

Item # 46

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Trotter Rezone & Land Use Amendment, Request for Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential), and Rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District) (Alexander and Pearlie Trotter, applicants).

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

AUTHORIZED BY: Donald Fisher **CONTACT:** Jeff Hopper EXT. 7431

Agenda Date <u>4/08/03</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential), and Rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District), located on the south side of Hughey St. 400' east of Sipes Ave. (Alexander and Pearlie Trotter, applicants); or
2. DENY the request for Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential), and Rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District), located on the south side of Hughey St. 400' east of Sipes Ave. (Alexander and Pearlie Trotter, applicants); or
3. Continue the item to a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicants own two vacant parcels in the Midway area, totaling 2.79 acres in size. The north parcel has frontage on Hughey Street, while the south parcel has no public road frontage. Proposed development on the site is a duplex (two-family) residential structure. Current zoning on the property would permit two single family homes.

Surrounding zoning is A-1 and R-1. The future land use designation on adjoining lands to the east, west and south is SE. Although nearby property north of Hughey Street now has the MDR designation, existing development in that area is exclusively single family.

Reviewed by: <u>KEC</u> Co Atty: _____ DFS: _____ OTHER: <u>MW</u> DCM: _____ CM: _____ File No. <u>ph130pdp03</u>

While water service is available to the site through Midway Canaan Utilities, sewer service is not present in the area. Also, access to the site is via Hughey Street, an unpaved road. Under the Vision 2020 Plan, central sewer and paved roads are required for a land use designation of MDR.

PLANNING & ZONING COMMISSION RECOMMENDATION:

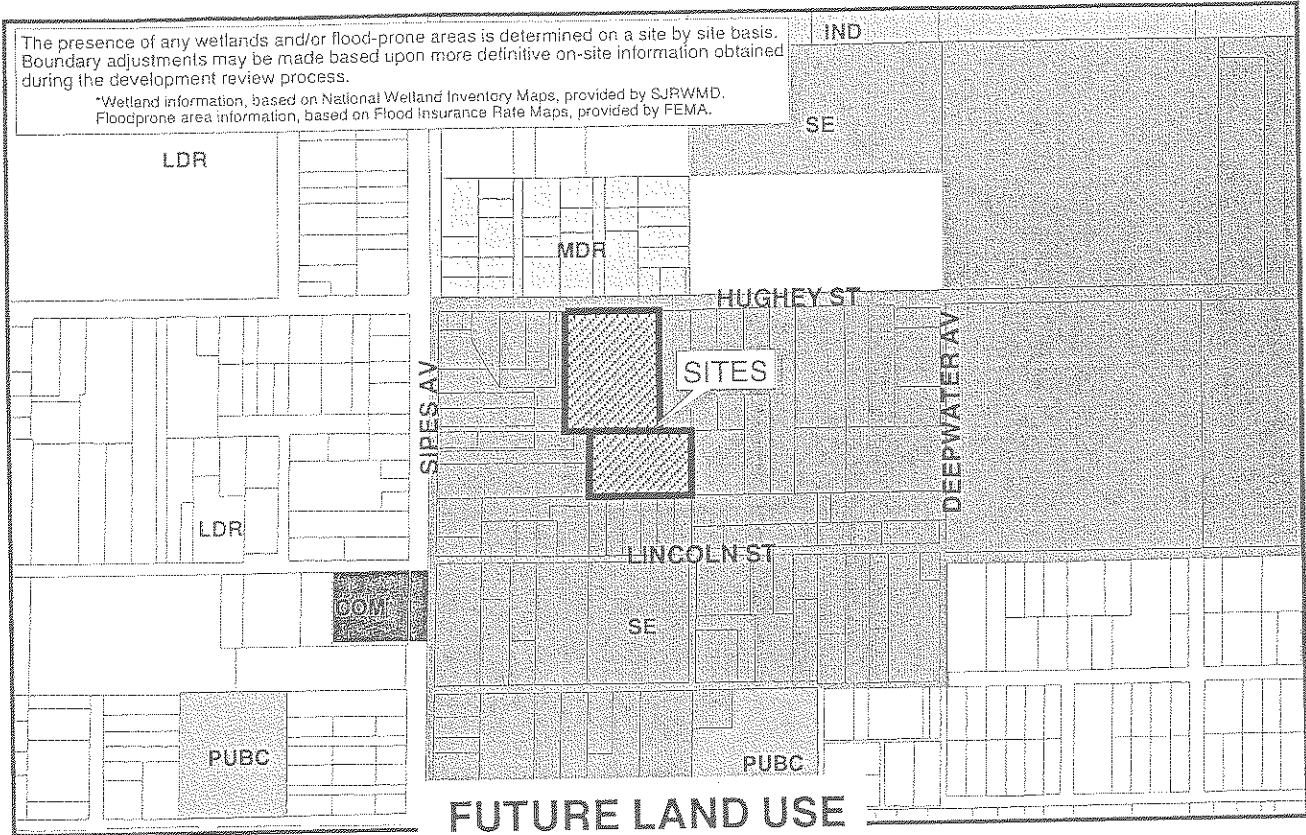
The Planning & Zoning Commission voted 7-0 to recommend approval with the voluntary commitment by the applicant that development on the property will be limited to one (1) duplex structure.

