



**PLANNING & ZONING COMMISSION RECOMMENDATION:**

On September 3, 2003, the Planning & Zoning Commission voted 4-0 to recommend APPROVAL of the requested Small Scale Land Use Amendment from LDR to MDR; and also to recommend APPROVAL of R-1BB on Block E of Adell Park (PB 9 PG 48), with R-1B on the balance of the property, subject to the following conditions:

- Minimum house size of 2,200 square feet
- Maximum density of 4.5 units per acre
- Proposed fencing along Bear Lake Road would be of a material other than wood

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.

# *Bear Lake Subdivision*

## *Staff Report*

<b>Low Density Residential to Medium Density Residential</b>	Amendment (Z2003-027, 09-03SS.07)
<b>REQUEST</b>	
<b>APPLICANT</b>	Hugh W. Harling
<b>PLAN AMENDMENT</b>	Low Density Residential (LDR) to Medium Density Residential (MDR)
<b>REZONING</b>	R-1 and R-1A to R-1BB
<b>APPROXIMATE GROSS ACRES</b>	5.4
<b>LOCATION</b>	East side of Bear Lake Rd., 1.8 miles south of SR 436
<b>BCC DISTRICT</b>	3 – Van Der Weide
<b>RECOMMENDATIONS AND ACTIONS</b>	
<b>STAFF RECOMMENDATION</b> October 14, 2003	Staff recommends APPROVAL of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.
<b>PLANNING &amp; ZONING COMMISSION RECOMMENDATION</b> September 3, 2003	On September 3, 2003, the Planning & Zoning Commission voted 4-0 to recommend APPROVAL of the requested Small Scale Land Use Amendment from LDR to MDR; and also to recommend APPROVAL of R-1BB on Block E of Adell Park (PB 9 PG 48), with R-1B on the balance of the property, subject to the following conditions: <ul style="list-style-type: none"> <li>• Minimum house size of 2,200 square feet</li> <li>• Maximum density of 4.5 units per acre</li> <li>• Proposed fencing along Bear Lake Road would be of a material other than wood</li> </ul>

# STAFF ANALYSIS

## Low Density Residential to Medium Density Residential

Amendment  
(Z2003-027,  
09-03SS.07)

- 1. Property Owner:** Robert Hattaway
- 2. Tax Parcel Numbers:**  
20-21-29-504-0C00-0060  
20-21-29-504-0C00-0070  
20-21-29-504-0C00-0080  
20-21-29-504-0E00-0000  
20-21-29-505-0000-0120
- 3. Development Trends:** Development in this area is characterized by single family subdivisions in the County to the north and west, with minimum lot sizes of 9,000 square feet and above. To the east, the City of Altamonte Springs has allowed development at lot sizes in the 6,000 square foot range. Additionally, a small amount of commercial land use and zoning has been permitted opposite the subject property on the west side of Bear Lake Road. Currently, the CSX Railroad right-of-way serves as a boundary between LDR densities (up to 4 units per acre) and higher densities associated with MDR. However, the subject property is a vacant area largely surrounded by developed residential parcels, and represents an opportunity for infill development. Though the proposal is somewhat more intense than that of neighboring development, its approval would not create a trend toward higher densities in the vicinity.
- 4. School Impacts:** Based on information provided by the applicant, the school impacts associated with this proposal would be minimal. The Board should be aware, however, that this site is located in the attendance zone of the largest elementary school in the County. Bear Lake Elementary has a current enrollment of 1,221 and a revised capacity of 918. The district is currently trying to acquire another elementary school site (15 acres) in this area.

## SITE DESCRIPTION

- 1. EXISTING AND PERMITTED USES:** The future land use designation of Low Density Residential, currently assigned to the subject property, permits single family residential development not exceeding 4 dwelling units per net buildable acre. Existing R-1 and R-1A zoning on the site implements the permitted densities allowed under the Vision 2020 Plan. One of the subject parcels contains a single family home, while the others are vacant.

