

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

SUBJECT: Comprehensive Plan Amendment from Medium Density Residential to Planned Development and Rezoning from A-I to PUD (E.G. Banks; Charles W. Clayton, Jr.; W. Malcolm Clayton)

DEPARTMENT: Planning & Development

DIVISION: Planning

AUTHORIZED BY: Matthew West *MW* **CONTACT:** Cindy Matheny *CM* **EXT.** 7430

Agenda Date 2/6/02 Regular ☐ Consent ☐ Work Session ☐ Briefing ☐
Public Hearing – 1:30 ☐ Public Hearing – 7:00 ☐

MOTION/RECOMMENDATION:

Deny the Plan Amendment from Medium Density Residential to Planned Development, and rezoning from A-I to PUD, for property located west of SR 417 and north of SR 426 (48.75 acres). (District 1- Comm. Maloy)

BACKGROUND:

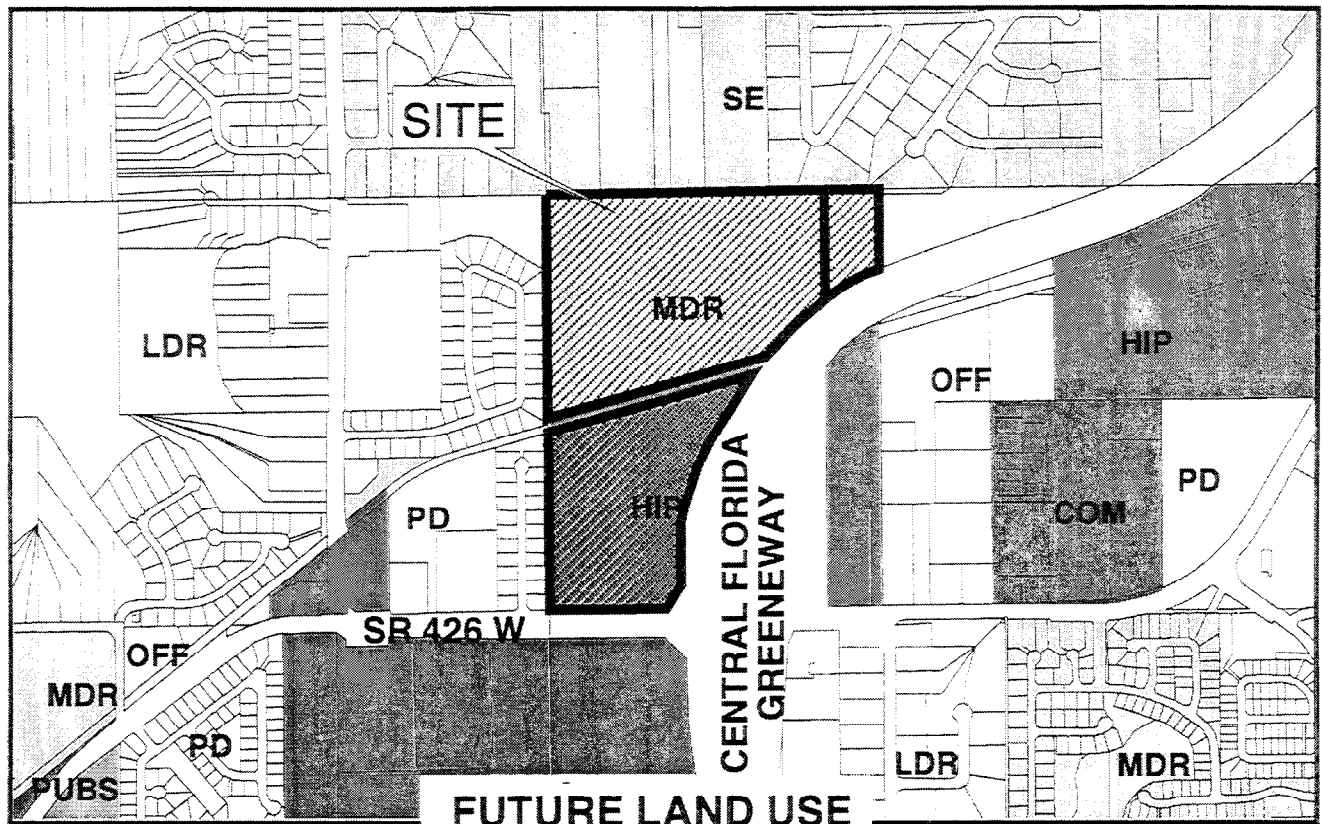
The applicants, E.G. Banks, Charles W. Clayton, Jr., and W. Malcolm Clayton, request approval of a land use amendment from Medium Density Residential to Planned Development, and a rezoning from A-I to PUD (Planned Unit Development) for this 73-acre parcel in order to develop a mixture of multi-family, school, commercial and office uses. The south portion of the site is currently designated as Higher Intensity Planned Development and is not included in the land use amendment.

