 12,000 square feet. The subject property is adjacent to a single-family residential subdivision to the south and properties designated for conservation and recreation that are owned by St. Johns Water Management District, to the north, east, and west. The single-family subdivision to the south is part of the Osprey Lakes PUD Phase 1. The minimum lot size in the existing Osprey Lakes PUD is 21,780 square feet. Hypothetically, even if this property were in the urban area, the 12,000 square foot minimum lot sizes proposed in this development would not be an appropriate transitional use between the ½ acre minimum lot sizes to the south and the 5-acre minimum lot sizes to the north. Therefore, staff does not believe that this development is compatible with the surrounding area.

The Vision 2020 Comprehensive Plan contains standards that must be met in order to amend the Urban/Rural Boundary. These standards are outlined in your staff report. The applicants submitted a series of analyses addressing these standards which are attached as Exhibit A in the staff report. Staff does not believe that the applicants have adequately addressed how the proposed development meets the standards for amending the Urban/Rural Boundary. They have not provided any calculations indicating that additional urban lands are needed to accommodate population, housing, or employment projected for the horizon year of this Plan, or that additional lands are required to support affordable housing or redevelopment goals of the County, or that additional lands are required to support economic development goals of the County, as required by the Comprehensive Plan.

The applicants have adequately addressed portions of the Locational Analysis required for the Amendment. The applicants are proposing to hook up to the existing utilities within the existing Osprey Lakes subdivision, which are provided by Aqua Utilities. In order for Aqua Utilities to be able to service the proposed project, the Urban/Rural Boundary would have to be amended so that the subject property is included within the Urban Area, and then Aqua Utilities would have to apply to the Florida Public Service Commission to determine if they can expand their service area to include the proposed development. Therefore, utility service is not assured. The subject property is contiguous to the existing Urban/Rural Boundary, however, because the proposed lot sizes are so much smaller than the lots in the adjacent subdivision, staff does not believe that the proposed subdivision is a compatible transitional use between the conservation lands to the north and the existing single-family subdivision to the south.

The subject property is within the Econlockhatchee River basin and contains extensive wetlands. Two-thirds of the property is proposed to be put under a conservation easement, but there are wetland impacts for the access roads and within proposed lots 4 through 7, 22 through 28, and 39 through 42. Lots 5, 6, 40, and 41 are almost entirely wetlands. There are also wetland impacts in some of the proposed stormwater retention areas. Seminole County's Natural Resources Officer has identified the wetlands on the subject property as being of high quality and has

further identified several areas where impacts to the wetlands could be further reduced. Therefore, the proposed impacts do not meet the county's policy of minimizing the disruption of wetland functions in the high quality wetlands on site, and therefore do not comply with Part 3 of the Locational Analysis criteria.

Should the Seminole County Board of Commissioners wish to amend the Urban/Rural Boundary, staff recommends that it be done as a result of a comprehensive study, as done previously in the Chuluota area, and not in a piecemeal, parcel by parcel fashion.

In conclusion, staff recommends denial of the requested Large Scale Land Use Amendment from Rural-5 to Planned Development, rezone from A-5 to PUD, and associated Text Amendment to amend the Urban/Rural Boundary based on the following findings:

1. The proposed development is not compatible with the character of the surrounding area; and
2. At this time the proposed utility provision to the subject property cannot be assured; and
3. The proposed development does not comply with the Standards for Amending the Urban/Rural Boundary contained in the Vision 2020 Comprehensive Plan.

Jim Weinberg from D.R. Horton stated that there have been many changes to the urban/rural boundary through the years. He passed out maps, stating that the urban/rural boundary is "totally encroachable." He said that the site is compatible with the surrounding area. We want 47 homes in a 100 acre tract. There are several parcels that are not developable. In the area are the county trail, and the Magnolia Lakes subdivision.

David Evans with Evans Engineering stated that some lots in other phases included wetlands and lakes. These lots are 12,000 square feet net buildable land. We have used 2,300 square feet homes as a minimum. Access will be through Grey Owl Run is for emergencies only. Entry will be through Osprey Lakes Circle.

As for water and sewer, he stated that he has a letter from Aqua Utilities stating that if the boundary is extended, they will have water for the 47 lots.

Mr. Evans stated that wetlands issues would be mitigated. The road was moved to minimize impacts to wetlands.

Jim Weinberg stated that on item # 3 – he stated that there were conditions for amending the urban/rural boundary. He uses his market sense to see that there is a great job market, a shortage of homes for the workers, and a rising demand. The opening of the Greenway and the expansion of the University of Central Florida both contribute to job growth. The urban/rural line is an imaginary line that can be adjusted. This is compatible with surrounding uses because it is a continuation of an existing subdivision.

Public Input:

Edmund H. McGarey of Sparrow Hawk Cove in Osprey Lakes. He had concerns on compatibility with the existing lots and homes. This is not in compliance with the Vision 20/20 plan. He would not have bought his home if he had known of this development.

