

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Kingston Group – Little Lake Howell rezone from A-1 to R-1AAAA and RC-1

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West ^{MW} **CONTACT:** Amanda Smith **EXT.** 7339

Agenda Date 12/05/01 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

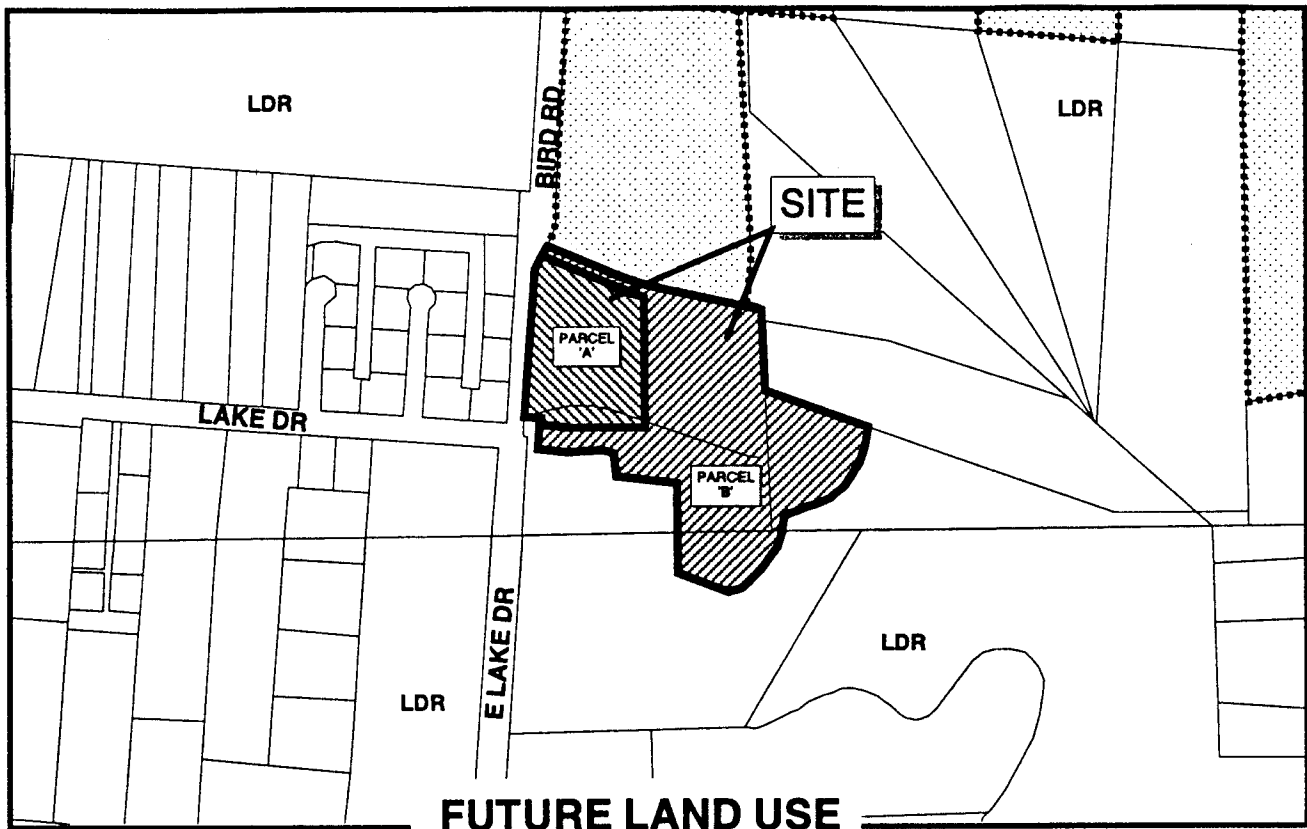
Recommend approval to rezone property from A-1 (Agriculture) to R-1AAAA (Single Family Dwelling District) and RC-1 (Country Homes District) located on the west side of Little Lake Howell at the intersection of Lake Drive and Bird Road, as requested by Mark Crone, on behalf of Arthur E. Grindle, Jr. and Janice K. Grindle.

BACKGROUND:

The applicant is requesting to rezone approximately 9.855 acres of property from A-1 (Agriculture) to RC-1 (Country Homes District) and R-1AAAA (Single Family Dwelling District) for the development of a single family subdivision. The area to be rezoned is part of a parent tract that contains a total of 23 acres. The remaining portion of the parent tract, comprising 13.145 acres, is designated as wetlands.

In August 2000, the LPA unanimously recommended denial of the original request to rezone from A-1 to R-1AAA for the development of a thirteen-lot single family residential subdivision. The LPA recommended that the subject property be rezoned to PUD with the waterfront lots having a minimum size of one acre and all other lots having a minimum area of 13, 500 square feet.

Reviewed by:
Co Atty: <u>KZC</u>
DFS: _____
Other: <u>CM</u>
DCM: _____
CM: _____
File No. _____