The Land Planning Agency/Planning & Zoning Commission voted 6-O on September 5, 2001, to recommend denial of the request.

The Board of County Commissioners voted at their September 25 meeting to continue the request to the Spring, 2002, amendment cycle so that the applicant could submit modifications to the request. No --submittals have been made to address the Board's concerns and therefore, Planning staff cannot support the request. The previous staff report is attached for informational purposes.

Reviewed by:	<i>KZC</i>
Co Atty:	
DFS:	
Other:	
DCM:	
CM:	
File No. PZ01-11	

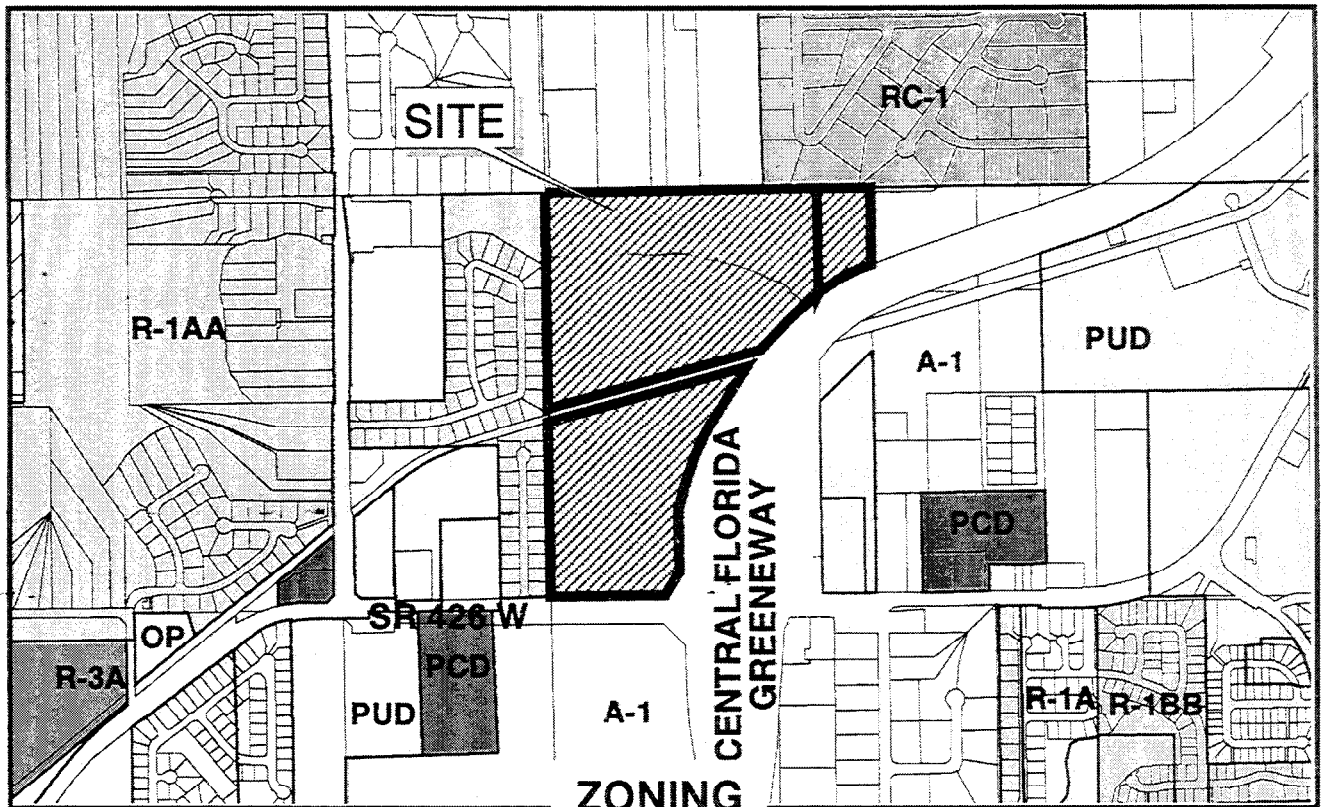
Reviewed for legal sufficiency only.