Michael Archibald of Grey Owl Run, lot 78, said that this is a bad plan. The developer is shoe-horning in as many houses as possible while avoiding the wetlands. He had been told that this land was unbuildable. These lots are smaller and not compatible with surrounding areas.

Dan Trombley also was opposed due to environmental issues. The Walker Elementary school is already at capacity.

Michael Raymond of Grey Heron Place was concerned about the security gate installation being delayed for another 2 to 3 years. This will disrupt the Florida Trail and is dangerous to the St. John's River. Why was Grey Owl run not deeded to the community?

Clinton Curby of Osprey Lake Circle stated that he purchased his home in a community of an announced 200 homes that was supposed to have a security gate.

Deborah Schafer of the Chuluota Community Association, Inc. spoke in opposition. She said that common sense will vote this down. The urban/rural boundary must be preserved. When do we stop?

Dave Ruff of Osprey Lakes Circle was also opposed.

Caroline Cox of Osprey Lakes Circle stated that she, along with other existing home owners had been deceived as to community size. This was to be a small development.

Michael Cox was concerned about the flooding in the area. The drainage systems in the area are not adequate now. These smaller homes will devalue the existing homes.

Rob Wittman of Osprey Lakes Circle stated that this plan will disturb the Flagler Trail and disturb the wetlands.

Neil DiSpirito of Grey Owl Run was also opposed, citing the Comprehensive Plan. The rural boundary is defined. 3 houses per acre is not compatible with 21,000 square foot lots. Utilities are not available.

Raymond Negrón of Grey Owl Run said that this is an R-5 area. Please disapprove this.

Richard Shelton of Osprey Lake Circle said that the construction should have a new entrance and a new name. He was opposed.

Kenneth Rice was opposed.

Joe Wheeler was opposed. The increased traffic and stress on the utility company concerned him.

Lawrence and Sandra Peletz of Lake Crescent Drive were opposed.

James W. Hill was opposed to any encroachment into the urban/rural boundary.

Jason Eskew of Grey Owl Run was opposed.

Sue Easter was opposed. She had submitted an e-mail with her husband.

Barbara Barretta – Duquette was opposed to this due to a loss of property value.

In rebuttal, Jeff Newton of D.R. Horton stated that he saw a lot width of 120 feet as compatible. He will increase lot width from 100 feet to 120 feet. He can not control what Engle Homebuilders told their clients. He will work with the neighbors to make a good plan. The school concerns are nominal. Grey Owl is not a county Road. The trail is not a required dedication because it already exists.

The flooding and drainage of phase 4 will go into the wetlands.

The smallest house will be 2,300 square feet.

He will meet all required Water Management items.

The applied for Comprehensive Plan Amendment will make this subdivision compatible with the plan.

Commissioner Harris stated that the County does not involve itself with changes of developers and the plans promised.

Commissioner Brown stated that safety concerns should be brought to the sheriff's attention.

Commissioner Hattaway stated that there were similar concerns voiced when the original phases of Osprey Lakes was built. She assured the audience that their development will not be ruined or devalued by any decision made here. Issues with the builder should be pursued separately.

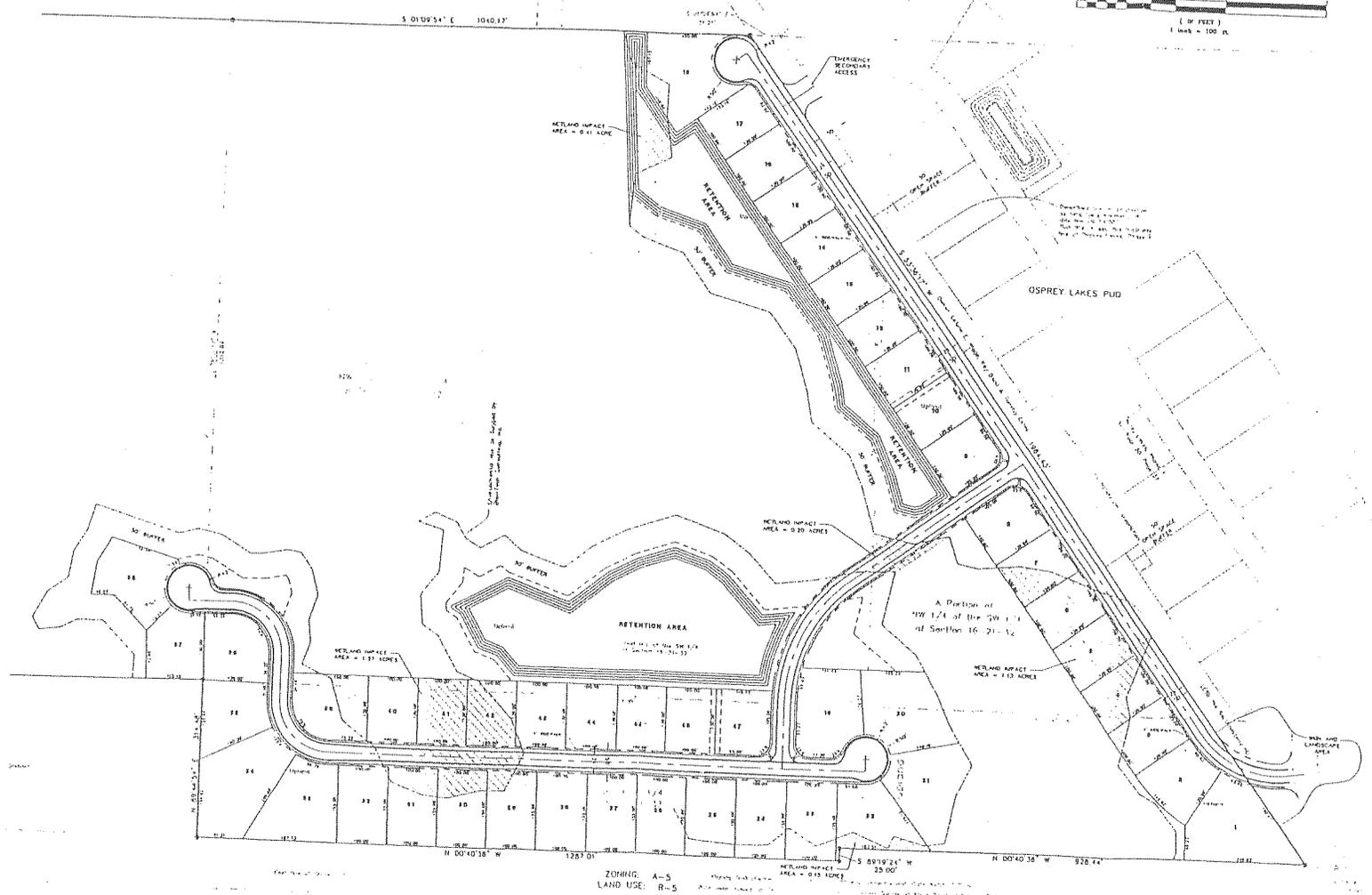
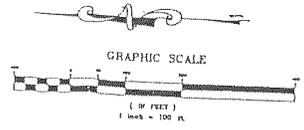
Commissioner Brown stated that he was concerned about the road running behind the houses.

