

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: MYRTLE STREET URBAN CONSERVATION VILLAGE DESIGN
PROPOSED COMPREHENSIVE PLAN AMENDMENT

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

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

Agenda Date <u>6/08/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. ADOPT an ordinance including the proposed amendments to the text of the Seminole County Comprehensive Plan Policy FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept and add Exhibit FLU: Myrtle Street Urban Conservation Village Area; (1) or
2. DENY the proposed amendments to the text of the Seminole County Comprehensive Plan Policy FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept and add Exhibit FLU: Myrtle Street Urban Conservation Village Area; or
3. CONTINUE this item to the Fall Large Scale Amendment Cycle.

District 5 – Commissioner McLain

Tony Walter, Assistant Planning Manager

(1) For the record: A motion to adopt a plan amendment will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of all large scale amendments in this cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of the cycle.

BACKGROUND:

In August 2003 the Board of County Commissioners adopted Policy FLU 9.3 Myrtle Street Study Area Conservation Village Design Concept to facilitate implementation of a low impact development concept in Sub Area - 1. The proposed text amendments will apply to properties designated with a Suburban Estates land use and will further identify the area by adding a map exhibit, adding the word "Urban" to the title, set the maximum allowable density, and identify the incentive bonus criteria.

Reviewed by: Co Atty: <u>KJC</u> DFS: _____ Other: <u>MW</u> DCM: <u>SS</u> CM: <u>YB</u> File No. <u>ph130pdp03</u>

STAFF RECOMMENDATION:

ADOPT an ordinance that includes the proposed amendments to the text of the Seminole County Comprehensive Plan Policy FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept and add Exhibit FLU: Myrtle Street Urban Conservation Village Area.

RESPONSE TO ORC REPORT:

The following language was added to the text amendment to clarify that Urban Conservation Village Design is to be used for properties with Suburban Estates land use only.

- **G. To be applied to tracts of land with the Suburban Estates land use designation.**

ATTACHEMENTS:

- Proposed Policy FLU 9.3 Myrtle Street Study Area Urban Conservation Village Development Concept Text Amendments
- Proposed Exhibit FLU: Myrtle Street Urban Conservation Village Area
- Notice of Amendment Ordinance
- Department of Community Affairs ORC Report
- Staff Report
- January 7, 2004 LPA/P&Z Minutes
- February 24, 2004 BCC Minutes