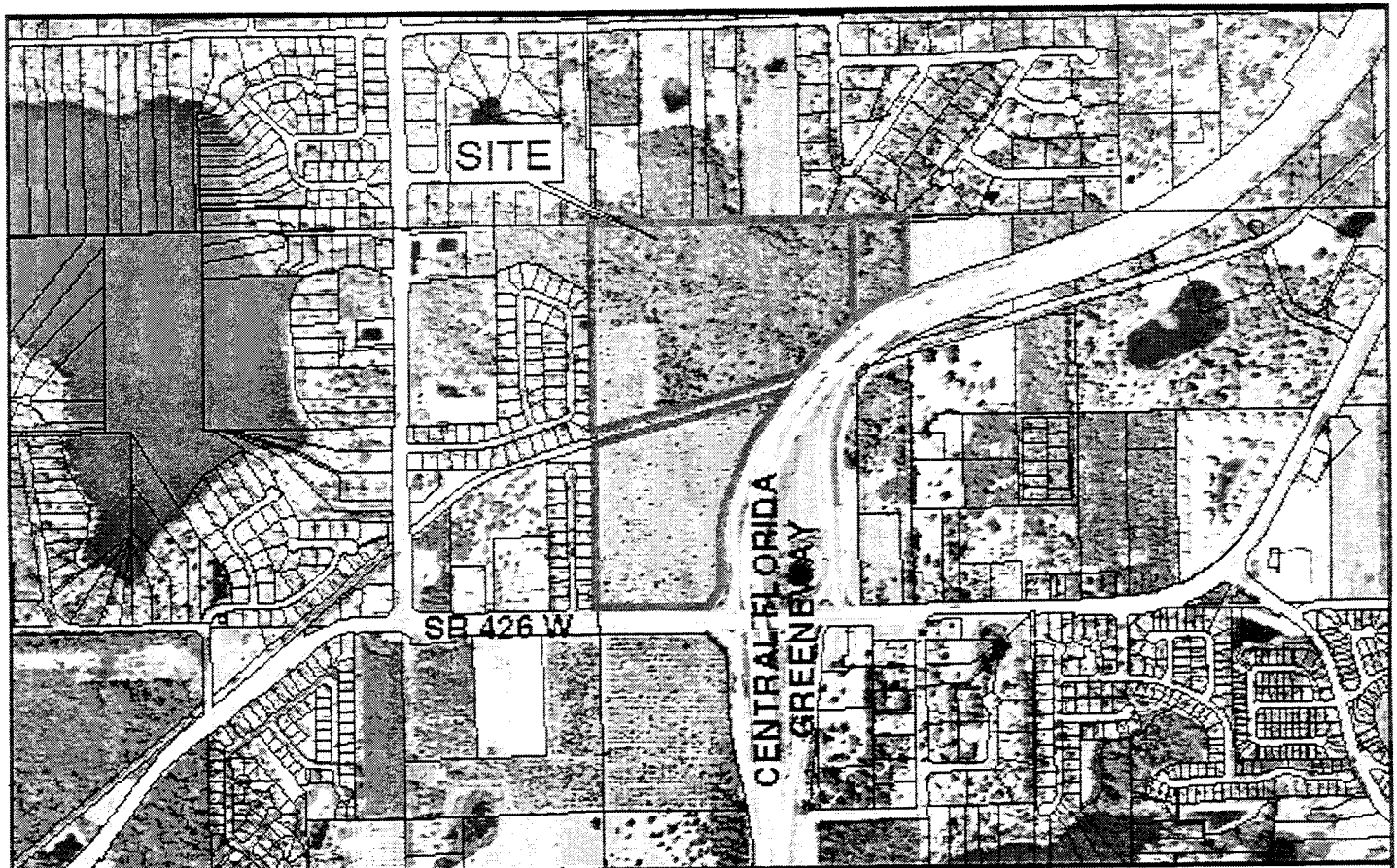
Site
 Municipality
 COM
 LDR
 OFF
 PD
 PUBS
 HIP
 MDR
 SE

Applicant: E G Banks
 Physical STR: 31-21-31-300-0240, 024A, & 023C-0000
 Gross Acres: +/- 48.75 BCC District: 1
 Existing Use: Vacant
 Special Notes: _____