Location	Future Land Use*	Zoning*	Existing Use
North	LDR	R-1A	SF residential, vacant
South	Altamonte Springs	Altamonte Springs	vacant
East	Altamonte Springs	Altamonte Springs	vacant
West	LDR / Commercial	R-1A, R-1AA, A-1, C-1	SF, commercial, vacant

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

## **COMPREHENSIVE PLAN CONSISTENCY**

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

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

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

Access to the subject property is via Bear Lake Road, a Collector. The existing Level of Service (LOS) on this portion of Bear Lake Road is "A" on daily traffic counts, and "D" on a.m./p.m. peak counts (derived from a travel time and delay Study prepared by the Engineering Division). The adopted LOS standard for this segment of Bear Lake Road is "D + 20%." Per Policy TRA 7.3, this segment of Bear Lake Road is permanently constrained to 2 lanes.

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

The subject property is within the Seminole County water and sewer service areas. Water service is available to the site, but sewer service currently is not. The applicant is proposing to connect to the City of Altamonte Springs sewer system. This is allowable under an existing agreement with the City.

**C. Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Station #13. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

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

**A. Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities.

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

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

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

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

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

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

Based upon an initial evaluation, the proposed MDR land use, with a potential of 10 dwelling units per acre, could be viewed as incompatible with adjacent single family development at densities of less than 4 units per acre. However, the requested zoning classification of R-1BB would establish actual permitted density at roughly 6 units per acre. A tier of R-1B to serve as a buffer against adjacent R-1A and R-1AA properties would further the compatibility of this proposal. The request should be viewed as infill, a project which will utilize a cluster of vacant parcels surrounded by existing development, without establishing a new trend of higher density or intensity in the area.

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

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

*FLU 2.1 Subdivision Standards.*

*FLU 2.11 Determination of Compatibility in the PUD Zoning Classification*

*FLU 4.2 Infill Development*

*FLU 5.5: Water and Sewer Service Expansion*

*MDR Future Land Use Definition*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

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

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.



**Minutes for the Seminole County  
Land Planning Agency / Planning and Zoning Commission  
Wednesday, September 3, 2003  
7:00 P.M.**

**Members present:** Alan Peltz, Richard Harris, Ben Tucker, Thomas Mahoney, Chris Dorworth, Beth Hattaway, and Dudley Bates.

**Also present:** Jeff Hopper, Senior Planner; Cynthia Sweet, Planner; Michael Rumer, Planner; Tony Walter, Principal Planner; Tony Matthews, Principal Planner; Karen Consalo, Assistant County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

K. Bear Lake Subdivision / Hugh W. Harling, applicant; approximately 5.4 acres. Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); and Rezone from R-1A and R-1AA (Single Family Dwelling District) to R-1BB (Single Family Dwelling district); east side of Bear Lake Road, approximately 1.8 miles south of SR 436. (Z2003-027, 09-03SS.07)  
Commissioner Van Der Weide - District 3  
Jeff Hopper, Senior Planner

Jeff Hopper stated that the applicant requests approval of R-1BB zoning and a Medium Density Residential (MDR) future land use designation on a 5.4 acre site between Bear Lake Road and the City of Altamonte Springs. Proposed development is single family residential, with a minimum lot size of 5,000 square feet. This request would introduce development at densities exceeding 5 units per acre into an area that is now characterized by development in the range of 3-3.5 units per acre. Mr. Hopper stated that the staff recommendation was for approval of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.

Commissioner Mahoney read the statement from Dianne Kramer regarding the proposed development and its impact on the area schools. Ms. Kramer noted that the impact should be minimal, but also stated that this development will be in the attendance area of the County's largest school: Bear Lake Elementary. The district is trying to obtain another school site in the area. Currently the school is over capacity by almost 200 students.