URBAN CONSERVATION VILLAGE POLICIES FOR SPRING 2004 AMENDMENT CYCLE

OBJECTIVE FLU SPECIFIC AREA PLANS

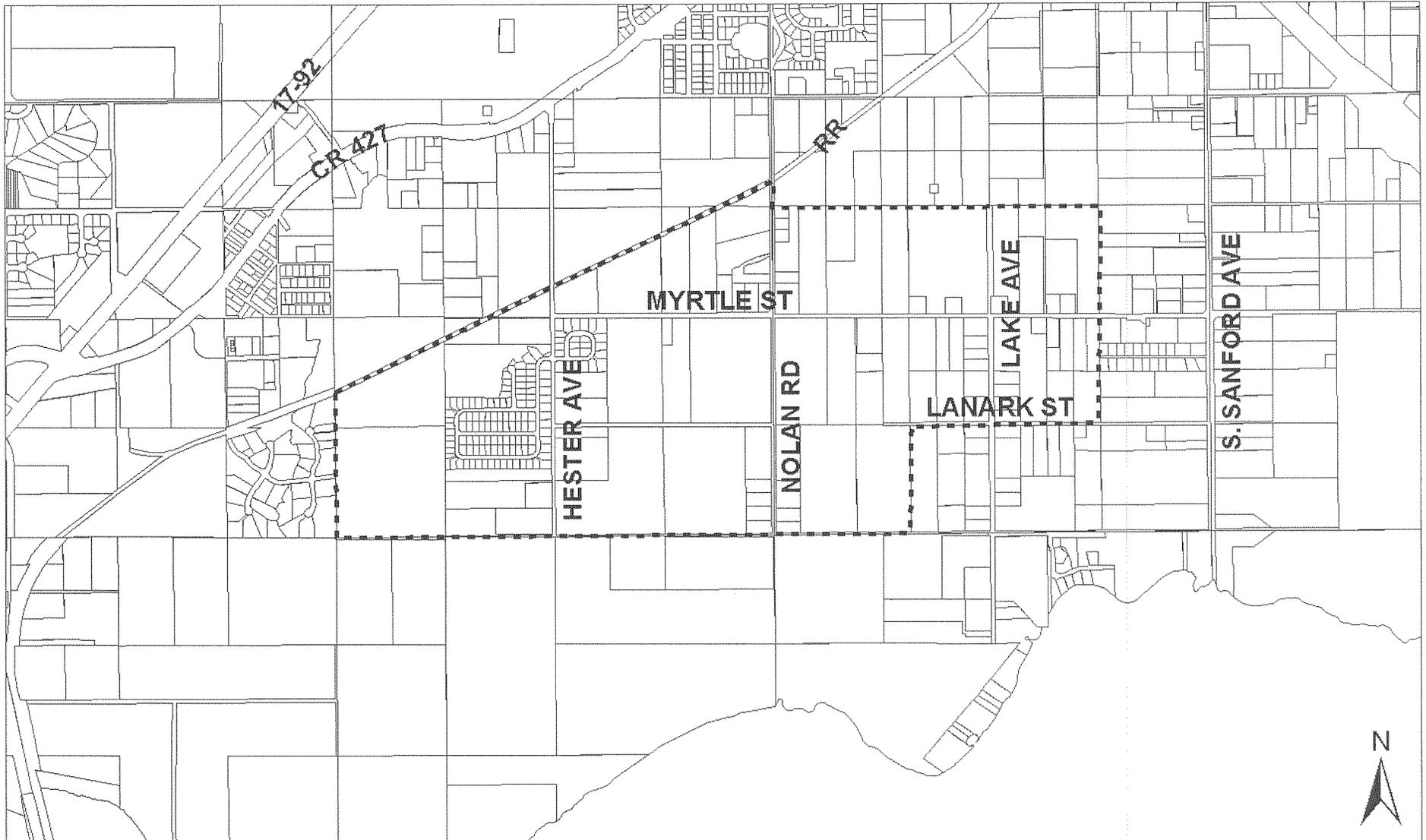
Proposed Policy Amendment

Policy FLU 9.3 Myrtle Street Study Area Urban Conservation Village Development Concept

The County shall provide for creative design concepts focused on preservation of natural open spaces, sensitive lands and area character ~~within planned unit developments~~ in the Myrtle Street Special Study area, **as depicted in Exhibit FLU: Myrtle Street Urban Conservation Village Area**, to:

- A Maximize preservation of conservation areas and unique features of the site;
- B Encourage creative design by clustering homes into "villages" surrounded by natural open spaces;
- C Incorporate trail and pedestrian opportunities;
- D Promote enhanced street systems resulting in reduced infrastructure and impervious surfaces;
- E Provide for storm water conveyance and retention that exceeds on-site requirements; and
- F ~~Provide for an opportunity to apply for density bonuses to encourage developments with significant public benefit as they relate to roads, water, sewer and storm water infrastructure, preservation of upland open areas, and quality of life in Seminole County.~~ **Allow for the ability to add density, up to an additional 1.0 dwelling unit per buildable acre, not to exceed a total of 2.0 dwelling units per buildable acre. To qualify for the additional density, at least 50% of the site must be preserved as common open space exclusive of wetlands, floodplains, and other elements protected from development. Further the applicant must connect to central water and sewer, shall provide an enhanced stormwater volume reduction and water quality treatment system, and shall develop and implement a restoration and management plan for the preserved open space.**
- G. **To be applied to tracts of land with the Suburban Estates land use designation.**

MYRTLE STREET URBAN CONSERVATION VILLAGE AREA



NOTICE OF AMENDMENT ORDINANCE

Adoption of the 2004 Spring Cycle Large Scale Amendment Ordinance

Should the Board of County Commissioners ("the Board") move to adopt an amendment ordinance for this hearing item, a single ordinance will be presented to the Board for enactment following the last large scale amendment hearing of this cycle. The ordinance presented to the Board for enactment will include all the previously approved hearing items, if any, for this large scale amendment cycle. The proposed ordinance title is:

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATIONS OF CERTAIN PROPERTIES BY VIRTUE OF LARGE SCALE DEVELOPMENT AMENDMENTS; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS, CONSERVATION, DESIGN, ECONOMIC, FUTURE LAND USE, IMPLEMENTATION, INTERGOVERNMENTAL COORDINATION, POTABLE WATER, AND TRANSPORTATION ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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spring amendment cycle\2004 spring
adopt notice of amend ordin.doc

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

May 24, 2004

The Honorable Daryl G. McLain, Chairman
Seminole County
Board of County Commissioners
1101 E. First Street
Sanford, FL 32771

Dear Chairman McLain:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA 04-1), which was received on March 25, 2004. Based on Chapter 163, F.S., we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the @objections@ set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of one (1) Future Land Use Map (FLUM) amendment and five (5) text amendments. The Department has identified objections with the proposed text amendments related to the Water Supply Facilities Work Plan, which include additions and revisions to the Capital Improvements, Conservation, Intergovernmental Coordination, and Potable Water Elements of the County Comprehensive Plan. Despite our objections, we commend the County's clear commitment to developing alternative water supply sources and enhancing water reuse and conservation programs. The Department is particularly pleased with the cooperative relationship established between the County and St. Johns Water Management District staff to ensure that the County's Work Plan articulates the details of the County's commitment.

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The Honorable Daryl G. McLain, Chairman
May 24, 2004
Page Two

As you probably already know, the Florida Legislature recently enacted House Bill 293, which changes the due date for the 10-year water supply work plan from January 1, 2005, to December 1, 2006. The reason behind postponing the due date was so that local government water supply facility work plans will reflect the most current update of the regional water supply work plans, which are due to be revised in 2005. While the Governor has not yet signed this bill, we have no information to suggest he won't sign it. As such, the Department is advising that local governments delay adopting their work plan until after the regional water supply plans have been updated.