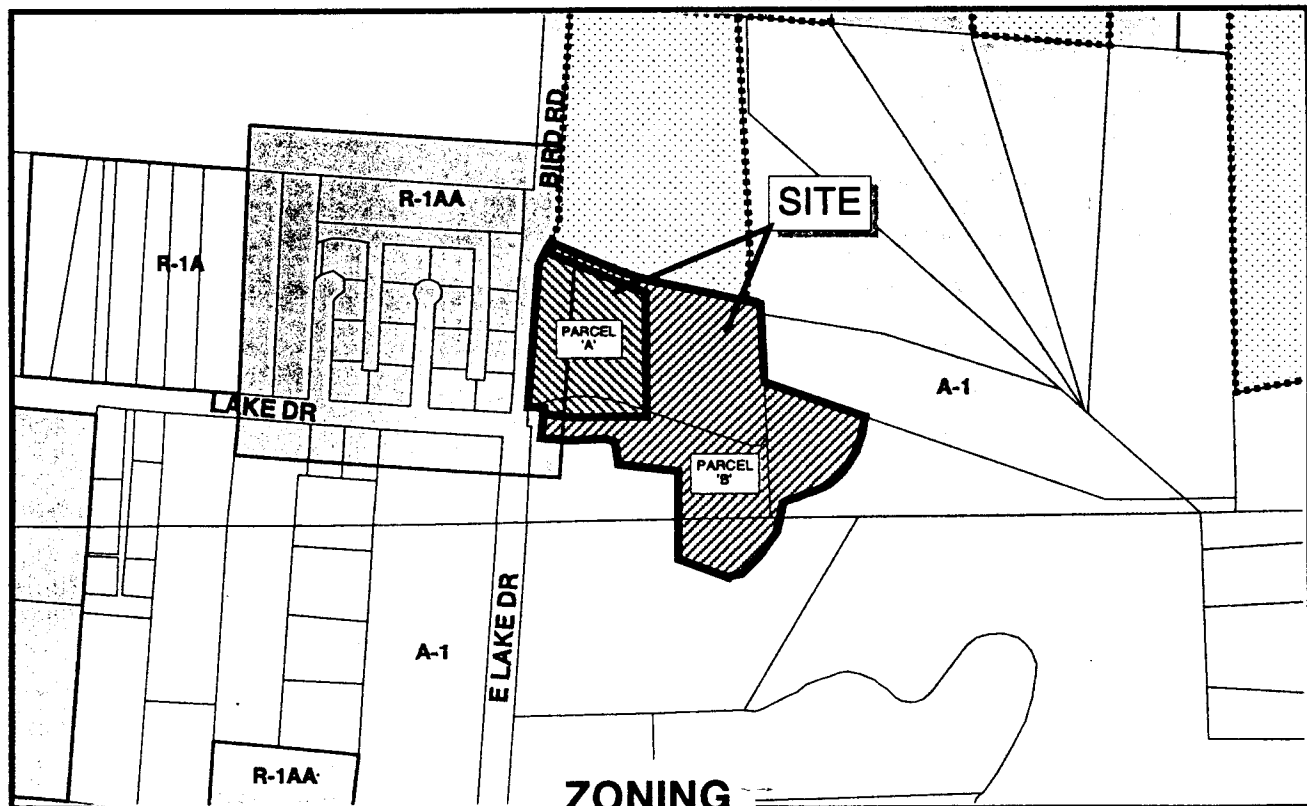
Site

..... Municipality

LDR

Applicant: The Kingston Group, Inc.
 Physical STR: all 11-21-30-300-002C & part of 002A & 001H
 Gross Acres: 9.86 BCC District: 1
 Existing Use: Vacant
 Special Notes: _____

