

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Esterson/Schumacher Large Scale Amendment from Suburban Estates to Low Density Residential (Ann Esterson & Henry Schumacher – applicants)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tony Walter **EXT.** 7375

Agenda Date <u>3/09/04</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 proposed Large Scale Land Use Amendment from Suburban Estates to Low Density Residential to the Florida Department of Community Affairs (DCA) for 60 ± acres located (1) north of Myrtle Street, approximately 0.25 miles east of Nolan Road; (2) south of Myrtle Street and west of Nolan Road, with staff findings; or
2. DO NOT TRANSMIT AND DENY the proposed Large Scale Land Use Amendment; or
3. CONTINUE the proposed Large Scale Land Use Amendment to the Fall 2004 Amendment Cycle.

(District – 5, McLain)

(Tony Walter, Assistant Planning Manager)

BACKGROUND:

This request is for a change in land use from Suburban Estates to Low Density Residential (LDR) located on two tracts of land: one north of Myrtle Street approximately 1,200 feet east of Nolan Road and the second south of Myrtle Street west of Nolan Road. This request is not accompanied with a rezoning request.

This item was continued by the applicant until the Spring 2004 Large Scale Comprehensive Plan Amendment Cycle.

STAFF RECOMMENDATION:

Planning Staff recommends denial of the requested land use change to Low Density Residential. If the Board determines that the Conservation Village Design Concept is not the preferred development alternative for the area, Planning Staff recommends denial of the

Reviewed by: _____ Co Atty: <u>SPZ</u> DFS: _____ Other: <u>MW</u> DCM: <u>S</u> CM: <u>KB</u>
File No. <u>PH700PDP04</u>

requested land use amendment based on the findings in the attached Executive Summary.

Should the BCC opt to approve transmittal of this petition for Low Density Residential Development to the Department of Community Affairs, staff would recommend that only Parcel A which is south of Myrtle Street and west of Nolan be transmitted and that the following conditions be considered:

1. That the applicant submits a PUD (Planned Unit Development) zoning application and plan that will be evaluated by the LPA/P&Z and staff prior to the adoption hearing.
2. That prior to the PUD preliminary master plan approval the wetlands shall be delineated in order to ensure adequate buffering and conservation of environmentally sensitive lands.
3. That 50% of the buildable area be preserved as common open space in a conservation easement and landscaped in a natural setting. Details to be provided with the PUD preliminary master plan.
4. That there shall be a 100' natural buffer along the Myrtle Street frontage. If a natural vegetative buffer does not exist, a buffer must be planted that would be composed of native plants that would provide a natural setting. Details to be provided with the PUD preliminary master plan.
5. That the PUD plan includes an internal trail system that provides for connectivity to existing or future trails on adjacent properties and roadways.
6. That the applicant connects to central water and sewer facilities to service the subject properties.
7. That the overall density shall be no greater than 2.0 dwelling units per net buildable acre.
8. That there shall be no net loss of wetlands within the Lake Jesup Basin.
9. That the applicant pays his prorata share for signalization of the intersection at Hester Avenue and CR 427.
10. That the applicant commits to improving Myrtle Street and paying a pro-rata share to improve Hester Avenue to bring these roads to County Standards to include but not be limited to road pavement, right-of-way, drainage and sidewalks. Improvements to be determined at the time of PUD final master site plan approval.
11. That the applicant commits to an enhanced stormwater volume reduction and water quality treatment exceeding current County standards. Details to be provided with the PUD final master plan.

LPA/P&Z RECOMMENDATION:

At the February 20, 2002 public hearing, the LPA/P&Z voted 4 to 3 to recommend denial of the request to change the land use from Suburban Estates to Low Density Residential. The LPA/P&Z also voted to recommend to the Board of County Commissioners (BCC) that a Special Area Study be prepared for the greater Myrtle Street area to provide insight on whether the Suburban Estates Land Use category should continue to be implemented in this area or if the area is ripe for conversion to Low Density residential.

Attachments: Executive Summary

Staff Analysis

Minutes of the BCC public hearing of September 24, 2002

Minutes of the BCC public hearing of April 9, 2002

Minutes of the LPA/P&Z public hearing of February 20, 2002

Myrtle Street Special Area Study Phase III Staff Report

Future Land Use/Zoning Map

Aerial Map

Executive Summary Suburban Estates to Low Density Residential Esterson/Schumacher		Amendment 02S.FLU03
REQUEST		
APPLICANT	Ann Esterson and Henry Schumacher	
PLAN AMENDMENT	Suburban Estates to Low Density Residential	
REZONING	Not requesting rezoning at this time	
APPROXIMATE GROSS ACRES	60+ acres represented in two pieces of property	
LOCATION	East of Hester Avenue, property both north and south of Myrtle Street.	
BOARD DISTRICT	#5 – Comm. McLain	
RECOMMENDATIONS AND ACTIONS		
Land Planning Agency/Planning and Zoning Commission February 20, 2002	At the February 20, 2002 public hearing, the LPA/P&Z voted 4 to 3 to recommend denial of the request to change the land use from Suburban Estates to Low Density Residential. The LPA/P&Z also voted to recommend to the Board of County Commissioners (BCC) that a Special Area Study be prepared for the greater Myrtle Street area to provide insight on whether the Suburban Estates Land Use category should continue to be implemented in this area or if the area is ripe for conversion to Low Density residential.	
Board of County Commissioners April 9, 2002, September 24, 2002, March 11, 2003, and August 26, 2003	At the April 9, 2002 public hearing this item was continued by the BCC to the Fall 2002 Land Use Amendment Cycle. Prior to the September 24, 2002 meeting the project was continued until the Myrtle Street Study was complete and prior to the March 11, 2003 and August 26, 2003 BCC meetings the applicant requested that this item be continued to the Fall 2003 and Spring 2004 Land Use Amendment Cycles respectively.	
Myrtle Street Special Area Study	Phase III of the study is nearing completion as implementation of the Conservation Village Design Concept is implemented. See the attached Myrtle Street Special Area Study Phase III Staff Report for details of the Study to date.	
STAFF RECOMMENDATION March 9, 2004	PLAN AMENDMENT: Planning Staff recommends denial with the following findings:	

A. The proposed LDR land use at the maximum density allowed is compatible with Suburban Estates land use in a transitional setting but is inconsistent with the trend of development identified in the Myrtle Street Special Area Study. Low density residential development of up to four dwelling units per acre would change the character of the area from a rural-like setting to one of a suburban character and have significant impact on the sensitive lands.

B. Hester Avenue and Myrtle Street are substandard rural roadways and can not accommodate urban densities unless roadways are brought up to acceptable County standards for pavement width, right-of-way width and stormwater needs.

C. The proposed LDR land use represents a leap frog development trend within the area, rather than an orderly progression from developed areas to the west and northwest. The application is premature for the northern parcel, Parcel B, however with the recently approved LDR land use change to the west, a leap frog development trend would not exist for Parcel A.

D. If the BCC does not implement the Conservation Village Concept a Planned Development (PD) Land Use with accompanying Planned Unit Development (PUD) Zoning at a density less than 4 dwelling units per acre may be appropriate for Parcel A. The PD/PUD Land Use and Zoning will permit the BCC to incorporate appropriate conditions to address the impacts of a higher density development.

Should the BCC opt to approve transmittal of this petition for Low Density Residential Development to the Department of Community Affairs, staff would recommend that only Parcel A which is south of Myrtle Street and west of Nolan be transmitted and the following conditions be considered:

1. That the applicant submits a PUD (Planned Unit Development) zoning application and plan that will be evaluated by the LPA/P&Z and staff prior to the adoption hearing.
2. That prior to the PUD preliminary master plan approval the wetlands shall be delineated in order to ensure adequate buffering and conservation of environmentally sensitive lands.
3. That 50% of the buildable area be preserved as common open space in a conservation easement and landscaped in

a natural setting. Details to be provided with the PUD preliminary master plan.

4. That there shall be a 100' natural buffer along the Myrtle Street frontage. If a natural vegetative buffer does not exist, a buffer must be planted that would be composed of native plants that would provide a natural setting. Details to be provided with the PUD preliminary master plan.
5. That the PUD plan includes an internal trail system that provides for connectivity to existing or future trails on adjacent properties and roadways.
6. That the applicant connects to central water and sewer facilities to service the subject properties.
7. That the overall density shall be no greater than 2.0 dwelling units per net buildable acre.
8. That there shall be no net loss of wetlands within the Lake Jesup Basin.
9. That the applicant pays his prorata share for signalization of the intersection at Hester Avenue and CR 427.
10. That the applicant commits to improving Myrtle Street and paying a pro-rata share to improve Hester Avenue to bring these roads to County Standards to include but not be limited to road pavement, right-of-way, drainage and sidewalks. Improvements to be determined at the time of PUD final master site plan approval.
11. That the applicant commits to an enhanced stormwater volume reduction and water quality treatment exceeding current County standards. Details to be provided with the PUD final master plan.