Commissioner Brown made a motion to recommend denial.

Commissioner Bates seconded the motion.

The vote was 6 – 1 in favor of the motion. Commissioner Tucker voted “no.”

ZONING: A-5
 LAND USE: R-5



ZONING: A-5
 LAND USE: R-5

DATE	BY

DATE: _____ BY: _____

EVANS ENGINEERING, INC.
 ENGINEERS
 718 HIRSHLOR AVENUE #200
 ORLANDO, FLORIDA 32808
 (407) 873-8181
 FAX (407) 873-8181
 WWW.EVANS-ENGINEERING.COM

OSPREY LAKES - PHASE 4
 FOR
 D.A. HORTON
 HORTON COMPANY, PLANO, FL

PRELIMINARY
 SITE PLAN

DATE: _____
 CHECKED: _____
 DATE: _____
 SEPTEMBER, 2004
 SCALE:
 1" = 100'
 JOB # 14801
 SHEET #

Osprey Lakes Phase 4 – Future Land Use Amendment

November 30, 2004

The proposed amendment to the Future Land Use Map of Seminole County is presented. This summary will document that the proposed change of land use for this property is consistent with the policies for considerations of a map change and that the extension of the Urban Service Boundary for this phase of the Osprey Lakes Subdivision meets the goals and objectives of the Vision 2020 plan.

Proposed Amendment

The property is located in East Seminole County North of CR 419, South of CR 426, East of Snow Hill Road and West of Jacob's Trail. The current future land use designation of the property is Rural – 5 with a zoning designation of A-5. This property is currently located in the rural area of the county. The property size is approximately 100 acres. A majority of the east and north portion of the property is wetlands which are state owned. Upland areas, as surveyed by an environmental scientist, are located on the west and south portions of the property including two areas on the North end of the property. This property lies within the Econlockhatchee River Basin and is over 2000 ft from the river. The West side of the site is also adjacent to the Seminole County trail system or Jacobs Trail.

Policies for considerations of a FLU map change and extension of urban service boundary

A. Demonstration of Need

1. The proposed change to the FLU is consistent with the Counties current policy regarding single family growth projections. As included in the Vision 2020 policy Seminole County has evolved from the commuting county to a destination by many new residents coming to the area. This is due to the quality of the school system and availability in outreaching neighborhoods.

Access through the Greenway system is also a determining factor for location in the Chuluota area of the county. This property is contiguous to the 1st phase of the Osprey Lakes Subdivision. The proposed lots have a minimum width of 100' which is larger than the Osprey Lakes Subdivision. The minimum lot area is 12,000 sf which results in a net density of approximately 2.75 lots per acre of land.