	Amend/ Rezone#	From:	To:
	PZ 00-32	A-1 & R-1AA	RC-1 & R-1AAAA

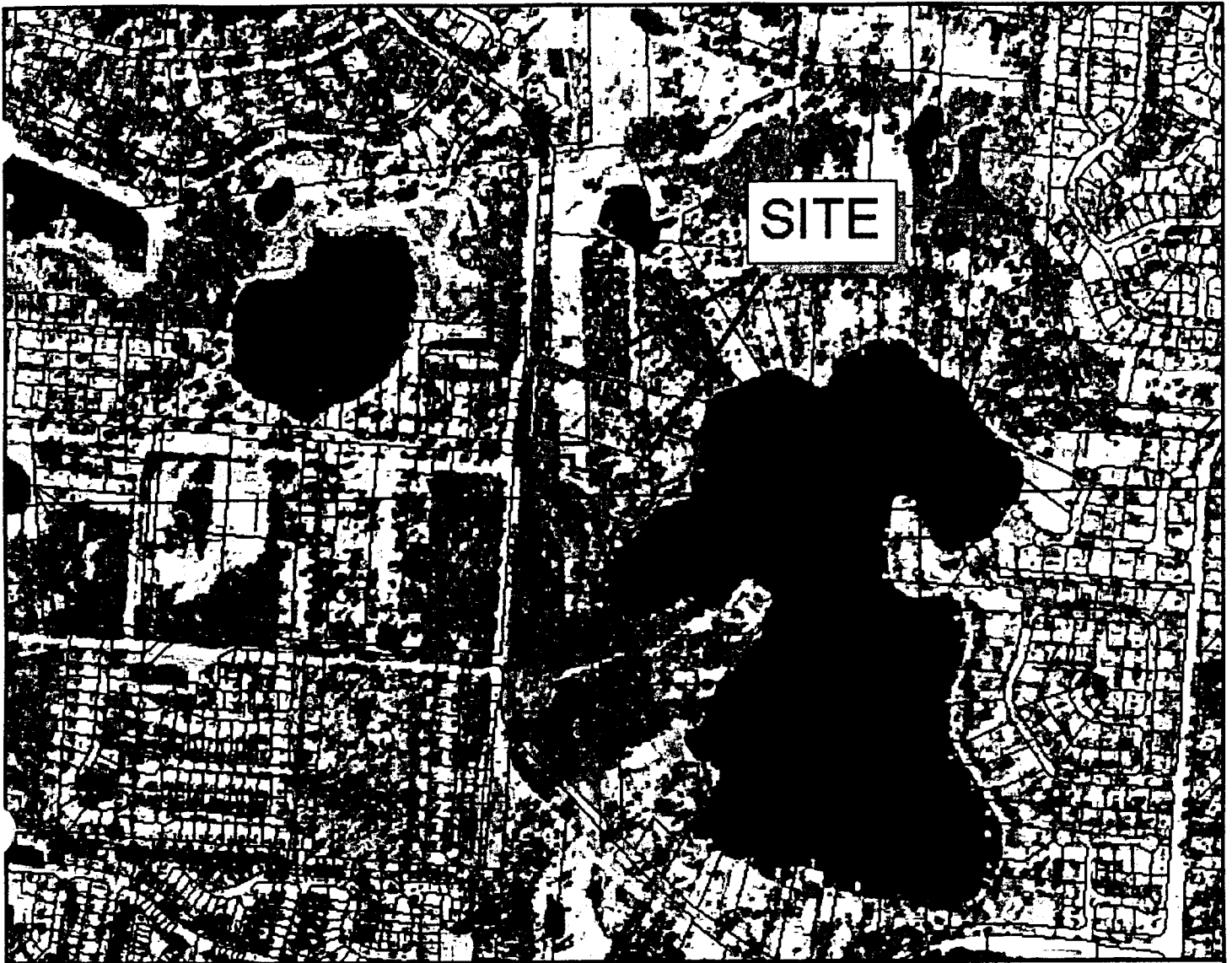


□ A-1



□ R-1A

□ R-1AA

ZONING



Rezone No. PZ00-32
From: A-1/R-1AA
To: RC-1/R-1AAAA

 Subject Property
 Parcelbase



February 1999 Color Aerials

CONSERVATION



Rezone PZ-0032
 Parcel 'A' - From: A-1/R-1AA
 To: R-1AAAA
 Parcel 'B' - From: A-1/R-1AA
 To: RC-1

-  Subject Property
-  Municipality
-  Flood
-  Wetlands



The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.

**Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.*

KINGSTON GROUP – LITTLE LAKE HOWELL

PZ00-32

REQUEST INFORMATION		
APPLICANT	KINGSTON GROUP (Mark A. Crone)	
PROPERTY OWNER	Arthur E. Grindle, Jr. and Janice K. Grindle	
REQUEST	To rezone 9.855 acres of property from A-1 (Agriculture) to R-1AAAA (Single Family Dwelling) and RC-1 (Country Homes District)	
HEARING DATE (S)	P&Z: August 2, 2000 December 5, 2001	BCC: December 11, 2001
SEC/TWP/RNG	11-21-30-300-001H-0000	
LOCATION	On the W. side of Little Lake Howell and E. of the intersection of Lake Dr. and Bird Rd.	
FUTURE LAND USE	Low Density Residential	
FILE NUMBER	PZ 00-32	
COMMISSION DISTRICT	#1 – Maloy	

OVERVIEW

Zoning Request: The applicant requests that 9.855 acres of property be rezoned from A-1 to R-1AAAA (Single-Family Dwelling) and RC-1 (Country Homes District). The area to be rezoned is part of a parent tract that contains a total of 23 acres. The remaining portion of the parent tract, comprising 13.145 acres, is designated as wetlands.

The applicant's original request was to rezone the 9.855 acres from A-1 to R-1AAA (Single Family Dwelling District) to develop a thirteen-lot single family subdivision, with a maximum of five lots having frontage on Little Lake Howell. At their regularly scheduled meeting on August 2, 2000, the Land Planning Agency/Planning and Zoning Commission unanimously voted to recommend denial to the Board of County Commissioners. The Commission recommended that if the subject property is rezoned, the zoning should be changed to PUD (Planned Unit Development) with waterfront lots having a minimum size of one acre and all other lots having a minimum area of 13,500 square feet. The applicant requested that the item not go forward to the BCC at that time so that he could address community and staff's concerns.

Staff has subsequently met with the applicant to discuss options that could be considered for the project. Staff felt that in lieu of submitting a PUD, Mr. Crone could address the LPA's concerns by rezoning the property to R-1AAAA along Bird Road and to RC-1 along the lakefront, with the remainder of the property to be designated as wetlands. The minimum lot size for the R-1AAAA zoning district is 21,780 square feet, with the RC-1 zoning district having a minimum of one net acre (43,560 square feet) in area. The revised request would permit four (4) lots along the road within the R-1AAAA zoning classification and three (3) lots along the lakefront within the RC-1 zoning district, resulting in less lots

than the original request for a thirteen-lot subdivision and likely less than could be achieved within a PUD. The R-1AAAA zoned lots will not have any access to Little Lake Howell.

HISTORY OF THE REQUEST:

In the Fall of 1998, the Board of County Commissioners adopted Ordinance # 98-53, Lot Size Compatibility Methodology, which is a mathematical analysis for determining the appropriate zoning classification for any property assigned the Low Density Residential land use designation. When the application for rezoning was originally submitted to Seminole County for review, both the applicant and Staff prepared a lot compatibility matrix.

Lot Size Compatibility Methodology: The applicant has submitted a Lot Size Compatibility Methodology analysis for the subject property, showing a weighted total of 5.62. Based upon Table A of the Lot Size Compatibility Methodology, a weighted total of 5.62 equates to the R-1AAA zoning classification. Staff reviewed the applicant's Lot Size Compatibility Methodology. Based upon the provisions of the Lot Size Compatibility Methodology, staff disagreed with several assumptions upon which the applicant based the lot size compatibility analysis and prepared an alternative analysis. Staff's analysis for the subject property resulted in a weighted total of 5.42, which equates to the R-1AAAA zoning classification.

Based on the lot compatibility matrix findings, Staff recommended denial of the requested R-1AAA zoning classification. Planning Staff recommended that the rezoning should be no more intense than the R-1AAAA zoning classification, per the conditions listed in a development order:

- a. There shall be a maximum of five lots with frontage on Little Lake Howell.
- b. There shall be no public boat launching facility to Little Lake Howell for the lots that do not front on Little Lake Howell.
- c. The owners shall dedicate a conservation easement to Seminole County over the property described as Exhibit B.

As a result, the applicant has revised the request to rezone the property to RC-1 (Country Homes District) and R-1AAAA (Single-Family District). The revised request is consistent with Staff's findings for the lot size compatibility matrix.

Existing Land Uses: The existing zoning designations and land uses are as follows:

North – A-1 zoning classification, Low Density Residential land use designation, single-family residential development

South – A-1 and R-1AA zoning classifications, Low Density Residential land use designation, single-family residential development

East – Little Lake Howell

West – A-1, R-1AA, R-1A and PUD zoning classifications, Low Density Residential land use designation, single-family residential development

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Vision 2020 Comprehensive Plan.
3. Seminole County water and on-site septic.