The Department has also identified objections with the proposed Future Land Use Element text amendment related to the Myrtle Street Urban Conservation Village. The Department is concerned that the proposed residential density bonus is not supported by data and analysis demonstrating the need for additional residential dwelling units.

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Marina Pennington, Regional Planning Administrator or Jana Williams, Planner, at (850) 922-1827.

Sincerely yours,

Charles Gauthier, AICP
Chief of Comprehensive Planning

CG/jw

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Sandra Glenn, Executive Director, ECFRPC
Don Fisher, Seminole County Planning Director
Matt West, Seminole County Planning Manager

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Ms. Sandra Glenn, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR SEMINOLE COUNTY
COMPREHENSIVE PLAN AMENDMENT 04-1

May 24, 2004
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed amendment to their comprehensive plan (DCA number 04-1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, Florida Statutes (F.S.). Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
SEMINOLE COUNTY
PROPOSED AMENDMENT 04-1**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S. AND RULE 9J-5, F.A.C.

The Seminole County proposed Amendment 04-1 consists of one (1) Future Land Use Map (FLUM) change and five (5) text changes.

A. The Department raises the following objection to Amendment 04S.TXT01.1:

1. **Objection:** It is unclear how the County has coordinated the population projections in the comprehensive plan with the population projections used to forecast future water demand. There are internal inconsistencies in the figures provided in the Work Plan, as well as discrepancies between the County's figures and the figures used by the St. Johns River Water Management District (SJRWMD). The Work Plan does not clarify how the water demands and population projections were developed or whether the County considered the Regional Water Supply Plan (RWSP) demand projections prepared by the SJRWMD. In addition, the Work Plan does not clearly identify the demand of the unincorporated population served by the municipal water suppliers.

[Rules 9J-5.005(2)(a); 9J-5.005(5); 9J-5.006(1)(a); 9J-5.006(2)(a and c); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.011(1); 9J-5.011(2)(b and c), F.A.C.; Sections 163.3177(4); Sections 163.3177(6)(a, c, and h) and 163.3177(8), F.S.]

Recommendation: The County should:

- Provide a detailed description of the methodology used to develop its population and water demand projections;
- Reconcile internal inconsistencies in the County's population, water demand, and water use projections with the population, water demand, and water use projections in the RWSP;
- Identify the nature of the wholesale agreements and any other water service agreements with municipalities serving the unincorporated area, the areas served, and the projected demand for the areas served; and

B. The Department raises the following objection to Amendment 04S.TXT01.2:

2. **Objection:** Capital Improvement Project No. 1783 01 (WS/Country Club Well #3) lacks an identified funding source, which is inconsistent with Rule 9J-5.016(4)(a)(2), F.A.C., which states that the schedule of capital improvements must include a list of projected costs and revenue sources by type of public facility for the five year period. Additionally, it is unclear how each project in the Capital Improvements schedule is related to the specific needs that were identified in the Work Plan in order to improve deficiencies in each service area.

[Rules 9J-5.016(1 and 2); 9J-5.016(3)(b)1, 3, and 5; 9J-5.016(3)(c)1d, e, f and g; and 9J-5.016(4)(a)1 and 2, F.A.C.; Sections 163.3177(2, 3 and 4), F.S.]

Recommendation: The County should:

- Identify a funding source for Capital Improvement Project No. 1783 01 (WS/Country Club Well #3);
- Ensure the capital improvements program includes projects that are identified in the Work Plan; and
- Re-format the Five-Year Capital Improvements Schedule so that each water supply facility improvement project is clearly linked to the service area deficiency or future need that it is meant to get correct.

C. The Department raises the following objection to Amendment 04S.TXT01.3:

3. Objection: The proposed objective and policy statements do not address conservation practices, reuse, and other aspects of the County's water supply strategy for optimizing the use of groundwater and developing supply sources, particularly within the Northwest Service Area (NWSA). The policies do not state how the water-supply deficiencies in the Work Plan will be corrected. Furthermore, several important components of the County's water supply strategy were not explained in sufficient detail to demonstrate that the County had fully considered the District's Regional Water Supply Plan and there is not sufficient detail provided regarding integration of the County's Work Plan into the Comprehensive Plan.

[Rules 9J-5.005(2)(a); 9J-5.005(5); 9J-5.006(1)(a); 9J-5.006(2)(a and c); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.011(1); 9J-5.011(2)(b and c); 9J-5.013(1)(c); 9J-5.013(2)(b and c); 9J-5.015(1); 9J-5.015(2)(a and b); 9J-5.015(3)(b)1 and 3, and 9J-5.015(c)1, 3, 5, 7 and 13, F.A.C.; Sections 163.3177(2); 163.3177(4); 163.3177(6)(a, c, d, and h) and 163.3177(8), F.S.]