STAFF RECOMMENDATIONS:

Staff recommends DENIAL of the request per the attached staff report.

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.
Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.

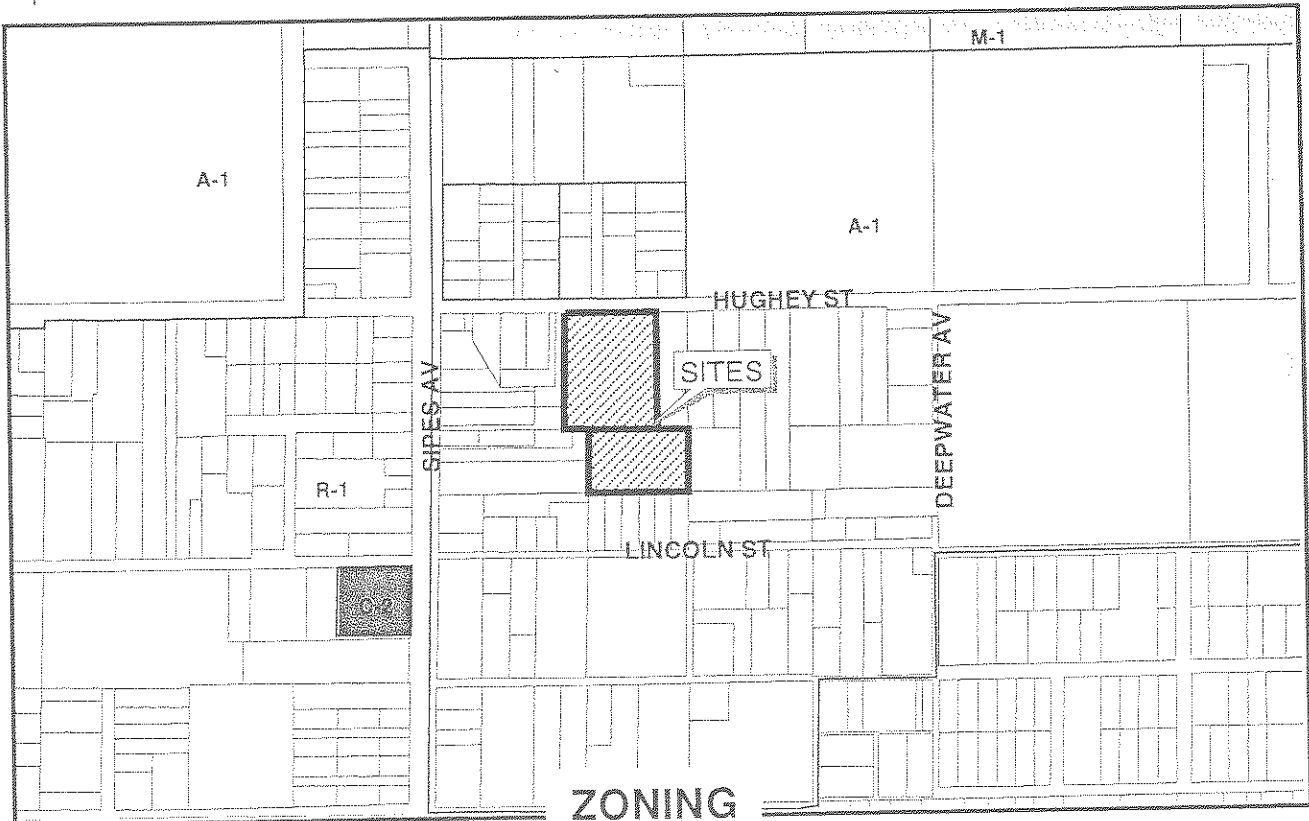


FUTURE LAND USE