Compliance with Environmental Regulations: At the time of development, the proposed subdivision must comply with all relevant wetland provisions of the Seminole County Vision 2020 Comprehensive Plan and Land Development Code. The original request included approximately 13+/- acres of wetlands south of the proposed subdivision property to the south is under the same ownership of the proposed development. However, since that property is flood prone or wetlands can not be rezoned, and is therefore, not a part of the rezoning request. During the August 2000 LPA hearing, Mr. Crone indicated that there is an outstanding dredge and fill violation for the wetlands portion of the property. Mr. Crone is working with St. Johns to resolve the matter. Mr. Crone has also indicated that he intends to place a conservation easement on the property at the time of final platting. Until the matter has been settled with St. Johns River Water Management, Seminole County can not accept a conservation easement over the property.

Compatibility with surrounding development: Currently, the area has a Low Density Residential land use designation. Both the R-1AAAA and RC-1 zoning classifications are compatible with the Low Density Residential land use designation and the surrounding residential developments.

STAFF RECOMMENDATION

Based on the above analysis, the proposed request is:

1. In compliance with the applicable provisions of the Seminole County Comprehensive Plan and the Seminole County Land Development Code related to the RC-1 (Country Homes District) and R-1AAAA (Single-Family Residential) zoning classifications; and
2. As proposed, the request would be compatible with surrounding development.

Therefore, staff recommends approval of the rezoning from A-1 to R-1AAAA and RC-1 zoning classifications per the conditions listed in the attached development order:

- a. There shall be a maximum of three lots with frontage on Little Lake Howell.
- b. There shall be no public launching facility to Little Lake Howell for the lots that do not front on Little Lake Howell.
- c. The owners shall dedicate a conservation easement to Seminole County described in Exhibit B as conservation easement, prior to the platting of the property.

LPA Minutes

SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION

COUNTY SERVICES BUILDING
ROOM 1028
August 8, 2000 – 7:00 P.M.

M I N U T E S

Board Present:

Dick Harris, Chairman
Thomas Mahoney, Vice-Chairman
Bob West
Paul Tremel
Mark George
Grey Wilson

Absent:

Keylor Chan

Staff Present:

Frances Chandler, Planning and Development
John Dwyer, Planning Division
Garry Schindler, Planning Division
Amanda Smith, Planning Division
Dick Thomas, Planning Division
Sylvia Smith, Development Review
Steve Lee, Assistant County Attorney

Others Present:

Dick Harris, Chairman, Chairman, convened the meeting. The meeting was called to order at 7:00 p.m.

Quorum was established.

Motion to accept minutes as recorded.

Motion passed unanimously. (6-0)

Proof of publication was accepted and staff reported all items were properly advertised.

Motion to accept proof of publication.

Motion passed unanimously to accept proof of publication. (6-0)

Commissioner Harris said there are three parts to the motion. The first part is to rezone the property. The second part is to approve the site plan. The third one would be to approve the Development Order where the lighting is addressed.

1. Motion to approve rezoning of the property as requested.

Motion passes unanimously. (6-0)

2. Motion to approve the associated site plan.

Motion passes unanimously. (6-0)

3. Motion to approve the Development Order with the exception that item 3(a) be amended to 16-foot lighting up front and 25-foot lighting in the back between the warehouses.

Motion passes 5-1. Commissioner Wilson voted nay.

3. THE KINGSTON GROUP (PZ00-32) (con't from July 5)

Gary Schindler

Request to rezone from A-1 (Agriculture) to R-1AAA (Single Family Residential) located on the west side of Little Lake Howell, east of Lake Drive and Bird Road. Commissioner District #1

Mr. Schindler gave an overview of the request. The applicant requests that 9.855 acres be rezoned from A-1 to R-1AAA. The area to be rezoned is part of a parent tract that contains a total of 23 acres. The remaining portion of the parent tract, comprising 13.145 acres, is designated as wetlands.

Per the applicant, the subject property will be developed as a 13-lot subdivision, with a maximum of 5 lots having frontage on Little Lake Howell. Additionally, the applicant has stated that, for the lots that will not have frontage on Little Lake Howell, there will not be a shared access point for access to Little Lake Howell. These commitments have been incorporated into the attached Development Order. Under the existing A-1 zoning classification, which permits one dwelling unit per net buildable acre, the subject property could be developed into a total of 9 lots, with the potential of each lot having access to Little Lake Howell.

In the Fall of 1998, the Board of County Commissioners adopted Ordinance #98-53, Lot Size Compatibility Methodology, which is a mathematical analysis for determining the appropriate zoning classification for any property assigned the Low Density Residential land use designation.

The applicant has submitted a Lot Size Compatibility Methodology analysis for the subject property, showing a weighted total of 5.62. Based upon Table A of the Lot Size Compatibility Methodology, a weighted total of 5.62 equates to the R-1AAA zoning classification. The applicant's analysis assumed the following:

1. The A-1 zoning properties along Little Lake Howell (south of the subject property and east of Lake Drive) are neither vacant nor non-established residential; therefore, they received a weight of 4.
2. Parcel 15, located west of Lake Drive and Bird Road is vacant or non-established residential; therefore, the Lot Size Compatibility Methodology was utilized to determine a weight for this property. This assumption is compatible with the BCC's previous determination that this area is an infill area and would eventually develop at a density greater than that permitted under the A-1 zoning classification.

3. Parcel 2, located north of the subject property and east of Bird Road, is vacant or non-established residential; therefore, the Lot Size Compatibility Methodology was utilized to determine a weight for this property.
4. The area of the wetlands to the south, Parcel 2A and the lake to the east were not considered in the methodology.

Exhibit A shows the geographic area utilized for the applicant's analysis of the subject property and the calculations resulting in a weighted total of 5.62, equating the R-1AAA zoning classification. Exhibit B shows the geographic area and the analysis for Parcel 15. Exhibit C shows the geographic area and the analysis for Parcel 2. Exhibit E shows the Zoning Weight Table from the Lot Size Compatibility Methodology. Exhibit F is an aerial photograph of the subject property and the surrounding area.