Recommendation: The County should revise the objective and policy statements so that they specifically address the implementation of conservation practices, reuse and other aspects of the County's strategy for optimizing the use of groundwater and developing alternative supply sources. In particular, the County should provide:

- An analysis of the Potable Water, Capital Improvements, Conservation, and Intergovernmental Coordination Elements, indicating where background information needs to be updated to incorporate the Work Plan, identifying existing goals, objectives and policies (GOPs) that further the Work Plan, and identifying GOPs that need to be amended or added to further the Work Plan;
- Detailed descriptions of the service areas, growth projections, per capita usage, and reuse availability for areas served by the Florida Water Services facilities and the Utilities Incorporated of Florida facility;
- Detailed descriptions of the County's participation in the Water 2020 process and the East Central Florida Planning Initiative;
- Detailed descriptions of the County's current and proposed conservation practices;
- Detailed descriptions of the County's current and proposed reuse program;
- Detailed descriptions of the County's alternative water supply source selection and development scenarios with and without partners; and

- Detailed descriptions of the County’s water resource development scenarios with and without partners.

D. The Department raises the following objections to Amendment 04S.TXT05.1:

4. Objection: The proposed amendment is not supported by data and analysis demonstrating the need for the residential density bonus in order to accommodate the County’s projected population growth within the planning timeframe of the County Comprehensive Plan.

[Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)8; 9J-5.006(3)(c); 9J-5.006(4); 9J-5.006(5); 9J-5.006(5)(h and i), F.A.C.; and Sections 163.3177(6)(a); 163.3177(8); and 163.3191, F.S.]

Recommendation: The County should provide a residential needs analysis demonstrating there is a need for the amount of development allowed by the proposed residential land use density bonus in order to accommodate the Comprehensive Plan’s projected population growth within the planning timeframe of the FLUM. The analysis should be based on the maximum development potential allowed by the future land use designation and the density bonus. Revise the amendment as necessary to be consistent with and supported by the data and analysis.

5. Objection: The proposed plan amendment does not identify the County’s existing stormwater requirements or water quality treatment system standards or explain the degree of the proposed “enhancements” relative to what the County and SJRWMD already require. Therefore, the effectiveness of the “enhancements” is difficult to determine.

[Rules 9J-5.005(2 and 5); 9J-5.006(3)(c); 9J-5.011(1); 9J-5.011(2)(b and c), F.A.C.; and Section 163.3177(2); Sections 163.3177(4); 163.3177(6)(c) and 163.3177(8), F.S.]

Recommendation: The County should provide a detailed analysis that compares the current stormwater water quality and quantity standards required by the County and WMD versus the proposed “enhanced” stormwater water quality and quantity standards in order to determine the degree of “enhancement” the new standards will provide to the Myrtle Street Urban Conservation Village.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

1. Objection: The proposed plan amendments are not consistent with and do not further the following goals and policies of the State Comprehensive Plan [Section 163.3177(10), F.S.):

- Goal (7), Water Resources, and Policies (b)1, 3, 4, 9, 10, 11, and 13;
- Goal (15), Land Use, and Policy (b) 6;
- Goal (25), Plan Implementation, and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objections cited previously in this report.

MYRTLE STREET URBAN CONSERVATION VILLAGE
PROPOSED COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT

REQUEST	ADOPT an ordinance that includes the proposed amendments to the text of the Seminole County Comprehensive Plan Policy FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept and add Exhibit FLU: Myrtle Street Urban Conservation Village Area.
APPLICANT	Seminole County
PLAN AMENDMENT	The proposed text amendments will apply to properties designated with a Suburban Estates land use and will further identify the area by adding a map exhibit, adding the word “Urban” to the title, set the maximum allowable density, and identify the incentive bonus criteria.
REZONING	NA
APPROXIMATE GROSS ACRES	620 acres. (Approximately 146 ac. Industrial, 144 LDR, and 290 Suburban Estates)
LOCATION	Abutting Myrtle Street east of Hester Avenue (See Map) also known as Sub Area – 1 of the Myrtle Street Special Area Study
BCC DISTRICT	District 5 – Commissioner McLain

STAFF ANALYSIS & FINDINGS

Development Trends: Development in this area is characterized by inactive agricultural, single-family residential on 1-acre or larger lots and low-density single-family development. Adjacent areas to the north and west are developing with low densities up to 4 units per acre. Within the western portion of Sub Area – 1, Autumn Chase has built out at 144 units on 65 acres. Lake Jesup Woods, a development just east of Autumn Chase is approved for 116 units on 81 acres. Just north of Sub Area – 1 on the west side of Hester Avenue a single family development is approved for 40 units 17 acres.

The area being considered for application of the Urban Conservation Village Design Concept is in the urban service boundary with water and sewer services available. As the availability of vacant residential land within the urban area of the County declines the demand for higher density development on all vacant properties will continue.

Community Involvement:

The public and stakeholder involvement process during the last two years is the key to how these amendments were developed. The process is designed to involve the

residents and property owners within the study area and to inform and seek input from the development community and regulatory agencies. The stakeholders continue to work with staff to refine the Land Development Code language that will implement the Urban Conservation Village Design.

