

Item# 72

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Appeal of the Board of Adjustment's decision to approve a request for special exception for a water treatment plant on properties zoned R-1A (Single-Family Dwelling District)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald Fisher CONTACT: Kathy Fall EXT. 7389

Agenda Date <u>4/13/04</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. **UPHOLD** the Board of Adjustment's decision to approve the request for special exception for a water treatment plant on properties zoned R-1A (Single-Family Dwelling District); (City of Casselberry / Bill Goucher, applicant); or
2. **OVERTURN** the Board of Adjustment's decision to approve the request for special exception for a water treatment plant and **APPROVE** the revised request for a water storage tank with staff recommended conditions on properties zoned R-1A (Single-Family Dwelling District); (City of Casselberry / Bill Goucher, applicant); or
3. **OVERTURN** the Board of Adjustment's decision to approve the request for special exception for a water treatment plant and **DENY** the revised request for a water storage tank on properties zoned R-1A (Single-Family Dwelling District); (City of Casselberry / Bill Goucher, applicant); or
4. **CONTINUE** the request to a time and date certain.

(District 4 - Henley)

(Kathy Fall, Senior Planner)

BACKGROUND:

On April 6, 2004, the applicant modified their request and has eliminated the water treatment aspect of their application. The water storage tank remains at a maximum size of 250,000 gallons. This staff report's recommended conditions are written solely for the modified request.

Reviewed by:	
Co Atty:	
DFS:	
Other:	
DCM:	
CM:	
File No.	ph700pdp01

BOARD OF ADJUSTMENT DECISION:

On January 26, 2004 the Board of Adjustment approved the request for a special exception for a water treatment plant on properties zoned R-1A (Single Family Dwelling District) located at Hunterfield Road. The Board of Adjustment based the approval on the recommended staff conditions and the following three additional conditions:

- Removal of the 25% surcharge for water services assessed to unincorporated Seminole County residents.
- Release of unincorporated properties from voluntary annexation agreements obtained through utility agreements.
- Annual renewal of the Special Exception based on the maintenance requirements of the plant.

APPEALS (filed prior to the revised master plan dated April 6, 2004):

On January 27, 2004, the applicant appealed the Board of Adjustment's decision to approve the Special Exception stating that the conditions of approval, as recommended by the Board of Adjustment, are illegal and unreasonable.

On February 9, 2004, the English Estates/English Woods Homeowners' Association appealed the Board of Adjustment's decision to approve the Special Exception stating that the facility would be detrimental to the character of the area and inconsistent with the trends of development in the area.

STAFF RECOMMENDATION:

Based upon the findings stated in the staff report, staff recommends the Board of County Commissioners overturn the decision of the Board of Adjustment to approve a water treatment plant and approve the revised request for a water storage tank with staff recommended conditions

STAFF REPORT

<p>GENERAL INFORMATION</p>	<p>Applicant:</p> <p>Location:</p> <p>Zoning:</p>	<p>City of Casselberry/ Bill Goucher</p> <p>Hunterfield Road</p> <p>R-1A (Single-Family Dwelling District)</p>
<p>BACKGROUND REQUEST</p>	<ul style="list-style-type: none"> • In 1989, the City of Casselberry purchased the elevated water tower (131 feet), on the abutting property, along with water and sewer lines from Central-V utilities. They leased the existing public utility facility during the conversion of the water lines but did not purchase the facility. • The City of Casselberry is under contract to purchase the existing public utility facility, which has not been in service since 1989. • The R-1A district only permits public utility and service structures by special exception. The City thereby requests a special exception for a proposed public utility facility that would replace the existing facility and primarily serve surrounding single-family homes within the City of Casselberry's service area. • This facility was constructed prior to the special exception requirement in the Land Development Code therefore there is no record of a previously granted special exception for these properties. • This item was originally scheduled for Board of Adjustment (BOA) consideration at the November 26, 2003 regular meeting, but surrounding residents presented a petition for a continuance of this item to the December 16, 2003 meeting, based upon the Thanksgiving holiday and the inability of several residents to attend. The City of Casselberry consented to a continuance of this item as requested by the residents, and the BOA suggested the City meet with the residents to address their questions and concerns about the requested special exception. • On December 10, 2003, the City of Casselberry held a workshop with the residents and consented to the following commitments: <ol style="list-style-type: none"> 1. Elimination of the 500,000 gallon above ground storage tank in the front of the property as originally proposed. 2. Location of all facilities to the rear portion of the property with residentially sensitive and compatible design elements. 3. Application of sound-proof materials where practical throughout the facility with pumps and motors 	

	<p>enclosed within those materials.</p> <ol style="list-style-type: none"> 4. Consultation by the city with a residential architect or the design council of the Mid-Florida Homebuilders Association to ensure the proposed facility will be visually compatible with existing residential character in the neighborhood. 5. Provision of requisite buffers consisting of fencing and vegetation to minimize potential adverse impacts associated with the proposed facility. 6. Control of odor through the application of standard odor suppression equipment. <ul style="list-style-type: none"> • At the December 16, 2003 BOA meeting, the City of Casselberry requested a further continuance of this item to the January 26, 2004 BOA hearing, due to the inability of its legal counsel to attend the hearing and to allow additional preparation time. • At the January 26, 2004 public hearing the BOA approved the Special exception based on staff's recommended conditions and three additional conditions recommended by the BOA. • On April 6, 2004 the City of Casselberry withdrew the request for a water treatment plant and submitted a revised request for a 250,000 ground water storage tank. 																								
<p>ZONING & FLU</p>	<table border="1"> <thead> <tr> <th data-bbox="548 1024 760 1058">Direction</th> <th data-bbox="760 1024 979 1058">Zoning</th> <th data-bbox="979 1024 1149 1058">FLU</th> <th data-bbox="1149 1024 1414 1058">Use of property</th> </tr> </thead> <tbody> <tr> <td data-bbox="548 1058 760 1171">Site</td> <td data-bbox="760 1058 979 1171">R-1A</td> <td data-bbox="979 1058 1149 1171">LDR</td> <td data-bbox="1149 1058 1414 1171">Public Utility facility (abandon)</td> </tr> <tr> <td data-bbox="548 1171 760 1209">North</td> <td data-bbox="760 1171 979 1209">R-1A</td> <td data-bbox="979 1171 1149 1209">LDR</td> <td data-bbox="1149 1171 1414 1209">Single-Family</td> </tr> <tr> <td data-bbox="548 1209 760 1247">South</td> <td data-bbox="760 1209 979 1247">R-1A</td> <td data-bbox="979 1209 1149 1247">LDR</td> <td data-bbox="1149 1209 1414 1247">Single-Family</td> </tr> <tr> <td data-bbox="548 1247 760 1285">East</td> <td data-bbox="760 1247 979 1285">R-1A</td> <td data-bbox="979 1247 1149 1285">LDR</td> <td data-bbox="1149 1247 1414 1285">Single-Family</td> </tr> <tr> <td data-bbox="548 1285 760 1472">West</td> <td data-bbox="760 1285 979 1472">R-1A</td> <td data-bbox="979 1285 1149 1472">LDR</td> <td data-bbox="1149 1285 1414 1472">Access easement to elevated water tower/single-family</td> </tr> </tbody> </table>	Direction	Zoning	FLU	Use of property	Site	R-1A	LDR	Public Utility facility (abandon)	North	R-1A	LDR	Single-Family	South	R-1A	LDR	Single-Family	East	R-1A	LDR	Single-Family	West	R-1A	LDR	Access easement to elevated water tower/single-family
Direction	Zoning	FLU	Use of property																						
Site	R-1A	LDR	Public Utility facility (abandon)																						
North	R-1A	LDR	Single-Family																						
South	R-1A	LDR	Single-Family																						
East	R-1A	LDR	Single-Family																						
West	R-1A	LDR	Access easement to elevated water tower/single-family																						
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)</p>	<p><u>Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area:</u></p> <p>The proposed use would represent the replacement of an existing public utility facility with a similar facility. It would therefore be consistent with the character of the area with the conditions recommended by staff.</p> <p><u>Does not have an unduly adverse effect on existing traffic patterns, movements and volumes:</u></p>																								

The proposed storage tank would not have an adverse impact on existing traffic volumes, since the facility would be unmanned and require a minimum number of vehicle trips for service and maintenance. It is estimated that typically no more than one site visit per day would be necessary to maintain and service the facility including typically no more than two (2) deliveries per month by a flat bed truck (25 feet long). This is less than the ten (10) trips a single-family home typically generates per day.

Is consistent with the Seminole County Comprehensive Plan (Vision 2020):

The Seminole County Comprehensive Plan (Vision 2020) describes Low Density Residential (LDR) future land use (FLU) as mostly appropriate for detached single-family development. Certain other uses, including public utility structures, are allowed by special exception. With the imposition of staff's recommended conditions and the commitments agreed to by the applicant, the proposed use would be compatible with the LDR FLU designation.

Comprehensive Plan policy POT 2.2 of the potable water element requires the maintenance or upgrading of the existing water system to correct deficiencies, should they arise, and to meet the adopted level of service standards. The City of Casselberry has demonstrated that the system has deficiencies. Casselberry conducted pressure test that indicate low water pressure below the established level of service, in the current system. The level of service for the City of Casselberry is a pressure range from 55 to 65 pounds per square inch (psi), one test result was 35 psi and the second 20 psi. The proposed plant expansion would meet the intent of this policy by correcting the deficiencies of the existing water system and to provide adequate future service to existing and future development in their service area. This low water pressure even violates the County's Comprehensive Plan.

Meets any additional requirements specified in the code section authorizing the use in a particular zoning district or classification:

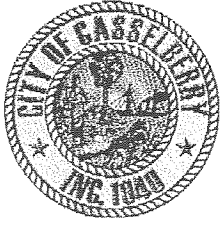
Based on the submitted site plan, the proposed use would meet the minimum area and dimensional requirements of the R-1A

	<p>district.</p> <p><u>Will not adversely affect the public interest:</u></p> <p>Within the R-1A district, public utility structures are allowed as conditional uses. With the imposition of staff's recommended conditions and the applicant's voluntary commitments, the proposed use would be no more detrimental to the character of the surrounding area than the existing facility it is designed to replace.</p>
STAFF FINDINGS	<p>Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:</p> <ul style="list-style-type: none"> ○ The proposed use would constitute the replacement of an public utility facility with a service building, ground storage tank and a vehicle access way. ○ Based on the submitted site plan, the proposed use would conform to the minimum dimensional standards of the R-1A district. ○ The Comprehensive Plan identifies the City of Casselberry as the service provider for the subject properties and surrounding area. ○ Comprehensive Plan policy POT 2.2 of the potable water element requires the maintenance or upgrading of the existing water system to correct deficiencies, should they arise, and to meet the adopted level of service standards. The proposed plant expansion would meet the intent of this policy by enhancing the provision of potable water service to existing and future development. ○ In a letter dated January 13, 2004, the City of Casselberry demonstrated the public need for a facility of the type proposed.
STAFF RECOMMENDATION	<p>Staff recommends approval of the request for special exception for a public utility limited to a 250,000 gallon water storage tank with the imposition of the conditions stated in the attached development order, which would minimize the potential of the proposed storage tank to cause adverse impact to the surrounding community by establishing standards for:</p> <ul style="list-style-type: none"> ○ buffering; ○ landscaping; ○ design standards; ○ noise reduction through the provision of pump equipment containment; and ○ odor reduction through the provision of an odor control plan.

Staff's recommended conditions are as follows:

1. The final site plan shall meet all applicable Seminole County Land Development Code regulations and Comprehensive Plan.
2. A six (6) foot solid pvc fence shall be constructed along rear and side property lines surrounding the facility with all additional fencing required for security to be wrought iron style, as depicted on the site plan, in design and consistent with the surrounding residential uses.
3. Landscaping shall be installed with the types and locations shown on the site plan submitted April 6, 2004. Minimum specifications shall be: 8' tall, 3.5" caliper oak trees; 5' tall hedge material planted on 30" centers to attain a height of 6' after one year; and 30" hedge material planted on 24" centers to attain a height of 36" within one year. As depicted on the site plan, oak tree are to be scattered to maintain the residential façade and design of the site.
4. Exterior lighting shall be limited to security purposes.
5. No parking of vehicles in excess of those required for service of the facility shall be allowed; the storage or overnight parking of vehicles shall be prohibited.
6. The proposed 250,000 gallon ground water storage tank (45' x 70') shall be housed within the residential façade of the proposed storage building and not to exceed 11 feet in height to the top of the tank. A pitched roof is to be placed on the top of the tank.
7. All pumps shall be housed within sound and vibration proof buildings to shield abutting and surrounding residential uses from noise associated with the plant's operation.
8. All proposed facilities shall be located to the rear portion of the subject property with the application of residentially sensitive and compatible design elements.
9. Proposed facility shall only use sodium hypochlorite (liquid) for disinfection and aeration will not be utilized in order to minimize the impacts to the adjacent residential uses.
10. The City shall consult with a residential architect or the design council of the Mid-Florida Homebuilders Associated to ensure the proposed facility will be visually compatible with the existing residential character of the neighborhood.
11. Prior to final site plan approval, an odor control plan shall be submitted to ensure surrounding residential development will be protected.
12. Site visits are limited to an average of one per day to maintain and service the facility. Deliveries of sodium

	<p>hypochlorite shall be limited to an average of two (2) per month.</p> <ol style="list-style-type: none">13. No upgrade or conversion of the facility is permitted by the granting of this special exception other than as set forth here within.14. All pumps shall be removed from the existing wells located on the site.15. No other use shall be made to the site other than those provided for here within and no storage of any type shall be permitted on the property other than what is necessary to operate and maintain the storage tank.16. The special exception is approved to the master plan and building elevation drawings submitted April 6, 2004.
--	---



City of Casselberry

Assistant Public Works Director

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

April 6, 2004

Kathy Fall, Senior Planner
Seminole County Planning & Development Department
Planning Division
1101 East First Street
Sanford, FL 32771

Subject: Special Exception Request – Hunterfield Booster Pump Station

Dear Ms. Fall,

Attached is the revised site plan (Figure A1) for what the City of Casselberry is now proposing for the property adjacent to its elevated storage tank on Hunterfield Road. The proposed improvements will be a 250,000 gallon rectangular concrete storage tank with dimensions of 50 feet by 60 feet by 14 feet deep. The tank will be partially buried such that its walls will rise no more than 11 feet above ground. Booster pumps and controls will be in a smaller structure at the front of the tank. Both will be designed architecturally to blend into the residential neighborhood as shown on the elevations in Figures A2 and A3, attached.