Staff reviewed the applicant's Lot Size Compatibility Methodology. Based upon the provisions of the Lot Size Compatibility Methodology, staff disagrees with several assumptions upon which the applicant based the lot size compatibility analysis, which are as follows:

- Parcel 2 – the applicant did not include acreage for any portion of Block D, which resulted in a weighted total of 4.96. The majority of Block D is covered by a lake; however, the Conservation Overlay Land Use map (Exhibit G) indicated that the eastern portion of Block D is buildable. Utilizing the buildable acreage for Block D, staff's analysis resulted in a weighted total for Block D of 4.860.
- Parcel 15 – Parcel 13A was included; however, it is located outside of the 330' line.
- Subject property – Lots 1-4 and Lots 21-24 of Oak Leaf Subdivision were included. Oak Leaf Subdivision does not fall within either the 330' line or the 660' line of the Lot Size Compatibility Analysis; therefore it should not be included in the analysis.
- Staff prepared an alternative analysis for the subject property, including a revised weighted total for Parcel 2, adding acreage for a portion of Block D, a revised weighted total for Parcel 15, deleting the acreage of Parcel 13A from the analysis, and for the subject property, deleting the acreage of Oak Leaf Subdivision for the analysis. Staff's analysis for the subject property resulted in a weighted total of 5.42, which equates to the R-1AAAA zoning classification.

Compliance with Environmental Regulations: Exhibit G shows the location of Conservation land use, including both wetlands and area within the 100-year flood area. A small amount of wetland area, comprising less than .5 acres, is included in the area proposed for rezoning. At the time of development, the proposed subdivision must comply with all relevant wetland provisions, of the Seminole County Comprehensive Plan and Land Development Code.

Staff recommends the Board take one of three options:

Option 1: Deny the proposed rezoning in accordance with Staff's recommendation.

Deny applicant's requested rezoning from A-1 (Agriculture) to R-1AAAA (Single Family Dwelling) and authorize the Planning and Development Director to execute the attached Denial Development Order.

Option 2: Approve the proposed rezoning contrary to Staff's recommendation.

1. *Approve the R-1AAA (Single Family Dwelling) zoning classification for property located on the west side of Little Lake Howell at the intersection of Lake Drive and Bird Road, as requested by Mark Crone on behalf of Arthur E. Grindle, Jr. and Janice K. Grindle.*
2. *Approve the Development Order, placing staff-requested conditions upon the rezoning.*

Option 3: Approve the R-1AAAA zoning classification.

1. *Approve the R-1AAAA for property located on the west side of Lake Howell at the intersection of Lake Drive and Bird Road.*
2. *Approve the Development Order, placing staff-requested conditions upon the rezoning.*

The conditions that have been incorporated into the Development Order under Section (3) are as follows:

- (a) There shall be a maximum of five lots with frontage on Little Lake Howell.
- (b) There shall be no public boat launching facility to Little Lake Howell for the lots that do not front on Little Lake Howell.
- (c) The owners shall dedicate a conservation easement to Seminole County over the property described as attached Exhibit B.

The applicant will have to provide Staff a map of the conservation easement before going before the County Commission Board.

Commissioner George asked where will be the realignment of Lake Drive fall in relation to this property.

Mr. Schindler said Lake Drive shifts to the west and Bird Road will then intersect further west and south of where it is currently intersecting.

Commissioner George asked if this property was developed as R-1AAAA, how many lots would be developed.

Mr. Scindler said the number of lots would not change. There would still be 13 lots.

Commissioner George said it not clear what the lines on the map included regarding the 660 line.

Chairman Harris said one of things to keep in mind is that the lot compatibility analysis is just one of several tools used in varying places and often there are other conditions that would suggest that it is really not appropriate to use it as a definitive. In this particular case when you look at all the different parcels, the lake, and the surrounding wetlands, it is his recommendation not to look at the lot compatibility tool as a definitive statement as to what should be there but only one of many tools in deciding compatibility.

Commissioner Tremel asked if the existing residents in Lake Howell are included in the calculations.

Mr. Schindler said the residents that fall in either the 330 or the 330 and 660 are included.

Commissioner Tremel asked how the lots going into the lake are plotted.

Mr. Schindler said those lots are not plotted. It is very clear in the Ordinance that property that is designated as conservation overlay is not to be considered.

Commissioner asked if he owned a lot and it was three acres; one acre being high and dry and the other two acres under the lake and it sits next to the applicant's property, how is it measured.

Mr. Schindler said one acre.

Mark Crone, Kingston Group, represented the applicant. He said when you look at this project it is important to make other considerations. We need to be careful to not just consider the zoning capability. On the north boundary of the property there is a 30-foot buffer that would not be developed. It is currently the easement of Tuska Trail, which is located on this property. To the south there is 400-foot buffer on 6+ acres of wetlands to the next adjacent property. There is 440-foot range that is outside the limits of the requirements of the zoning compatibility analysis and there will not be included in the development. The property is also split by a 175-foot Florida Power utility easement. So in terms of the compatibility, these are not pristine woodlands.

We intend to develop the property with larger lots than would be allowed by the R-1AAAA zoning request. Lots 1 through 8 are extremely large lots and would more than meet the R-1AAAA requirement. Lots 9 through 12 clearly meet the R-1AAAA requirement. It is only lot 13 that could potentially become an issue from the standpoint of the second requirement of R-1AAAA, which is that the total square footage of the parcel be 21,780 feet. Whereas the R-1AAA allows as small as 13,600, but it would be very close to the 21,780 feet. To lose that lot over a few square feet, would cause a financial impact. The width requirement for R-1AAAA and R-1AAA is exactly the same. Our interest is not to try to jam more lots on the property, but to insure that one lot is not lost over a few square feet.