Hugh Harling spoke on behalf of Bob Hattaway, property owner. Mr. Harling reviewed the location of the property using an aerial photo of the neighborhood. He said that there was a CVS drugstore and a 7-11 nearby. This is an infill property. The railroad running by the property is an active railroad. He requested

Medium Density Residential land use, capping at 4.8 units per acre. This project will have a single entrance. A retention pond will be located near the entrance. Water and sewer will be from Altamonte Springs. Mr. Harling requested R-1BB zoning on both sides of the street. Mr. Harling added that Mr. Hattaway owns a lot located on the western boundary of the site. This was the only lot to be directly impacted by the project. This neighborhood will provide a transition between the railroad and the houses to the north.

Bob Hattaway stated that he owns the proposed site and some adjacent property as well. This request is different from the previous request made on this site. He has purchased land to expand the site. Steve Atkins, an adjacent property owner, has no objections to the request. Mr. Hattaway said that he plans to have \$200,000.00 homes here.

Kyle Jensen of 9443 Bear Lake Road said that he is in favor of the request. He had opposed commercial development here. Mr. Jensen is a registered architect. He was primarily concerned about how the buffering would be handled along Bear Lake Road on one lot.

Commissioner Tucker stated that there were about a dozen forms stating opposition to the project. The signers did not wish to speak, but wanted to register protest.

Speaking next was Wayne Waters of 9261 Beaver Cove in the Bear Lake Woods subdivision across from this proposed site. He stated that his neighborhood is R-1A zoning in the \$250,000.00 price range. He pointed out that if they are only putting 4.8 units per acre, the property did not need to be rezoned with lot sizes of 9,000 square feet. He was concerned with the other types of residences that could go in there besides traditional single family residences. He asked that the property be zoned R-1A or R-1AA.

Robert Smith of 5292 Pine View Way lives 200 feet north of the property under consideration. He has a 12,000 square foot lot. Most of the properties north of his could be R-1AAA with 13,000 square foot lots. Mr. Smith said that the current zoning of the property is serving as an appropriate transition buffer between zonings. The requested change is incompatible. Will there be a buffer between the CSX tracks and the lots? He was also concerned with traffic and the impact on children in the area. Mr. Smith requested denial.

Debbie Jensen of 9442 Bear Lake Road objected to this application. She felt that this project could become 56 homes instead of the proposed 22 homes. She wants to keep the R-1A zoning.

Lisa Ritz of 5350 Don Mar Street said that she objects to this project. It will generate traffic and further overcrowd the schools. Adell Park residents object. Flooding is a concern here. Storm water abatement systems must be put in the area for current homes, before development.

Debbie Goad of Balmy Beach Drive said that traffic is a nightmare in the area now. The problem is cut through traffic. All roads are 2-laned now and cannot be expanded. There are many accidents in the area due to speeding. More development will only make things worse.

Margarite Webb said that she owns the property adjacent to the proposed site. She is opposed. The current zoning gives good house sizes and anything less will devalue the area.

Stan Atkins of 9430 W. Paulindo Road said he had agreed to single family residences, but had never agreed to a change of zoning. He stated that his neighbor Lois Bailey also objects. He wants consistency in zoning.

Chairman Tucker stated for the record that he had received a petition objecting to the rezoning.

Steve Bell of 6084 Jessica in Apopka said that he is opposed to the rezoning. He is skeptical of the traffic impacts. He asked about the possibility of traffic increasing by up to 500 cars per day. Mr. Bell said that the developer could put in whatever he wanted here, up to 10 houses per acre.

Mr. Harling spoke about density. The land use of Medium Density allows up to 10 units per acre, but the zoning tops it off at 4.8 units. Also, smaller lots do not mean smaller houses. Mr. Hattaway has said the houses would be from between \$200,00.00 and \$250,000.00.

Mr. Harling repeated that the water and sewer was coming from the City of Altamonte. As for traffic, estimates of 200 extra trips per day are anticipated. The bulk of the traffic will go to Maitland Boulevard. In response to Mr. Jensen's comments Mr. Harling said that he will have a 10 foot landscape buffer and a wall, not a wood fence, facing Bear Lake Road.