Density Bonuses:

Nine concerns were identified that can be summed up as preservation of open space, protection of natural resources and improving existing deficiencies. The Urban Conservation Village Design Concept is to address the following goals:

- (a) Protect surrounding residential development;
- (b) Maintain rural character;
- (c) Protect wetlands, floodplains and wildlife habitats;
- (d) Improve drainage, including runoff and control of pollutants;
- (e) Promote reduced infrastructure through clustering and design practices;
- (f) Protect unique or attractive “viewsheds”;
- (g) Minimize water consumption;
- (h) Incorporate amenities and facilities with consideration given to the surrounding environment; and,
- (i) Maintain area quality of life.

Most literature about conservation subdivision design indicates that development costs can vary but tend to be no greater than and in many cases are less than traditional development costs. Determining the comparative costs and benefits of Urban Conservation Village Design and traditional development and applying to the benefits of the four incentive items as related to their costs is difficult at best because each is unique to the geographic area and the site conditions of each proposal.

County staff believes that the additional costs for design and construction of enhanced stormwater retention and water quality facilities, providing water and sewer, and developing the restoration and management plan for the preserved open space can be off-set by allowing a density incentive bonus of 1 dwelling unit per acre. To achieve the goals stated above, staff, the neighborhood and the stakeholders believe a holistic approach is needed and recommend that the 1 dwelling unit per acre density incentive bonus should be all or nothing as would be the four development enhancements described below.

Staff with neighborhood and stakeholder input recommends changing Policy FLU 9.3 to add: **“Allow for the ability to add density, up to an additional 1.0 dwelling unit per buildable acre, not to exceed a total of 2.0 dwelling units per buildable acre. To qualify for the additional density, at least 50% of the site must be preserved as common open space exclusive of wetlands, floodplains, and other elements**

protected from development. Further the applicant must connect to central water and sewer, shall provide an enhanced stormwater volume reduction and water quality treatment system, and shall develop and implement a restoration and management plan for the preserved open space.”

Staff Recommendation:

ADOPT an ordinance that includes the proposed amendments to the text of the Seminole County Comprehensive Plan Policy FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept and add Exhibit FLU: Myrtle Street Urban Conservation Village Area

Development); located on Long Pond Road, 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (03F.FLU02 and Z2003-011).

Commissioner McLain - District 5
Jeff Hopper, Senior Planner

Commissioner Tucker announced that this item had been requested for continuance. It was observed that this item had been advertised and continued before. Commissioners were concerned about public notice.

Matt West stated that the site would be replacarded, and new notices would be sent out to the public.

Commissioner Mahoney made a motion to continue this item to the February 4, 2004 meeting.

Commissioner Eismann seconded the motion.

The motion passed unanimously (6 – 0).

Commissioner Mahoney observed that the Rockwell item should not be heard under “Old Business” on the next agenda. It should appear along with the regular items under “New Business.”

E. Myrtle Street Phase III - Conservation Village Concept Implementation; approximately 620 acres abutting Myrtle Street east of Hester Avenue also described as Sub Area - I in the Myrtle Street Special Area Study. Review and comment on Phase III of the study and recommend proposed implementation language for the Seminole County Land Development Code.

Commissioner McLain - District 5
Tony Walter, Assistant Planning Manager

Mr. Walter reviewed the character of the area involved in the study. The area is varied, with wetlands, conservation areas, and agricultural fields, Autumn Chase subdivision, and light industrial areas. Currently land use is Low Density Residential (LDR) north and west of the railroad. Zoning is consistent with the future land use. The majority is zoned A-1.

The study was conducted in three phases. After an overview was taken, it was determined to concentrate on what was called sub area one, because it is more developable. This is at the corner of Hester and Myrtle Streets. Roads in the area are at “Level A.” The adopted level of service is “E.” With a build out level of an estimated 2 units per acre, roads in the area would remain at Level of Service “C” or better. The County is conducting a structural analysis of the area roads. The substratum of the road is being examined. This section is rural, with 24 foot

rights of way and drainage swales. Probable total costs of drainage improvements are estimated to be 1.7 million dollars, with \$67,000.00 attributable to sub area one. Public Works has removed a 70 acre pond.

The concept of density bonuses has not been resolved at this time. All of the other concepts have been addressed.

Project goals include protecting the residential villages, keeping the rural character of the area, including the ability to raise animals. Commercial livestock is not feasible there, but recreational livestock would be. Another goal is protecting and utilizing wetlands, providing open spaces, trails, and providing wildlife corridors. Minimizing water consumption by clustering homes and having smaller lots, while developing amenities to keep quality of life for the residents, and maintaining property values also were target goals. Infrastructure costs will be limited, with narrower rights of way and pavement.

Mr. Walter stated that incentive bonuses to developers can be approached. There will be additional costs with enhanced stormwater treatment and retention. With clustering and with smaller lot sizes costs can be contained.