Carole Barice is the legal representative of the Lake Tuskawilla Homeowners Association. The Lake Tuskawilla Homeowners Association is comprised of the lake front homeowners around Lake Howell. They have maintained the quality of the lake and the minimum of 1/acre lot size on all the lake front properties around the lake. Several of the properties are much larger than 1 acre. The HOA is opposed to this rezoning application because it would allow for development on the lakefront to be small than 1 unit per acre in size. The HOA appreciates the quality of the development but has concerns, which they have discussed with the applicant. They would be supportive of a development proposal that would increase the intensity of the development on the upland property just as long as the 1-acre size is maintained on the lake. It would probably mean a reduction of one lot on the lake from 5 to 4. The zoning that would consistent with that proposal would be A-1 or RC-1 on the lakefront and on the upland property the HOA would support a more intense use the make up the loss of that one lot. It was suggested to the applicant that the price of the remaining 4 lots could be increased along with an increase in intensity of the upland lots to recoup as much as possible while still maintaining the 1 acre on the lakefront.

In the case of Brevard County vs Synder is was decided by the Supreme Court that applicants are not entitled to the maximum zoning allowable under the Comprehensive Plan so long as that zoning which is approved by the governing body is consistent with all allowable ranges of zonings in the Comprehensive Plan. Seminole County's Comprehensive Plan allows zoning ranges all the way from A-1 and RC-1 up to more intensive uses. Consistent with the law, as long as a rezoning is approved that is compatible with the land use designation, the Board is within the bounds of the law.

Ms Chandler did supply Ms. Barice with new calculations that brought the numbers down to 5.14 but a 5.14 does not take into consideration the entire 660-foot semi-circle to the east.

Commissioner Temel asked if there was currently any development on the lake that was less than 1 acre.

Ms. Barice said there is not.

Commissioner George asked if she knew how many that is.

Ms Barice said there were 41.

Commissioner Harris summed up Ms. Barice's presentation of the compatibility analyses by saying that depending on how you look at it, it tells you what it could be but none of them tell you what it should be.

Ms. Barice said that was correct.

Mr. Mark Daley, Daley Environmental, was hired by the Lake Tuskawilla Homeowners Association to address the environmental aspects of the request. In this area, the wetland is directly connected to the lake. Wetlands are filters and will be degraded if development is allowed near it. Uplands are recharge areas and if too many impervious surfaces go in there it will stop that flow of the recharge to the groundwater. It will also increase runoff of oils, greases and heavy metals and nutrients. All those contaminants are going into a retention pond but retention ponds working at ultimate performance only will hold 80% of contaminants. That means there will be a 20% of the contaminants will be going into the lake, groundwater and soil.

These homes will go on well water and sewer so there will be a large amount of groundwater withdrawal if the density is increased. This will withdraw water out of the lake and out of the wetland and degrade the wetland and the lake is going to degrade also.

Commissioner Mahoney asked Mr. Daley's if his client wanted a rezoning of not more than RC-1.

Mr. Daley said yes, on the lake.

Commissioner Mahoney said the applicants wants a R-1AAAA zoning which would yield 5 lakefront lots and with RC-1 there could only be 4 lakefront lots. He asked Mr. Daley if one more lot on the lake would produce a catastrophic occurrence.

Mr. Daley said yes, one more lot, one more well and one more septic tank could produce a catastrophic occurrence.

Mr. Schindler clarified that this development would be served by potable water and not by wells and the applicant has proposed to connect to Seminole County potable water system under R-1AAAA or R-1AAA. If the development is within 1, 200 feet, they would still be required to connect with an RC-1 rezoning.

He asked the Board to recognize this as a unique site and to recognize also that a broad set of rules and regulations are not going to apply to this zoning.

Commissioner Tremel said he would concur that this is a unique area but he did not hear anything specific on the environmental impact of 4 lots versus 5 lots.

Mr. Daley does feel that one more lot will have an environmental impact. Also, the wetland line in Lot 13 is being moved out because of an illegal dredge and fill. The Water Management District recognizes it as never taking place so the wetland line will be moved out to where the historic wetland was, which will put Lot 13 in a high quality wetland.

Commissioner asked if there was documentation of the illegal dredge and fill.

Mr. Daley said the Water District fined Premier Property of Orlando \$2,000 in 1986 for the illegal dredge and fill.

Cindy Susi, Vice President of the Lake Tuskawilla Homeowners Association spoke in opposition of the rezoning. She said that at least 85% of the members have actively opposed this rezoning. Steve Reich, the President, and this association have a long history of working to preserve the character and environment of our neighborhood. He has asked to have a copy of a letter giving a brief history of our lake and its development to be entered into the record. Ms. Susi presented the letter and it was entered into record.

Our lake neighborhood is made up of 40 homes on a 91-acre lake and 16 of the homes are in three developments that were added in the past 20 years. The three developments were Tuska Bay, Huntridge, and Tuskawilla Palms. The developers of all of these properties complied with the 1-acre lot minimum lake lot size, as well as the 125-foot minimum lake frontage requirement. To rezone the property on the west of the lake would be very inconsistent with what has happened in the past.

One of the effects of having many homes on a small lake is the issue of lake safety. Two years ago, because of more homes and people using the lake, the association started a Lake Safety Committee. On a larger lake, if three or four boats are out, it is not a big deal. However, on our lake it was necessary to work together to keep our families safe when using the lake. We also had water quality issues. We worked with the DEP and Florida Fish and Game Commission and educated ourselves to improve lake quality by doing voluntary shoreline replanting and signing up with Florida Lakewatch and Seminole County for water quality testing. We still work closely with these agencies in a proactive manner.

This year there is a major problem with hydrilla, an invasive plant. It is costing our Lake Association members between \$5,000 and \$6,000 to treat this plant. This is the second time we have had to be assessed for this treatment in eight years and we are facing a \$25,000 treatment plan if this does not work. Our homeowners are committed to keeping our lake healthy and safe and we need to maintain the current standards to do this effectively. Denser housing means more lake use and more land use, and we are already paying for this at a great cost.

Nancy Russell, homeowner, spoke in opposition of the rezoning. She said that the overcrowding on these properties could be unsightly and adversely affect property values.