The public hearing was now closed.

Commissioner Mahoney asked Jeff Hopper about the minimum house size in R-1B or R-1BB.

Mr. Hopper said that minimum was 700 square feet.

**Mr. Harling then committed to a minimum house size of 2,200 square feet with a yield cap of 4.5 units per acre. He also stated that there would be a landscape easement and wall system on the lot facing Bear Lake Road. There would be no wooden fence used.**

**Commissioner Mahoney made a motion to recommend approval of the requested MDR land use as recommended in the staff report, along with the minimum house size of 2,200 square feet, yielding 4.5 units per acre; also including the provision of a landscape easement and wall system for the lot facing Bear Lake Road (with no wooden fence used).**

**Commissioner Peltz seconded the motion.**

In discussion Commissioner Mahoney noted that compatibility does not go in only one direction. This project is next to a railroad track.

**Commissioner Hattaway removed herself from the voting, stating that Mr. Hattaway was a family member.**

Commissioner Harris said that Mr. Bell was concerned about commitments. A Developer's Commitment Agreement runs with the land. The Commissioner pointed out that Mr. Hattaway had made many quality projects in the county and that he kept his word when he made commitments.

Commissioner Mahoney stated that commitments are recorded.

**The motion passed by an unanimous vote of 6 – 0. Commissioner Hattaway did not vote on this item.**

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

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

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

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

**WHEREAS**, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on September 3, 2003, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners held a Public Hearing on October 14, 2003, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

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

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

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

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

(a) The Future Land Use Element’s Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT “A”

<p><b><u>Amendment Number</u></b> 09-03SS.07</p>	<p><b><u>Amendment</u></b> Amendment from Low Density Residential to Medium Density Residential</p>
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(b) The associated rezoning request was completed by means of Ordinance Number 2003-\_\_\_\_.

Section 3. SEVERABILITY:

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

Section 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

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

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

Section 5. EFFECTIVE DATE:

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.



ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain,  
Chairman

EXHIBIT A

LOT 6 BLK C ADELL PARK PB 9 PG 48

LOT 7 BLK C ADELL PARK PB 9 PG 48

LOT 8 BLK C ADELL PARK PB 9 PG 48

LOT 12 ADELL PARK 1ST ADD PB 13 PG 19

BLK E ADELL PARK PB 9 PG 48

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

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bear Lake Subdivision Rezone."

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

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from R-1A (Single Family Dwelling District) to R-1BB (Single Family Dwelling District):

**LEGAL DESCRIPTION ATTACHED EXHIBIT A**

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

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

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

ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

LOT 6 BLK C ADELL PARK PB 9 PG 48

LOT 7 BLK C ADELL PARK PB 9 PG 48

LOT 8 BLK C ADELL PARK PB 9 PG 48

LOT 12 ADELL PARK 1ST ADD PB 13 PG 19

BLK E ADELL PARK PB 9 PG 48

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

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**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from R-1A (Single Family Dwelling District) to R-1B (Single Family Dwelling District):

**LEGAL DESCRIPTION ATTACHED EXHIBIT A**

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

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

ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

## EXHIBIT A

### LEGAL DESCRIPTION

LOT 6 BLK C ADELL PARK PB 9 PG 48

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LOT 8 BLK C ADELL PARK PB 9 PG 48

LOT 12 ADELL PARK 1ST ADD PB 13 PG 19



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

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

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bear Lake Subdivision Rezone."

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

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from R-1 (Single Family Dwelling District) to R-1BB (Single Family Dwelling District):

**LEGAL DESCRIPTION ATTACHED EXHIBIT A**

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

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

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

ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**EXHIBIT A**  
**LEGAL DESCRIPTION**

BLK E ADELL PARK PB 9 PG 48

j. The outdoor storage area shall be landscaped to the north, south and east with plantings providing 75% screening to a height of 3 feet. Along these sides, required plantings shall include 1 canopy tree per 25 linear feet, and further screening shall be provided using a 6-foot chain link fence with vinyl slats.