STAFF ANALYSIS

Suburban Estates to Low Density Residential

Amendment
02S.FLU03

1. **Property Owner(s):** Ann Esterson and Henry Schumacher
2. **Tax Parcel Number(s):** 23-20-30-5AQ-0000-0540, 0830, 0910; 23-20-30-300-0180-0000
3. **Applicant's Statement:** The Applicant is requesting an amendment to the Seminole County Comprehensive Plan, known as Vision 2020, to change the land use on 60+ acres on two pieces of property from Suburban Estates (SE) to Low Density Residential (LDR). The two parcels, identified on the Future Land Use and Zoning Map as Parcel A and Parcel B, are diagonally across from each other on Myrtle Street. The applicant is not requesting a rezoning of the property at this time. The LDR land use category allows up to four dwelling units per net buildable acre that could yield over 220 single family residential lots on these two sites. There are currently water and sewer lines to the west at the intersection of Hester Avenue and Myrtle Street serving the Autumn Chase development. Roadways, such as Hester Avenue and Myrtle Street are substandard in width.

The applicant states on the submitted application: "the proposed land use change would enhance the already favorable economic conditions by providing adequate housing in a convenient location".

4. **Development Trends:** The area consists of primarily large acre agricultural tracts interspersed with homes on large lots greater than one acre used as ranchettes or estate homes. Recent homes built in the area on large lots have been in keeping with the rural-like character of the area. This area was traversed by one of the February 1998 tornados which have resulted in new large lot scattered residential development amongst the larger agricultural tracts. There are active agricultural endeavors in the immediate area. To the immediate west of the Parcel A is a horse stable with a lighted area for night riding.

The Autumn Chase subdivision is developed as a single family subdivision to the west of the property. This development has a Low Density Residential land use and R-1A zoning with R-1AAA zoning on the eastern perimeter of the entire subdivision and is built out with approximately 144 homes.

The Lake Jesup Woods proposal of single family development was approved for a land use change to LDR (Low Density Residential) and associated rezoning to PUD (Planned Unit Development). The density is approximately 2.2 dwelling units per net buildable acre for a

maximum of 116 homes. Parcel A of this proposal is contiguous to LDR along the south west boundary.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

Parcel A

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	Vacant/Pasture/Wooded land
North	Suburban Estates	A-1	Large lot homes/wooded land
South	Low Density Residential/ Suburban Estates	PUD/A-1	Large lot homes/wooded land
East	Suburban Estates	A-1	Agricultural uses/storage/large lot homes
West*	Suburban Estates/ Low Density Residential	A-1/PUD	Pasture/large lot homes/horse stables with night lighting

* It should be noted that to the west, at Hester Avenue is R-1A and R-1AAA zoning in the Autumn Chase subdivision.

Parcel B

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	Vacant/Pasture/wooded land
North	Suburban Estates	A-1	Wooded vacant land
South	Suburban Estates	A-1	Scattered large lot homes/ Agricultural uses
East	Suburban Estates	A-1	Pasture/agricultural Uses
West	Suburban Estates	A-1	Large lot homes/wooded Vacant lands

- 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:

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 Element Policy 2.1)

Myrtle Street and Hester Avenue provide access to the subject area. The roads have an average pavement width of 20 feet and the roadways are placed in substandard right of way widths averaging 50 feet. The lack of adequate drainage facilities, substandard rights of way and pavement widths and lack of shoulders are safety concerns, not capacity issues.

The existing Level of Service (LOS) on these roads is "A", based on daily traffic volume. The adopted LOS standard for these roads is "E". At a build out density of 2.0 units per acre in Sub Area - 1 the estimated LOS is acceptable.

There is a need to bring these roadways up to County roadway standards for a 2 lane rural roadway with swale drainage and retention pond(s), increased roadway width and acceptable quality of paving and sub-base. The estimated cost to improve Myrtle Street and Hester Avenue is approximately \$1.1 million excluding right-of-way based on a recent analysis of Public Works. A traffic signal at the intersection of Hester Avenue and Ronald Regan Blvd. may also be warranted. Future developers would be responsible for participating in the cost of the traffic signal and to bring these roadways up to County standards.

Myrtle Street and Hester Avenue do not qualify as impact fee roadways. For that reason funding improvements to these roadways is problematic and not identified at this time.

As part of the review of development applications on surrounding residential neighborhoods (particularly cut-through traffic impacts) and, as may be required, conditions for approval which will mitigate the potential impacts of the proposed development on surrounding neighborhoods. (Transportation Element Policy 10.3)

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

Figure 11.1 and Figure 14.1 display the water and sewer service area maps for Seminole County. The subject properties are within the Seminole County water and sewer service areas.

County water and sewer lines run along Hester Avenue to serve the Autumn Chase development. Both Potable Water Policy 11.4.5 and Sanitary Sewer Policy 14.4.4 require that “new development fund the cost of extending water/sanitary sewer lines to serve their development”. Should future development at urban densities greater than one dwelling unit per acre occur, urban services, such as potable water and sanitary sewer are required.

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 12.2.2)*

The subject properties are served by the Seminole County EMS/Fire Rescue Five Points Fire Station (Station #35). Response time to the sites is less than 5 minutes, which meets the County’s average response time standard.

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 Comprehensive 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 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 Policy 2.4).*

Should utility lines be extended from Hester Avenue and roadways, i.e., Myrtle Street and Hester Avenue be brought up to acceptable standards, then there would be adequate facilities to serve the subject properties at densities greater than one dwelling unit per acre.

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....(Future Land Use Policies 1.1, 1.2, 1.3).

Wetlands are estimated to be approximately 15 percent of each of the two properties. Development of the property will require wetlands to be delineated and field verified by staff from the St. Johns River Water Management District. Mitigation plans within the Lake Jesup Drainage Basin (as required by Conservation Objective 7) will be required for any proposed wetland impacts. Upland buffers will be required around wetlands, not less than 15 feet and averaging 25 feet. It should be noted that lands within the Lake Jesup Drainage Basin have been designated by the St. Johns River Water Management District as a basin of "special status" which is reflected in the direction given in Conservation Policy 3.4 advising revisions to the Land Development Code for protection of wetlands in this basin.

- C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, that prior to development approval, proposed development to coordinate 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. (Conservation Policy 3.13)*

There is an unnumbered eagle's nest identified within the vicinity of the western parcel. The applicant needs to provide a letter from the Florida Fish and Wildlife Conservation Commission addressing the nest.

Prior to submission of any future final engineering plans for future development within the subject area, a survey of threatened and endangered and species of special concern will be required to determine the presence of any endangered or threatened wildlife. If any listed species are found to be potentially impacted by any proposed development, permits from the appropriate agencies will be required.

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 Seminole County Comprehensive Plan , known as Vision 2020, (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of

private property, no creation of new strip commercial developments through plan amendments, etc.)

- 1. Transitional Land Uses:** *The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential...Exhibit Future Land Use: Appropriate Transitional Land Uses is to be used in determining appropriate transitional uses.*

The table indicates that Low Density Residential land uses are compatible adjacent to Suburban Estates land uses. Also the definition of Suburban Estates indicates that this land use can act as a transitional use between urban development and general rural uses. However, the need to provide a transitional land use is not an issue in this land use amendment petition. The issue is that the establishment of the Low Density Residential land use is too intense for the sensitive lands in the area and premature for any development intensities greater than 1.0 dwelling unit per acre in the case of Parcel B.

- 2. Consistency with Future Land Use Element:** *Definition of Suburban Estates from the Future Land Use Element...This land use is established to allow the development of large lot single family estates as a desired final land use; act as a transitional use between urban development and general rural uses; and to allow existing agricultural operations to continue until developed for other uses.*

Provide homeowners and homebuyers reasonable assurance of the intensity of development to be expected in the future for surrounding parcels of property. (Future Land Use Policy 2.10B)

The definition of Suburban Estates states that this land use category is not a holding category awaiting urbanization but one that allows for the development of large lot single family estates as a desired final land use as well as act as a transitional use between urban development and general rural uses. However the area in question is within the Urban Service Area and has existing urban services such as water and sewer near by. In that case higher residential densities are consistent with the Future Land Use Element, but the higher densities are limited by the environmentally sensitive land in the subject area as well as limited by the need to protect the neighborhood character and quality of life that currently exists.

- B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety 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 if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that neither 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. COORDINATION – Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

- A. **Plan Coordination:** *The County shall continue to coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land (Intergovernmental Coordination Policy 2.12). Seminole County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies ...as the County is now a charter County (Intergovernmental Coordination Policy 3.3)*

STAFF RECOMMENDATION
March 9, 2003

PLAN AMENDMENT:

Planning Staff recommends denial of the requested land use change to Low Density Residential. If the Board determines that the Conservation Village Design Concept is not the preferred development alternative for the area, Planning Staff recommends denial of the requested land use amendment based on the findings in the attached Executive Summary.

Should the BCC opt to approve transmittal of this petition for Low Density Residential Development to the Department of Community Affairs, staff would recommend that only Parcel A which is south of Myrtle Street and west of Nolan be transmitted and that the following conditions be considered:

1. That the applicant submits a PUD (Planned Unit Development) zoning application and plan that will be evaluated by the LPA/P&Z and staff prior to the adoption hearing.