This project will be the last available property for residential development north of Osprey Lakes Subdivision and South of the Econlockhatchee River. The lands directly adjacent to the proposed property to the north are public and wetlands. The proposed count for this development is 47 estate sized lots. The type of homes constructed on these lots will be compatible and will enhance the surrounding communities. Since this property has little agricultural use potential the applicant feels that the change to residential will be the best use of the remaining upland areas. Due to the large lot size and low gross density 47 lots / 103 acres = 2.2 units per acre, this proposed subdivision will be a transition from the denser developments to the South and the rural un-developable property to the North. This project also clusters the large estate lots in the South and West portions of the property leaving the wetland and uplands to the North undisturbed. Because of the single road access, houses are arranged to have either wooded uplands or wetland buffers at the back. This type of design is consistent with a rural setting.

B. Compliance with Housing Element – HSG

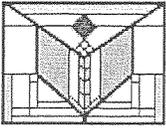
1. As referenced in HSG-5 the housing needs are a direct function of market demand. Osprey Lakes phases 1-3 sold very fast indicating the desire by new residents to the area to locate in this part of the county. Obviously, this market draw is great location relative to access, schools and community environment. The parcel is bound on 3 sides by existing development and jurisdictional property to the North. There is no potential for growth adjacent to this parcel in the future. This parcel could be referred to as infill as referenced in policy 1.6 as follows.
 - a. This parcel is connected through the existing Osprey Lakes development to a collector road (SR 419).

- b. This parcel is located near elementary, middle and high schools either within capacity or proposed for this area.
 - (i) Elementary Schools
 - (a) Partin Elementary
 - (b) Walker Elementary
 - (ii) Middle Schools
 - (a) Jackson Heights Middle
 - (b) New Chiles Middle (2 month old)
 - (iii) High Schools
 - (a) Oviedo High
 - (b) Hagerty High (Opens 2005)
- c. The proposed community will be a part of the existing Osprey Lakes development including membership in the existing HOA and shared maintenance of the infrastructure. This ties the new development to the existing subdivisions in the area.

C. Locational Analysis of Amendment

1. This project will be an extension of the existing Osprey Lakes Subdivision. The utilities including water and sewer are available from the existing subdivision. A water main with sufficient capacity for fire protection exists at the location of the proposed access connection. Sewer will be discharged to the exiting system within Osprey Lakes which has more than adequate capacity for 47 lots. Electric and cable service is also available from the existing subdivision south of the proposed project.
2. Access to the property will be through Osprey Lakes Subdivision. Within the past 5 years Snow Hill Road to the South has been constructed as a connection from CR 419. CR 419 has also been widened from Oviedo to Show Hill Road. With these widening and the expansion projects and the limit of this project for 47 lots, sufficient capacity exists on the road network.
3. Environmental and Natural Resources
 - a. The existing property is within the Econlockhatchee Basin area. The site development plan minimizes impact of existing wetland areas by using the impacts for access and some lots. Retention ponds for the property are located between the lots and existing wetlands to buffer secondary impacts.

- (i) The connectivity of wetlands has been retained since 2/3rds of the property will remain in a conservation easement for St. John's River Water Management with development rights to Seminole County. As referenced in the County published "Potential Acquisitions" chart the wetland area of this property is within the county's desire for preservation. This project could dedicate this wetland area to the county if requested.
 - (ii) The quality of the wetlands will be maintained through the required buffer zones and the placement of retention ponds to transition the developed lots.
 - (iii) The wetland function will be consistent with the existing use. This basin is connected to the Econlockhatchee River and provides natural habitat. In addition the minimization of impacts will allow this wetland to exist in its natural state.
- b. As discussed, avoidance of the wetlands will be a function of the placement of buffer zones and retention ponds. Lot sizes will allow open space around each house for continuance of a rural feel and passage of the natural environment. The St. John's River Water Management District also requires that signs be posted at the wetlands to advise the public of wetland requirements and conservation boundaries.
- 4. This project remains contiguous to urban development patterns as the existing Osprey Lakes Subdivision. Since this project is at the Northern border of residential development no further extensions of this type of development would be possible.
- 5. The large lots and upland open space also lend as a transition from the surrounding developments and the rural wetland areas to the North and East.



Candace Hudson /Seminole
01/03/2005 04:27 PM

To Tina Deater/Seminole@Seminole, Jeffrey
Hopper/Seminole@Seminole

cc

bcc

Subject Fw: P&Z Agenda 1.05.05

History: This message has been forwarded.

Candace Lindlaw-Hudson
Sr. Staff Assistant
Seminole County Planning Division
1101 E. First Street, Suite 2201
Sanford, FL 32771
Phone: 407.665.7450
Fax: 407.665.7385

----- Forwarded by Candace Hudson/Seminole on 01/03/2005 04:23 PM -----



Dianne_Kramer@scps.k12.fl.us
01/03/2005 04:15 PM

To chudson@seminolecountyfl.gov,
mwest@seminolecountyfl.gov
cc Board-Members_DL/scps_esc@mail.scps.k12.fl.us,
spedicini@orlandosentinel.com
Subject P&Z Agenda 1.05.05

I have reviewed the agenda for January 5, 2005, and have the following comments on behalf of Seminole County Public Schools. I would appreciate their being read into the record at the appropriate time:

On August 10, 2004, the School Board unanimously approved a motion to "oppose land use changes that convert non-residential properties to residential until the School Board, County, and the Cities have an opportunity to discuss addressing future growth and the impact of those changes on the county and the school system." The Board of County Commissioners and the School Board have met in a joint work session, and staff is starting to work on alternative responses to this issue. To date, however, there has been no proposal or resolution. With that in mind, we have concerns regarding the following agenda items:

Item F. NW 46 Planned Unit Development -- land use change from Commercial to Medium Density Residential 450 multi-family units
The applicant is correct in projecting 102 students from this development...52 elementary (2.5 classrooms); 24 middle school students (1 classroom); and 26 high school students (1 classroom). The project would be served by the following schools:

NW cluster elementaries	Capacity deficit now and after additions are completed
Wilson	934 enrollment 16 portables
14 classroom addition for school year 2005/06	
Bentley	922 enrollment 1 portable 14
classroom addition for school year 2005/06	
Idyllwilde	890 enrollment 9 portables
Wicklów	934 enrollment 11 portables
Middle School	Capacity deficit now; some relief expected with Markham Woods Middle scheduled to open Aug. 2006
Sanford	1408 enrollment 7 portables
High School	Capacity deficit now and through 2013
Seminole	2861 enrollment 18 portables

Additions and renovations in progress

Item G. Cameron Heights PUD -- land use change from Suburban Estates, Industrial, and Commercial to Planned Development; 910 single family homes and 151 townhouses...potential for 244 elementary students (11+ classrooms); 112 middle school students (5 classrooms); 122 high school students (5 classrooms). The project would be served by the following schools:

NE cluster elementaries the future		Capacity deficit now and in the future
Midway	393 enrollment	8 portables New
replacement school currently being designed (additional 350 stations)		
Hamilton	733 enrollment	11 portables
Pine Crest	732 enrollment	8 portables
Middle School		Capacity deficit now; some relief
expected with Markham Woods Middle scheduled to open Aug. 2006		
Sanford	1408 enrollment	7 portables
High School		Capacity deficit now and through 2013
Seminole	2861 enrollment	18 portables

Additions and renovations in progress

This project will have significant impact. If approved, the project should help improve the pedestrian circulation to the new Midway Elementary site by providing off-site sidewalks.

Item H. Hilltop Drive --- land use change from low density to medium density; minimal impact; no comments

Item I. San Pedro Center -- low density residential to Planned Development; potentially 1,999 residential units. This impact cannot be determined without a breakdown in the type and number of units. It could generate the need for an additional elementary school, so a site should be reserved.

Item J. Osprey Lakes -- 47 single family homes; minimal impact; no comment

Dianne L. Kramer, Deputy Supt./Operations
Seminole County Public Schools
407.320.0060 direct line
407.320.0292 FAX

<mailto:dianne_kramer@scps.k12.fl.us>



Ekballantyne@aol .com
12/13/2004 02:29 PM

To TDeater@seminolecountyfl.gov
cc
bcc
Subject dr horton.

I sent a letter to the commisioners re dr hortons proposed expansion of osprey lakes. We were told by the builders when we bought our house in here that they would not be building anymore homes. they charged us a fortune for a one acre lot at the front of the subdivision and we would not have bought here had we known the truth. we deliberately chose not to buy in live oaks or the sanctuary because of the size of them. Also the price of homes in here range from 300,000 to over 600,000. dr horton should not be allowed to build homes of lesser value in the same subdivision. I have to return to england as my father is dying so we wont be at the meeting but this needs to be stopped. would you please drive out here and see hoe peaceful it is and they are going to destroy it. this is also the only builder that would not contribute any donations or even call us back when we were looking for suppoprt for the new school. please could this county stop filling the pockets of the builders and concentrate on ensuring the general public isnt constantly undermined. thankyou for your support. erica ballantyne



Gretchen Venn/Seminole
12/10/2004 10:50 AM

To Brenda Carey/Seminole@Seminole, Tina
Deater/Seminole@Seminole
cc
bcc
Subject Fw: Dr Horton

----- Forwarded by Gretchen Venn/Seminole on 12/10/2004 10:47 AM -----



Ekballantyne@aol .com
12/08/2004 11:29 PM

To gvenn@seminolecountyfl.gov
cc
Subject Dr Horton

PLease do not allow DR horton to change agricultural land to PUD in Chuluota. Please tell me what I have to do to stop it. I have 2 sets of twins that like to play outside and this builder has done nothing but lie to us to get us to buy. We were told no more homes would be added I have sent another email to youre dept. I hope you can read it. thankyou. erica

--****Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the County system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.****



NDiserafino@bankofny .com
01/05/2005 10:03 AM

To TDeater@seminolecountyfl.gov,
gvenne@seminolecountyfl.gov
cc
bcc

Subject Re: Osprey Lakes -DR Horton Homes

A year ago this month I purchased a home at Osprey Lakes. I found this place to be the perfect development where I would love to raise my three children. It continued to enhance when Walker Elementary School was opened. The gates would finally be closed as the builders were completing the final homes. Our children would be able to enjoy their neighborhood and I would know that my children are safe.