Site
 Municipality
 COM
 LDR
 PUBC
 SE
 MDR
 IND

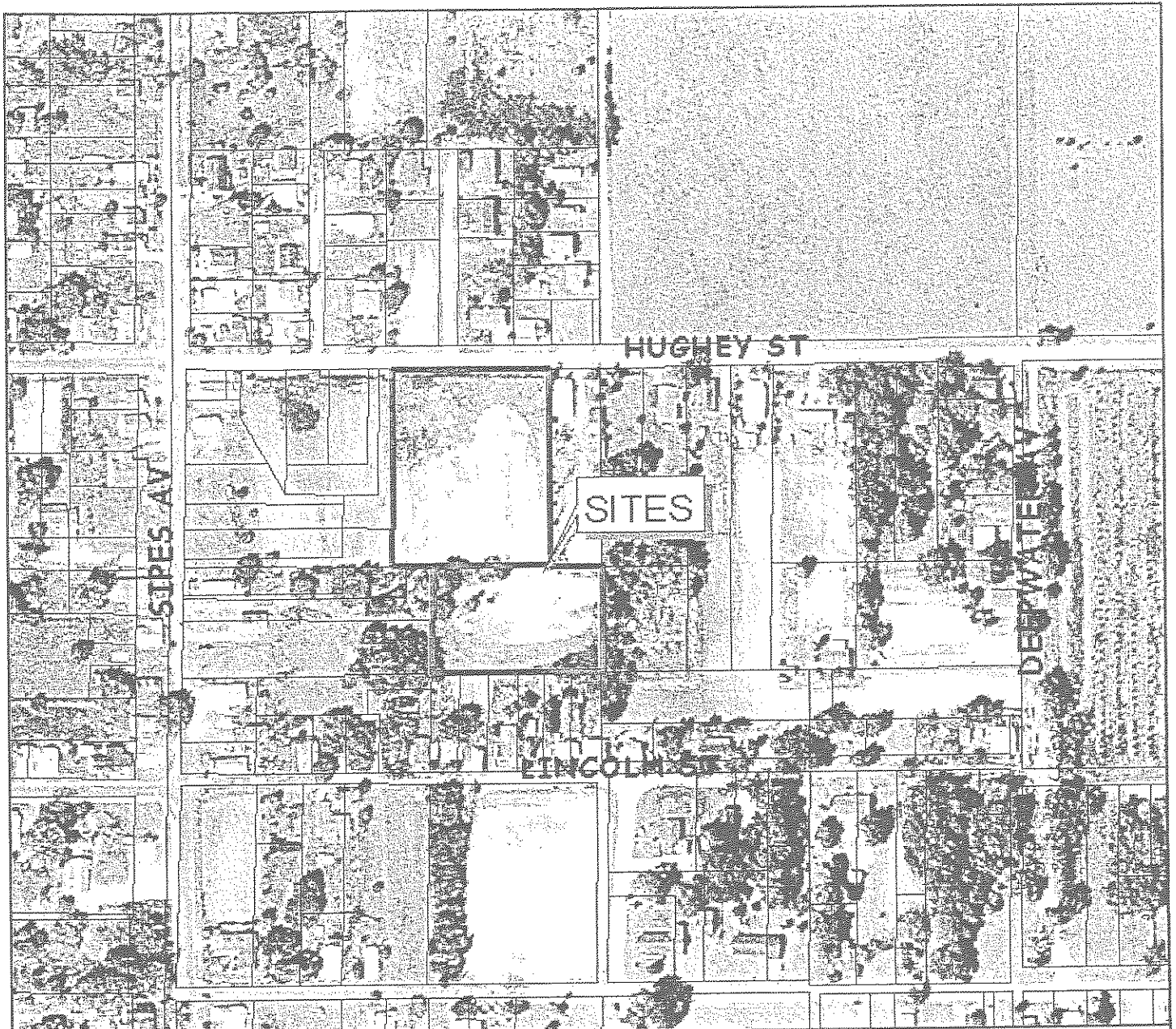
Applicant: Alexander & Pearlle Trotter
 Physical STR: 33-19-31-300-0450 & 0640-0000
 Gross Acres: 2.8 BCC District: 5
 Existing Use: Vacant Residential
 Special Notes:

	Amend/ Rezone#	From	To
FLU	01-03SS.01	SE	MDR
Zoning	Z2003-001	A-1	R-2



ZONING

A-1
 R-1
 C-2
 M-1




Amendment No. 01-03SS.01

From: SE To: MDR

Rezone No. Z2003-001

From: A-1 To: R-2

 Subject Property

 Parcelbase



February 1999 Color Aerials

Trotter Rezone and Land Use Amendment Staff Report

Suburban Estates (SE) to Medium Density Residential (MDR)		Amendment (Z2003-001 01-03SS.01)
REQUEST		
APPLICANT	Alexander and Pearlle Trotter	
PLAN AMENDMENT	Suburban Estates (SE) to Medium Density Residential (MDR)	
REZONING	A-1 to R-2	
APPROXIMATE GROSS ACRES	2.79	
LOCATION	East side of CR 427, 0.2 mile south of Longwood-Lake Mary Road	
BCC DISTRICT	District 5 – McLain	
RECOMMENDATIONS AND ACTIONS		
PLANNING & ZONING COMMISSION RECOMMENDATION March 5, 2003	The Planning & Zoning Commission voted 7-0 to recommend approval with a stipulation that development on the property be limited to one (1) duplex structure.	
STAFF RECOMMENDATION	Recommend DENIAL of the Medium Density Residential future land use designation and rezoning from A-1 to R-2, as proposed, on subject property on the south side of Hughey Street, 400' east of Sipes Ave.	

STAFF ANALYSIS

Suburban Estate (SE) to Medium Density Residential (MDR)	Amendment (Z2003-001 01-03SS.01)
---	---

1. **Property Owners:** Alexander and Pearlie Trotter
2. **Tax Parcel Numbers:** 33-19-31-300-0640-0000 and 33-19-31-300-0450-0000
3. **Development Trends:** Development in this vicinity is primarily single family residential in nature, with certain supporting nonresidential uses, such as churches and day care facilities, permitted by Special Exception. The designated future land use of most surrounding properties is Suburban Estates (SE) and Low Density Residential (LDR). Existing zoning of surrounding properties is A-1 and R-1.

A small area of Medium Density Residential (MDR) currently exists opposite the subject property on the north side of Hughey Street. However, this land use was assigned to accommodate several homes on small lots, at a density of 7-8 units per acre, which pre-date adoption of the Vision 2020 Plan. While MDR permits consideration of multi-family and duplex development, the existing A-1 and R-1 zoning in this area do not permit forms of residential other than single family.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of Suburban Estates, currently assigned to the subject property, permits single family residential development at a maximum density of 1 dwelling unit per acre. Existing A-1 zoning allows agricultural and related low-intensity uses. Both parcels are vacant.

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates (SE)	A-1	vacant
North	Medium Density Residential (MDR)	A-1 and R-1	single family residential
South	Suburban Estates (SE)	A-1	single family residential
East	Suburban Estates (SE)	A-1	vacant
West	Suburban Estates (SE)	A-1	vacant, single family

• 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 and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via Hughey St., a local road, with no Level of Service (LOS) information available. Hughey St. is a 20-foot dirt road which must be paved and widened to 24 feet, from Sipes Ave. to the applicants' property, to accommodate the request.

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

The subject property is within the Midway Canaan Utilities water service area. Water service is currently available to the site. There is no sewer service available to the site.

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 Station 41. 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 Policy 1.2.3).