2. That prior to the PUD final master plan approval the wetlands shall be delineated in order to ensure adequate buffering and conservation of environmentally sensitive lands.
3. That 50% of the buildable area be preserved as common open space in a conservation easement and landscaped in a natural setting. Details to be provided with the PUD preliminary master plan.
4. That there shall be a 100' natural buffer along the Myrtle Street frontage. If a natural vegetative buffer does not exist, a buffer must be planted that would be composed of native plants that would provide a natural setting. Details to be provided with the PUD preliminary master plan.
5. That the PUD plan includes an internal trail system that provides for connectivity to existing or future trails on adjacent properties and roadways.
6. That the applicant connects to central water and sewer facilities to service the subject properties.
7. That the overall density shall be no greater than 2.0 dwelling units per net buildable acre.
8. That there shall be no net loss of wetlands within the Lake Jesup Basin.
9. That the applicant pays his prorata share for signalization of the intersection at Hester Avenue and CR 427.
10. That the applicant commits to improving Myrtle Street and paying a pro-rata share to improve Hester Avenue to bring these roads to County Standards to include but not be limited to road pavement, right-of-way, drainage and sidewalks. Improvements to be determined at the time of PUD final master site plan approval.
11. That the applicant commits to an enhanced stormwater volume reduction and water quality treatment exceeding current County standards. Details to be provided with the PUD final master plan.

SEPTEMBER 24, 2002

LARGE SCALE AMENDMENT/Esterson/Schumacher

Continuation of a public hearing to consider request for a Large Scale Amendment from Suburban Estates to Low Density Residential Land Use; property described as two tracks of land, one north of Myrtle Street, 1200 ft. east of Nolan Road and the second, south of Myrtle Street, west of Nolan Road, as described in the proof of publication, Esterson/Schumacher.

Chairman McLain advised that the applicant has submitted a letter (received and filed) requesting that this item be continued to the 2003 Spring Cycle.

No one spoke in support or in opposition.

Motion by Commissioner Van Der Weide, seconded by Commissioner Henley to continue to the 2003 Spring Cycle the request for a Large Scale Amendment from Suburban Estates to Low Density Residential Land Use; property described as two tracks of land, one north of Myrtle Street, 1200 ft. east of Nolan Road and the second, south of Myrtle Street, west of Nolan Road, as described in the proof of publication, Esterson/Schumacher.

Districts 1, 3, 4 and 5 voted AYE.

CELERY AVE. CORRIDOR AREA ADMINISTRATIVE LARGE SCALE LAND USE AMENDMENT/Seminole County

Proof of publication, as shown on page _____, calling for a public hearing to consider Celery Ave. Corridor Area Administrative Large Scale Land Use Amendment from Suburban Estates to Low Density Residential and Mixed Development for approximately 640 acres located on the north and south sides of Celery Avenue, Seminole County, received and filed.

Chairman McLain advised that staff is recommending that this item be continued to the 2003 Spring Cycle. A letter to the Board from Don Fisher, Planning & Development Director, requesting that this item be continued was received and filed.

APRIL 9, 2002

Upon inquiry by Chairman McLain, Mr. Fisher advised what his recommendation would be as it relates to the small area study affecting this land use change.

District Commissioner McLain asked for a motion in support of the staff recommendation.

Motion by Commissioner Morris, seconded by Commissioner Henley, to support the staff recommendation to transmit the land use amendment from Suburban Estates to Low Density Residential; property described as Lake Jesup Woods located on the south side of Myrtle Street and west of Hester Avenue; as described in the proof of publication, Hugh Harling, with commitments made by the applicant tonight and the comments by the Planning Manager relative to the Small Area Study.

Districts 1, 2, 3, 4, and 5 voted AYE.

LAND USE AMENDMENT
ESTERSON/SCHUMACHER

Proof of publication, as shown on page 2131, calling for a public hearing to consider a Large Scale Land Use Amendment from Suburban Estates to Low Density Residential; property described as two tracts of land, one north of Myrtle Street approximately 1200 feet east of Nolan Road and the second, south of Myrtle Street and west of Nolan Road, Esterson/Schumacher, received and filed.

Alice Gilmartin, Planning, addressed the Board to state she would like to amend the staff recommendation to consider continuing this item until after the Small Area Study is completed.

Mr. West stated at no additional cost to the applicant, staff would bring this item back, possibly during the fall cycle, and this item would be considered in conjunction with the Small Area Study.

APRIL 9, 2002

Upon inquiry by Chairman McLain, Mr. Harling stated the applicant would like to move forward and he explained why.

Chairman McLain recessed the meeting at 7:20 p.m. and reconvened at 7:30 p.m.

Mr. Harling stated he met with his clients and they are willing to request a continuance to the next amendment cycle of the Comprehensive Plan. They are looking forward to working with the staff and community on a small area study during that period.

Chairman McLain asked for those who indicated they wish to speak to address whether they agree with the Small Area Study and continuance or not. He recommended a motion for the continuance and staff is to conduct a Small Area Study.

Motion by Commissioner Van Der Weide, seconded by Commissioner Morris, to continue consideration of the Large Scale Land Use Amendment from Suburban Estates to Low Density Residential; property described as two tracts of land, one north of Myrtle Street approximately 1200 feet east of Nolan Road and the second, south of Myrtle Street and west of Nolan Road; as described in the proof of publication, Esterson/Schumacher, to allow staff to conduct a Small Area Study.

Under discussion, Commissioner Morris clarified that the continuance is for Parcels 1 and 3 of the Esterson property while the Small Area Study is being conducted.

Upon inquiry by Chairman McLain the following persons stated they agree to the continuance: Catherine Times; Ann Esterson; Eric Esterson; Nancy Jasmin; Robert Jasmin; Mary Baker; Linda Short; and B.J. Simons.

Mr. Fisher advised how the community meeting will be conducted and noticed.

APRIL 9, 2002

Chairman McLain recommended holding the meetings at the Agricultural Center at Five Points on Highway 17-92.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

Districts 1, 2, 3, 4, and 5 voted AYE.

PLAN AMENDMENT AND TEXT AMENDMENT
YANKEE LAKE PROPERTY

Continuation of a public hearing from March 26, 2002, to consider the Yankee Lake Property-Wekiva Administrative Large Scale Comprehensive Plan Amendment from Public-Quasi Public to Recreation and associated Text Amendment to the Recreation and Open Space Element of Vision 2020, as described in the proof of publication, as shown on page 2165.

Craig Shadrix, Planner, addressed the Board to state the text amendment language was revised and copies were submitted to the Board (copy received and filed).

Dick Boyer, Senior Planner, addressed the Board to state the amended language is the policy that goes with Yankee Lake to still allow the Board to use it in the future. He explained the amendment as noted in his memorandum (copy received and filed) to the Board regarding the revision to the policy.

Keith Schue, Chairman of the Sierra Club Central Florida Group, addressed the Board to state he is in favor of the land use change. He submitted two letters to the Record (received and filed) regarding the Yankee Lake Natural Lands Transfer and Policy REC 7.8, Preservation of Future Water Supply Options. He stated as an enhancement to the Policy, the Sierra Club has suggested another sentence be considered that spell out that "the County shall substantially provide for preservation and passive recreation on lands assigned a future land use

SPECIAL MEETING OF THE
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
February 20, 2002 – 7:00 P.M.
MINUTES

Board Present:

Ben Tucker, Chairman
Tom Mahoney, Vice Chairman
Don Nicholas
Beth Hattaway
Alan Peltz
Dick Harris
Paul Tremel

Staff Present:

Matt West, Planning Division
Cindy Matheny, Planning Division
Amanda Smith, Planning Division
Alice Gilmartin, Planning Division
Dick Boyer, Planning Division
Craig Shadrix, Planning Division
Tony Matthews, Planning Division
Karen Consalo, Assistant County Attorney

I. CALL TO ORDER

Chairman Tucker convened the meeting to order at 7:00 p.m.

II. ROLL CALL

Quorum was established.

III. ACCEPTANCE OF PROOF OF PUBLICATION

Motion by Commissioner Peltz to accept proof of publication. Second by Commissioner Mahoney.

Motion passed unanimously. (7-0)

602 the ground water table. We would accomplish that in such a manner that we are able to
603 not fill around the tree cover and the tree canopy and the large trees that are located in
604 this area because if you do fill around them, you kill them. That is our engineering
605 solution to what many people feel is going to be another Autumn Chase. It is our intent
606 to engineer it in such a way to allow the tree canopy to stay.

607 He requested Board approval for this request.

608 **Commissioner Tremel pointed out that Autumn Chase was another "line in**
609 **the sand". There wasn't going to be any development to the west of that.**
610 **He has not heard anything tonight to change the Board's decision from**
611 **August. This is just not an appropriate request.**

612 **Commissioner Harris said that there is no reason that at one acre a very high**
613 **value development can't be done on this property. It can be done very**
614 **profitably and very environmentally friendly. This is a prime piece of**
615 **property for a high end, very high quality development that could save the**
616 **trees, provide minimal impact to area in terms of runoff, number of homes ,**
617 **impact on roads, schools and all of those things and be done very profitably.**
618 **After looking at Autumn Chase, he is sorry that he supported it.**

619 **Motion by Commissioner Tremel to deny the Large Scale Comprehensive Plan**
620 **Amendment from Suburban Estates to Low Density Residential. Second by**
621 **Commissioner Harris.**

622 **Commissioner Mahoney said that while it is possible from an engineering**
623 **prospective to use underdrains and perhaps artfully use a PUD to cluster, it**
624 **doesn't get past the first step which is density and the density set by the land**
625 **use and the land use says 1/du per acre. The reason to support the motion**
626 **to deny is strictly a compatibility issue. It is not compatible to have 2½ or 3**
627 **units per acre when the appropriate use in this case is 1/du per acre and it**
628 **should stay that way.**

629 **Motion to deny this request for the Large Scale Comprehensive Plan**
630 **Amendment passed unanimously. (7-0)**

631 **Motion by Commissioner Mahoney to deny the rezoning from Agriculture (A-**
632 **1) to Single-Family Residential (R-1AA). Second by Commissioner Peltz.**

633 **Motion to deny the rezoning request passed unanimously (7-0)**

634 *C. ESTERSON & SCHUMACHER (LSLUA); APPROXIMATELY 60 ACRES MORE*
635 *OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM*
636 *SE(SUBURBAN ESTATES) TO LDR (LOW DENSITY RESIDENTIAL); (1) NORTH*
637 *OF MYRTLE STREET, APPROXIMATELY 1200' EAST OF NOLAN ROAD; (2)*
638 *SOUTH OF MYRTLE STREET & WEST OF NOLAN ROAD.*
639 *COMMISSIONER MCLAIN - DISTRICT #5* *ALICE GILMARTIN*

640 The request is for a change in land use from Suburban Estates to Low Density
641 Residential. It is not accompanied with a rezoning request.