John Herbert of 200 N. Moss Road, Winter Springs, said that this is Phase 3 of an existing development.

No one spoke from the audience on this item.

**Commissioner Mahoney made a motion to recommend approval of the rezoning to PCD as per the conditions in the staff report.**

**Commissioner Harris seconded the motion.**

**The motion passed by unanimous consent. (7-0)**

K. Bear Lake Subdivision / Hugh W. Harling, applicant; approximately 5.4 acres. Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); and Rezone from R-1A and R-1AA (Single Family Dwelling District) to R-1BB (Single Family Dwelling district); east side of Bear Lake Road, approximately 1.8 miles south of SR 436. (Z2003-027, 09-03SS.07)

Commissioner Van Der Weide - District 3  
Jeff Hopper, Senior Planner

Jeff Hopper stated that the applicant requests approval of R-1BB zoning and a Medium Density Residential (MDR) future land use designation on a 5.4 acre site between Bear Lake Road and the City of Altamonte Springs. Proposed development is single family residential, with a minimum lot size of 5,000 square feet. This request would introduce development at densities exceeding 5 units per acre into an area that is now characterized by development in the range of 3-3.5 units per acre. Mr. Hopper stated that the staff recommendation was for approval of the requested Small Scale Land Use Amendment due to the infill nature of the subject property. The requested R-1BB zoning classification should be considered only on Block E of Adell Park, the portion of the subject property adjacent to the CSX railroad right-of-way. The balance should be R-1B, requiring somewhat larger lots to serve as a buffer to nearby properties in R-1A and R-1AA.

Commissioner Mahoney read the statement from Dianne Kramer regarding the proposed development and its impact on the area schools. Ms. Kramer noted that the impact should be minimal, but also stated that this development will be in the attendance area of the County's largest school: Bear Lake Elementary. The

district is trying to obtain another school site in the area. Currently the school is over capacity by almost 200 students.

Hugh Harling spoke on behalf of Bob Hattaway, property owner. Mr. Harling reviewed the location of the property using an aerial photo of the neighborhood. He said that there was a CVS drugstore and a 7-11 nearby. This is an infill property. The railroad running by the property is an active railroad. He requested Medium Density Residential land use, capping at 4.8 units per acre. This project will have a single entrance. A retention pond will be located near the entrance. Water and sewer will be from Altamonte Springs. Mr. Harling requested R-1BB zoning on both sides of the street. Mr. Harling added that Mr. Hattaway owns a lot located on the western boundary of the site. This was the only lot to be directly impacted by the project. This neighborhood will provide a transition between the railroad and the houses to the north.

Bob Hattaway stated that he owns the proposed site and some adjacent property as well. This request is different from the previous request made on this site. He has purchased land to expand the site. Steve Atkins, an adjacent property owner, has no objections to the request. Mr. Hattaway said that he plans to have \$200,000.00 homes here.

Kyle Jensen of 9443 Bear Lake Road said that he is in favor of the request. He had opposed commercial development here. Mr. Jensen is a registered architect. He was primarily concerned about how the buffering would be handled along Bear Lake Road on one lot.

Commissioner Tucker stated that there were about a dozen forms stating opposition to the project. The signers did not wish to speak, but wanted to register protest.

Speaking next was Wayne Waters of 9261 Beaver Cove in the Bear Lake Woods subdivision across from this proposed site. He stated that his neighborhood is R-1A zoning in the \$250,000.00 price range. He pointed out that if they are only putting 4.8 units per acre, the property did not need to be rezoned with lot sizes of 9,000 square feet. He was concerned with the other types of residences that could go in there besides traditional single family residences. He asked that the property be zoned R-1A or R-1AA.