Pete Giarrusso, homeowner, spoke in opposition of the rezoning. One of the reasons he bought his property was because of the 1-acre per unit lot size. He asked the Board to make the right decision and maintain the 1-acre lot size as it has been maintained in the past.

Philip Rich, homeowner, spoke in opposition of the rezoning. He hopes the purpose of all the compatibility calculations is to preserve the character of the surrounding community. This community is defined by our lake and so far this community has maintained 1-acre lots. The difference between 4 lots and 5 lots on this lake is compatibility of what has been established from the beginning. He asked the Board to respect that difference and respect the integrity and character of this community and maintain the 1 lot per acre.

Bruce Brodfuhrer, homeowner, spoke in opposition of the rezoning. He also is a co-owner of three acres at 1414 Tuska Trail and has been a resident of this community for 23 years. The subject property is the most environmentally sensitive area surrounding Little Lake Howell. The

lakefront portion of this property includes mature cypress trees and wetland vegetation. All the lakefront lots to the north side of Little Lake Howell are in excess of two or three acres and you can add several acres onto that when the lake bottom is added. Anything more intense than 1-acre lots will be incompatible with other homes around the lake.

Steve Wiseman, homeowner, spoke in opposition of the rezoning. He is concerned about the wildlife and if one extra lot is added it will have an impact on the wildlife. Another lot could also cause a safety issue.

Edward Pigman, homeowner, spoke in opposition of the rezoning. He is concerned that downgrading the zoning along the lake on the particular parcel will set precedence. He asked what would stop other homeowner from subdividing their property and sell multiple lots on the lake. He is against any downgrading of the zoning on this land since it stands to impact forever the values of their homes.

Jo Starks, homeowner, spoke in opposition of the rezoning. Her family owned the first house and has resided there for 36 years. Her family has worked very hard to keep the lake environmentally safe and clean. She feels that one more can make a difference and asked the Board to consider all the hard work that has been put into preserving that lake over the years.

Mr. Cone commended Staff on their excellent diligence concerning this rezoning. He reviewed a couple of technical items. It was mentioned that Lot 1H was not in the lake. Only that portion of Lot 1H that was uplands was considered in the calculations. Lot 2A was described as being wetlands only but only 1.2 acres of that property, which was uplands, was used in the calculations. The houses that are proposed in this development would be on Seminole County potable water whether it is required or not. There will be septic since there is no sewer system close enough to connect.

He discussed the issue of 4 versus 5 houses around the lake. He feels that he will bring the property values up and with respect to properties that are 100 wide versus 125 wide the houses will just get wider and fill up the available space and will not affect the visual aspect of the lake.

There was an illegal dredge and fill operation performed in 1986. Tony Miller, representative of the Water Management District, has visited the site. Before the illegal dredge had been identified, Mr. Miller verified a wetland delineation line. In discussions with him, it was clear that in his opinion that the wetlands that we were considering to be impacted were very low quality. We will be required to deal with those impacts that occurred back in 1986 in terms of the mitigation requirements.

The applicant is very concerned about water quality issues. He is proposing that these 5 lakefront lots have mandatory membership in the Lakefront HOA to insure that they are active participants. All the lots would be required to meet all the current stormwater requirements as far as rear yard swales and retention on the lot.

Commissioner George said that no matter where you draw the lines, it is still a lake community. One unique thing about this lake is that it is a *real* lake. It has 40+ homes that are all 1-acre or larger. Sixteen of those homes have been developed through the development of the three additional neighborhoods and all of those have complied. There is no reason for these lakefront properties to have a more intense development than every other piece property that surrounds that lake. He doesn't have a problem with the upland properties being a little more intense that 1 house per acre because it abuts property across the road that is not that lenient and compensate the developer for losing the fifth lake lot. He senses the struggle the

developer is having trying to develop such an odd shaped property that also is split down the middle with a 175-foot power easement. He commended the developer on the developments he has produced in the past.

Commissioner Mahoney said he agreed with Commissioner George but he did want to clarify a couple of points. The Board's history is that the calculation of the index used in the Ordinance gives us a compatible zoning to apply to the property unless there are circumstances not anticipated by the Ordinance. He feels this application is one of those circumstances. Mr. Pigman did have a valid point about the future rezoning of other lots. The Board needs to recommend a zoning for this property that is consistent and compatible with the other lake property. He will vote against R-1AAAA zoning as inappropriate in this case because it does not create lakefront lots that are consistently compatible with the other lots in this community. The only appropriate zoning for this site would be a PUD with the lakefront lots at a minimum of 1 acre and more intense upland.

Commissioner West agreed with Commissioner Mahoney except R-1AAA would be the density he would see in the upland area. He agrees with the acre lots around the lake.

Motion to deny applicant's request.

Commissioner Wilson stated that he agreed with both the Commissioners and their recommendations.

Commissioner Tremel said this Board has a history of protecting historical enclaves within Seminole County and the Board recently did that to protect the rural character on Lake Emma Road. There is nothing negative about the quality of the applicant's products but this is an established neighborhood of 1-acre lakefront lots.

Chairman Harris said it is important to realize that this a quality developer that came forward with a plan who has a history of doing everything right. In this request, that is not the issue. The fact that this request is being denied is not a comment on this particular developer in any way. It is more of a recognition that this lake community is a large lot enclave and this Board has a history of protecting large lots enclaves in Seminole County.

Motion amended to deny the applicant's request for R-1AAAA with the recommendation that the appropriate zoning for this site would be a PUD (Planned Unit Development) that has a minimum of 1-acre (RC-1) on the lakefront and something more intense (up to R-1AAAA) in the remaining upland portion.