Although this facility will no longer be a treatment plant, chlorination facilities will be required to maintain a chlorine residual after storage. Because the water will have been treated at another facility, the size of the sodium hypochlorite tanks will be smaller than previously proposed. Delivery will be less than twice a month by a truck no more than 25-foot long. Operator trips (small pick-ups) will be twice a day or less.

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

Sincerely,

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

C: Frank W. Clifton, Jr., City Manager
Tony Segreto, Director of Public Works
Catherine D. Reischmann, City Attorney
Terry Zaudtke, P.E., DEE, CPH Engineers

LEGAL DESCRIPTION:

20-21-30-300-0040-0000

SECTION 20, TOWNSHIP 21S, RANGE 30E, SOUTH 125 FT OF WEST 140 FT OF NORTHEAST 1/4 OF SOUTHWEST 1/4 (LESS BEG SOUTHWEST CORNER RUN NORTH 125 FT EAST 54 FT SOUTH TO A POINT EAST OF BEG W TO BEG)

20-21-30-300-0050-0000

SECTION 20, TOWNSHIP 21S, RANGE 30E, SOUTH 1/2 OF SOUTHWEST 1/4 (LESS ENGLISH ESTATES + ENGLISH ESTATES UNITS 1 TO 4 + VACD HUNTERFIELD RD.)

SITE DATA:

ADDRESS: HUNTERFIELD ROAD
SEMINOLE COUNTY, FL

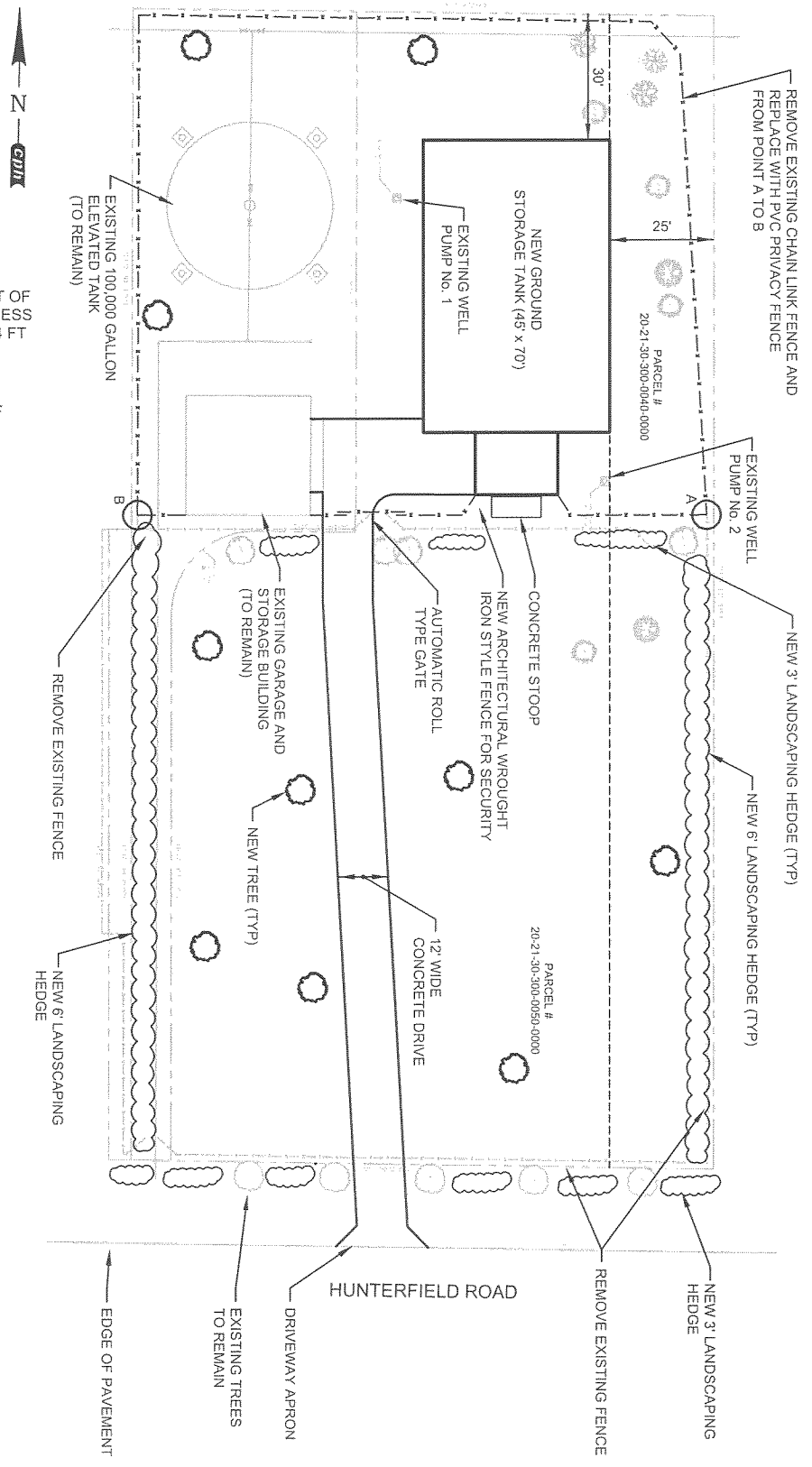
PARCEL ID: 20-21-30-300-0040-0000
20-21-30-300-0050-0000

ACREAGE: 10,750.66 SF 0.247 AC
21,273.45 SF 0.488 AC

CURRENT ZONING: R-1A
CURRENT USE: WATER TREATMENT PLANT

LEGEND

- EXISTING PIPING TO BE REMOVED
- EXISTING PIPING TO REMAIN
- PROPOSED PIPING
- 24" O EXISTING OAK TREE
- 6" P EXISTING PINE TREE
- 6" C EXISTING CHAMPHOR TREE
- 8" CB EXISTING CHINABERRY TREE
- 6" M EXISTING MAGNOLIA TREE
- 4" SY EXISTING SYCAMORE TREE



cph Engineers
Planners
Landscape Architects
Surveyors
Construction Management
www.cphengineers.com
1117 East Robinson Street, Orlando, FL 32801
Phone: 407.425.0452 Fax: 407.648.1036

Scale: 1" = 40'
Date: 4-8-04
Job No.: C1905.16
Certificate of Authorization
No. 3215

PRELIMINARY SITE PLAN
CITY OF CASSELBERRY
HUNTERFIELD ROAD WTP

© 2003
FIGURE
A1

© 2003

FIGURE
A2

ELEVATIONS

CITY OF CASSELBERRY
HUNTERFIELD ROAD WTP

Scale: 1" = 10'

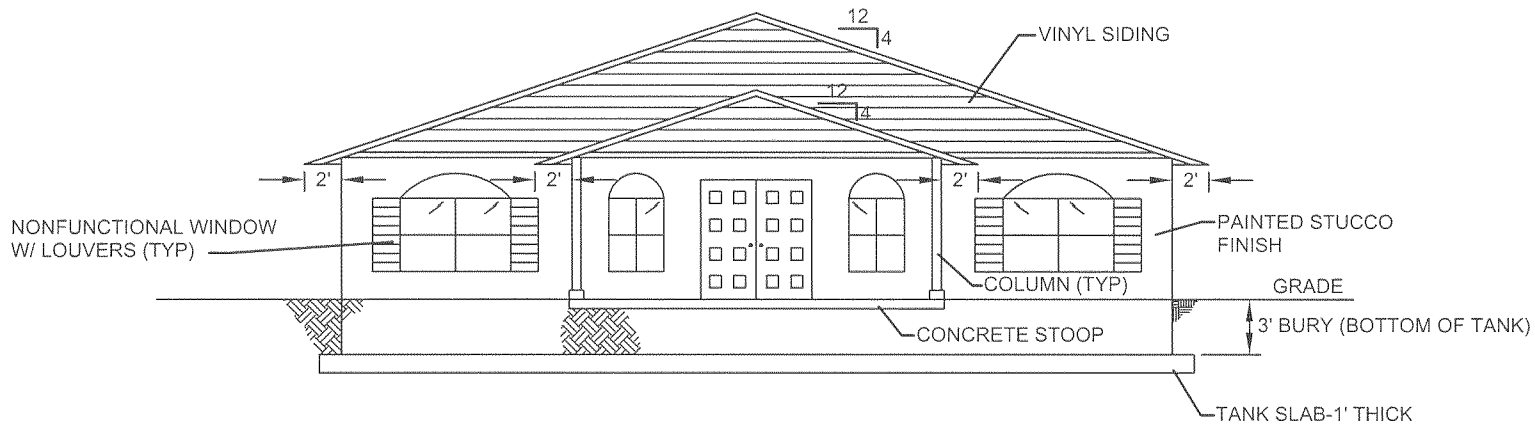
Date: 4-8-04

Job No.: C1905.16

Certificate of Authorization
No. 3215

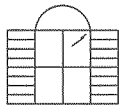
gph
 Engineers
 Planners
 Landscape Architects
 Surveyors
 Construction Management

g p h
 e n g i n e e r s c o m
 117 East Robinson Street, Orlando, FL 32801
 Phone: 407-425-0452 Fax: 407-668-1036



FRONT ELEVATION

PITCHED ROOF W/ ASPHALT SHINGLES

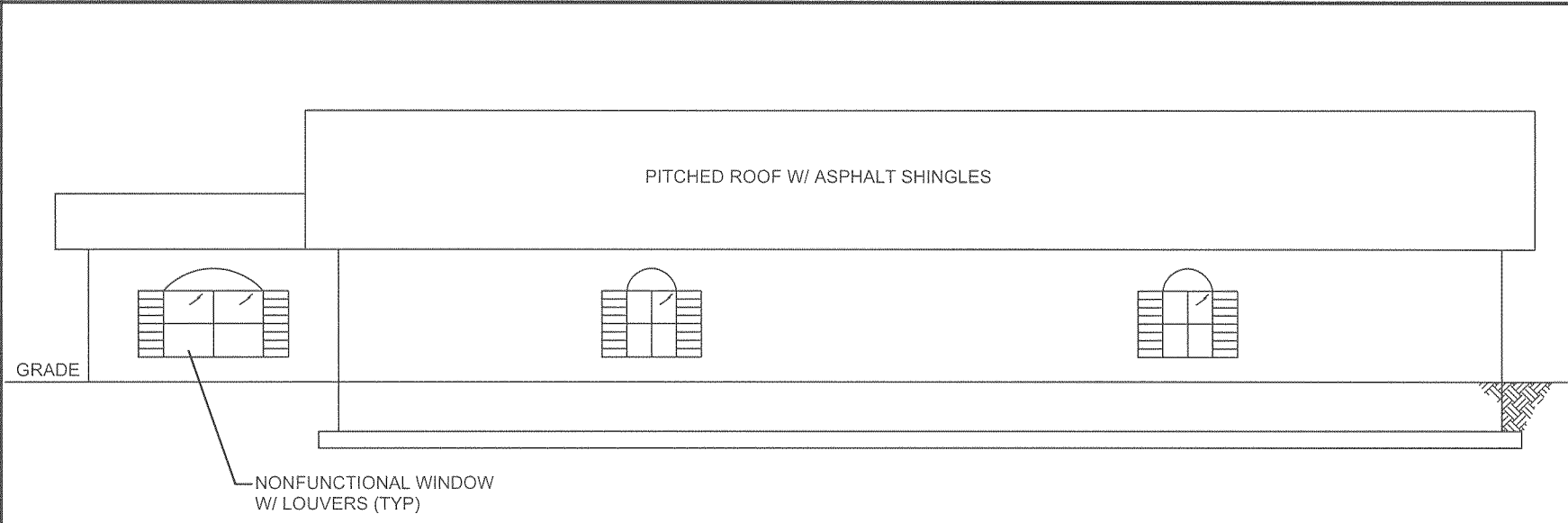


SIDE LIGHT
(TYP)