642 The request is considered inconsistent with the established rural-like character of the
643 area north of Lake Jesup. The area east of Hester Avenue consists of primarily large
644 acre agricultural tracts interspersed with large lots, typically greater than one acre, with
645 estate homes or ranchettes. Current homeowners in the vicinity settled in this rural-like
646 area for its character and assumed assurance that the area would continue to be
647 developed with large lot intensities or the continuance of agricultural uses. To allow
648 residential development at a density up to four dwelling units per acre would change
649 the character of the area. The proposed Low Density Residential land also represents a
650 precedent for leap frog development within the area, rather than an orderly progression
651 from developed areas to the west and northwest. The Autumn Chase Subdivision to the
652 west of the property has a Low Density Residential Land Use and R-IA and R-IAAA
653 zoning categories. Autumn Chase Subdivision was approved with two zoning categories
654 to facilitate a transition to the larger parcels to the east.

655 The site is within an area of rural character north of Lake Jesup in the Urban Area.
656 Water and Sewer are available west of the properties at Hester Avenue and Myrtle
657 Street. Roadways serving the property are rural roads that are substandard in width for
658 urban densities.

659 Planning Staff recommends denial of the Low Density Residential land use with the
660 following findings:

- 661 1. The proposal is inconsistent with established Suburban Estates land use and a rural-
662 like character to the area incorporating active agricultural uses intermixed with large
663 lot single family homes/estates or ranchettes. Low density residential development
664 of up to four dwelling units per acre would change the character of the area from a
665 rural-like setting to one of a suburban character.
- 666 2. Hester Avenue and Myrtle Street are substandard rural roadways and can not
667 accommodate urban low densities unless roadways are brought up to County
668 standards for pavement width, right of way width and stormwater needs.
- 669 3. The proposed Low Density Residential land use represents a precedent for leap frog
670 development within the area, rather than an orderly progression from developed
671 areas to the west and northwest.
- 672 4. Current homeowners in the vicinity settled in the rural-like area for its character
673 (uses and lot sizes allowed under the Suburban Estates land use) and assumed
674 assurance of the current intensity of development to continue. Recent development
675 east of Autumn Chase has been to homes on large lots, as in estate homes or
676 ranchettes.

677 Should the LPA/P&Z or the BCC consider approving this petition for Low Density
678 Residential Development, policy direction is needed on whether it is perceived that this
679 area is ripe for conversion to Low Density Residential and how extensive, how
680 substandard roadways will be brought up to standards to accommodate urban low
681 densities, and protection of homes where the rural-like character is the desired lifestyle
682 of the homeowners.

683 Hugh Harling, representing the applicant, said there are some significant differences to
684 these parcels. The wetlands are easily identifiable as you can see by looking at the
685 aerial. The majority of this property has been in agricultural pursuits for the past 60-
686 100 years and it is being brought forward today for residential inclusion into the area
687 that would allow urban services to come in and a slightly higher density. The applicant
688 is also willing to cap the density at 2.5 units per acre.

689 If you have a 1/3 acre lot in a well developed subdivision, it can have a rural character
690 if you provide rural character along the road systems that front it. That would be the
691 intent in this development. It also can have a rural character with that density if you
692 can save existing vegetation and if you have a property that is used agriculturally you
693 can plant significantly additional vegetation around those existing houses.

694 The level of service on Myrtle Street is very little traffic at this time. The County has
695 approved development on Orange Boulevard and NW Seminole County that also has
696 substandard roads. There are many developments that have been approved on roads
697 that are less than 24' in width and less than urban in nature. Those road systems get
698 improved on a piece meal basis. These two developments would be required to
699 improve the roads in front of them and bring them up to County code which is typically
700 done and then as additional development takes place along Hester Road, there would
701 be a widening of Hester Road that would take place at the same time.

702 It is very important from an efficient delivery of services and efficient delivery of
703 government to get a higher density than Suburban Estates. Suburban Estates in this
704 particular location are going to be on wells and septic tanks. The well water out here is
705 not drinkable and most of the people out there have spent significant money to treat
706 the water themselves in this particular location. The break-even analysis to provide
707 sewer service and water service in a particular area is usually 2.2-2.3 units per acre if
708 you want to come in and provide. We would provide a lift station and the County has
709 provided for additional capacity on 427. The County is putting some very large water in
710 and they are also putting T's in that come down Hester and increase the size of utilities
711 in that particular location. Those services are being provided and in order for that to be
712 a break-even type of system, you need a density that averages about 2.2 units per
713 acre. We would ask that you consider these additional things in your discernment
714 tonight. From a capability standpoint, an almost a half acre lot in this particular location
715 with water and sewer service to it serves the public better and is a much better and is a
716 much more efficient use of the land than the Suburban Estates than presently exists
717 there.

718 Mr. and Mrs. Eric Esterson, the applicants, live at 1235 Myrtle Street, which is
719 contiguous to the two parcels being brought before the Board tonight. Ms. Esterson's
720 family owned and farmed this property for over 60 years. At the end of the 80s,
721 farming was no longer viable. We have maintained various agricultural operations for
722 the past 10 years but it has become increasingly evident that the need for agricultural
723 production in Seminole County has disappeared while the demand for quality housing
724 has strongly increased. Therefore, at this time, we are requesting a future land use
725 amendment, which would change some of our farm property from Suburban Estates to

726 Low Density Residential. We would still own property between these two parcels that
727 will remain agricultural. Our land use request is in compliance with the goals of the
,28 future land use plan for Seminole County. As Seminole County continues to pursue
729 quality industrial and commercial businesses, we must also address the need for quality
730 housing for the employees of these businesses. Adequate and desirable housing is a
731 prime consideration for many businesses when they relocate or expand. Our proposed
732 land use change would enhance the already favorable economic conditions by providing
733 adequate housing in a convenient location and that is one of the goals of the future
734 land use plan of Seminole County.

735 The majority of our property is cleared and has been farmed so there will be no impact
736 to any environmentally sensitive land. Removing the land from agricultural production
737 will end the use of pesticides and fertilizers that are inherent to a farming operation.
738 This discontinued use will add to the protection to the environment, which is another
739 goal of the future land use plan.

740 According to the Seminole County Future Land Use Plan, Low Density Residential land is
741 compatible with Suburban Estates and it states that it is compatible to be adjacent to
742 Suburban Estates development. A Low Density Residential land use would be
743 compatible with existing Suburban Estates and Low Density Residential uses in the
744 immediate area.

745 We want to ensure our neighbors that our intent is to maintain a neighborhood with a
746 high quality of life.

17 Mr. Simon was concerned about the flooding. Previous to the 1998 tornado that passed
748 through our property, there was a good size ditch that was maintained by the County
749 on the north side of Myrtle Street. There was a ditch on the north and the south side
750 that was maintained by the County. Since the tornado passed through and the FEMA
751 money was available, the ditch configuration changed from a drainage ditch to a
752 shallow swale. It used to go down and turn and go under Myrtle Street and drain down
753 that ditch that Mr. Harling stated he would maintain. The flooding problem that is north
754 of Myrtle is simply because the County is not maintaining it's ditches as it used to.

755 In the County's road plan, the County will be paving Nolan Road, which connect Myrtle
756 Street to 427. So people in these two parcels will then have a choice of three entrances
757 and exits to these parcels. They can go out by the way of Hester or Nolan or Sanford
758 Avenue. So the traffic would be disbursed in three different directions.

759 Mr. Harling requested Board approval of this item.

760 Jack Rosier, 4850 Hester Avenue, is opposed to the request but did not speak.

761 Lois DeCiryran, 1581 Silk Tree Circle, is opposed to the request. Even though she lives
762 in Autumn Chase she doesn't feel that Autumn Chase should have been developed but
763 we can't make two wrongs equal a right. We are still only about 75% built out and
764 there are a lot of problems being experienced and it would be wise to look at this
765 development and the impact it has had on the environment. We are having big water

766 problems and we need to really look at water and land use. We need to look at the
767 traffic access and exit routes out of this area.

768 Robert Jasmin, 1153 Myrtle Street, is opposed to the request. He is concerned about
769 the compatibility issue. He has a horse farm on three acres and he doesn't want to lose
770 that rural way of life. There already is a traffic problem out there now and it will
771 increase if this request is approved.