The recommendation on the amount of greenway and open space is at 50 percent.

Density and open space, buffers and setbacks with incentive bonuses are the key issues.

Mr. Walter said that he will come back with a recommendation which will incorporate LPA/P&Z comments.

Commissioner Tucker stated that this concept will apply specifically to this area alone, not as a general zoning category for the County.

Mr. Walter agreed. He said that this process is being watched by other groups elsewhere. Here there are significant drainage issues due to the rural character of the area. Elsewhere in the County there are other issues.

Commissioner Tucker stated that the underlying concept is suburban estates in this area.

Mr. Walter stated that the concept would build around amenities and conservation areas. This may become an overlay district for this area only. The option will be to develop as originally intentioned, as suburban estates. 50 percent open space could work here.

Danny DeCiryran of 1581 Silk Tree Circle, Sanford, is the President of the North Lake Jesup Community, Inc. He has participated in the study from the beginning. He stated that he appreciated the patience with the staff. Density

and incentive bonuses are complicated by drainage issues. Also, builders should not be penalized for building in this area.

Mr. DeCiryman reviewed the overall concepts for the study previously presented by Mr. Walter. He stated that in researching for the study, he found that the concepts discussed are not new ones. There are several approaches to this, each seeking to conserve and minimize impacts to the environment, with good economic sense.

Mr. Deciryman cited several studies which were outlined on his slides which showed enhancements such as parks and protected lands bringing up property values. These studies also looked at infrastructure costs in providing conservation village patterns rather than traditional street pattern layouts. The environment was protected by clustering and providing favorably for filtration and minimal stormwater runoff into lakes and streams. Trees and natural vegetation are better preserved.

Mr. Deciryman stated that the County needs to put together some training and development programs for architects and builders in the area to provide solutions to questions they may have in doing their local and regional development.

These principals can be shown to be agents of change that can save money as well as the environment. Partnering with local universities will bring out the potential as well. These concepts may be applied to commercial development as well.

An extensive bibliography was provided.

Commissioner Tucker asked if Mr. DeCiryman if he concurred with the comments in the staff report.

Mr. DeCiryman said that he did not have a copy of the report, but he did state that one of the basic goals established by his study group was limiting density to 1.5 units per net buildable acre.

Commissioner Harris said that the area was a collection of many independent parcels. What was a good minimum parcel size to start with to implement this concept.

Mr. DeCiryman stated that it depends on the site. Depending on who you ask, the concept can be implemented on any size parcel if one knows how to do it. If builders are shown that the concept can lead the builders to save money, they would do it.

Commissioner Harris pointed out savings demonstrated in various studies from 12 to 66 percent, depending on the size of the parcel. Opportunities for creative alternatives rise with the size of the parcel. In the study area there is a mosaic of small parcels. This will be difficult to do this in area.

Mr. DeCiryran stated that this is not a cure-all for everything. What drove this study was looking for a way to allow developers to develop their properties without sacrificing stormwater priorities and other issues. He wants to find ways to say, "I can," rather than "I cannot."

Commissioner Tucker pointed out pg. 7, item 17 of the planning matrix. "Density (Bonuses) incentives are not required."

Mr. Walter stated that in some cases that may be true. Group A felt that a bonus of up to ½ unit per acre may be necessary to counteract the increased costs for developers.

Commissioner Tucker said that the entire study was based on the concept that there were going to be incentives provided in order to save the land.

Mr. DeCiryran said that the key issue was to provide alternative ways of doing things.

Robert Jasmine of 1153 Myrtle Street stated that the reason the study was conducted was to preserve the suburban estates area. The study shows ways to have savings, therefore profit for the developers. There should be an ethic of "Why can't I do this?" in terms of using new strategies in development. Mr. Jasmine cited water problems in Autumn Chase, Rose Hill, and Baker's Crossing. He asked if the County wanted to continue with more such problems.

Sandy Bierly of Acorn Development and CAC Development stated that she is working on the Esterson site. She has been unable to make a viable plan for the project with a 50 percent open space level. She stated that the plan has been put to paper and that CPH Engineering said that the approach will not work on a 25 to 30 acre parcel. She stated that she would like to use the Conservation Village approach, but 1.7 units per acre will not cover the cost of putting in water and sewer. Ms. Bierly stated that she does not have 100 acres to work with. A density of 2.5 units per acre would work on her project. This would cover the costs of water and sewer installation. One site is 55 acres and another is 20 acres. She did not want to run 50 foot lots.

Anne Esterson of 1235 Myrtle Street, Sanford, said that it is difficult being the social experiment of the County. Her land has been farmed for 60 years. She would like to see 2.5 units per acre developed on her land. Ms. Esterson stated that her land is in an urban service area. The developer must bring water and sewer service down Myrtle Street. Plans cannot eliminate sidewalks and curbs. Safety for children must be considered. 50 percent green space will not work.

Eric Esterson of 1235 Myrtle Street stated that roads in the area have been under built. He cited the Baker's Crossing road as an example of failed construction techniques. Without guidelines where are the incentives? We need logical thinking.