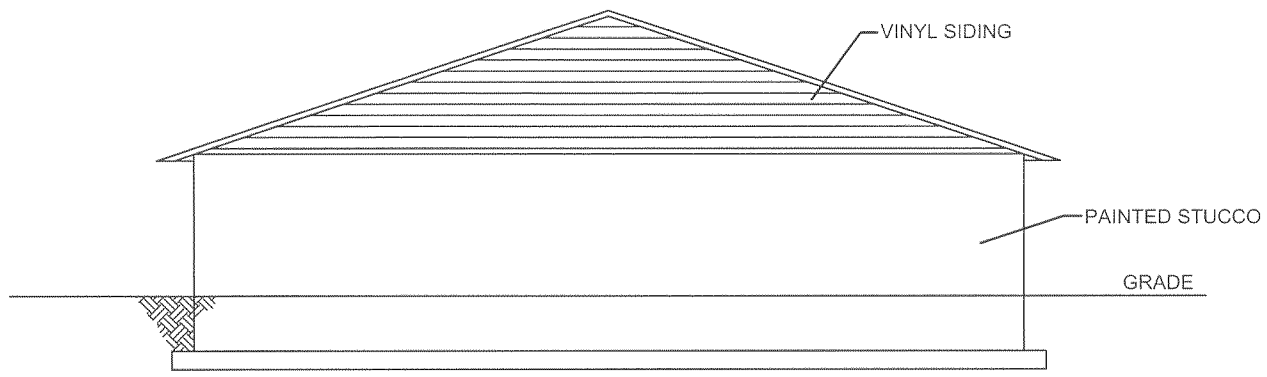
DOUBLE DOOR

GRADE

WEST ELEVATION



EAST ELEVATION



REAR ELEVATION

© 2003

FIGURE A3

ELEVATIONS

CITY OF CASSELBERRY
HUNTERFIELD ROAD WTP

Scale: 1" = 10'

Date: 4-8-04

Job No.: C1905.16

Certificate of Authorization No. 3215

epm
 Engineers
 Planners
 Landscape Architects
 Surveyors
 Construction Management
 w w w . e p m a r c h . c o m
 1117 East Robinson Street, Orlando, FL 32801
 Phone: 407-853-0452 Fax: 407-683-1056

APPEAL LETTERS

JAN 27 2004

STENSTROM, McINTOSH, COLBERT, WHIGHAM, REISCHMANN & PARTLOW, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

WILLIAM L. COLBERT
FRANK C. WHIGHAM
ROBERT K. McINTOSH
WILLIAM E. REISCHMANN, JR.
CATHERINE D. REISCHMANN
JAMES J. PARTLOW
VIRGINIA CASSADY
SUSAN W. STACY

SUNTRUST BANK - SUITE 22
200 WEST FIRST STREET
POST OFFICE BOX 4848
SANFORD, FLORIDA 32772-4848
SANFORD (407) 322-2171
ORLANDO (407) 834-5119
DELAND (386) 668-1479
FAX (407) 330-2379
WWW.STENSTROM.COM

S. KIRBY MONCRIEF
LONNIE N. GROOT
SANDRA K. AMBROSE
OF COUNSEL
DOUGLAS STENSTROM
KENNETH W. McINTOSH
RETIRED
THOMAS E. WHIGHAM
(1952-1988)

January 27, 2004

Clerk to Board of Adjustment
Seminole County Government
Planning and Development Department
Planning Division
1101 East First Street
Sanford, Florida 32771

***SUBJECT: Board of Adjustment Decision Relating Special Exception Application;
Application for Relief; City of Casselberry; Water Treatment Plant;
Conditions Imposed Upon Approval of Special Exception (Appeal)***

Dear Board of Adjustment Clerk:

I. Introduction:

We represent a Florida municipality, the City of Casselberry, that is tasked by the provisions of State law to provide adequate public facilities, such as potable water, to its citizens. Additionally, the City of Casselberry has entered agreements with Seminole County and other local government jurisdictions to provide for potable water service. The purpose of this letter is to apply for relief in the nature of an appeal, as provided in Section 30.43(e), *Land Development Code of Seminole County* ("LDC"). The relief requested pertains only, as set forth below, with regard to certain conditions purportedly imposed on the approval of the City of Casselberry's application for a special exception for approval of a water treatment plant that was that was heard by the Board of Adjustment at a public hearing held on January 26, 2004 (BS2003-027).

We enclose herewith the \$370.00 filing fee as prescribed by Seminole County Resolution Number 2003-R-210.

II. Legal Issue:

The Board of Adjustment purportedly imposed three (3) conditions of approval that were in addition to those recommended by the County's planning staff (to which the City of Casselberry agreed). The purported conditions added by the Board of Adjustment are

illegal, are unreasonable restrictions, and do not relate to the property that is the subject of the City of Casselberry's application. They do not bear a relationship to the goal of compatibility between the special exception and the surrounding area. The conditions are not rationally related to addressing some potential land use impact of a water treatment plant. They violate the very essence of administrative due process in the context of quasi-judicial land use decisions.

The purported condition pertaining to removal of surcharges (that are specifically permitted by law) is illegal and has no relation to instant land use decision. It does not bear a relationship to the goal of compatibility between the special exception and the surrounding area. The rates and charges of a property owner in conducting his/her/its lawful business or governmental function (or other legal economic relationships) have nothing to do with the right of a property owner to the reasonable use of real property, and have nothing to do with the goals of special exception ordinance.

The purported condition relating to the release certain persons from voluntary annexation petitions is illegal and has no relation to the land use decision that pertains to the subject application. It does not bear a relationship to the goal of compatibility between the special exception and the surrounding area. The lawful contractual and other relationships of a property owner to or with third persons in conducting his/her/its lawful business or governmental function (or other legal economic relationships) have nothing to do with the right of a property owner to the reasonable use of real property, and have nothing to do with the goals of the special exception ordinance.

The purported condition relating to the concept that the special exception must be reviewed on an annual basis is illegal and has no relation to the land use decision that pertains to the subject application. Indeed, this condition would clearly violate the provisions of the *Seminole County Comprehensive Plan ("SCCP")* the text, objectives, goals and policies of which are intended to ensure the availability of potable water for the citizens of both the City of Casselberry and Seminole County. This condition assumes, as opposed to the normal land use decision, that the code enforcement processes and other normative conditions imposed upon a property owner in receiving a development approval will not suffice or be adequate vis-a-vis a sister local government. The basic elements of intergovernmental comity (not to mention the concept of intergovernmental cooperation in providing essential public services and facilities to the public as expressed in Interlocal Agreements between the City and County) is disregarded by the attempt to impose this purported condition.

All of the purported conditions could have a possible substantial adverse impact on bonds of the City of Casselberry and the ability of the City of Casselberry to fund necessary potable water facilities (and other public facilities) in accordance with sound financial

practices. All of the purported conditions have significant and material adverse impacts to essential governmental planning functions.

The three (3) aforescribed purported conditions should be stricken from the approval of the subject special exception. That is the request for relief filed by the City of Casselberry under the provisions of Section 30.43(e), *LDC*. That is the jurisdiction that the City of Casselberry invokes hereby. The City of Casselberry asserts that the County can and should remove these illegal purported conditions by means of administrative action, but files this request for relief in order to address the matters set forth herein.


III. Conclusion/Request for Action:

The City of Casselberry respectfully requests that the Board of County Commissioners of Seminole County remove the three (3) aforementioned purported conditions imposed by the Board of Adjustment of Seminole County while approving the City of Casselberry's application for a special exception.

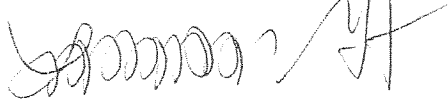
Thank you for your attention to this matter. The City of Casselberry will genuinely appreciate your consideration and review of this matter. Thank you for your attention to our request.

Respectfully Submitted,

**STENSTROM, McINTOSH, COLBERT,
WHIGHAM, REISCHMANN & PARTLOW, P.A.**



Catherine D. Reischmann



Lonnie N. Groot

cc: Ms. Kathy Fall, Senior Planner
Ms. Sandy McCann, Board of County Commissioners Records, BCC Clerk
Bill Goucher, City Engineer
Terry Zaudtke, P.E. - CPH

February 9, 2004

Kathy Fall, Senior Planner
Seminole County Planning & Development Department
Planning Division
1101 East First Street
Sanford, FL 32771

Re: Special Exception
City of Casselberry – Hunterfield Road W.T.P.
CPH Job No. 1905.16 – 9/30/03

Dear Ms. Fall,

The English Estates/English Woods Homeowners' Association is hereby appealing the decision made by the BOA on January 26, 2004, regarding the above Request for Exception. Our appeal is based on several grounds. We believe that the proposed water treatment plant at Hunterfield Road would not be replacing "a similar facility located on the subject properties" because there has not been a functioning water treatment plant there for over 15 years. At the present time, there is no odor emission or noise as would be associated with an operating facility. We also believe that the proposed water treatment plant would in fact be "detrimental to the character of the area or neighborhood" and "inconsistent with trends of development in the area."

We would like to know why we have not been provided detailed documentation supporting the allegation of complaints (time, dates, and nature of problem) as to the service pressure from the Hunterfield area. The City of Casselberry cited this as a basis for the need of the Hunterfield WTP. Also in question is the "imminent danger of contamination" to the Howell Park site.

Therefore, we still hold to our opinion that the standards required for granting a special exception have not been met. Thank you for your consideration.

Sincerely yours,



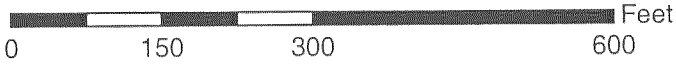
Vanessa Bailes, President
English Estates/English Woods Homeowners' Association

212 Doverwood Rd., Fern Park, FL 32730
407-834-7587; cell 407-497-8494; email: vtbailes@yahoo.com

LOCATION MAP



WMC Huntersfield, LLC Hunterfield Road



Parcel: 20-21-30-300-0040-0000
 20-21-30-300-0050-0000
 L:\p\projects\BOA\2003\GISfiles\November

BS2003-027

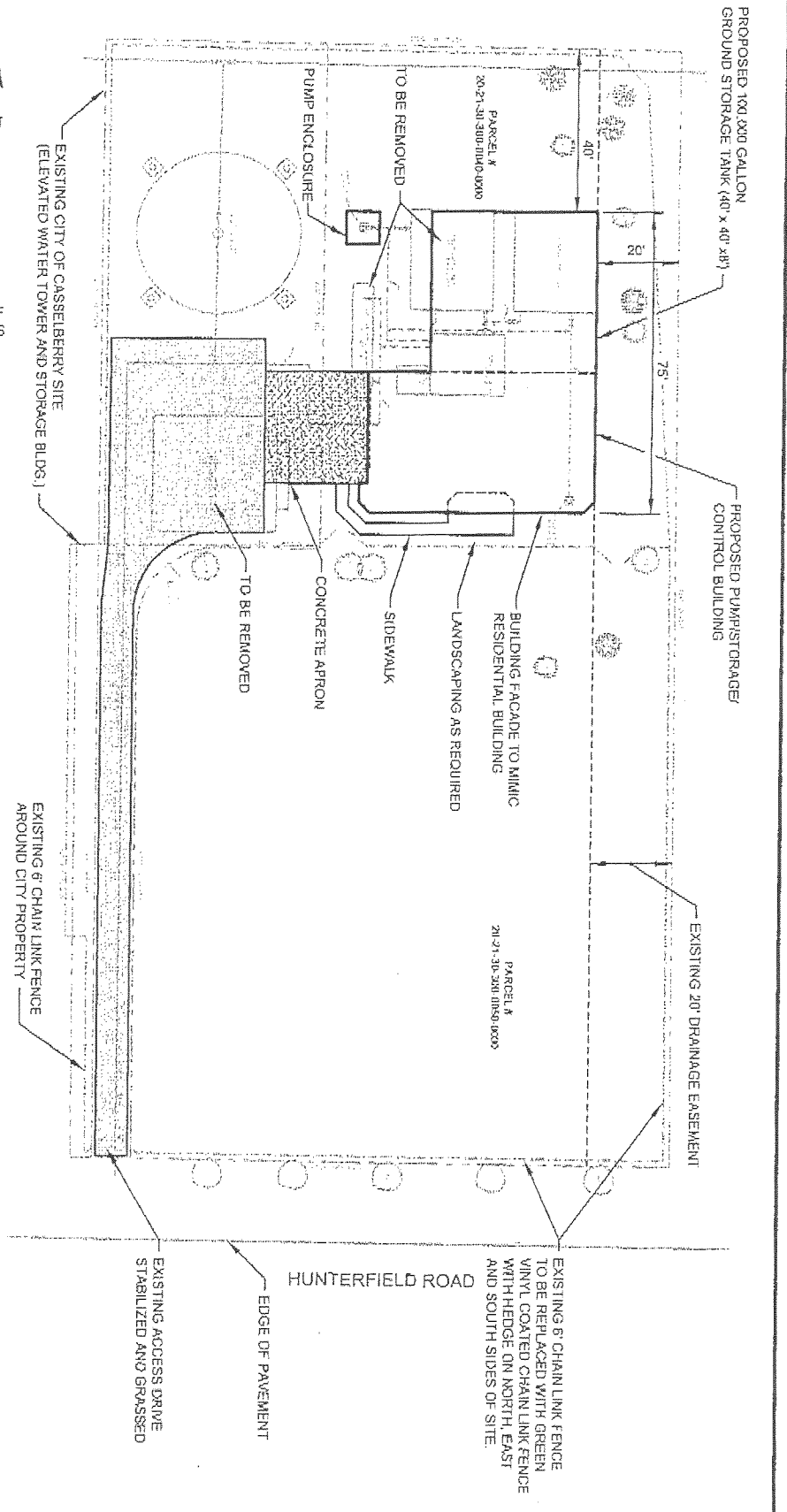
PROPOSED SITE PLANS

PROPOSED 100,000 GALLON
GROUND STORAGE TANK (40' x 40' x 8')

PROPOSED PUMP/STORAGE/
CONTROL BUILDING

EXISTING 20' DRAINAGE EASEMENT

EXISTING 8' CHAIN LINK FENCE
TO BE REPLACED WITH GREEN
VINYL COATED CHAIN LINK FENCE
WITH HEDGE ON NORTH, EAST
AND SOUTH SIDES OF SITE.