772 Alexander Dickison, 4851 Hester Avenue, is not opposed to development because he
773 knows development is going to come. The thing that bothers him is the approach to
774 the development. Ms. Esterson should be able to develop her property but she
775 shouldn't be bringing in two parcels at a time. There are not parks in that area. The
776 roads are terrible. There are no schools down in that area.

777 Mary Ann Baker, 651 Myrtle Street, is opposed to the request. The water in that area
778 straight from the well is undrinkable. She paid a fortune to get the water up to
779 drinkability. She paid a lot of money to have her septic put in. She would not
780 appreciate the County coming in, making her use their sewerage and city water, and
781 charging per month after she has already paid to have good water and good sewerage.
782 She is concerned about the traffic issues.

783 Linda Shore, 5150 Plato Cove, is opposed to the request. She lives there because of
784 the rural character of the area and wants it to stay that way. One acre estate homes is
785 realistic and would make a nice development. She feels the higher density would effect
786 the quality of the water and the artesian well that goes under her property. She feels
37 this development, as proposed, will devalue the area. The traffic is a problem and will
788 increase if this request is approved.

789 B.J. Simons, 1550 Myrtle Avenue, is opposed to the request. He said the runoff from
790 Autumn Chase still has not been taken care and he doesn't see why anyone would think
791 it will be any different on any other subdivisions that are low density or high density or
792 anything over the one unit per acre.

793 Mack Thorne, 1416 Myrtle Street, is opposed to the request. It was the understanding
794 that Autumn Chase was the "line in the sand" and now here we go again. The traffic is
795 very, very bad. We are close neighbors and would like to keep it that way.

796 Earl Lord, 4835 Hester Avenue, is opposed to the request. When he came to this area
797 and built his home, the zoning of Suburban Estates was and still is in place. Zoning to
798 Low Density Residential is out of compliance with the area. He wants to see the
799 neighborhood grow in the manner for which it was started.

800 Mr. Harling said the comprehensive plan that was passed by the State was intended to
801 provide a framework that was flexible and allowed change and growth to take place. It
802 allowed people to come in and change as the character of the land changed and as the
803 intensity and the jobs that were being provided in the area changed. Seminole County
804 has been through a significant number of comp plan updates that have been updated
805 by staff as mandated by the State but also the State mandates that you are allowed to

806 make a comp land change twice a year for someone who wants to provide for a better
807 use of their property.

808 Low density residential is compatible with Suburban Estates. The two can work
809 together in harmony and the people who reside in each of those two types of areas can
810 reside in harmony and live together and that's what we would like to see accomplished.

811 Mr. Harling said artesian wells are being plugged. The St. Johns Water Management
812 District has a team that will come out and plug artesian wells because artesian wells are
813 a drain on the conservation of ground water.

814 He feels that 2.5 units can be compatible with the existing area and that a quality
815 development can be provided that is very high in character with expensive houses and
816 also would provide water and sewer service to the area.

817 He requested approval of his application from the Board.

818 **Commissioner Harris said one of the problems that we have in Seminole**
819 **County is evident right here. We have agricultural land that has been in**
820 **family ownership for 40, 50, 60 years and in some cases more. The economic**
821 **conditions have changed so that the family, if they are depending on the**
822 **state of their wealth, may even be endangering at times of losing the land**
823 **because it is no longer productive. The problem is that piece of land is**
824 **cleared for agricultural purpose which makes it not a great candidate for**
825 **larger plot homes. These parcels are very different from the first parcel that**
826 **is undeveloped, not farmed, totally treed. So the issue that comes before us**
827 **is not just the issue of that particular parcel, but the issue of fairness to the**
828 **owners and to the community and it is not an easy decision. These parcels**
829 **come forward, one or two and in this case, three at a time and that will**
830 **continue to happen in this area no matter what decision we make. Rather**
831 **than approve, deny or otherwise just act on single parcels, this area will**
832 **continue to be under pressure. There will continue to be agricultural land**
833 **that has been in families that comes up for sale where the highest and best**
834 **use is not agricultural and the pressure is there to development into low**
835 **density residential.**

836 **As the Airport and the area new Judicial Center develops, this area will be**
837 **under continuing and increasing pressure and the opportunity arises for an**
838 **investor to quietly put together several of these parcels and then bring them**
839 **in and ask for a rezoning.**

840 **Rather than act on this tonight in absence of a plan for the entire area, it**
841 **would be his suggestion that this Board defer action on this and instead**
842 **request that staff take this entire area, along Lake Jesup and south of the**
843 **Airport going all the way over to 17-92 and do a small area study and**
844 **suggest what the final development trend in that area should be.**

845 **Motion by Commissioner Harris to defer action and instead based on the his**
846 **comments, refer this issue back to staff for a small area study so all the**

847 issues can be properly considered in this particular area. Second by
848 Commissioner Tremel.

849 Commissioner Mahoney said he is for the motion, however, if the applicant
850 chooses to proceed to the BCC and seek from them an answer to their
851 request for a land use amendment, we might want to consider the alternate
852 that they do choose to proceed. He thinks the best plan of attack is to defer
853 the request and to do a study. However, we don't control that. The applicant
854 paid the money, they get to control the process, and they get to go before
855 the Board. We might want to consider that if they do proceed, what would
856 our opinion be today. He feels the answer today would be no.

857 Chairman Tremel said that by recommending to defer, the Board is
858 recommending that it not stay in this plan cycle. He asked staff if that was
859 correct.

860 Ms. Gilmartin said that was correct.

861 Chairman Harris revised the motion to include that as part of the deferral it is
862 premature and the Board does not have the basis to act affirmatively on this
863 request this evening.

864 Commissioner Tremel added that if you look at the staff recommendation,
865 after Condition 4, staff is basically taking that position.

866 Chairman Tucker said he didn't disagree but as a recommending body this
867 Board should pass it on, up or down to the BCC with the recommendation
868 that the County Commission request a study. His recommendation is to deny
869 this request.

870 Commissioner Tremel withdrew his second.

871 Motion dies for lack of a second.

872 Motion by Commissioner Tremel to deny this request for reasons stated in
873 the staff report and also attach a recommendation to the Board of County
874 Commissioners that they request staff to do a small area study in this area.
875 Second by Commissioner Mahoney.

876 Commissioner Hattaway said the only way a "line in the sand" can be
877 respected is if all that are concerned have a say so in drawing that line. This
878 has not been done. The applicants have offered to cut in half the density that
879 they originally requested. Even two units per acre might be amenable. What
880 we are proposing to this old and respected Seminole County family is that
881 they now take their farm land, that they can no longer use, out of the loop
882 for a minimum for 6 months and sit on it and hope that the study will be
883 finished in 6 months so they can come back in the next cycle. This is very
884 unfair to this landowner. This landowner has been here and most of you are
885 out there because some farmer sold you his land. This is a farmer that has
886 hung on until the very last. They don't have a viable business farming any

887 longer. They wish to use the property that they paid taxes on many, many
888 years in a productive manner. They are not raping the land or building
889 apartments. They are trying to do something that will fit in with their
890 environment because they are going to live right there beside it. Two units
891 to an acre is more than most of us have to live on. She will be voting against
892 the motion.

893 Commissioner Tremel said they have not denied the use of their property.
894 They can develop it in accordance with the Comprehensive Plan, which is one
895 unit per acre. Sine quite a few people have chosen to do that, there is a use
896 of the property just not at the use they are requesting.

897 Commissioner Nicholas said that at some time this property is going to be
898 developed somehow and probably more than just Suburban Estates. He
899 doesn't want to see apartment complexes and those kinds of things. Two
900 units to the acre is fairly reasonable. He thinks the small area study is a good
901 thing to do but his concern is with split parcels. He thinks this whole area
902 needs to be looked at because there is some developable acreage out there
903 although the first parcel that was looked at tonight was appropriate because
904 of the wetlands. These parcels seem a little more reasonable for somebody
905 to develop their property a little more as they see fit.

906 Motion passed 4-3. Commissioner Harris, Commissioner Nicholas, and
907 Commissioner Hattaway voted against the motion.