Amend/ Rezone#	From	To
FLU		
Zoning Z2001-011	A - I	PUD





A-1
 R-1A
 R-1 AA
 R-1 BB
 W-1'
 PCD
 PUD
 OP
 R-3A



Rezone No: Z2001-011

From: A-1 To: PUD

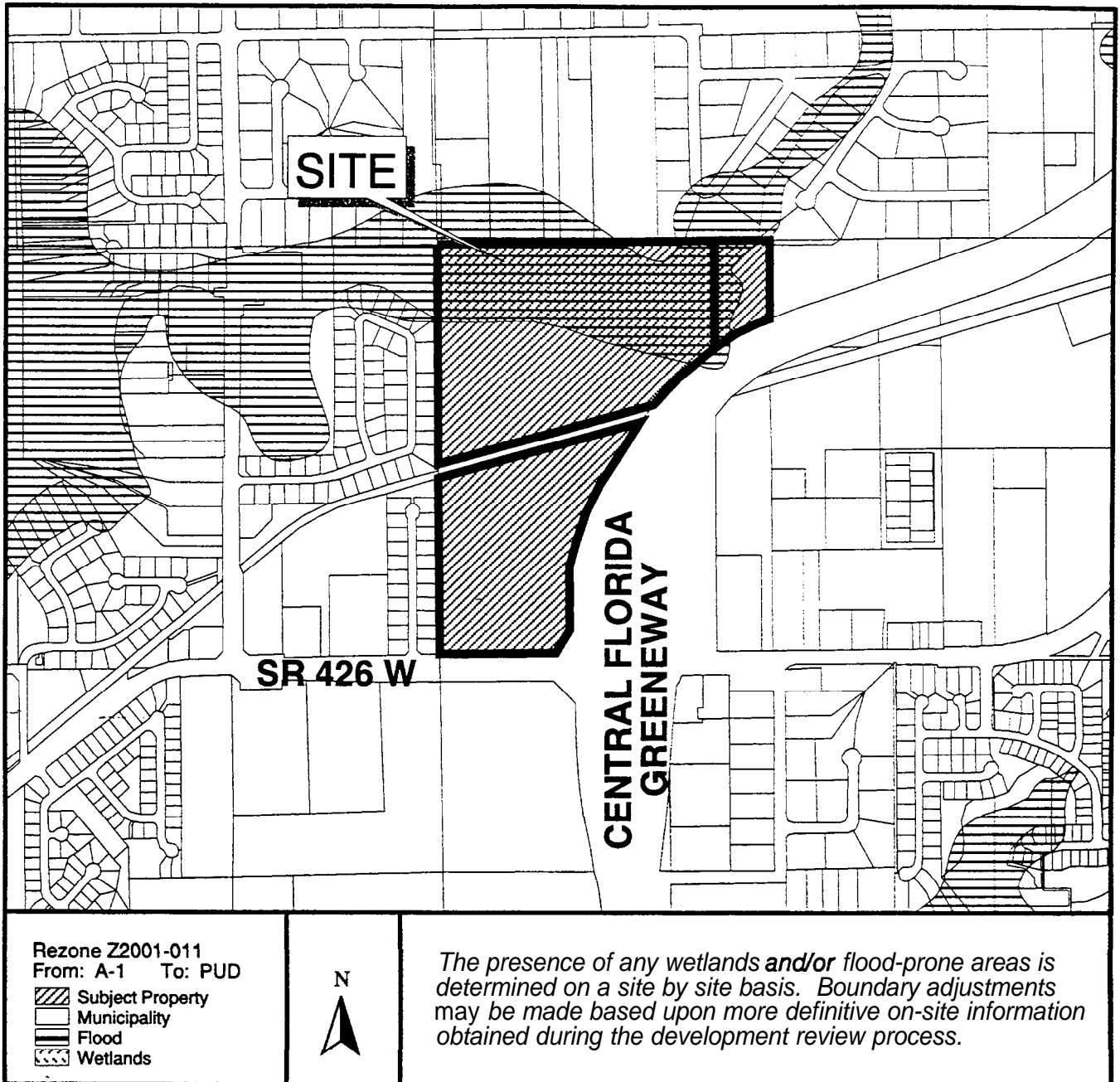
 Subject Property
 Parcelbase



February 1999 Color Aerials

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CONSERVATION



filename: /plan/cpcr02/z2001-011.apr/z2001-011cons 05/10/01

EXECUTIVE SUMMARY

Medium Density Residential to Planned Development

**Amendment
01F.FLU3 &
PZ01-11**

REQUEST

APPLICANT	E.G. Banks; Charles W. Clayton, Jr., Trustee; W. Malcolm Clayton, Trustee
PLAN AMENDMENT	Medium Density Residential to Planned Development
REZONING	A-1 (Agriculture) to PUD (Planned Unit Development)
APPROXIMATE GROSS ACRES	48.75 (Plan Amendment); 73.32 (Rezone)
LOCATION	North side of SR 426 and west side of SR 417
SPECIAL ISSUES	None
BOARD DISTRICT	#1 – Comm. Maloy

RECOMMENDATIONS AND ACTIONS

STAFF RECOMMENDATION September 5, 2001	<p>PLAN AMENDMENT: Recommend approval of Planned Development land use with findings that Planned Development land use, as proposed, would be:</p> <ol style="list-style-type: none"> 1. Consistent with Plan policies related to the Planned Development land use designation; and 2. Consistent with adjacent Low Density Residential and Suburban Estates land use; and 3. An appropriate transitional use at this location; and 4. Consistent with Plan policies identified at this time. <p><i>See next page for rezoning recommendation</i></p>
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Medium Density Residential to Planned Development

**Amendment
01F.FLU3 &
PZ01-11**

RECOMMENDATIONS AND ACTIONS

**STAFF
RECOMMENDATION
September 5, 2001**

REZONE: Based on the above analysis, staff recommends that the subject request:

1. Is in compliance with the applicable provisions of the Seminole County Comprehensive Plan and the Seminole County Land Development Code related to PUD zoning; and
2. The request, as proposed, would be compatible with surrounding development.

Therefore, staff recommends approval of the rezoning from A-I (Agriculture) to PUD (Planned Development), subject to:

1. Off-site **signage** (billboards), communication towers, and adult entertainment establishments are prohibited uses.
2. Multi-family density on Tract B is limited to a maximum density of 14 dwelling units per acre.
3. If the Owner proposes three-story apartment buildings on Tract B, a 120' setback must be maintained from the west property line. As an alternative, the westernmost buildings may maintain a 100' setback provided those buildings are a maximum of two stories. Buildings include any attached units or structures, even if separated by stairwells or similar openings.