LEGAL DESCRIPTION:

20-21-30-300-0040-0000
SECTION 20, TOWNSHIP 21S, RANGE 30E, SOUTH 125 FT OF WEST 140 FT OF NORTHEAST 1/4 OF SOUTHWEST 1/4 (LESS BEG SOUTHWEST CORNER RUN NORTH 125 FT EAST 54 FT SOUTH TO A POINT EAST OF BEG W TO BEG)

20-21-30-300-0050-0000
SECTION 20, TOWNSHIP 21S, RANGE 30E, SOUTH 1/2 OF SOUTHWEST 1/4 (LESS ENGLISH ESTATES + ENGLISH ESTATES UNITS 1 TO 4 + VACD HUNTERFIELD RD.)

SITE DATA:

ADDRESS: HUNTERFIELD ROAD
CASSELBERRY, FL

PARCEL ID: 20-21-30-300-0040-0000
20-21-30-300-0050-0000

ACREAGE: 10,750.66 SF 0.247 AC
21,273.45 SF 0.488 AC

CURRENT ZONING: R-1A
CURRENT USE: WATER TREATMENT PLANT

LEGEND

- EXISTING PIPING TO BE REMOVED
- EXISTING PIPING TO REMAIN
- PROPOSED PIPING
- 24" O EXISTING OAK TREE
- 6" P EXISTING PINE TREE
- 3" C EXISTING CHAMPOR TREE
- 6" CB EXISTING CHINABERRY TREE
- 6" M EXISTING MAGNOLIA TREE
- 6" SY EXISTING SYCAMORE TREE

cph Engineers
Planners
Landscape Architects
Surveyors
Construction Management

www.cphengineers.com
1117 East Robinson Street, Orlando, FL 32801
Phone: 407.455.0452 Fax: 407.645.1036

Scale: 1" = 40'

Date: 12-12-03

Job No.: C1905.16

Certificate of Authorization
No. 3215

PRELIMINARY SITE PLAN

CITY OF CASSELBERRY
HUNTERFIELD ROAD WTP

FIGURE
1

**APPLICATION &
SUPPORTING
DOCUMENTATION**



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

APPL. NO. BS 2003-027

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

- VARIANCE**
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
- EXISTING PROPOSED REPLACEMENT
- MOBILE HOME IS FOR _____
- YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____
- ANTICIPATED TIME MOBILE HOME IS NEEDED _____
- PLAN TO BUILD YES NO IF SO, WHEN _____
- MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	WMC HUNTERSFIELD, LLC	
ADDRESS	2524 SHREWSBURY RD.	
	ORLANDO, FL 32803	
PHONE 1	407-262-7725 ext. 1234	BILL GOUCHER, CASSELBERRY
PHONE 2		
E-MAIL		

PROJECT NAME: CITY OF CASSELBERRY -HUNTERFIELD RD. -WTP

SITE ADDRESS: HUNTERFIELD ROAD

CURRENT USE OF PROPERTY: WATER TREATMENT PLANT

LEGAL DESCRIPTION: SEE ATTACHED

SIZE OF PROPERTY: 0.247 acre(s) PARCEL I.D. 20-21-30-300-0040-0000

UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO (WITH NOTIFICATION FOR ACCESS)

This request will be considered at the Board of Adjustment regular meeting on _____ (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

[Signature]
SIGNATURE OF OWNER OR AGENT* 10/3/03
DATE

*Proof of ownership Received Time: Sep. 24. 2:22PM signed by agent.

Re: Special Exception For:

City of Casselberry – Hunterfield Road W.T.P. CPH Job No.1905.16 9/30/03

We hereby request special an exception to replace an existing water treatment plant with a new and enlarged W.T.P. using the existing two wells.

Contact: Bill Goucher, P.E. City Engineer
 City of Casselberry
 95 Triplet Lake Drive
 Casselberry, Florida 32707
 407-262-7725, ext. 1237

The proposed building will be approximately 23' X 39' X 11' – 4" (side wall) high & 4' more to the roof peak (15' - 4" high). The ground storage tank will have a 15' – 2" sidewall with dome and a 6'high aerator on top (about 26' overall high) and 75' diameter.

The enclosed site plan shows the approximate location of the proposed improvements, but are subject to change to better meet site regulations and a more detailed design study.

This is to be a non-occupied site with only a daily visit by the plant operator(s) to check on the facility or to do maintenance as needed.

Security lighting will be designed to contain the light within the site to the extent practical or as required by current security recommendation for this type of public facility.

With regard to Section 30.43 (b)(2) of the Code:

- a. This proposed use is consistent with the current use of the property as is not detrimental to the character of the area; and
- b. It does not change or affect adversely existing traffic patterns, movements or volume; and
- c. Is consistent with the Counties Vision 2020 Comprehensive Plan (continue existing public utility or subdivision water plant which is an allowed Conditional Use for R-1A); and
- d. The site will meet any additional requirements specified in the code section authorizing the use in the particular zoning district of classification; and
- e. Will not adversely affect the public interest.

11/05/2003104:30:36 PM



"PW - City Engineer
(Bill Goucher)"

To: <kfall@co.seminole.fl.us>

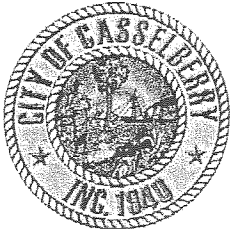
cc:

<bgoucher@casselberry.org> Subject: Hunterfield Water Treatment Plant

11/05/2003 03:44 PM

The City of Casselberry is requesting a Special Exception to construct a new water treatment facility adjacent to its elevated water tower on Hunterfield Road. Recent and projected residential expansion and development along the Highway 17-92 corridor will reduce the Level of Service below City standards without this proposed facility. A new source of water in this area is needed to increase the potable water supply (both volume and pressure) in the Fern Park area to maintain acceptable City standards.

William C. Goucher, P.E.
City Engineer
City of Casselberry



City of Casselberry

Assistant Public Works Director

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

January 13, 2004

Kathy Fall, Senior Planner
Seminole County Planning & Development Department
Planning Division
1101 East First Street
Sanford, FL 32771

Subject: Special Exception Request – Hunterfield Water Treatment Plant

Dear Ms. Fall,

As requested, attached are copies of the Power Point presentation to be presented to the Board of Adjustment on January 26 by Terry Zaudtke of CPH Engineers. Also attached are copies of the City of Casselberry Water Service Area map (Exhibit 1). The public need for this water plant is as follows:

As can be seen from the attached Water Service Area map, the Hunterfield site lies in an area surrounded by Lake of the Woods condominiums, English Woods, English Estates, Wellington and Lakewood Shores. This area is separated from the bulk of the City service area. Only three water mains connect this area to the existing water supply wells and treatment plants – a 12-inch on Oxford Road, an 8-inch on Derbyshire Road and a 6-inch on Parliament Road. This results in low pressures (35 pounds per square inch (psi)) at the end of the system near Highway 17-92 and Spartan Drive. City standard is a pressure range of 55 to 65 psi. In discussions with representatives of Seminole County and the City of Altamonte Springs as to which entities will be the water and wastewater service providers for the County's U.S. 17-92 Community Redevelopment Area, it was agreed that the City of Casselberry would be the service provider for the east side of Hwy 17-92 between Lake of the Woods Boulevard and the Orange County line. A water treatment plant at the Hunterfield site is necessary to continue to serve this area and to return to the level of service that its customers require.

The second part of this need relates to a pending loss of the existing service because of contamination. As can be seen by the map, the closest existing water plant is the Howell Park Plant. Because it is located in a commercial area, two of its three wells are under imminent danger of contamination from two former dry cleaners. The former First Class Dry Cleaners is directly across State Road 436 from Howell Park and is currently under remediation by the Florida Department of Environmental Protection. Tiffany

Cleaners is just west of Howell Park. No remediation has been initiated. The Hunterfield wells and water treatment facilities are necessary to serve the central area of the Casselberry Water Service Area in the event that Howell Park cannot. It would be impossible to service the "Hunterfield" service area from the North and South Water Plants. Approval and (re-)construction of the Hunterfield Water Plant is needed in the very near future.

Exhibit 2 indicates the water and wastewater system improvements made to the Central V infrastructure by the City of Casselberry since its purchase in 1989 to better serve the area customers.

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

Sincerely,

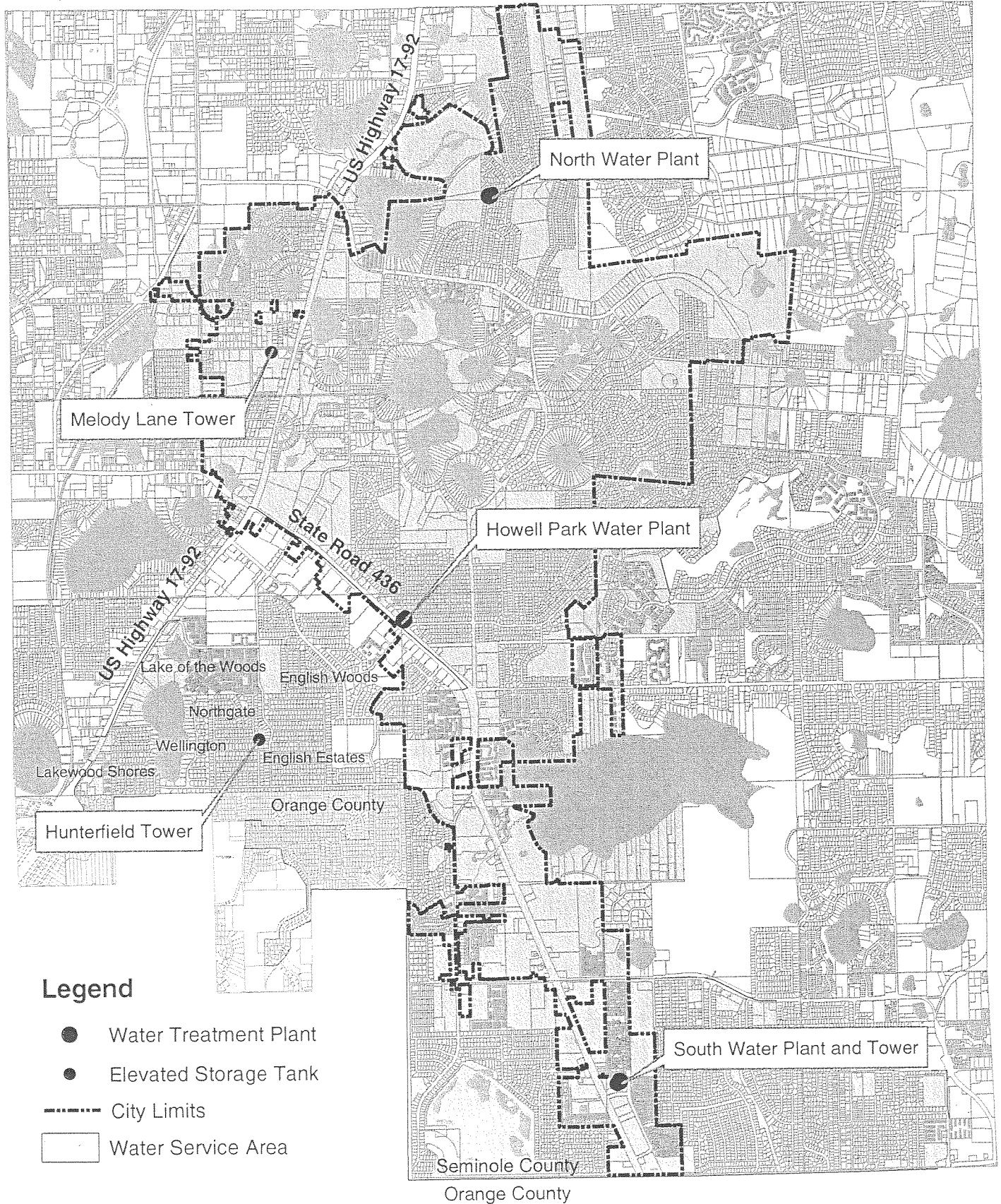
A handwritten signature in black ink, appearing to read 'W. Goucher', with several long, sweeping horizontal strokes extending to the right.