Then I receive a notice that DR Horton is planning to open the cul-de-sac on Grey Owl Run and build more homes in the back. This would open our street to traffic where my children play. I don't mind more homes in the area but not where it will affect the children's safety and will allow me to be misled. I purchased a home on this street because I knew that my children would be able to play safely with little traffic.

Grey Owl Run is a very narrow street and too much traffic going both ways will make it very unsafe. I can not stress how unsafe this will be for the children on this street. I believe my objections and concerns are shared with many of my neighbors. Please consider my objections and reject the request of DR Horton.

If the county agrees to allow DR Horton to build in the 100 acres please be sure that they do not open the cul-de-sac on Grey Owl Run. If they decide to build behind the existing homes where a road is suppose to be, please be sure that a few feet of the trees be left so that we the existing home owners do not loose the beauty of nature. I do not want to have a road as a back yard view. Please take all my concerns into consideration when making a final decision.

Thank you.

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lroutie@bankofny.com
01/05/2005 09:45 AM

To TDeater@seminolecountyfl.gov,
gvenne@seminolecountyfl.gov
cc
bcc
Subject Osprey Lakes -DR Horton Homes

Lennox Routie

To:
tdeator@seminolecounty.gov, gvenne@seminolecounty.gov,
01/04/2005 02:46
cc:
PM Subject: Osprey Lakes -DR
Horton Homes

I am an resident of Osprey Lakes with a wife and two small children. I'm taking the time to write you to ask that you Reject DR Horton Homes' request to expand Osprey Lakes.

The proposed expansion will result in the following:

Turn our quiet cul-de-sac block in to a mini high way where our children will not be able to play safely on the roads due to the constant traffic. We paid a premium to be on a cul-de-sac and now the builder has proposed to change this and the homeowners do not has a say in the matter. This is not the definition a quiet family oriented neighborhood.

I am very concerned about the constant destruction of wet lands in this beautiful oasis. The habitat of wildlife in this area will be further adversely affected in addition to the effects of the last hurricane season. The wild animals of the neighborhood are just beginning to return. This will destroy their habitat. This will destroy our community.

This builder has misled the residents of Osprey Lakes in to believing that at the end of completion of the current phase that Osprey Lakes will be turned over to the residents. We now find out that this will not occur.

The sprawl of the neighborhood will result in traffic congestion out of Osprey Lakes and on to Snow Hill Road. This will increase the likelihood of traffic accidents where Walker Elementary School is located. These are OUR Kids!!

The plan to put smaller size lots with Estate properties will depress the real estate values of Osprey Lakes homes.

This is not the neighborhood we were led to believe that we were buying in to. I respectfully ask that you seriously consider my objections and the objections of the other residents. When this is completed, Horton

Homes will leave with their Profit (I am not against a profit) and we the residents will be left to pick up the pieces and make the best of a bad situation. Many of us may choose to cut our losses and relocate but that should not be the answer and it does not build communities. I urge you to Reject the request by DR Horton Homes.

Thank you.

Lennox A. Routie, VP
BNY Broker/Dealer Services
11486 Corporate Blvd, Suite 300
Orlando, Florida 32817
Tele 407-281-2519

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pkunda@bankofny .com
01/05/2005 09:18 AM

To TDeater@seminolecountyfl.gov
cc
bcc
Subject DR Horton/Osprey Lakes

There are many reasons why the proposed DR Horton expansion in Osprey Lakes is a plan that can only cause problems for both the residents and Seminole County.

One point that I find extremely disturbing is that upon moving to this area after living in New Jersey and seeing what urban sprawl can do to a state is that the lack of concern that Horton has relative to the environment and water conservation. In February of 2004 Florida Water Services sent a letter to all Osprey Lakes and Trails residents informing them of that water conservation is among the highest priority goal of the State of Florida.

In the letter and I quote "We are currently modifying our water use permit in order to increase the total water we are allowed to pull from the underground aquifer. This modification has become necessary because of the high usage being experienced in Osprey Lakes and the Trails. The district's concern is based on the fact that excessive usage would cause saltwater intrusion into our fresh water aquifer."

With this proposed new development of 47 homes and the potential of over 40 swimming pools, over 150 new residents using water for showers, bathing, dishwashers and watering their lawns has the potential for my family and the others of this community to have the potential to have serious water shortage and health issue.

I ask you to reject any proposal that DR Horton or any other builder who thinks they can ruin the current community where we now live.

Thanks in advance.

Paul Kunda

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CacceseKunda@aol .com

01/04/2005 11:15 AM

To tdeater@seminolecountyfl.gov

cc

bcc

Subject Osprey Lakes Phase 4

As current residents of Osprey Lakes, we are strongly opposed to the Large Scale Land Use Amendment and Rezoning being proposed by DR Horton for Osprey Lakes Phase 4. We purchased a lot on Grey Owl Run and paid a hefty premium for a half-acre lot at the end of the cul-de-sac. At the time we purchased, we were assured by Engle (our builder) that the road would always remain a cul-de-sac and that the development would not be expanded. We also looked at several other developments in Seminole County and chose Osprey Lakes because of its small size and rural feel. This was touted as a selling point.