908 *D. VISION 2020 - GUIDE TO THE JOURNEY AHEAD; SPRING CYCLE*
909 *AMENDMENT REGARDING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF*
910 *COMMUNITY AFFAIRS (FDCA) OF PROPOSED LARGE SCALE TEXT*
911 *AMENDMENTS TO THE SEMINOLE COUNTY COMPREHENSIVE PLAN (SCCP).*
912 *PROPOSED TEXT AMENDMENTS WILL BE INCORPORATED INTO THE NEWLY*
913 *ADOPTED SCCP (MAY 8, 2001), KNOWN AS VISION 2020-A GUIDE TO THE*
914 *JOURNEY AHEAD (AND REFERRED TO AS "VISION 2020"). THE SUBJECT*
915 *TEXT AMENDMENTS WILL REPLACE PLAN ELEMENTS OF THE SCCP.*

916 *ALICE GILMARTIN, PRINCIPAL COORDINATOR*

917 The Text Amendments to the Seminole County Comprehensive Plan, (Vision 2020) were
918 given to the LPA at the meeting of January 9, 2002, in preparation for their public
919 hearing on February 20, 2002. The Local Planning Agency (LPA) met on July 18, 2001,
920 for a briefing with staff to discuss the text amendments to eight Elements of the
921 Comprehensive Plan. The LPA was unable to open the public hearing on these Text
922 Amendments on August 1, 2001, due to a lack of a quorum. The Board of County
923 Commissioners at their next meeting opted to withdraw the Text Amendments to the
924 Comprehensive Plan from the Fall Cycle Amendments and directed staff to resubmit
925 them for the next Spring Cycle of Comprehensive Plan Amendments. Before the LPA are
926 the same Text Amendments as they previously reviewed last summer. The only
927 changes to the document involve the references to the one cent sales tax that

Myrtle Street Special Area Study Phase III Staff Report

REQUEST	Recommend that staff implement the Conservation Village Design Concept with an opportunity to apply for density bonuses in Sub Area – 1 of the Myrtle Street Special Area Study.
APPLICANT	Seminole County
PLAN AMENDMENT	Create Conservation Village Overlay District
REZONING	Create Conservation Village Zoning Overlay District
APPROXIMATE GROSS ACRES	620 acres
LOCATION	Abutting Myrtle Street east of Hester Avenue (See Map) also known as Sub Area – 1 of the Myrtle Street Special Area Study
BCC DISTRICT	District 5 – Commissioner McLain

STAFF ANALYSIS & FINDINGS

Development Trends: Development in this area is characterized by inactive agricultural, single-family residential on 1-acre or larger lots and low-density single-family development. Adjacent areas to the north and west are developing with low densities up to 4 units per acre. Within the western portion of Sub Area – 1, Autumn Chase has built out at 144 units and a density slightly over 3 units per acre. A development just east of Autumn Chase has been approved for 116 units and a density of 2.16 units per acre. Just north of Sub Area – 1 on the west side of Hester Avenue a single family development has been approved for 40 units and a density of 2.35 units per acre.

Finally, an application to change the Future Land Use from Suburban Estates to Low Density Residential has been submitted on approximately 60 acres within Sub Area – 1.

Summary of Phase III

The first task of Phase III was to review the Comprehensive Plan and Land Development Code to identify appropriate amendments to facilitate implementation of the Conservation Village Concept. Both the Comprehensive Plan and the Land Development Code already support characteristics of Conservation Village such as; preservation of character and open space, cluster development, conservation criteria, flexible lot requirements, creative design process, conservation easements, and incentives. However, Comprehensive Plan and Land Development Code changes

specific to the Myrtle Street Sub Area – 1 and the Conservation Village Design Concept were required.

The public and stakeholder involvement process is the heart of Phase III. It is designed to continue involvement of residents and property owners within the study area and to inform and seek input from the development community and regulatory agencies. The Community Task Force that was established in Phase II of the study serves to review and comment on all aspects of the study. The focus groups, their purpose, members and input to date are presented below.

Member Description	Purpose	Input
<p>“Development Community” – a small group of individuals involved in local land development activities, including developers, professional services (engineers, land planners, attorneys), real estate, etc.</p>	<p>The purpose of this session was to obtain feedback on conservation design approaches and potential implementing policies or regulations, potential opportunities and constraints to such development in the area, potential infrastructure cost savings, and the potential effectiveness of incentives to encourage such practices.</p>	<p>Solid concept with significant potential and benefit. Issues of concern:</p> <ul style="list-style-type: none"> • Open space maintenance • Density & clustering reducing costs? • Incentives needed to entice and improve feasibility • Swales/ditches developed in segments may be inconsistent with a larger system <p>Myrtle Street related comments:</p> <ul style="list-style-type: none"> • Groundwater level impacts cost of infrastructure and streets • Minimum 2.5 to 3.0 DU/AC needed in area to be feasible with improvements <p>Enjoyed and appreciated opportunity for input</p>
<p>“Interagency Focus Group” a small group of individuals representing Seminole County departments and other area agencies with potential interest in conservation-oriented development (St John’s River</p>	<p>The purpose of this session was to obtain feedback on conservation design approaches and potential opportunities and constraints to such development in the area, in terms of particular</p>	<p>Drainage should focus on volume, diversion and water quality. Countywide vs. Myrtle Street</p> <ul style="list-style-type: none"> • Desirable as a “test balloon” for the rest

<p>Water Management District, state/federal environmental resource agencies) etc.</p>	<p>agency programs, requirements or concerns and potential infrastructure cost savings.</p>	<p>of the county</p> <ul style="list-style-type: none"> Increased size of developable area improves chances of success <p>Primary and Secondary Conservation standards should follow current requirements. Determination of density should follow current format. Development of conservation villages by right (instead of PUD) sounds more effective. Maintenance endowment a MUST to maintain conservation areas.</p>
<p>“Community Task Force” property owners and residents as well as interested attendees from the Phase II study effort.</p>	<p>The purpose of these sessions was to obtain feedback on all aspects of the study.</p>	<p>The attached matrix reflects in input of the Task Force to date. Participants would like to present additional comments at the meeting.</p>
<p>“Land Planning Agency/ Planning & Zoning Commission”</p>	<p>Prior to the BCC public hearing staff will brief the LPA/ P&Z members on the proposed Comprehensive Plan Amendment(s) and other recommendations resulting from Phase III of the study.</p>	<p>Thought the concept is innovative and doable if the “bottom line” works. Liked the idea that the developer would have to “earn” additional density over 1.0 du/ac. Recommended additional bonus options to be explored to create more flexibility. This concept could be used successfully in other areas of the County. Thought “Endowment” fund unnecessary and a burden on developer. HOA could maintain</p>

		Conservation Open Space lands.
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With this information staff has been conducting meetings with the Community Task Force to develop implementation language for the Land Development Code. The Task Force has evolved into two sub-groups with differing opinions on several issues. The attached matrix summarizes the general implementation issues, staffs recommendation and both groups' positions on each issue.

Conservation Village Design Process

Two elements are critical in Conservation Village Design: existing resources and site analysis map and a sketch plan.

First the existing resources and site analysis map identifies the site's undevelopable areas and those buildable lands containing features that merit conservation. Those features may range from diverse woodlands to scenic views into and out of the site. Primary and Secondary Conservation Areas are identified during this phase of the process.

The site analysis map is the most important document in the design process, as it provides the factual basis upon which all design decisions are made. Even with the map, however, it is difficult to judge the appropriateness of proposed subdivision layouts without a site visit. With the map in hand Planning and Development staff should walk the property and offer suggestions about which of the features should be saved.

Second a sketch plan and an aerial of the site outlining the overall concept is the next most important document. It may be as simple as a bubble map showing proposed areas for development and for conservation.

The sketch plan could be prepared as a tracing paper overlay placed over the existing resources and site analysis map. This method illustrates how well the proposed layout avoids the most important potential conservation lands. Ideally, the proposed development footprint shown on the sketch plan should dovetail with the most significant resources documented on the site analysis map.

This initial, broad design stage should occur before applicants spend large sums on highly engineered "preliminary" plans. Only after agreement is reached on the sketch plan should the applicant move on to the preliminary plan.

Third the number of house lots must be determined. Utilizing the process in Sec. Co.159 of the Land Development Code a simple yield plan showing the number of lots that could be created using a conventional layout. This method must realistically reflect site constraints such as wetlands and floodplains. If the applicant desires to increase the density above 1 unit per acre he must demonstrate how the requirements to achieve density bonuses will be met.

Fourth the house sites are arranged so that homeowners will be assured maximum open space views. The sites are then connected by streets and trails and the lot lines are drawn in. This approach reverses the usual sequence of steps in subdivision design.

Finally the applicant will prepare an ownership and management plan for the Greenway Land/Open Space that is set aside in a conservation easement. This plan shall identify how the Greenway Land/Open Space areas will be developed and what measures are needed to maintain it. The plan will also include estimated annual cost for maintenance and detail the proposed type of ownership of the property to insure the Greenway Land/Open Space is not used for anything other than what it is intended for.

At this point the preliminary plan is complete and ready for review and approval.

Density Bonuses

Most literature about conservation subdivision design which is called Conservation Village Design in this study indicates that development costs can vary but tend to be no greater than and in many cases less than traditional development costs. Each potential development site in Sub Area – 1 is unique to the geographic area and site conditions of each proposal. Therefore the relative development costs of Conservation Village Design compared to traditional design is also different and hard to quantify from a cost basis. However, it is reasonable to assume that the basic elements of Conservation Village Design, clustering of home sites, relaxed design standards for internal roadways and neighborhood design standard, should cost no more than traditional development in Sub Area – 1 of the Myrtle Street area.

In Phase I and II of the Myrtle Street Study nine issues were identified that can be summed up as preservation of open space, protection of natural resources and improving existing deficiencies. The Conservation Village Design Concept is to address these issues in a manner that:

- (a) protects surrounding residential development;
- (b) maintains rural character, including the ability to raise animals, as appropriate;
- (c) protects floodplain and wildlife habitats;
- (d) improves drainage, including runoff and control of pollutants;
- (e) promotes reduced infrastructure through clustering and design practices;
- (f) protects unique or attractive “viewsheds”;
- (g) minimizes water consumption;
- (h) incorporates amenities and facilities with consideration given to the surrounding environment; and,
- (i) maintains area quality of life.