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

C: Tony Segreto, Director of Public Works

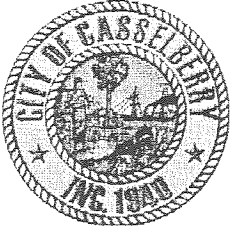


City of Casselberry Water Service Area



Legend

- Water Treatment Plant
- Elevated Storage Tank
- - - - City Limits
- Water Service Area



City of Casselberry

Assistant Public Works Director

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

March 15, 2004

Robert Adolphe, P.E., Manager
Seminole County
Department of Environmental Services
500 W. Lake Mary Boulevard
Sanford, Florida 32773-7499

Subject: Fern Park Fire Flows

Dear Bob:

Attached is an exhibit summarizing the testing we performed Friday, March 12, 2003 at various areas of the old Central V system area. Chip Tyre, from your department, witnessed the testing, and in fact it ended up being his gauge and diffuser we used for the flow testing. We had mechanical problems with ours.

The procedure was as follows:

- We first flushed hydrant #2,
- After shutting it off, we took the "static" pressure,
- We opened it again and recorded the flow and pressure,
- We closed #2, opened #1 and recorded the "residual" pressure at #2.
- This was repeated for the other two pairs of hydrants.

As you can see, the results do not meet generally accepted standards, certainly not City of Casselberry standard of 1500 gpm at 20 psi minimum, or Seminole County's 1250 gpm at 20 psi minimum. Thanks again to Chip for his assistance.

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

Sincerely,

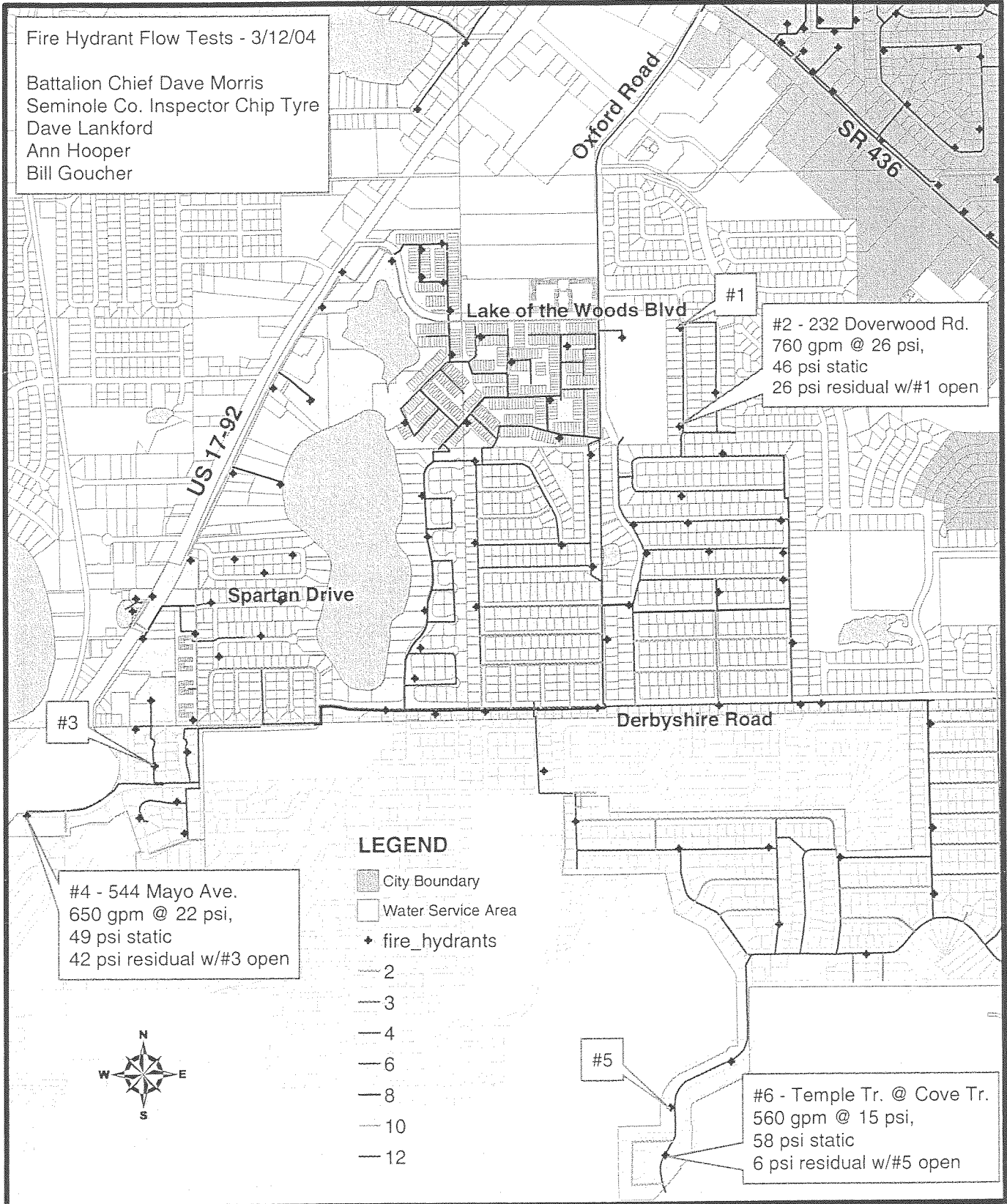
William C. Goucher, P.E.
Assistant Public Works Director

RECEIVED

MAR 16 2004

c: Frank Clifton, City Manager
Tony Segreto, Public Works Director
Lonnie Groot, Stenstrom, McIntosh, Colbert, Whigham, Reishmann & Partlow, P.A.
Kathy Fall, Seminole County Planning
Chip Tyre, Seminole County Environmental Services

City of Casselberry Fern Park Water System



**BOARD OF
ADJUSTMENT
MINUTES**

Margaret Louria stated that she was proposing a 15 foot wide screen room. She also stated that quite a few people in the neighborhood had a similar screen room. She further stated that the Secretary of the Homeowner's Association told her over the phone that the Association supported the request.

Dr. Buchanan made a motion for approval to allow the applicant reasonable use of the property.

Mr. Goff seconded the motion.

The motion passed by unanimous consent (5-0).

SPECIAL EXCEPTIONS:

14. HUNTERFIELD ROAD (CASSELBERRY) – City of Casselberry / Bill Goucher, applicant; Request for Special Exception to replace an existing water treatment plant in the R-1A (Single-Family Dwelling District); Located on the north side of Hunterfield Road, approximately 200 feet west of the intersection of Hunterfield Road and Oxford Road; (BS2003-027).

District 4 – Henley
Kathy Fall, Senior Planner

Earnest McDonald introduced the location of the application and stated that staff recommended approval of the request. He further stated that staff received a signed petition requesting a continuance on this item.

William Goucher, Assistant Public Works Director, spoke for the City of Casselberry, stating the City was requesting a special exception to replace an existing water treatment plant. He also stated the City was willing to work with the neighbors and staff to accomplish its goal of getting an approval. He further stated that Bill Homes of CPH Engineering, who prepared the Site Plan, was present to answer questions.

Bill Homes, of CPH Engineering, spoke in support of the request stating that having additional wells would be better for the water system. He also stated that it would allow the City to provide better service to its customers.

Hugh Harlin stated that he represented the seller of the property and his client was being very cooperative with the city in support of the project. He also stated that the site has been a utility site for a number of years.

Daniel Lunsford stated that the proposed site was in his backyard. He also stated that he noticed the lawn isn't maintained. He further stated that if the

water wasn't going to be used in their area, he don't understand the reason why the site was needed in the proposed location.

Dorothy Holtz stated that she turned in the petition requesting a continuance of the item, because she wanted more information from the City of Casselberry about the proposal. She also stated that a number of the residents were away for the Thanksgiving holiday and they could not provide their input in time for the meeting. She further stated that the City of Casselberry had not contacted any of the residents to inform them of its plans.

Tom Hill stated that he had lived in the neighborhood for a very long time and was under the impression the site would eventually be converted to a park. He also stated that he was concerned about the value of their homes going down because of the project. He further stated that he didn't think the residents had been given any consideration.

William Goucher, from the City of Casselberry requested a continuance stating that there had been a lot of mis information about the project and he wanted an opportunity to meet with the Homeowners Association and the residents. He also stated that the city was committed to being a good neighbor.

The Board agreed to continue the item to the December 16, 2003 meeting.

APPEAL FROM ADMINISTRATIVE DECISION:

15. 1654 PINE VALLEY DRIVE - Ann Carr, appellant; Request to reverse the Planning Manager's decision to approve an administrative front yard setback variance from 25 feet to 23.76 feet in the R-1AA (Single-Family Dwelling District); Located on the northeast corner of Pine Valley Drive and Pressview Drive; (BV2003-171).

District 4 - Henley
Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of the variance had been satisfied based on the submitted site plan and survey of the subject property; therefore staff recommended the Board uphold the planning Manager's decision to grant the variance.

Damon Chase, Attorney for the appellant, (Ann Carr) spoke on behalf of the application. He stated that the variance granted should not have been, because it was in violation of the code. He also stated that the supervisor granted the variance in error, since no hardship had been demonstrated. He provided a petition with signatures from everyone in the neighbor, except for one neighbor, in opposition of the granted variance.

Dr. Buchanan made a motion to deny the appeal and uphold the Administrative decision.

Mr. Bass seconded the motion.

The motion was passed by unanimous consent (5-0).

APPROVAL OF MINUTES

Mr. Bushrui made a motion to approve the October 27, 2003 minutes.

Mr. Pennington seconded the motion.

The motion passed by unanimous consent (5-0).

ADOPTION OF 2004 MEETING SCHEDULE

The Board decided to continue adoption of the 2004 Meeting Schedule to the December 2003 regular meeting to allow approval by the regular board members.

ADJOURNMENT

Time of Adjournment was 9:55 P.M.

9. **2527 DWYER LANE** – David Zeidwig, applicant; Request for rear yard setback variance from 20 feet to 13 feet for a proposed covered screened room in the PUD (Planned Unit Development District); Located on the east side of Dwyer Lane, approximately 250 feet southeast of the intersection of Dwyer Lane & Brightview Drive; (BV2003-172).

District 5 – McLain
Kathy Fall, Senior Planner

13. **WEST 6th STREET (CHULUOTA)** – Gayle Marion, applicant; Request for (1) minimum width at the building line variance from 75 feet to 62 feet; and (2) (west) side yard setback variance from 10 feet to 5 feet; and (3) (east) side yard setback variance from 10 feet to 5 feet for proposed duplex in the R-2 (One and Two-Family Dwelling District); Located on the south side of West 6th street and approximately 209 feet east of the intersection of west 6th street and Langford drive. (BV2003-179).

District 1 – Maloy
Rich Steiger, Planner

Mr. Bushrui made a motion to approve the Consent Agenda including, Items 2, 4, 9, and 13.

Mr. Bass seconded the motion.

The motion was passed by unanimous consent (4-0).

CONTINUED ITEMS

SPECIAL EXCEPTIONS:

8. **HUNTERFIELD ROAD (CASSELBERRY)** – City of Casselberry / Bill Goucher, applicant; Request for Special Exception to replace an existing water treatment plant in the R-1A (Single-Family Dwelling District); Located on the north side of Hunterfield Road, approximately 200 feet west of the intersection of Hunterfield Road and Oxford Road; (BS2003-027).

District 4 – Henley
Kathy Fall, Senior Planner

Mr. Bass made a motion to continue Item 8 to the January 26, 2004 meeting, as requested by the applicant.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (4-0).

approximately 0.2 mile south of the intersection of Dike Road and Tuskawilla Road; (BV2003-201).

District 1 - Maloy

Rich Steiger, Planner

15. **1169 BUNNELL ROAD** - Elizabeth Lucey-Hearld, applicant; Request for (1) minimum lot size variance from 43,560 square feet to 23,450 square feet; and (2) minimum width at the building line variance from 150 feet to 100 feet in the A-1 (Agriculture District); Located on the north side of Bunnell Road, approximately 150 feet west of the intersection of 1st Ave and Bunnell Road; (BV2003-197).