Most of the residents on Grey Owl Run have small children. The increase in traffic that this proposed addition would create will be a hazard. Not to mention the effect on the ecosystem. The surrounding wetlands and wooded area are a haven for wildlife which will be disrupted and most likely destroyed if this construction is permitted.

Please help us keep the natural, pristine beauty of this area intact. Your consideration in this matter is greatly appreciated.

Sincerely,

Mr. & Mrs. Paul Kunda



"Bill Easter"
<wgeaster@aipdaytona .com>

01/03/2005 10:48 AM

To <plandesk@seminolecountyfl.gov>
cc
bcc
Subject Osprey Lakes Phase 4 LSLUA and Rezone

Hello,

My name is Bill Easter. My home phone number is 407-971-5960. I live in Osprey Lakes at the address of 522 Osprey Lakes Circle.

My family is against the rezoning and construction for the following reasons.

1) The people on Grey Owl Circle bought their property and homes from the builder as wooded lots and paid a premium to do this. This new construction and rezoning would eliminate their wooded lots. Somehow this seems to be a little deceptive to us. Maybe it is legal but these people bought these lots in good faith that the builder would keep his word.

2) We were among the first 6 families to buy homes in Osprey Lakes. We have consistently watched the project and the advertising over the last 3 years. Nowhere was there mentioned that there would be a phase 4 that would be in Osprey Lakes and use our roads and our gate. In fact, the builder always acted like they wanted out and was ready to turn the Home Association over to the residents as soon as possible. When will the builder allow the Home Association to be formed? Do the majority of current home owners in Osprey Lakes support a Phase4? I think not!!! Why doesn't the Home Association and the other owners have a voice in this little last minute surprise?

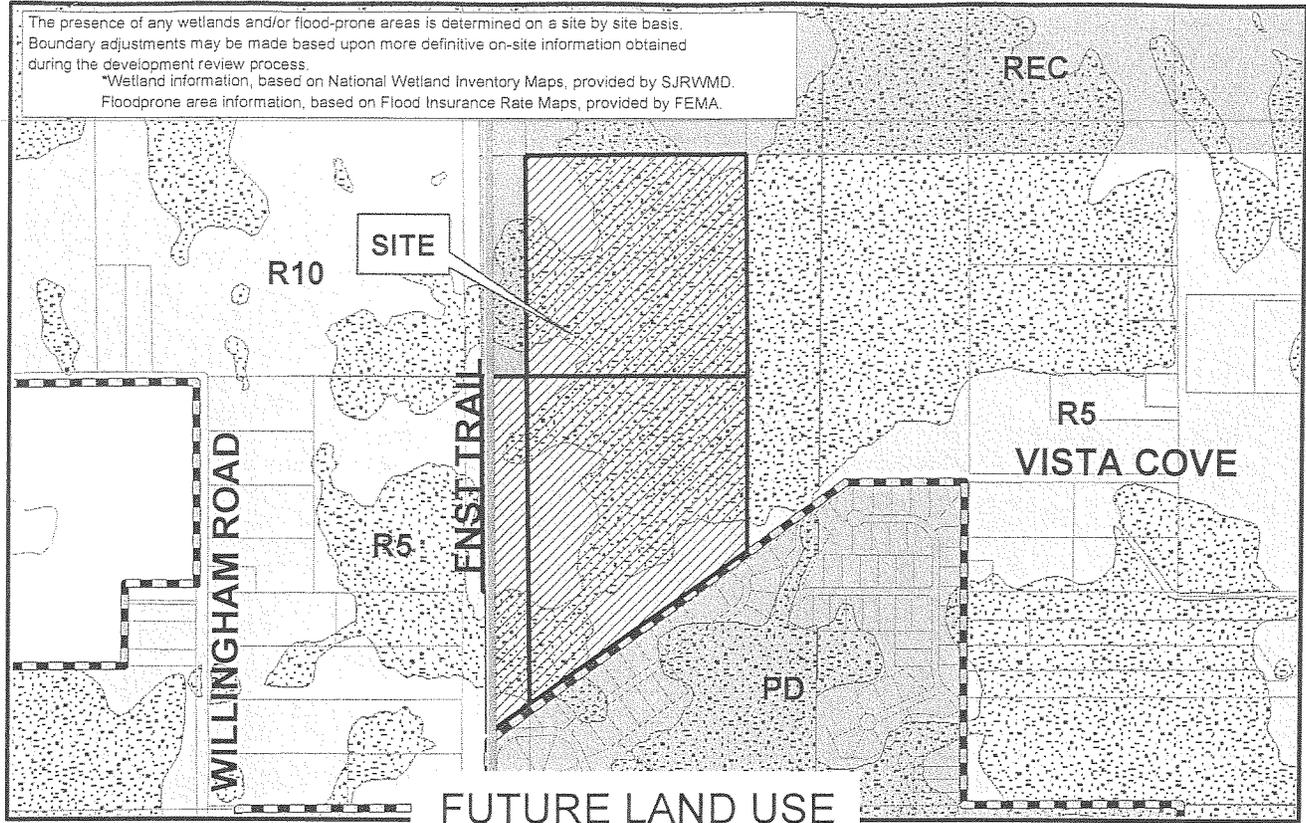
3) Has anyone contacted the Florida Trail Association about this? From looking at the plan, the backyards of the new homes will be practically on the trail. Also, one map of the new subdivision looks like the road for the new subdivision will actually cross Jacob's Trail. The Florida Trail and the Econ river are some of the best assets of Seminole County. You just put up a bridge to cross the Econ. The bikers, joggers, horseriders, hikers, and animal enthusiasts that I have met say that this is the prettiest place in Seminole county. What provision will you make for the road or overpass or whatever that crosses the trail? (Maybe I am reading the map wrong.) Has the county assessed how this development will affect the Florida Trail?