4. If a school or college is developed on Tract B, lighted athletic fields and stadiums, or other high-impact uses, must be located on the east side of the tract. Determination of affected uses and their locations will be made during final PUD master plan approvals.

(continued on next page)

Medium Density Residential to Planned Development	Amendment 01F.FLU3 & PZ01-11
RECOMMENDATIONS AND ACTIONS	
	<ol style="list-style-type: none">5. The Owner must receive a determination from the Department of Community Affairs prior to preliminary PUD zoning plan action by the Board of County Commissioners that the project will not be required to undergo DRI review.6. If the Owner is unable to relocate the Trail to the northern portion of the site, any Trail crossing must be in accordance with applicable County and State policies or Codes regarding Trail crossings that are in place at the time of development.

STAFF ANALYSIS

Medium Density Residential To Planned Development

Amendment
01F.FLU3 &
PZ01-11

1. **Property Owner(s):** E.G. Banks; Charles W. Clayton, Jr., Trustee; W. Malcolm Clayton, Trustee
2. **Tax Parcel Number(s):** 31-21-31-300-0240-0000; 31-21-31-300-023C-0000; 31-21-31-300-024A-0000
3. **Applicant's Statement:** The proposed project provides for a mixed-use PUD which serves as an appropriate transitional use between lower-density residential uses and non-residential uses.
4. **Development Trends:** Existing development along SR 426 consists of a mixture of single-family developments and limited commercial uses (convenience store, shopping center). The south portion of the site is within an area designated as Higher Intensity Planned Development (HIP) land use. Parcels designated HIP are also located south of SR 426. East of SR 417, the Aloma Business Center, an industrial/commercial PCD, was approved by the Board in 2000.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

a. The existing Medium Density Residential land use on the northern portion of the site would potentially permit development of single-family, duplex, or multi-family homes at a net density of no greater than 10 dwelling units per acre, with the appropriate zoning in place. The existing A-I zoning permits single-family development at a maximum net density of one unit per acre, and a variety of agricultural and non-residential uses, such as churches, wholesale plant nurseries, and public or private elementary schools.