District 3 - Van Der Weide

Francisco Torregrosa, Planner

Mr. Pennington made a motion to approve items 1, 2, 4, and 15 on the Consent Agenda.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

CONTINUED ITEMS

SPECIAL EXCEPTIONS:

5. **HUNTERFIELD ROAD (CASSELBERRY)** – City of Casselberry / Bill Goucher, applicant; Request for Special Exception to replace an existing water treatment plant in the R-1A (Single-Family Dwelling District); Located on the north side of Hunterfield Road, approximately 200 feet west of the intersection of Hunterfield Road and Oxford Road; (BS2003-027).

District 4 – Henley

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval of the request for special exception to replace the existing water treatment facility with the imposition of the following conditions: (1) The final site plan shall meet all applicable Seminole County Land Development Code and Comprehensive Plan regulations. (2) A Landscape buffer at least 10 feet in width and attaining 100% opacity and 6 feet in height one year after planting shall be provided along the north and south property line. A drainage easement along the east property line prohibits landscaping improvements at that location. At site plan review it will be determined if a masonry wall can be constructed within the drainage easement. (3) Exterior lighting shall conform to the County's Lighting Ordinance. (4) The ground water storage tank shall be housed

within the residential façade of the proposed pump storage control building. (5) All proposed facilities shall be located to the rear portion of the subject property with the application of residentially sensitive and compatible design elements. (6) Where practical, sound proof materials shall be applied throughout the facility to shield abutting and surrounding residential uses from noise associated with the plant's operation. (7) The City shall consult with a residential architect or the design council of the Mid-Florida Homebuilders Associated to ensure the proposed existing residential character of the neighborhood. (8) Prior to Final site plan approval, an odor control plan shall be submitted to ensure surrounding residential development will be protected from odor associated with the plant's operation through the application of standard odor suppressing technology and equipment.

William Goucher introduced Terry Zaudtke of CPH Engineers, Inc and stated that he would make the City of Casselberry presentation to the Board. Mr. Zaudtke stated that the original site plan was modified to allow more open space. He also stated that the storage tank volume was reduced and the building will be residential in nature. He stated that the proposed treatment plant would be a system that would remove the Hydrogen Sulfide from the water. He also stated that there was a possibility of contamination in one of the other facilities and they were planning for the future which was one of the reasons they wanted to use this proposed plant. He also stated that Water Treatment plants and wells in residential areas are less susceptible to ground water contamination. He also addressed the Lighting and noise issues stating the lighting would meet the security requirements. He further stated that sound deadening materials would be used along with a silent alarm system for the SCADA system. He stated that all mechanical equipment would be enclosed in the building. He stated that Odor control would be provided as part of the treatment facility. He further stated that all emissions would be within FDEP requirements.

Walt Gworek stated that from what he knew of the project, he was in favor of it. He stated that water is a critical issue in Florida and he believes that it is only a matter of time and we will have contaminated water. He further stated that this water is a very good quality, and he thinks that this water source should be preserved. He further stated that if you are concerned about your property values now, think about the property value when you don't have any water.

Daniel Dean stated that he is Secretary of the English Estates Homeowners Association and the residents are concerned about their property values. He also stated that a petition for denial of the request had been signed by residents. He further stated there had not been any proof of low water pressure. He also stated that during the December 11, 2003 meeting a wall was shown to the residents, not a fence.

Vanessa Bell stated that she was presenting the petition, which had 655 signatures of the residents of English Estates.

Richard Brunswick stated that he lives off Oxford Road and was concerned about the pond that is behind the plant. He stated that there are turtles, ducks and fish in the

pond and he didn't want them to be scared away by the smell. He further stated that he wanted to know, why they didn't take the plant to a vacant area instead of this neighborhood.

Stan Bessmer stated that he has been a resident of English Estates since 1981. He also stated that one of the residents that lives within 52 feet from the plant has cancer and the plant would be a danger to her health. He further stated that they the residents did not want the plant in their neighborhood.

Larry Korzon stated that he has lived in Seminole County for 31 years. He also stated that he makes a living calling on water plants, and he hasn't seen one he would want to live next to.

Michael Hoeck stated that he was under the impression that they intended to close the Howell Park Plant completely. He also stated that at the first meeting they didn't mention anything about contamination concerns. He further stated that they had 5 years to deal with this situation and find a site for the plant they were in need of.

Larry Furlong stated that he would be looking directly from his front yard at the plant. He also stated that he was concerned about the 25% raise on their water rates. He also stated that he is a School Board Member of English Estates Elementary School and they are making a large addition which is also expensive and he is concerned about the plant being close to the school. He further stated that the only reason they are putting the plant in our community is because the City of Casselberry residents don't want it in their backyard. He stated that this is an easy one, please vote against it.

Theo Kaffenberger stated that she was the President of the Lake of the Woods Homeowners Association and the residents have great concerns about the odor. She also stated that she had gotten 82 signatures in opposition of the request.

Leah Rogers stated that she is already enduring an elevated water tower. She also stated that she has concerns about the signs that are on the fence of the plant. She stated that the signage is going to affect the Insurance rates on their homes. She further stated that she works in the Insurance Industry, and the rates are based on exposure.

Craig Pennington stated that his back yard was going to be the plant's backyard. He stated that he didn't want to smell the fumes. He also stated that he just bought the home of his dreams with a pool and he has young children and he didn't want the plant in his backyard.

Debra Moorer stated that she bought her home three months ago and put her life savings into it, and she didn't think that the City of Casselberry did their home work in how they wanted to use their resources.

Jerry Kelly stated that the City of Casselberry wants to increase the productivity in one place to shut down another place and didn't want to tell anybody about. He also stated that when he came before the Board 10 years ago he had to have his ducks in a row, the City of Casselberry has not been precise. He also stated they needed to get their ducks in a row.

John Bowden stated that perhaps they do indeed need a water treatment plant, but they need to find another location.

Jim Duffy stated that he has lived in Seminole County for 32 years and if they need a plant, why not put it in Casselberry. He also stated that the English Estates Elementary School playground is within a block of the plant and he has concerns about the kids and the odors from the plant. He further stated that Casselberry stated that this is a secondary plant but he believes that it is a primary plant.

Lonnie Groot spoke on behalf of the Law Firm that represents the City of Casselberry, whose bottom line was to apply the law. The staff reports finds that the City meets the requirements of the Land Development Code. He stated that the duty of the Board was to approve the request and not count the number of people speaking. He also stated that staff had concluded that the proposal is consistent with the Comprehensive Plan.

Mr. Goff made a motion to approve the request per staff recommendations with 3 added conditions: (1) The City of Casselberry shall remove the surcharges to the Seminole County residents; (2) The City of Casselberry shall release all annexation clouds on titles of properties that they serve; and (3) The Special Exception request would be renewed every year based on the maintenance of the plant.

Mrs. Buchanan seconded the motion.

The motion passed by 4 – 1 consent. Mr. Pennington voted in opposition.

6. **101 SOUTH US 17-92** – Tadd Kasbeer, applicant; Request for special exception to establish a mechanical garage in the C-2 (Retail Commercial District); Located on the southeast corner of the intersection of US 17-92 and State Road 434; (BS2003-028).
District 2 – Morris
Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval for the special exception request.

Tadd Kasbeer stated that they were asked to provide elevations from the December meeting and they provided them. He also stated that the elevations have not been

**PROPOSED
DEVELOPMENT
ORDER**

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 13, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 20 TWP 21S RGE 30E S 125 FT OF W 140 FT OF NE ¼ OF SW ¼ (LESS BEG SW COR RUN N 125 FT E 54 FT S TO PT E OF BEG W TO BEG)

LEG SEC 20 TWP 21S RGE 30E S ½ OF SW ¼ (LESS ENGLISH ESTATES & ENGLISH ESTATES UNITS 1 TO 4 + VACD HUNTERFIELD RD)

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

FINDINGS OF FACT

Property Owners: City of Casselberry
P.O. Box 609520
Orlando, FL 32860

Project Name: HUNTERFIELD ROAD WATER TREATMENT FACILITY

Requested Development Approval:

SPECIAL EXCEPTION FOR A WATER STORAGE FACILITY ON PROPERTY ZONED R-1A (SINGLE-FAMILY DWELLING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall
1101 East First Street

Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The final site plan shall meet all applicable Seminole County Land Development Code regulations and Comprehensive Plan.
2. A six (6) foot solid pvc fence shall be constructed along rear and side property lines surrounding the facility with all additional fencing required for security to be wrought iron style, as depicted on the site plan, in design and consistent with the surrounding residential uses.
3. Landscaping shall be installed with the types and locations shown on the site plan submitted April 6, 2004. Minimum specifications shall be: 8' tall, 3.5" caliper oak trees; 5' tall hedge material planted on 30" centers to attain a height of 6' after one year; and 30" hedge material planted on 24" centers to attain a height of 36" within one year. As depicted on the site plan, oak tree are to be scattered to maintain the residential façade and design of the site.
4. Exterior lighting shall be limited to security purposes.
5. No parking of vehicles in excess of those required for service of the facility shall be allowed; the storage or overnight parking of vehicles shall be prohibited.
6. The proposed 250,000 gallon ground water storage tank (45' x 70') shall be housed within the residential façade of the proposed storage building and not to exceed 11 feet in height to the top of the tank. A pitched roof is to be placed on the top of the tank.
7. All pumps shall be housed within sound and vibration proof buildings to shield abutting and surrounding residential uses from noise associated with the plant's operation.
8. All proposed facilities shall be located to the rear portion of the subject property with the application of residentially sensitive and compatible design elements.
9. Proposed facility shall only use sodium hypochlorite (liquid) for disinfection and aeration will not be utilized in order to minimize the impacts to the adjacent residential uses.
10. The City shall consult with a residential architect or the design council of the Mid-Florida Homebuilders Associated to ensure the proposed facility will be visually compatible with the existing residential character of the neighborhood.

11. Prior to final site plan approval, an odor control plan shall be submitted to ensure surrounding residential development will be protected.
12. Site visits are limited to an average of one per day to maintain and service the facility. Deliveries of sodium hypochlorite shall be limited to an average of two (2) per month.
13. No upgrade or conversion of the facility is permitted by the granting of this special exception other than as set forth here within.
14. All pumps shall be removed from the existing wells located on the site.
15. No other use shall be made to the site other than those provided for here within and no storage of any type shall be permitted on the property other than what is necessary to operate and maintain the storage tank.
16. The special exception is approved to the master plan and building elevation drawings submitted April 6, 2004.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Daryl G. McLain, Chairman
Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the authorized agent, City of Casselberry, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Witness

Bruce Pronovost, Mayor
City of Casselberry

CORRESPONDENCE

2060 Hunterfield Road
Maitland FL. 32751
December 16, 2002

Seminole County Board of Adjustments
11001 East First Street
Sanford FL., 32771

Refer: City of Casselberry Special Exception Request
Hunterfield Road Water Treatment Plant

Gentlemen,

Before you is a request from the City of Casselberry Requesting a Special Exception to construct a Water Treatment plant on Hunterfield Road. I support the Exceptions requested by the City of Casselberry for the following reasons:

- 1) The proposed site for this project was, until the late 1980's the site of Central V utilities Water Treatment plant. This was the primary source of water for English Estates / English Woods and Bell Aire area. At that time, Central V Utilities decision to get out of the water business left two potential customers, Seminole County Utilities and the City of Casselberry. Seminole County Board of County Commissioners declined to purchase the existing water system. The City of Casselberry bought the water system and the elevated storage tank on Hunterfield Road. This is the same system that is in use today.

Central V Utilities decommissioned the water treatment facility on Hunterfield Road and performed minimal maintenance on the site. The grass is seldom trimmed and the existing chain link fence has several holes thru it. The site is blighting the adjacent surrounding area. Had the total water plant package been bought by the City of Casselberry at that time, this would not be an issue. The City of Casselberry has stated their intent to secure they site and initiate a landscape maintenance work order on the site, once it becomes their responsibility.

- 2) The City of Casselberry has stated they are serving approximately 1,000 customers from the water tower on Hunterfield Road. They have also said that during the "peak demand" period, the water supply and pressure from this tank is falling below their acceptable standards. Water is currently processed at another site or sites and transmitted through their system to the existing elevated storage tank. (Our meeting and information provide to the City to rethink some of its proposed signage and site improvements.)
- 3) The City of Casselberry's Master Plans for water treatment has identified this location as a potential as a renewed source of water to the English Estates / English Woods, Bell Aire area. They have stated the water drawn for the existing wells will be used in the neighborhood. This is also a reflection on the current Homeland Security issue of de-centralization of public drinking water supplies in order to maintain the integrity of the system.
- 4) The original request for Exception showed the maximum facility that could be placed on the site. This was part of the City's "due dalliance" study of the land prior to purchase from it current owner. A subsequent meeting with the residents of the area has determined the City will develop a smaller water storage tank that is partially buried and made to conform to the surrounding use. The City of Casselberry has provided written intent to those who attended their meeting as well as to the Board of Adjustments and the Board of County Commissioners. They City is developing a revised site plan for the reduced project.