Motion passes unanimously. (6-0)

D. PUBLIC HEARING RELATING TO REZONINGS

1. SANDRA CARTER (PZ00-38)

(Gary Schindler)

Request to rezone from A-1 (Agriculture) to R-AAAA located on the west side of Lake Florence off Ash loop Drive. Commission District #1

Mr. Schindler explained there was a change in the ownership of this property subsequent to the initial application. Mr. Jesse is the current owner of the property and not Ms. Carter as stated on the agenda.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On December 11, 2001, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

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

FINDINGS OF FACT

Property Owner: Arthur E. Grindle, Jr. & Janice K. Grindle

Project Name: Kingston Group- Little Lake Howell rezone

Requested Development Approval: Rezoning from A-1 (Agriculture) zoning classification to R-1AAAA (Single Family Dwelling) and RC-1 (Country Homes District) zoning classification

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

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

Prepared by: Amanda Smith
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED** subject to the conditions set forth herein .

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

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

- a. There shall be a maximum of three lots with frontage on Little Lake Howell.
- b. There shall be no public boat launching facility to Little Lake Howell for the lots that do not front on Little Lake Howell.
- c. The owners shall dedicate a conservation easement to Seminole County over the property described as attached Exhibit B.

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

FILE # PZ 00-32

DEVELOPMENT ORDER # 0-20000032

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

Done and Ordered on the date first written above.

By: _____
Donald S. Fisher
Planning and Development Director

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Arthur E. Grindle, Jr., on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Arthur E. Grindle, Jr.
Property Owner

Witness

STATE OF FLORIDA)

)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Arthur E. Grindle, Jr. who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2001.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Janice K. Grindle, Jr., on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Janice K. Grindle
Property Owner

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Janice K. Grindle who is personally known to me or who has produced as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2001.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTIONS

Parcel Designated as "A" for R-1AAAA Zoning

Commence at the intersection of Easterly Right-of-Way of Lake Drive and the South Line of Section 11, Township 21 South, Range 30 East, Seminole County, Florida, thence run N 05°29'57" E along said Easterly Right-of-Way a distance of 277.62 feet, to the **POINT OF BEGINNING**; thence run N 05°29'57" E along said Easterly Right-of-Way a distance of 18.00 feet; thence run N 84°06'03" W along said **Easterly right-of-way** line a distance of 43.94 feet to the Easterly right-of-way line of Bird Road; thence N 05°29'57" E along the Easterly right of way of Bird Road, a distance of 343.79 feet to a point of curvature of a curve concave to the Southeast; thence run along said curve having a radius of 436.36 feet, through a central angle of 13°56'48" an arc distance of 106.09 feet; thence S 66°37'43" E a distance of 214.72 feet along the Southerly line of a 30-foot wide access easement (Tusca Trail) as recorded in Official Record Book 2284, Page 1200 & 1239 of the Public Records of Seminole County, to a point of curvature of a curve concave to the north and having a radius of 833.74 feet; thence run along said curve, through a central angle of 05°03'07" an arc distance of 73.51 feet to the centerline of a 175 foot wide Florida Power Corporation (FPC) easement; thence run S 00°09'14" E along said centerline of the FPC easement a distance of 364.71 feet; thence run S 89°50'46" W a distance of 197.44 feet; thence run N 84°06'03" W a distance of 83.53 feet; to said Easterly right-of-way line of Lake Drive and the Point of Beginning.

EXHIBIT A LEGAL DESCRIPTIONS

Parcel Designated as "B" for RC-1 Zoning

Commence at the intersection of Easterly Right-of-Way of Lake Drive and the South Line of Section 11, Township 21 South, Range 30 East, Seminole County, Florida, thence run N 05°29'57" E along said Easterly Right-of-Way a distance of 277.62 feet, to the **POINT OF BEGINNING**, thence run S 84°06'03" E a distance of 83.53 feet; thence run N 89°50'46" E a distance of 197.44 feet to the centerline of a 175 foot wide Florida Power Corporation (FPC) easement; thence run N 00°09'14" W along said centerline of the FPC easement a distance of 364.71 feet; to a point on a non-tangent curve concave to the north and having a radius of 833.74 feet, point also lying on the Southerly line of a 30-foot wide access easement (Tusca Trail) as recorded in Official Record Book 2284, Page 1200 & 1239 of the Public Records of Seminole County; thence from a tangent bearing on N 61°34'36" W, run along said curve, through a central angle of 05°03'07" an arc distance of 73.51 feet; thence N 66°37'43" W a distance of 214.72 feet along the Southerly line of said 30-foot wide access easement to the Easterly right-of-way line of Bird and a point on a non-tangent curve concave to the Southeast; thence from a tangent bearing of N 19°26'45" E run along said curve having a radius of 436.36 feet, through a central angle of 03°56'32" an arc distance of 30.02 feet; thence departing said Easterly right-of-way line of Bird Road and run S 66°37'43" E a distance of 215.77 feet along the Northerly line of said 30-foot wide access easement to a point of curvature of a curve concave to the north and having a radius of 803.74 feet; thence run along said curve, through a central angle of 11°09'42" an arc distance of 156.57 feet to a point of tangency; thence run S 77°47'24" E along said Northerly line a distance of 250.13 feet; thence departing said Northerly line run S 00°14'58" W a distance of 242.50 feet; thence run S 69°29'54" E a distance of 359 feet more or less to a point on the shore line of Little Lake Howell also known as Lake Tuskawilla; thence run Southwesterly along said shoreline a distance of 645 feet more or less; thence departing said shoreline run N 69°29'54" W a distance of 135 feet more or less; thence run N 00°09'14" W along the East line of said FPC easement a distance of 241.48 feet; thence run N 83°31'48" W a distance of 165.08 feet; thence run N 07°11'27" W a distance of 62.05 feet; thence run N 72°38'00" W a distance of 29.06 feet; thence run S 87°39'39" W a distance of 95.32 feet; thence run N 84°30'03" W a distance of 80.00 feet to a point on said easterly right-of-way of Lake Drive; thence run N 05°29'57" E along said Easterly right-of-way of Lake Drive a distance of 62.45 feet to the Point of Beginning.

EXHIBIT "B"

9/10/01

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Parcel ID No.
11-21-30-300-0020-0000

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Parcel ID No.
11-21-30-300-0010-0000