Commissioner Mahoney stated that lots of 10,000 square feet are not small. The County must allow development with details bringing density to 1.5 to 3 units per acre. Ms. Esterson has been waiting 8 years. There should be achievable standards with the greatest amount of flexibility. The Commissioner stated that neo-traditional subdivisions wind up looking like grids. The goal for developing an area would be to have varied home sizes.

Commissioner Harris agreed. The goal is to try something new. This area is less than 620 acres, close to urban amenities. The idea is to create a variety of lot sizes to avoid the cookie-cutter effect; to reduce stipulations to encourage creativity within the area; throw out the things we don't need.

Commissioner Mahoney made a motion to recommend approval with staff conditions #1,2,3, and 4, and to incorporate "minimizing standards."

Commissioner Harris seconded the motion.

The motion passed unanimously (5 – 0). Commissioner Dorworth was absent for the vote.

Planning Manager's Report:

Mr. West reviewed the list of projects scheduled to be heard in February. Due to the large number of cases, it was suggested that two meetings be held.

After a brief discussion, the Chairman stated that two meetings would be held, starting at 7:00 P.M.

Commissioner Mahoney stated that the meetings will be held on February 4 and 18.

There being no further business, the meeting was adjourned by unanimous consent at 9:55 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Secretary

Excerpt from Board of County Commission Meeting - February 24, 2004

COMPEHENSIVE PLAN TEXT AMENDMENT

Proof of publication, as shown on page _____, calling for a public hearing to consider amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) Policy FLU 9.3 Myrtle Street Study Area Conservation Village Development Concept and add Exhibit FLU: Myrtle Street Conservation Village Area, received and filed.

Tony Walter, Assistant Planning Manager, addressed the Board to present the request to transmit the proposed text amendments to the Florida Department of Community Affairs. He gave a PowerPoint presentation (copies received and filed). He advised the LPA/P&Z recommendation on February 18, 2004 was to recommend the BCC transmit the text amendments as part of the Spring Cycle. He discussed the proposed Policy Amendment and said it is new language from what was discussed last year. He read the comments (copy received and filed) from Randall Arendt who responded yesterday.

Mr. Walter advised staff is recommending transmittal to DCA and they would be back on schedule for adoption in June. Staff would also come back in June with the ordinance language that would implement this. He stated he has received some e-mails (copies received and filed) from individuals about this and some phone conversations that this is for the Myrtle Street area only, also some concerns about what the open areas should be.

Commissioner Henley discussed the density bonus with Mr. Walter. He stated he has some reservations about going into this with a flat one for one bonus.

Commissioner Van Der Weide stated he has met with staff and with citizens and appreciated their input. This has been a lot of work for everyone involved. He thinks they are close to something that might work. He said he asked the same question on the density bonuses. He is still not sure they need to go one to one to make this work. He asked if they come up with something that no one is interested in, then what do they have.

Chairman McLain stated under the current circumstances with the land use, the property owner could go in and be in suburban estates with one-acre lots and no open space and have two septic tanks and wells, which is exactly opposite to what the Board is hearing now. He said he was happy to hear that Mr. Arendt said this is going to work very well.

He asked Mr. Walter what would have to change if they went up to two. Mr. Walter replied he doesn't believe anything would have to change with the text amendment. That would come later in the process as staff goes through the Land Development Code.

Commissioner Maloy stated the language says, "up to additional one dwelling unit per buildable acre, not to exceed a total of two dwelling units.' Whereupon, Chairman McLain clarified that the language allows adding density up to two, so Mr. Walter's comment that staff would not have to change the text amendment is correct.

Commissioner Henley stated he thinks they need some latitude to adjust because if it turns out there are a lot more savings on infrastructure, the project might be viable without getting up to that density. He added they need the flexibility.

Chairman McLain said the property owners would have to make that decision.

Commissioner Maloy said this does not prevent anyone from trying to go above two and it would come before the BCC for approval. Mr. Walter affirmed that and said staff feels a total of two would be sufficient for this concept to take root and go forward.

Mary Baker, 651 Myrtle Street, addressed the Board to state she prefers 1 to 1½ dwelling units per acre. She said someone might have forgotten that politicians are representative of what the people who elected them want and wish. In her group, the majority of the people do not want to have too much development in their area. If they are directing the Commissioners that they don't want the growth, then she doesn't think the Board should vote for that.

Robert King, 2211 Black Hammock, addressed the Board to state the Black Hammock Association, while not in the Myrtle Street area, would like to comment on the Conservation Village because it is such a powerful thing. He read the written comments (received and filed) from President Jim Logue. He said staff has done an outstanding job and he thinks they are really onto something. He thinks they will be proud and impressed with what happens on Myrtle Street.

Danny DeCiryman, 1581 Silk Tree Circle, President-elect for the North Lake Jesup Community, addressed the Board to submit copies of the "Cost Benefits Using

Conservation Design and Development Techniques” (received and filed). He thinks they have a tremendous opportunity with this. He praised the staff for their efforts made in providing this vehicle for them to express their feelings and dreams for the future of the Myrtle Street area. He had the North Lake Jesup residents in attendance to raise their hands, and said they want to preserve the lifestyle they have. He added that their biggest concern is density.