- 5) There are several residents in the immediate area, and yet another group of residents from the subsequent surrounding area that oppose the development of the Water Treatment Plant. They are following the current thinking to distrust to government; local, county, state, national. They follow the "Not In Back Yard" attitude and suggest the treatment plant, if needed be put it somewhere else. They have suggested areas in a "wetland area" or a commercial site along US 17/92. Each some distance from the current wellheads. They have suggested capping the existing wells and drilling additional one for additional water sources. This would mean additional cost to the City of Casselberry, ultimately to be paid for by the ratepayers. The City already charges a surcharge to their customers residing our side of the Corporate Boundary's of the City of Casselberry.

The City has cited that fact that smaller water plants in residential areas have a greater security by the mere presences of the residents who can observe actions at the plant, rather that a remote site. The City has proposed to use a type of surveillance system that would electronically notify the proper authorities, with out an audible alarm.

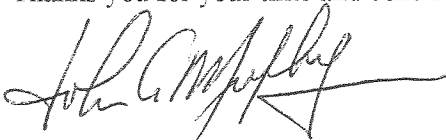
6) Those who are most vocal and quoted in the "press" do not speak for the total neighborhood. In fact, some of these peoples do not leave within 500 feet of the Parcel in question. The community has been protruded as a community of senior citizens. This is a vibrant community with a well-rounded mix of young and senior families. The City of Casselberry has made written commitments to all of those who recently attended the meeting to discuss the modifications to the Hunterfield Road site.

Additional reasons to consider authorizing the exception are:

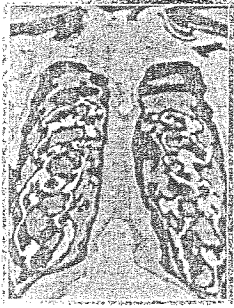
- The City of Casselberry has provided quality water to the residents of the area for more that 15 years.
- The City has been corporative with the neighborhood in the part when there has been an issue dealing with the water service. Their development or a master water usage plans with provisions for additional supplies should be applauded. The foresight to have a water treatment plant to serve the local residents is another step they have made to provide a safe and affordable supply of drinking water to the residents of English Estate / English Woods, and the Bell Aire subdivisions.
- It is unlikely that the Water Management District would permit a new well when there are existing facilities available.
- As for operational odors, noise, and public safety; these can be addressed and treated with modern technology during the final development of the Site Plan and facilities.
- Additionally the City has stated, in writing, they will corporate with the resident to assure a treatment plant that would be fit into the neighborhood, in size and requirements.
- The City has stated the funding for this project are already included in it rate schedule. No additional rate adjustments are anticipated for this project.

The granting of the Special Exception will allow the City to initiate it plans for the development of this project, which may take a total of three years or more from concept to completion. I am confident the City of Casselberry will remain good stewards of the existing water supply and follow all of the rules and regulations of the Water Management District.

Thanks you for your time and considerations



John A. Murphy
2060 Hunterfield Road
Maitland, FL. 32751



CENTRAL FLORIDA
PULMONARY GROUP, P.A.

BOARD CERTIFIED IN INTERNAL MEDICINE,
PULMONARY DISEASE, CRITICAL CARE MEDICINE
AND SLEEP MEDICINE

December 12, 2003

Robert D. Bast, M.D.
1949 - 2002

Daniel Haim, M.D.

Daniel T. Layish, M.D.

Francisco J. Calimano, M.D.

Francisco J. Remy, M.D.

Ahmed Masood, M.D.

Eliseo A. Colón, M.D.

Edgar J. Gëigel, M.D.

R. Milton Harris
Administrator

To Whom It May Concern:

RE: MS. DOROTHY HOLTZ
CHART #020044

Ms. Holtz has underlying emphysema and has had previous surgery for lung cancer. She brought to my attention the possibility that a new water purifying plant could be built in the vicinity of her home. According to Ms. Holtz, this new water purifying facility may emit gases that could potentially aggravate her breathing condition.

With Ms. Holtz's emphysema, any kind of exposure to toxic fumes, dust, or strong odors could indeed make her condition worse.

Should you have any further questions, please feel free to call.

Sincerely,

Daniel Haim, M.D.

DH/cam

326 North Mills Avenue
Orlando, Florida 32803
(407) 841-1100
(407) 843-7983 Fax

Central Florida Pulmonary Group, P.A.
326 N. Mills Avenue, Orlando, FL 32803
407-841-1100

MS. DOROTHY HOLTZ
#20044

12-09-03 – FOLLOW-UP OFFICE VISIT

HISTORY OF PRESENT ILLNESS: Mrs. Holtz is a 66-year-old white female who was lost for follow-up. She was last seen here in May of 1999. This patient has had lung cancer, and underwent a right upper lobe and also a right middle lobe resection due to lung cancer and non-small cell carcinoma. She had negative lymph nodes, and because of that she did not receive any radiation or chemotherapy. She was lost to follow-up and came in today to our office for evaluation for labored breathing, especially with exertion. The patient has been a smoker in the past until the surgery, and smoked at least 1-2 packs per day for 30-40 years until the surgery, then she quit. She states that overall she is doing fairly well, except for shortness of breath with exertion. Also, she is concerned about the possibility of a water plant being built close to her home, which could potentially emit hydrogen sulfite fumes. She is worried that this may cause her COPD to get worse and her breathing to get worse.

PAST MEDICAL HISTORY:

1. Lung cancer status post right upper lobe and middle lobe resection in July of 1997.
2. Coronary artery disease status post MI in May of 1997.
3. COPD.
4. Hyperlipidemia.
5. Obesity.

ALLERGIES: Amoxicillin.

HABITS: She is a former smoker, she smoked until 1997 for 40 years, at least one pack per day. She denies any history of alcohol abuse.

SOCIAL HISTORY: She is married and lives with her husband. She has one child. She is currently retired.

FAMILY HISTORY: Family history is significant for cancer, both parents had cancer.

MEDICATIONS: Her medications include: multivitamins; calcium/magnesium/zinc supplement; vitamin E; vitamin C; fish oil; and iron.

REVIEW OF SYSTEMS: The 14-point review of systems was done and the apparent positives include shortness of breath with exertion.

7PHYSICAL EXAMINATION: VITAL SIGNS: blood pressure 140/80, pulse 73, temperature 97.7. The O₂ saturation is 96% on room air. HEENT: Unremarkable. NECK: Supple. No JVD or carotid bruits. CARDIAC: S1, S2, no murmurs or gallops. LUNGS: Show decreased breath sounds at the bases and mild prolonged expiration but no overt wheeze. ABDOMEN: Obese, soft, nontender. EXTREMITIES: No edema. SKIN: No rash. LYMPHATICS: No adenopathy was palpated in the neck, supraclavicular, or axillary regions.

RADIOGRAPHY: *Chest x-ray done in our office shows loss of volume on the right side. The right hemidiaphragm is elevated. There is some scarring in the area of the right lower lobe region. The left lung is well inflated. Cardiac silhouette is normal.* DH/kb

PULMONARY FUNCTION TESTS: PFTs done in our office show a forced vital capacity of 1.9 liters (61% of predicted), FEV1 is 1.1 liters (47% of predicted), FEV1/FVC ratio is 61%. Post bronchodilator administration there is a good response, with improvement in the FEV1 by 13%. Total lung capacity is 4.2 liters (80% of predicted). DLCO was 9.7 mL/mmHg/min (34% of predicted). PFT IMPRESSION: These PFTs are consistent with advanced COPD, with good response to bronchodilator administration.

IMPRESSION:

1. Advanced COPD with good response to bronchodilator administration.
2. Status post right upper lobe resection for poorly differentiated non-small cell carcinoma.
3. Obesity.

RECOMMENDATIONS:

1. Combivent 2 puffs q.i.d. as needed. Depending on how she feels with that, we will decide whether she needs a more aggressive bronchodilator regimen.
2. With regard to the concerns she has regarding this new water plant that is being built, I think that she has a valid concern. If indeed hydrogen sulfite will be emitted, this could trigger her COPD and make her symptoms worse.
3. Follow up will be in about 4 months.

DANIEL HAIM, M.D.

DH/kb

CENTRAL FLORIDA PULMONARY GROUP, P.A.
326 North Mills Avenue * Orlando, Florida 32803 * 407/841-1100
101 East Copeland Drive * Orlando, Florida 32806 * 407/841/1100

Transcribed: 12/12/03



Lilspikee@aol.com

12/16/2003 10:26 PM

To: plandesk@co.seminole.fl.us

cc:

Subject: Water Treatment Plant

I reside in the English Estate subdivision and it has been brought to my attention that the City of Casselberry is wanting to build a water treatment plant in this subdivision. I am strongly opposed to such an action. How could you even consider putting such a place in a beautiful residential area? Do you realize the negative affect this plant will have on our neighborhood. This subdivision has many young children and elderly residents, we don't want or need the additional traffic nor the dangerous chemicals that come with the treatment plant here. I hope that this issue is resolved by choosing another site for this treatment plant. Again I stand beside my family and neighbors, we do not want this water tratment plant in our neighborhood! Would you want this in your neighborhood? How would you feel?

Thank You,

Lan M. Page

Property owner and
resident of seminole county



audscarl1@aol.com
12/16/2003 02:05 PM

To: plandesk@co.seminole.fl.us
cc:
Subject: WATER TREATMENT PLANT

We do not want a stinky water treatment plant anywhere near our community. Let Casselberry put it in their backyard. They charge us a premium for our water so why should we have to endure having this plant near us.

Carl & Audrey Smith
Fern Park - Lake of the Woods



"Theo."
<theo@cfl.rr.com>
12/15/2003 10:26 AM

To: <plandesk@co.seminole.fl.us>
cc: "Lake of the Woods Bobbie" <lowhan1@FBS.net>
Subject: Water Treatment Plant/EE &EW

Memo To: Planning Desk,
Seminole County

From: Theo Kaffenberger, President
Lake of the Woods Homeowners Association

Date: December 15, 2003

Subject: Water Treatment Plant

Gentlemen and Ladies:

Our Homeowners Association is very concerned about reactivating the treatment plant and storage tank located on Hunterfield Road in Seminole County.

This area is clearly residential and since the plant closed in the 1980's many more homes have been bought and sold in this area.

We are concerned about chemicals that will be introduced as well as the odor that would be emitting from this type of operation.

Since your meeting was called for December 16th, which is our Board Meeting night, I will not be able to be in attendance in person. Please accept this notification of our preference and put me and my Association on your E-Mailing list for notification of any further meetings.

Theo Kaffenberger
President

[Lake of the Woods is a 533 home townhouse Association, HOA, located in Fern Park, Florida.]



PBANFIE@cs.com

12/15/2003 02:14 PM

To: plandesk@co.seminole.fl.us

cc:

Subject: (no subject)

My name is Paul L. Banfield, I reside at 1905 Blossom Lane, Maitland, Florida.
More specifically I live in Belair North a subdivision located in unincorporated Fern Park.

I wish to state my objection to a water treatment plant and storage tank being built in my neighborhood. The amount of traffic generated, the danger of chemicals in a residential area, plus the odors generated by all of these would and could create a hazard to those living in the area as well as doing drastic damage to the value of our homes and property.

The city of Casselberry must have more suitable sights available. A residential community is not the proper sight for a water treatment plant and storage tank.



"Mary Ann
Weisenbarger"
<mweisenbarger@stlu
kes-oviedo.org>

To: <plandesck@co.seminole.fl.us>
cc:
Subject: Proposed water treatment plant in English Estates

12/10/2003 12:10 PM

I am adamantly OPPOSED to the building of a treatment plant in English Estates. It will do nothing positive for our neighborhood! The idea of chemicals and chemical odors around the neighbor is a detriment to all of us who live here. Who would want to live here then. Property values would drop and rightly so. I certainly wouldn't want to buy in this neighborhood if this becomes a reality. Put yourselves in our places and reconsider this proposal. I am a property owner and have been living at 1201 Cheshire Road for over 35 years.



"lcarroll1"
<lcarroll1@cfl.rr.com>
12/10/2003 10:38 AM

To: <plandesk@co.seminole.fl.us>
cc:
Subject: Water Treatment Plant

I am writing to let you know that I am very against the proposed water treatment plant on Hunterfield Road. I am a resident of English Estates and live a block away from the site.

I do not believe that this has a place in the heart of a residential area.

I plan to attend the meeting on the 16th. Please let me know what else I can do to keep this out of my neighborhood.

Laura Carroll
1210 Cheshire Road
Maitland, FL 32751
Seminole County
Lcarroll1@cfl.rr.com



Carol Morrow
<carol@buddymorrow
productions.com>

To: plandesk@co.seminole.fl.us
cc:
Subject: Water Treatment Plant

12/14/2003 05:40 PM

My husband and family have lived here for over 20 years. We have enough to deal with the people speeding and cutting through Hunterfield Road. The City of Casselberry is not going to improve anything except their gross revenue. Let them build their plant in their own city, and listen to their people roar.