For this reason staff recommended in the Conservation Village Text Amendment to the Vision 2020 Comprehensive Plan FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept that “an opportunity to apply for density bonuses to encourage developments with significant public benefit as they relate to roads, water, sewer, and storm water infrastructure preservation to upland open areas and quality of life in Seminole County” be provided. The purpose of a density bonus is to offset development costs that would normally not occur. Those additional costs relate to the design and construction of water and sewer lines which are not required at the current density of 1 unit per acre, stormwater volume reduction, water quality treatment of stormwater, and restoration of natural lands.

Similar to determining the comparative costs and benefits of Conservation Village Design and traditional development, the benefits of the four incentive bonus items as related to the costs is difficult at best and is unique to the geographic area and site conditions of each proposal. Staff believes that the additional costs for design and construction of enhanced stormwater retention and water quality facilities, the elimination of septic tank impacts on the environment, and restoration of the Greenway Land/ Open Space to wetlands, wildlife habitat, or other natural state can be off-set by allowing a density incentive bonus of 1 unit per acre. The 1 unit per acre density incentive bonus should be all or nothing as would be the four development enhancements described above.

Comprehensive Plan Consistency

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.

The proposed implementation of Conservation Village Design would not alter the options or long-range strategies for facility improvements or capacity additions included in the Vision 2020 Plan. The request would not be in conflict with the Metroplan Orlando Transportation Plan or the Florida Department of Transportation’s 5-Year Work Plan.

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

Myrtle Street and Hester Avenue provide access to the subject area. The roads have an average pavement width of 20 feet and the roadways are placed in substandard right of way widths averaging 50 feet. The lack of adequate drainage

facilities, substandard rights of way and pavement widths and lack of shoulders are safety concerns, not capacity issues.

The existing Level of Service (LOS) on these roads is “A”, based on daily traffic volume. The adopted LOS standard for these roads is “E”. At a build out density of 2.0 units per acre in Sub Area - 1 the estimated LOS is acceptable.

There is a need to bring these roadways up to County roadway standards for a 2 land rural roadway with swale drainage and retention pond(s), increased roadway width and acceptable quality of paving and sub-base. The estimated cost to improve Myrtle Street and Hester Avenue is approximately \$2.3 million based on the Phase I Study information. A traffic signal at the intersection of Hester Avenue and Ronald Regan Blvd. may also be warranted. Future developers would be responsible for participating in the cost of the traffic signal and to bring these roadways up to County standards.

Myrtle Street and Hester Avenue do not qualify as impact fee roadways. For that reason funding improvements to these roadways is problematic. Possible funding approaches County staff is reviewing include using funds from the latest sales tax initiative to address the safety issues in combination with participation from future development.

- B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps: Figure 11.1 and Figure 14.1 area the water and sewer service area maps for Seminole County.

The property is served by Seminole County water and sewer service. Future developers would be responsible for bringing these services to their respective sites if the development is at a density greater than 1 unit per acre.

- 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 12.2.2).

The property is served by the Seminole County EMS/Fire Rescue Five Points Station (Station #35). Response time to the sites is less than 5 minutes, which meets the County’s average response time standard of 5 minutes.

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 Comprehensive 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 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 Policy 1.2.3).

Should utility lines be extended from Hester Avenue and roadways, i.e., Myrtle Street and Hester Avenue be brought up to acceptable standards, then there would be adequate facilities to serve the subject area at densities greater than one dwelling unit per acre.

- 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....(Future Land Use Policies 1.1, 1.2, 1.3).*

Wetlands are estimated to be approximately 29 percent of Sub Area – 1. Development of property will require wetlands to be delineated and field verified by staff from the St. Johns River Water Management District. Mitigation plans within the Lake Jesup Drainage Basin (as required by Conservation Policy 7.9) will be required for any proposed wetland impacts. It should be noted that lands within the Lake Jesup Drainage Basin have been designated by the St. Johns River Water Management District as a basin of “special status” which is reflected in the direction given in Conservation Policy 3.4 advising revisions to the Land Development Code for protection of wetlands in this basin.

The concept behind Conservation Village Design is to protect natural resources and conserve open space. Requiring significant amounts of open space and restoration of idle agricultural land and low quality wetlands to higher quality wetlands and wildlife habitat is consistent with the policies and intent of the Comprehensive Plan.

- C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, that prior to development approval, proposed development to coordinate 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. (Conservation Policy 3.13)*

The concept behind Conservation Village Design is to protect natural resources and conserve open space. Requiring significant amounts of open space and restoration of idle agricultural land and low quality wetlands to higher quality wetlands and wildlife habitat is consistent with the policies and intent of the Comprehensive Plan.

Development Polices: 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: Based upon an initial evaluation, the proposed implementation of the Conservation Village Design Concept is compatible with the surrounding land uses.

The proposed concept maximizes preservation of conservation areas and unique features of the area, encourages creative design, incorporates trail and pedestrian opportunities, promotes reduced infrastructure and impervious surfaces, and provides for stormwater infrastructure that exceeds current requirements consistent with Policy FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept in the Plan.

The proposed density of 2 units per acre is slightly less than the existing and proposed developments in the western portion of Sub Area – 1 and the property to the north. This serves as a transition in density on larger open tracts of idle agricultural land to the smaller properties to the east of Sub Area – 1 which are essentially developed at 1 unit per acre.

- 1. Transitional Land Uses:** *The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential...Exhibit Future Land Use: Appropriate Transitional Land Uses is to be used in determining appropriate transitional uses.*

Sub Area – 1 is surrounded by residential land uses or conservation areas. The extreme southwestern portion of the area is zoned industrial but is mostly undevelopable and serves as a buffer to an industrial development beyond the boundaries of the area.

The proposed density of 2 units per acre is slightly less than the existing and proposed developments in the western portion of Sub Area – 1 and the property to the north. This serves as a transition in density on larger open tracts of idle agricultural land to the smaller properties to the east of Sub Area – 1 which are essentially developed at 1 unit per acre.

- 2. Consistency with Future Land Use Element:** *Definition of Suburban Estates from the Future Land Use Element...This land use is established to allow the development of large lot single family estates as a desired final land use; act as a transitional use between urban development and general rural uses; and to allow existing agricultural operations to continue until developed for other uses.*

Provide homeowners and homebuyers reasonable assurance of the intensity of development to be expected in the future for surrounding parcels of property. (Future Land Use Policy 2.10B)

The definition of Suburban Estates states that this land use category is not a holding category awaiting urbanization but one that allows for the development of large lot single family estates as a desired final land use as well as act as a transitional use between urban development and general rural uses. The Conservation Village Concept when developed at no greater than 1 unit per acre is consistent with the Future Land Use Element. If the opportunity to increase the density to more than 1 unit per acre is implemented, a Comprehensive Plan amendment will need to be processed. The proposed amendment would be to create a Conservation Village Overlay District and

add a map to the Future Land Use Element describing Sub Area – 1 as the boundaries of that district.

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

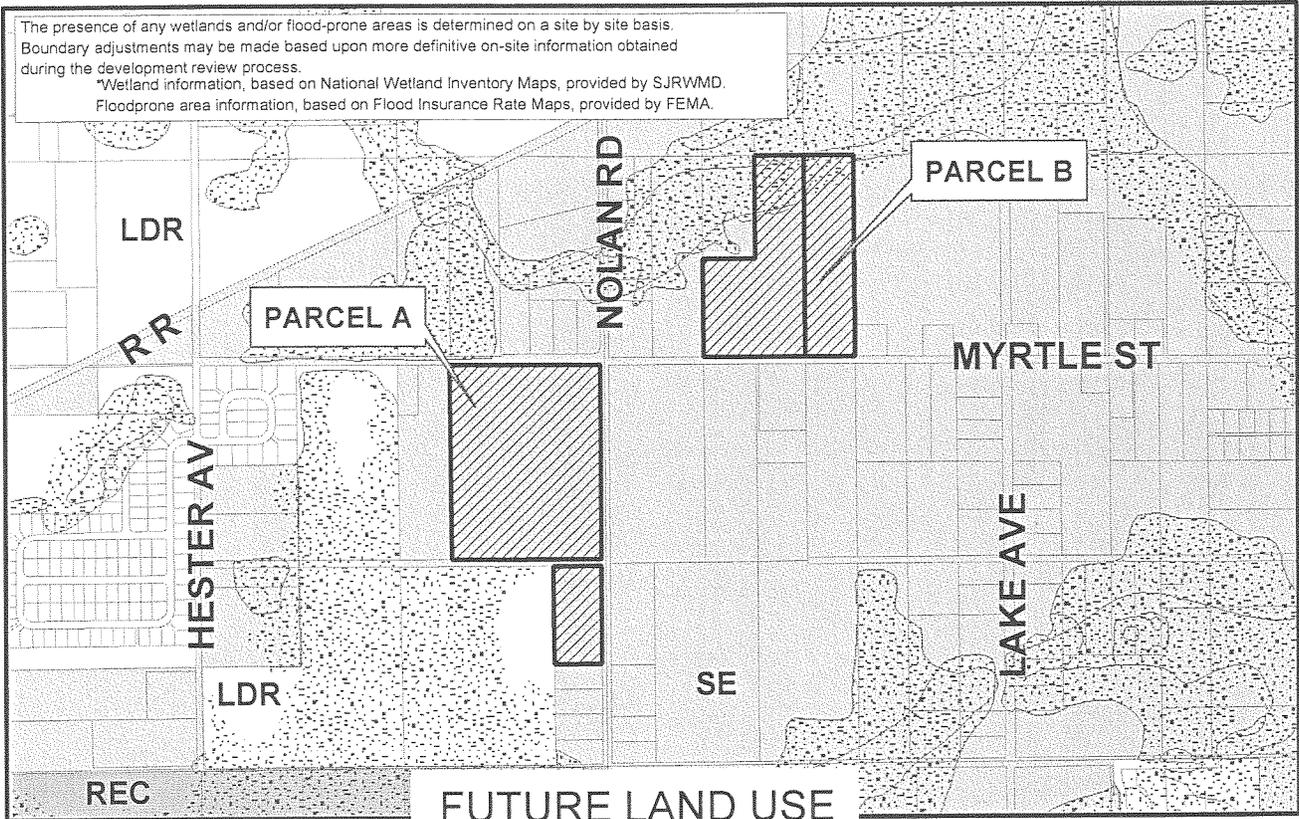
This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, or any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

Coordination: Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

- A. **Plan Coordination:** *The County shall continue to coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land (Intergovernmental Coordination Policy 8.2.12). Seminole County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies ...as the County is now a charter County (Intergovernmental Coordination Policy 8.3.3)*

The Conservation Village Design Concept was adopted as a text amendment into the Vision 2020 Plan on December 9, 2003. All future amendments to the Plan related to implementation of Conservation Village Design will comply with all regional, state and federal agencies policies and processes.