Stanley Stevens, 377 Riverwoods Trail, President of the Southeast Seminole County Voters Association, addressed the Board to read comments from the Association, stating if the Myrtle Street citizens are pleased with the final results, they are too. He read that the Association is opposed to any amendment that would change land use or densities, or any studies concept that could set precedence for any rural areas of the County. They asked that this action be a one-shot deal for this development only.

Robert Jasmin, 1153 Myrtle Street, addressed the Board to state it was an honor to work with staff in putting together what he thinks will be a blueprint for a wonderful thing in Seminole County. He discussed that the Conservation Village Concept by its own nature is better as compared to normal development or cluster development. He asked the Board to think seriously about lowering the density to .5 to make it a reality for the area.

Deborah Schafer, 1740 Brumley Road, speaking for the Sustainable Community Advisory Council, addressed the Board to state they commend the residents and developers of the Myrtle Street area who worked long and hard on this project. She said their concern is what this is going to be called. She stated the conservation name should

probably be placed more into a rural area. If this is approved tonight, they are asking that this be called the “Myrtle Street Hamlet.” She said a true conservation village does not have all the concessions that have been made with this. She noted this has been a great process.

Sandy Bierly chose not to speak at this time.

Bill Holmes, CPH Engineering, 1117 E. Robinson Street, representing Acorn Development, addressed the Board to state DAB has not had a chance to review this in depth yet. He said he has a problem with the County taking away flood prone and wetlands and giving people no credit for that land. He said there can still be a conservation village concept by using some of the flood prone land as open space. He thinks it’s unfair to the property owner who has had the land for generations and used it. He said there is a lot of farmland they will end up with having wetlands in the middle of open fields. These were good farmlands based on the soil content, but the farmer had water control and had been draining the land. However, the Water Management District is going to call that wetlands. He said his biggest problem is how they get the 50% open space and people need to be given credit for some of the land they have and has value. He discussed wood restoration and said they must know for sure what they are restoring and what that means before they go into this. Otherwise, they could end up with a lot of costs no one is thinking about now. He would like to see a better definition of what wood restoration is going to be.

Ann Esterson, 1235 Myrtle Street, addressed the Board to state her family has owned and farmed 140 acres on Myrtle Street for over 60 years and they are now looking

to develop 60 acres of it. They are long-term residents in the area and know about the drainage. They don't find problems in that area. She reviewed the staff recommendations and said they feel very strongly that a density bonus of adding one to make it two is necessary to bring the utilities down Myrtle Street. She said this is not going to be an easy fix in that narrow area. She referred to comments by Mr. Arendt and said it has been her position all along that this urban service area is intended to have water and sewer and not intended for septic tanks and wells. She stated their original consultant predicted that some areas might be good for town homes. It is quite a compromise for the property owners to agree with the two units per acre, but she thinks it can be done. She stated they are not pleased with the 50% green area but would prefer 40%. She agreed with Mr. Holmes' suggestion that the word, "restoration," be removed from the last part of the text amendment because she believes the word, "management," would cover design and maintenance of the green area. She asked the Board to give the density of two, provided they comply with the four staff recommendations, so that this experiment on Myrtle Street can be a success and not a failure.

Speaker Request Forms and Written Comment Forms were received and filed.

Chairman McLain clarified with Mr. Walter that this only affects the Myrtle Street area and the text amendment reflects that. He said he would like to use the term, "Urban Conservation Village," because this is inside the urban boundary and that delineates it from the rural areas. He suggested this as an amendment to the text language.

Upon inquiry by Chairman McLain, Mr. Walter explained what the definition of restoration would be, stating it would be different for each case. He said that would be defined in the ordinances that come back to the Board.

Commissioner Van Der Weide asked for a better explanation of why “restoration” is used and why “management” would not be sufficient.

Planning & Development Director, Don Fisher, addressed the Board to advise the term restoration was there to give some suggestion that this open space area would be converted and utilized to something that would be beneficial to the general public. He said the details to this will be brought back in a few months, and staff will work with the Board and the community. He affirmed with Commissioner Van Der Weide that this will not be a tool for the St. Johns River Water Management District to use.

Commissioners Henley and Maloy stated how they interpreted the meaning of restoration. Whereupon, District Commissioner McLain said this is an area staff needs to work on between now and the next time this issue is considered. He asked for a motion to transmit the amendment with the staff and P&Z findings.

Motion by Commissioner Van Der Weide, seconded by Commissioner Maloy, to transmit the proposed text amendments to the Seminole County Vision 2020 Comprehensive Plan to the Florida Department of Community Affairs to set the maximum density, identify incentive bonus criteria, and identify the Myrtle Street Conservation Village Area, with the staff and P&Z findings, and name change by the BCC to the “Urban” Conservation Village; as described in the proof of publication.

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