Thanks for you time. I would appreciate these comments being read at the meeting.

Respectfully yours,

Bill Easter

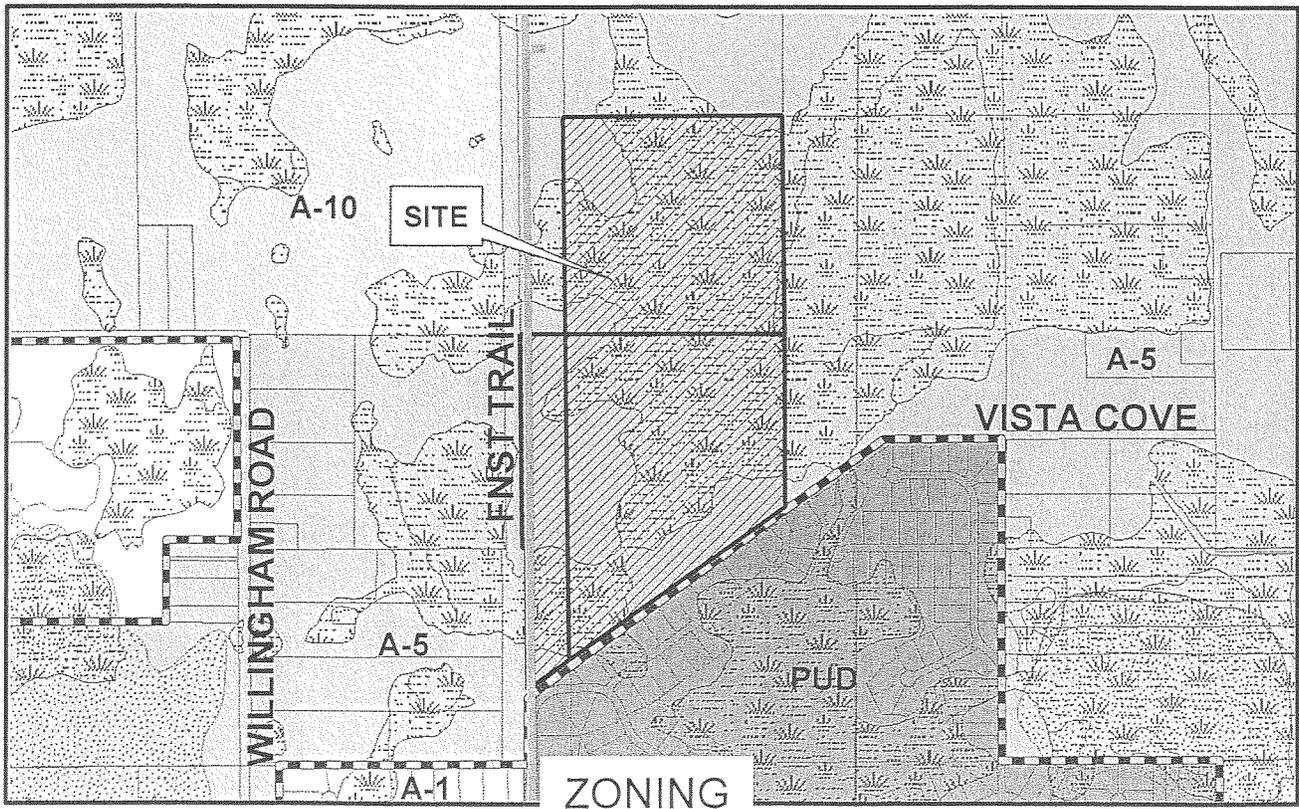
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 Rural Bndry
 R10
 R5
 PD
 REC
 CONS

Applicant: Osprey Lakes - Phase 4
 Physical STR: part of 16-21-32-300-0070, 80 & 90
 Gross Acres: 100.9 +/- BCC District: 1
 Existing Use: 99 acreage, non-agricultural
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	055.FLU02	R5	PD
Zoning	Z2004-055	A-5	PD



A-1
 A-5
 A-10
 PUD
 FP-1
 W-1



Amendment No: 055.FLU02

From: R-5 To: PD

Rezone No: Z2004-055

From: A-5 To: PD

 Parcel

 Subject Property



February 1999 Color Aerials