- The southern portion of the site is currently designated as HIP land use, with A-I zoning. The HIP land use requires PUD or PCD zoning in order to develop, and potentially permits a wide range of uses, including residential, commercial, industrial, offices, and public uses, churches, or daycare centers.

b. The requested Planned Development land use and PUD zoning, as proposed, would permit the development of a private school or up to up to 479 apartments on the northern tract, and a mixture of commercial and office uses or up to 490 apartments on the southern tract.

Location	Future Land Use*	Zoning*	Existing Use
Site	Medium Density Residential and Higher intensity Planned Development	A-I	Vacant
North	Suburban Estates	A-I	Single-family
South	Higher Intensity Planned Development	A-I	Vacant
East	Higher Intensity Planned Development (east of SR 417)	A-I	Vacant
West	Low Density Residential	R-I AA	Single-family

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

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect 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 Seminole County Comprehensive Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Traffic Circulation Policy 16.8.2).

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 SR 426, an--arterial road, which is currently operating at level of service (LOS) "C" with a LOS standard of "E", and a projected 2020 LOS of "F".

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 Utilities water and sewer service area.

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 Rescue Howell Branch Station (Station #23). Response time to the site is greater than 5 minutes, which exceeds the County's average response time standard of 5 minutes. The Public Safety Division has indicated that the immediate area is being monitored for growth, anticipating a relocation of Station 23 or construction of a new station to serve the area.

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 Comprehensive 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 these properties indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities. Fire/Rescue facilities do not meet the County's average response time; however, Fire/Rescue is a Category II public facility and thus not subject to the above policy.

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).*

Approximately 5 percent of the site is flood prone and approximately 35 percent is wetlands. The applicant must comply with the applicable provisions of the Seminole County Comprehensive Plan and Land Development Code which would not permit filling of the floodplain or wetland areas. The applicant has indicated that the

wetland portion of the site will be maintained as open space and buffer as part of the proposed PUD.

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).*

Prior to submission of final engineering plans for development of this property, a survey of threatened and endangered and species of special concern will be required to determine the presence of any endangered or threatened wildlife.

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

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

Based upon an initial evaluation of compatibility, Planned Development land use, as proposed, would be consistent with Plan policies identified at this time and therefore is consistent with the Vision 2020 Plan.

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

- 1. Flood Plain Protection:** (Policy FLU 1.2)
- 2. Wetlands Protection:** (Policy FLU 1.3)
- 3. 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)*

The proposed development is separated into two tracts. The southern tract, abutting SR 426, is proposed for development of a mixture of commercial and office uses.

This tract is designated as Higher Intensity Planned Development (HIP) land use. The applicant is requesting approval on this tract for all permitted uses within the C-1, C-2, and OP zoning districts. The applicant also requests that the tract be approved for development of up to 490 multi-family units as an alternate plan option. Building height for all uses would be limited to 35 feet. Additionally, until PUD development occurs, the applicant requests that agricultural uses be permitted on the site. Staff does not object to the proposed uses within this tract designated as HIP land use, but does recommend that any approvals prohibit development of off-site signage (billboards), communication towers, and adult entertainment establishments within the entire PUD.

To the west, the tract abuts Bear Creek, a developed single-family subdivision within the Low Density Residential land use designation. The major internal project street serving both tracts would run north-south just east of the common property line with Bear Creek. The applicant is proposing a 50-foot wide buffer, with the wall and landscaping required by the active/passive buffer standards, between the roadway and the Bear Creek subdivision. The off-ramp for the SR 417/SR 426 intersection, immediately east of the site, limits potential entry to the site to the westernmost 100 feet of frontage along SR 426. Provided the applicant meets all active/passive buffer standards, staff have no objections to the proposed road location.

The northern tract is currently designated as Medium Density Residential, and the applicant is requesting the land use amendment to Planned Development for this tract-only. The proposed uses for the tract include multi-family at a net density of 20 dwelling units per acre, private schools (kindergarten through grade 12), colleges, and interim agricultural uses. The applicant is also proposing to relocate the Trail which bisects the property (the proposed route is shown on the attached plan), placing it adjacent to the wetlands at the north end of the site. Staff has no objections to the Trail relocation. The applicant is working with the applicable State agencies to resolve the issue.