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.



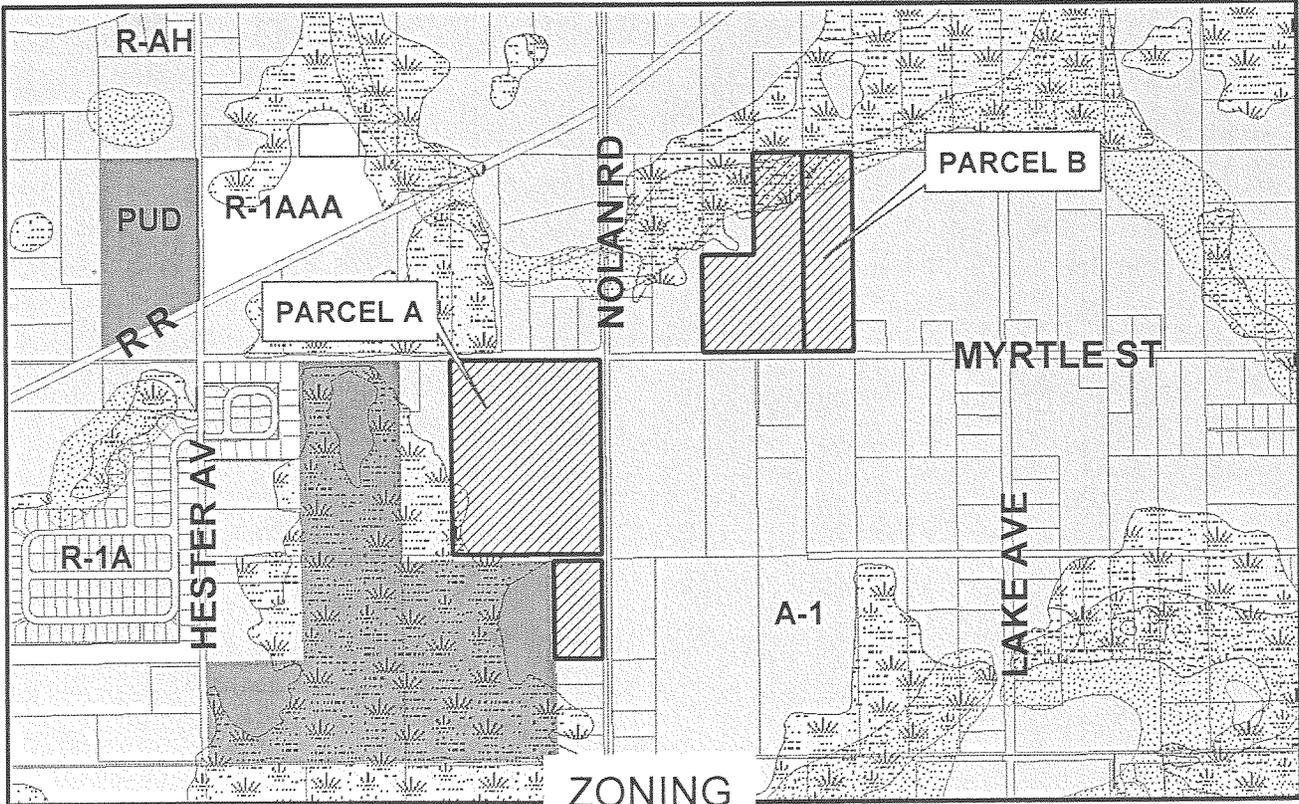
Site
 Municipality
 SE
 LDR
 REC
 CONS

Applicant: Ann Esterson & Henry Schumacher
 Physical STR: 24-20-30-300-0180-0000, 23-20-30-5AQ-0000-0830, 0910, & 0540
 Gross Acres: +/- 60 BCC District: 5
 Existing Use: Agricultural
 Special Notes: None

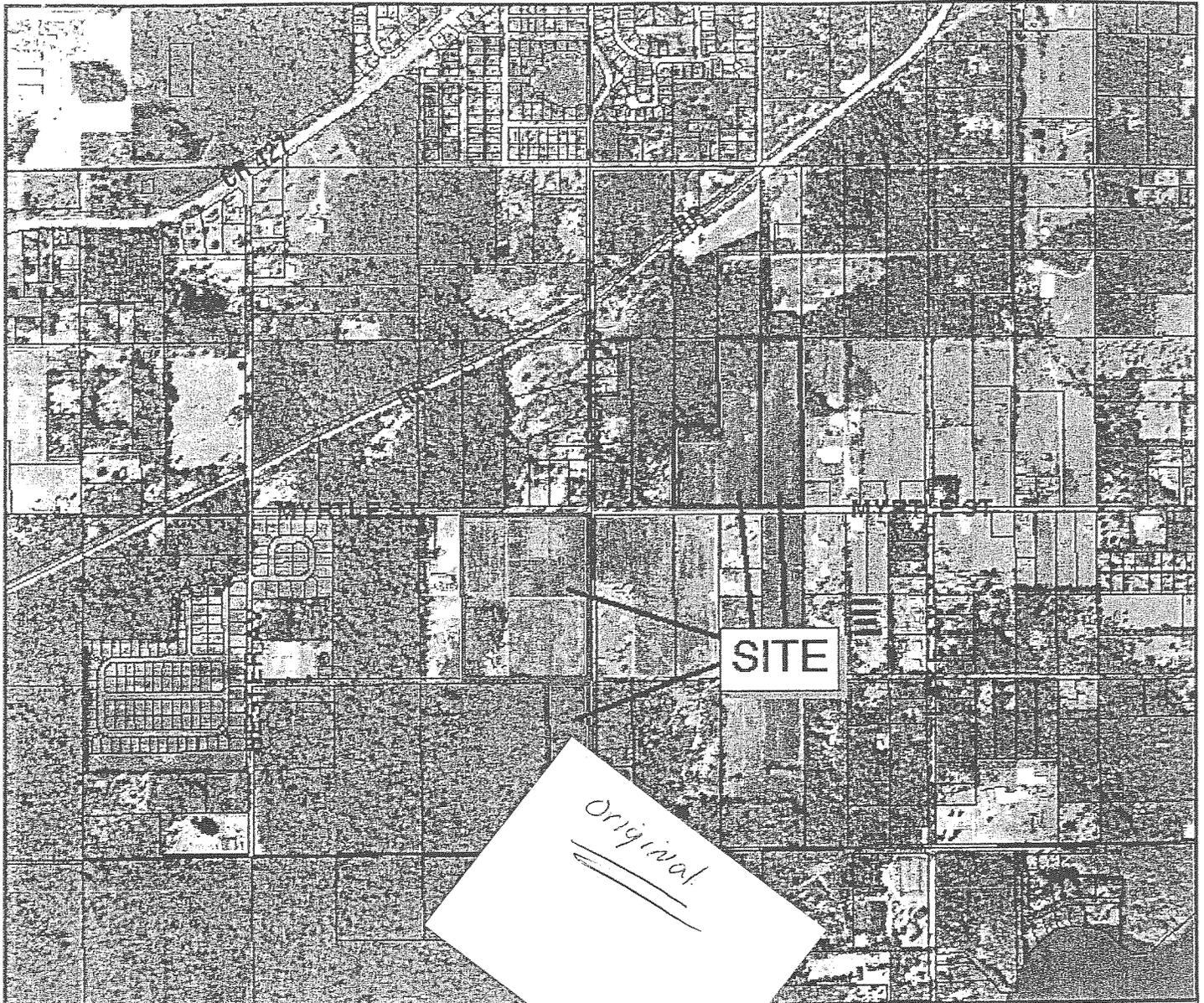
	Amend/Rezone#	From	To
FLU	02S.FLU03	SE	LDR
Zoning	--	--	--



DRAFT PLEASE SIGN:



A-1
 R-1AAA
 R-1A
 R-AH
 PUD
 FP-1
 W-1



Amendment No. 02S.FLU03
From: SE To: LDR

-  Subject Property
-  Parcelbase



February 1999 Color Aerials