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities, except sewer service, to serve this area, and that the proposed Plan amendment would create no adverse impacts to existing public facilities.

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 less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

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 describe 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.).

Based upon an initial evaluation of compatibility, the proposed Medium Density Residential land use would not be compatible with future land use designations on adjoining properties to the east, west and south. Proposed duplex development on the site would represent a significant change from the existing pattern of single family development in the area.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that Medium Density Residential (MDR) is not an appropriate transitional use adjacent to Suburban Estates (SE).

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.
FLU 5.5: Water and Sewer Service Expansion
Exhibit FLU: Services and Facilities by Classification
Medium Density Residential Future Land Use Definition*

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 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.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the request.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM SUBURBAN ESTATES TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on March 5, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on April 8, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Trotter Rezone and Land Use Amendment Staff Report".

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by

amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

<u>Amendment Number</u>	<u>Amendment</u>
01-03SS.01	Amendment from Suburban Estates to Medium Density Residential

(b) The associated rezoning request was completed by means of Ordinance Number 2003-____.

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This Ordinance shall take effect upon:

Filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners; and,

ENACTED this 8th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain,
Chairman

EXHIBIT A

THE WEST 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY,
FLORIDA (LESS ROAD ON NORTH)

----AND---

THE EAST 264.00 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE
NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST,
SEMINOLE COUNTY, FLORIDA.

THE ABOVE DESCRIBED PROPERTY CONTAINING 2.794 ACRES MORE OR LESS.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-2 (ONE- AND TWO-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Trotter Rezone and Land Use Amendment Staff Report."

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District):

LEGAL DESCRIPTION ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

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

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 8th day of April, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

THE WEST 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA (LESS ROAD ON NORTH)

----AND---

THE EAST 264.00 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA.

THE ABOVE DESCRIBED PROPERTY CONTAINING 2.794 ACRES MORE OR LESS.

**MINUTES FOR THE SEMINOLE COUNTY
LPA/P&Z COMMISSION
MARCH 5, 2003**

Members present: Alan Peltz, Dick Harris, Chris Dorworth, Thomas Mahoney, Ben Tucker, Beth Hattaway, Dudley Bates

Also present: Matt West, Planning Manager, Rob Walsh, Principal Coordinator Planning Division, Jeff Hopper, Senior Planner, Cynthia Sweet, Planner, Tony Matthews, Principal Planner, Mahmoud Najda, Development Review Manager, Karen Consalo, Deputy County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

B. Trotter Rezone and Land Use Amendment; Alexander & Pearlle Trotter, applicants; 2.794 acres; south side of Hughey Street, 400 feet east of Sipes Avenue; Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential); rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District); (01-03SS.01, Z2003-001).

Commissioner McLain - District 5

Jeff Hopper, Senior Planner

Mr. Hopper introduced the item and stated that MDR is not a good transition in this area according to the Vision 2020 Plan. Surrounding lands on three sides are classified Suburban Estates. Staff does not recommend approval.

Alexander Trotter, applicant, requested approval.

Emery Green, an area resident, stated that local residents in Midway had been trying to get new duplexes in the area to help upgrade housing in the area. Mr. Green stated that he had a 10 acre parcel on the corner of 21st. Street and Brinson Avenue that is zoned for duplex housing. He requested that the Board approve this request.

There was no further public comment.

The public hearing was closed.

Commissioner Peltz asked where the duplexes were located in the area.

Gladys Green stated that there was a duplex on the corner of Brinson and East 21st. Street, also on Jetway. The Greens also have a parcel of duplexes on Brinson for about 18 years.

Commissioner Peltz stated that he thought this was a reasonable request.

Commissioner Hattaway asked when this area was zoned Suburban Estates.

Matt West stated that the zoning classification was historic. It had come in with the zoning. This is a straight zoning request and the Board cannot impose conditions when rezoning.

Commissioner Mahoney made a motion that the Board recommend approval of the Small Scale Land Use Amendment from SE to MDR and the associated rezoning from A-1 to R-2 subject to the applicant entering

into a voluntary agreement prior to going to the BCC which will limit the development of the site to one duplex structure.

Commissioner Hattaway seconded the motion.

There was no discussion.

The motion carried by a unanimous vote.