Robert Smith of 5292 Pine View Way lives 200 feet north of the property under consideration. He has a 12,000 square foot lot. Most of the properties north of his could be R-1AAA with 13,000 square foot lots. Mr. Smith said that the current zoning of the property is serving as an appropriate transition buffer between zonings. The requested change is incompatible. Will there be a buffer between the CSX tracks and the lots? He was also concerned with traffic and the impact on children in the area. Mr. Smith requested denial.

Debbie Jensen of 9442 Bear Lake Road objected to this application. She felt that this project could become 56 homes instead of the proposed 22 homes. She wants to keep the R-1A zoning.

Lisa Ritz of 5350 Don Mar Street said that she objects to this project. It will generate traffic and further overcrowd the schools. Adell Park residents object. Flooding is a concern here. Storm water abatement systems must be put in the area for current homes, before development.

Debbie Goad of Balmy Beach Drive said that traffic is a nightmare in the area now. The problem is cut through traffic. All roads are 2-laned now and cannot be expanded. There are many accidents in the area due to speeding. More development will only make things worse.

Margarite Webb said that she owns the property adjacent to the proposed site. She is opposed. The current zoning gives good house sizes and anything less will devalue the area.

Stan Atkins of 9430 W. Paulindo Road said he had agreed to single family residences, but had never agreed to a change of zoning. He stated that his neighbor Lois Bailey also objects. He wants consistency in zoning.

Chairman Tucker stated for the record that he had received a petition objecting to the rezoning.

Steve Bell of 6084 Jessica in Apopka said that he is opposed to the rezoning. He is skeptical of the traffic impacts. He asked about the possibility of traffic increasing by up to 500 cars per day. Mr. Bell said that the developer could put in whatever he wanted here, up to 10 houses per acre.

Mr. Harling spoke about density. The land use of Medium Density allows up to 10 units per acre, but the zoning tops it off at 4.8 units. Also, smaller lots do not mean smaller houses. Mr. Hattaway has said the houses would be from between \$200,00.00 and \$250,000.00.

Mr. Harling repeated that the water and sewer was coming from the City of Altamonte. As for traffic, estimates of 200 extra trips per day are anticipated. The bulk of the traffic will go to Maitland Boulevard. In response to Mr. Jensen's comments Mr. Harling said that he will have a 10 foot landscape buffer and a wall, not a wood fence, facing Bear Lake Road.

The public hearing was now closed.

Commissioner Mahoney asked Jeff Hopper about the minimum house size in R-1B or R-1BB.

Mr. Hopper said that minimum was 700 square feet.

Mr. Harling then committed to a minimum house size of 2,200 square feet with a yield cap of 4.5 units per acre. He also stated that there would be a landscape easement and wall system on the lot facing Bear Lake Road. There would be no wooden fence used.

Commissioner Mahoney made a motion to recommend approval of the requested MDR land use as recommended in the staff report, along with the minimum house size of 2,200 square feet, yielding 4.5 units per acre; also including the provision of a landscape easement and wall system for the lot facing Bear Lake Road (with no wooden fence used).

**Commissioner Peltz seconded the motion.**

In discussion Commissioner Mahoney noted that compatibility does not go in only one direction. This project is next to a railroad track.

**Commissioner Hattaway removed herself from the voting, stating that Mr. Hattaway was a family member.**

Commissioner Harris said that Mr. Bell was concerned about commitments. A Developer's Commitment Agreement runs with the land. The Commissioner pointed out that Mr. Hattaway had made many quality projects in the county and that he kept his word when he made commitments.

Commissioner Mahoney stated that commitments are recorded.

**The motion passed by an unanimous vote of 6 – 0.** Commissioner Hattaway did not vote on this item.

**L. Pacific Atlantic; Cayetano R. & Cristeta M. Cruzada, applicants;** approximately 0.27 acre; Rezone from A-1 (Agriculture) to RP (Residential Professional); east side of Tuskawilla Road, 650 feet north of Dike Road (Z2002-029).