WE DON'T WANT THIS WATER TREATMENT PLANT, NO MATTER HOW PRETTY THEY SAY THEY WILL MAKE IT! Thank you. Carol and Buddy Morrow (2175 Hunterfield Road)



"Suzy Cooper"
<jscribe252@hotmail.com>

12/12/2003 02:04 PM

To: plandesk@co.seminole.fl.us
cc:
Subject: Casselberry's proposed water treatment plant

December 12, 2003

<?xml:namespace prefix = o ns =
"urn:schemas-microsoft-com:office:office" />

- RE: City of Casselberry proposed water treatment plant and storage tank in EE/EW

To whom it may concern:

If I were able to attend the meeting on December 16, 2003 at the Seminole County Board Chambers, Room 1028, 1101 East First St., Sanford, FL at 6 PM regarding the City of Casselberry building a 26 ft high, 65 ft wide, water treatment plant and storage tank in my neighborhood of English Estates, I would tell you that.....

I have lived in English Estates since March of 1962 and have slowly watched our neighborhood deteriorate over these years. When my home was built, there was only one road, Spartan, to enter EE. It was a beautiful, friendly and quite place in which to live and raise my children.

I do not like what I see today with added crime, high speed traffic coming from all directions, auto fumes, etc., etc., and certainly do not want to add to our problems by you allowing the City of Casselberry to build a water treatment plant in the neighborhood of English Estates/English Woods.

Such a plant will only add to the deterioration of our once upon a time more beautiful neighborhood. It will decrease our property values, cause more traffic, unwanted delivery tanker trucks, chemicals and odors. Chemicals do not belong in a neighborhood!

I do not want Casselberry to construct this treatment plant in our neighborhood. I'm asking that the Seminole County Planning Board not allow this to happen. I ask that you please protect the people that live here. This should not be allowed to happen in any neighborhood.

Sincerely,
J.S. Cooper
2321 Sunderland Road
Maitland, FL 32751

Jscribe252@hotmail.com

Don't worry if your Inbox will max out while you are enjoying the holidays. Get MSN Extra Storage!

Kathy Fall
Board of Adjustment

Dear Kathy:

This is 3-page open letter to the Board of Adjustment regarding the use of the property on Hunterfield Road as a water treatment facility. The residents have an obvious concern about the plan to locate an industrial facility with truck access rather than a playground or a park in the middle of a suburban neighborhood.

I received both email and phone correspondence from city officials, and they have put an interesting “spin” on the project. Here is a summary of their response:

- The use of the property facilitates the city’s endeavor to provide utilities at a reasonable cost. The area is already a water treatment center, and always has been. The city is not doing anything different with the property. The residents knew there was a water treatment facility when they chose this neighborhood. The chlorine used in the processing plant is no different than the chlorine used in our swimming pools. If the site becomes vandalized, trashed or graffiti-ridden, it is our responsibility for not controlling the children in the neighborhood. The residents who oppose this just don’t want it in *their* neighborhood, but they are OK if it is in someone else’s.

In order to unravel this “spin”, we have to address each of the cities points.

1. “The use of the property facilitates the city’s endeavor to provide utilities at a reasonable cost.”

All citizens want the city to be responsible for managing utility costs, and we realize that property in residential areas may provide an economic advantage. However, managing the cost by integrating industrial facilities and residential areas is not the approach we are looking for. To save money at the expense of our community is counter productive.

To emphasize the economic affects of planning, consider the stretch of 17-92 just south of 436. This community evolved on it’s own without the benefit of careful planning, and the result is a pocket of depression. There is a proliferation of adult entertainment, bars, tattoo and massage parlors. Intoxicated individuals are seen on a regular basis wondering between the bars and meandering around the vacated business. The area has become undesirable, and residents with higher income have elected to relocate to more desirable areas. The consequential loss of income starved out many businesses; buildings on this stretch have been vacant for many years. You may recall a news report a month ago announcing the city was considering the construction of an overpass at the intersection of 17-92 and 436 that would result in the removal of one of the adult entertainment clubs. The point is that it is far more costly to reclaim a community than it is to plan it properly.

Contrast this with the wonderfully scenic drive on Sandspur Road around Maitland Woods. The land across the street from Maitland Woods was well planned and demonstrates a commitment to the quality of the area. What you will not find are chain-link fences, warning signs, trucks, chemicals, or treatment plants. What you will see are families going to church and children playing soccer. The area has appreciated and this demand has led to a strong income and tax base, support for businesses, which in turn provide jobs back to the community. Careful planning of this area has created a quality of life that attracts both income and business.

The presence of chain-link fences, warning signs, industrial structures, chemicals and trucks in

the heart of our neighborhood will leave our community less desirable to many existing residents as well as future residents. The subsequent loss of property value and income in the area will have a negative impact on business and the tax base for our community as individuals seek more desirable locations elsewhere. This offsets any financial advantages to the city of Casselberry.

2. "The area is already a water treatment center, and always has been. The city is not doing anything different with the property. The residents knew there was a water treatment facility when they chose this neighborhood."

In fact, as far as I can determine, no one is certain of the original plan for the property. Many believe that the developer sold the property to the city originally for use as a park or playground.

Since 1989 the facility has been nothing more than an empty shell. During the past 15 years, new neighborhoods have sprung up, and there has been an infusion of new income and families in to English Estates. Since the facility has been deactivated, houses and lawns have been renovated and the area has appreciated.

We acknowledge that there is a precedent regarding the use of this land decades ago, however, the decision should not be based on precedent. We should not relegate ourselves to the same behavior that has resulted in the current conditions on 17-92 & 436. The question before the Board is not the history of the property, but what should be done now to preserve the quality of the community for the future.

3. "The chlorine used in the processing plant is no different than the chlorine used in our swimming pools."

There is a difference between a neighbor who has a 5-gallon drum of chlorine tablets in his garage and chlorine stored in large quantities. The storage tanks at the facility must be provided with secondary containment because of the hazards that would be caused by a spill or a leak.

The Chlorine Institute, Inc, provides the following information at <http://www.cl2.com>. The main chemical used in the treatment process, sodium hypochlorite, can be so dangerous that the federal government mandates special training for the operators who will be accepting the deliveries of these chemicals into our neighborhood. Acidic chemicals, which are commonly found at water treatment plants, can react with sodium hypochlorite and may cause the formation of a large amount of chlorine gas, which could have an off-site impact. In spite of the precautions and training, incidents have occurred when sodium hypochlorite solutions have been accidentally mixed with incompatible materials resulting in the release of elemental chlorine gas and/or a violent reaction. People have been seriously injured as a result of these events.

In addition to acids and acidic compounds, there are a number of other materials that may be on-site that also can react with bleach in a violent or dangerous way, such as the fuel that will be necessary to power the back up generator. These materials can react violently or produce dangerous gases when they come in contact with bleach. Any blending of another material with bleach, in which the reaction is not known, can potentially cause a dangerous reaction.

Recent events have also raised the issue of water treatment plants becoming the target of bio-terrorism, mandating the need for frequent police patrols. The fact is the city believes it is enough of a hazard to necessitate fences, warning signs, alarm systems, specially trained workers, safety precautions, and regular police patrols. No matter how strongly the engineers of the project guarantee that all training and safety guidelines will be followed and that there will never be an accident on this site, the site will be there long after these individuals have retired and are replaced by newly trained employees and engineers. If the engineers agree that precautions are

necessary to assure the safety of the community, then they should agree to the most important precaution of assuring that the facility is *not* placed within a few yards of houses, literally in the back yard of family dwellings.

4. "If the site becomes vandalized, trashed or graffiti-ridden, it is our responsibility for not controlling the children in the neighborhood."

Many residents have witnessed the unpleasant appearance of public facilities that have been defaced by graffiti, trash and other forms of vandalism. Children are known to ignore warning signs and climb fences. The issue more serious than vandalism, the children may also be exposing themselves to danger.

Children do not always act responsibly. If a child breaches the security of the facility, the irresponsibility does not rest with the parents or their children, but with elected officials who voted to put the facility in an area where children have easy and virtually unlimited access. Perhaps the city's response would be to erect higher fences with barbed wire, place more warning signs, bright lights, and audible alarms right in the middle of a residential block.

5. "Our real contention is that "we just don't want it in our neighborhood, but we are OK if it is someone else's".

The city official that I spoke to on the phone was insistent that the above statement is our real position, but that we simply refuse to admit it. In actuality, this is part of the city's "spin"; a simple diversion of putting words in our mouth in an effort to invalidate our argument. At no time have we ever expressed the desire for these facilities to be located in any other neighborhood. Is it the city's position that these facilities *must* be located on *someone's* neighborhood? If so, we challenge the city's position. We firmly believe that industrial and commercial facilities should always be separate from residential areas where our children roam.

There is a greater issue to consider than the preexisting structure and the financial benefits to the city of Casselberry. Decisions of Zoning and Adjustment Boards can lead to the prosperity or the deterioration of a community. Some of the most wonderful places to live in Orlando are the result of strict scrutinizing by Zoning and Adjustment Boards.

The commissioners who voted for this project are outside of the voting district of the residents who will be affected. We rely on the Board of Adjustment to represent the interests of our community. We have an opportunity to plan for a vibrant desirable area that will attract income, businesses, taxes and good citizens. We ask that commercial and industrial facilities, chain-link fences, warning signs, chemicals and trucks be separate from the quaint neighborhoods where we reside. We ask the Board of Adjustment to regulate development to protect the quality of our community.

English Estates is a wonderful place to live, let's keep it that way!

Sincerely,

James Culotta



"Giuliano Scott"
<Scott_Giuliano@msn.
com>

To: <plandesk@co.seminole.fl.us>
cc:
Subject: Water treatment plant & storage tank / Issue #8 / December 16th, 2003

12/15/2003 09:39 PM

<?xml:namespace prefix="v" /><?xml:namespace prefix="o" />
Hello,

I am a concerned citizen who is against ANY treatment plant being put in my back yard. My son enjoys playing outside (just like your kids), and I like cutting my yard without having the FEAR of the smelly odor from this proposed treatment plant! This scares my family because it will affect my way of life in a VERY DIRECT way! I want the plan desk and zoning board to listen to the residents of English estates and do the right thing as though this is in your neighborhood! This issue has mobilized a lot of English Estates residents, and I hope & expect the zoning board to adhere to the wishes of it's residents! SCRAP this awful plan!!!

Thank you,

Scott Giuliano



"Carolyn Giuliano"
<Carolyn_Giuliano@msn.com>

12/15/2003 11:19 PM

To: "plan desk" <plandesk@co.seminole.fl.us>
cc:
Subject: Water Treatment Plant and storage tank proposal (issue # 8) meeting
Dec. 16th 2003

<?xml:namespace prefix="v" /><?xml:namespace prefix="o" />
To whom it may concern,

I am an extremely concerned resident of English Estates who is **TOTALLY against** a water treatment and storage plant being put any where near our home. Anyone who is able to prevent this from happening in my own backyard is a friend to be appreciated and thanked. All I can give you is my voice in this letter, at this time, since I cannot be at the meeting tomorrow evening. My family and I enjoy life in our neighborhood the way it is now, free of any hazardous chemicals, smells from such chemicals, delivery tankers, more traffic, etc... Find another area, preferably far away from people and their homes, to plan such things. Think of how you would feel it this was happening near your own home. That is my voice. Thank you sincerely for taking the time to hear me out.

A very concerned resident of English Estates,

Carolyn Giuliano

| YEAR | POPULATION | NUMBER OF UNITS | AAAF TOTAL ANNUAL (mgal) | TOTAL ANNUAL MAX DAY (mgal) |
|------|------------|-----------------|---------------------------|-----------------------------|
| 1994 | 42,796 | 14,615 | 5.574
6.553 | 8,470 |
| 1998 | 43,820 | 14,750 | 6.383 | 10,350 |
| 2003 | 52,425 | 17,475 | 7.284 | 14,568 |
| 2018 | 57,402 | 19,134 | 7.975 | 15,950 |

On July 28, 2000, the St Johns River water management District issued a consumptive use permit # 82.84 to the city of Casselberry which allows the city to withdraw ground water from the Florida aquifer at a maximum annual withdrawal for the following year

| | | | | |
|----|---------|-------------|----|------|
| 1. | 2,271.0 | million gal | in | 2000 |
| 2. | 2,287.5 | " | " | 2001 |
| 3. | 2,301.7 | " | " | 2002 |
| 4. | 2,317.9 | " | " | 2003 |
| 5. | 2,563.0 | " | " | 2020 |

above extracted from Casselberry info submitted to St Johns River Water Management District

RECEIVED
JAN 13 2004



RECEIVED
JAN 13 2004

Why here in the middle of our residential area?

LEGEND:
 EXISTING WATER SERVICE AREA BOUNDARY - - - - -
 COUNTY BOUNDARY LINE - - - - -

City of Casselberry Fern Park Water System

Fire Hydrant Flow Tests - 3/12/04

Battalion Chief Dave Morris
Seminole Co. Inspector Chip Tyre
Dave Lankford
Ann Hooper
Bill Goucher