Commissioner Maloy - District 1  
Jeff Hopper, Senior Planner

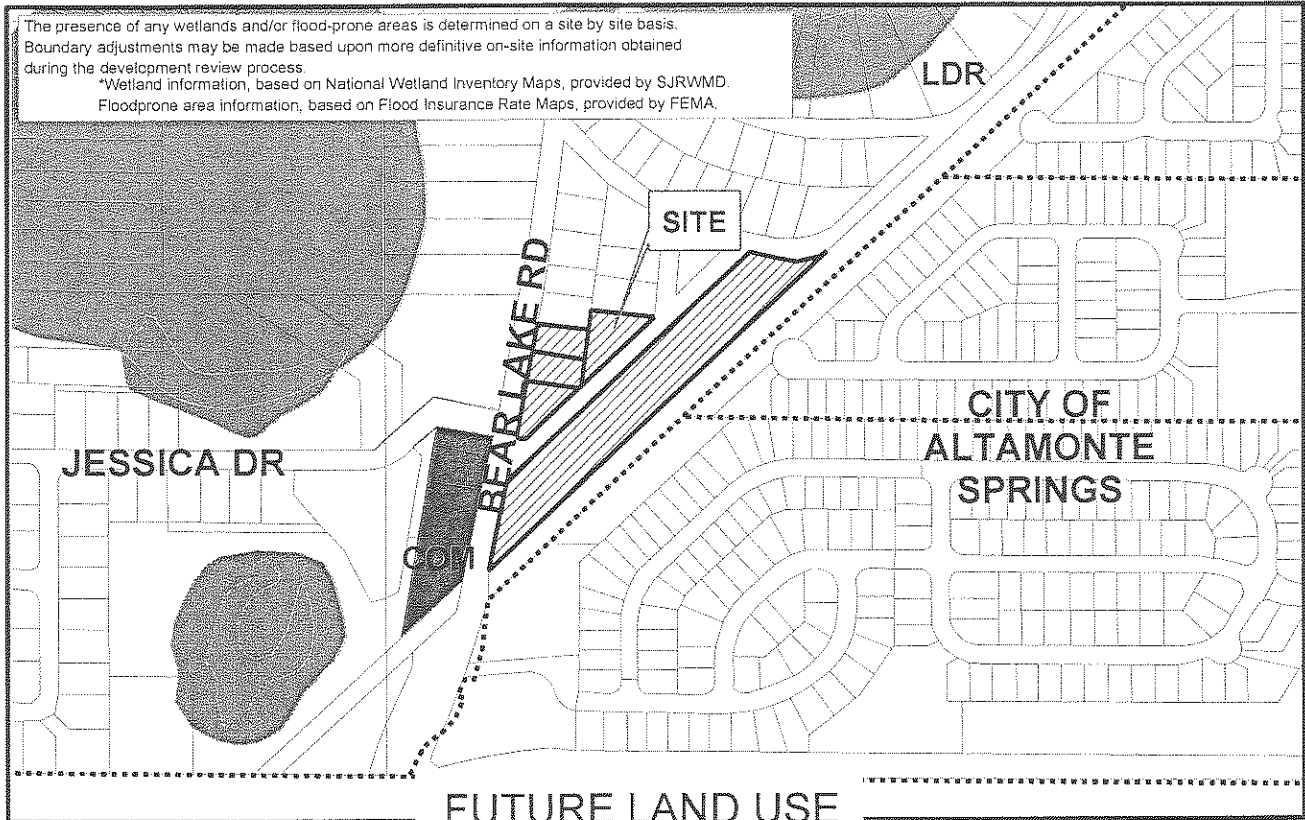
**Commissioner Mahoney made a motion to continue this item to the October 1, 2003 meeting.**

**Commissioner Peltz seconded the motion.**

**The motion passed unanimously.**

VII. PLANNING MANAGER'S REPORT

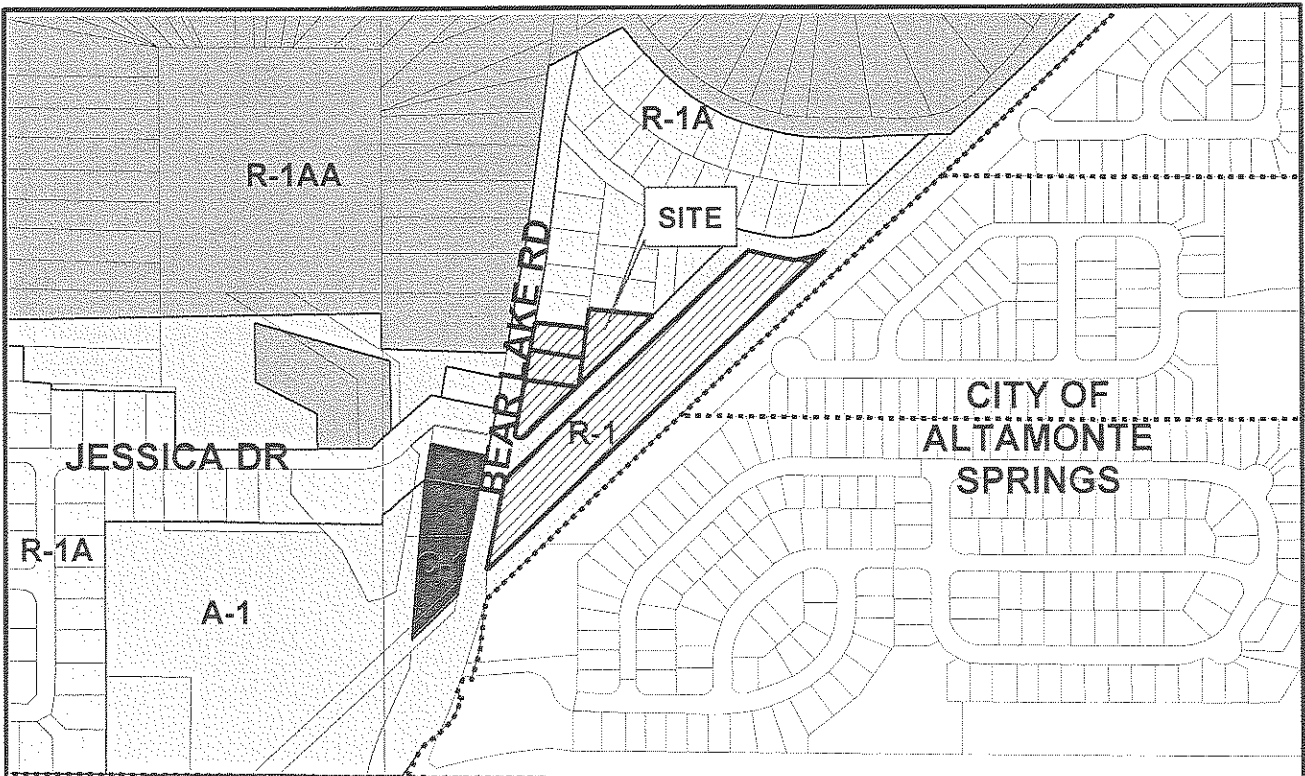
VIII. OTHER BUSINESS



Site  
  Municipality  
 LDR  COM  CONS

Applicant: Harling Locklin & Associates, Inc.  
 Physical STR: 20-21-29-504-0C00-0060, 0070, 0080, 0E00-0000, & 505-0000-0120  
 Gross Acres: +/- 5.4      BCC District: 3  
 Existing Use: Vacant and Single Family Residential

	Amend/ Rezone#	From	To
FLU	09-03SS.07	LDR	MDR
Zoning	Z2003-027	R-1A/R-1	R-1BB





Site  
  Municipality  
  A-1  
  C-1  
  R-1  
  R-1A  
  R-1AA





Amendment No. 09-03SS.07  
From: LDR To: MDR  
Rezone No: Z2003-027  
From: R-1A/R-1 To: R-1BB

-  Parcel
-  Subject Property



February 1999 Color Aerials