Because the northern tract also abuts Bear Creek subdivision, staff believes the proposed development plan for potential multi-family units is too intense for the site. The applicant proposes to increase the possible density from a maximum of 10 units per acre under the current Medium Density Residential designation on the tract, to a maximum of 20 dwelling units per acre. The multi-family units should be limited to a maximum density of 14 units per acre with increased setbacks and buffering if 3-story buildings are constructed. Additionally, staff feels that any approvals for private schools or colleges on the site should orient high-impact uses to the eastern portion of the site and away from single-family homes.

Planning Staff have requested that the developer submit a determination from the Department of Community Affairs (DCA) addressing potential Development of Regional Impact (DRI) uses. The size of the site, and proposed uses, could trip either commercial or office DRI thresholds. The developer is working with the DCA to obtain a determination prior to the large-scale amendment adoption hearing and final action by the Board on the preliminary PUD plan.

4. **Higher Intensity Planned Development Purpose:** (Policy FLU 5.6)
5. **Higher Intensity Planned Development General Uses, and Intensities:** (Policy FLU 5.7)
6. **Higher Intensity Planned Development Design Standards:** (Policy FLU 5.13)
7. **Planned Development Land Use Definition:** *This land use provides for a variety of land uses and intensities within a development site to preserve conservation areas above and beyond Code requirements, to reduce public investment in provision of services, to encourage flexible and creative site design, and to provide sites for schools, recreation and other public facilities which are a benefit to the community.* (Future Land Use Element Definitions)
8. **Higher Intensity Planned Development Land Use Definition.**
9. **Extension of Service to New Development:** (Potable Water Policy 11.4.5)
10. **Extension of Service to New Development:** (Sanitary Sewer Policy 14.4.4)
11. **Consistency with Future Land Use Element:** (Transportation Policy 2.1)
12. **Promote Mixed-Use Centers** (Transportation Policy 5.2).

C. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety 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.

5. COORDINATION - Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

A. Plan Coordination: *The County shall continue to--coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land* (Intergovernmental Coordination Policy 8.2.12). *Seminole County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies by...as the County is now a charter County* (Intergovernmental Coordination Policy 8.3.3).

The Vision 2020 Plan fully complies with the State Comprehensive Plan adopted pursuant to Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council pursuant to Chapter 163, Florida **Statutes**. Consistency with the State Plan and the Regional Policy Plan will be evaluated by individual review agencies during the Plan amendment review process,

STAFF RECOMMENDATION

September 5, 2001

PLAN AMENDMENT: Recommend approval of Planned Development land use with findings that Planned Development land use, as proposed, would be:

1. Consistent with Plan policies related to the Planned Development land use designation; and
2. Consistent with adjacent Low Density Residential and Suburban Estates land uses; and
3. An appropriate transitional use at this location; and
4. Consistent with Plan policies identified at this time.

REZONE: Based on the above analysis, staff recommends that the subject request:

1. Is in compliance with the applicable provisions of the Seminole County Comprehensive Plan and the Seminole County Land Development Code related to PUD zoning; and
2. The request, as proposed, would be compatible with surrounding development.

Therefore, staff recommends approval of the rezoning from A-I (Agriculture) to PUD (Planned Unit Development), subject to:

1. Off-site **signage** (billboards), communication towers, and adult entertainment establishments are prohibited uses.
2. Multi-family density on Tract B is limited to a maximum density of 14 dwelling units per acre.
3. If the Owner proposes three-story apartment buildings on Tract B, a 120' setback must be maintained from the west property line. As an alternative, the **westernmost** buildings may maintain a 100' setback provided those buildings are a maximum of two stories. Buildings include any attached units or structures, even if separated **by stairwells** or similar openings.
4. If a school or college is developed on Tract B, lighted athletic fields and stadiums, or other high-impact uses, must be located on the east side of the tract. Determination of affected uses and their locations will be made during final PUD master plan approvals.

5. The Owner must receive a determination from the Department of Community Affairs prior to preliminary PUD zoning plan action by the Board of County Commissioners that the project will not be required to undergo DRI review.
6. If the Owner is unable to relocate the Trail to the northern portion of the site, any Trail crossing must be in accordance with applicable County and State policies or Codes regarding Trail crossings that are in place at the time of development.

PROPOSED
GREENWAY CENTER PLANNED DEVELOPMENT
SYNOPSIS OF REQUEST
FOR
FLU AMENDMENT TO PLANNED DEVELOPMENT
AND
REZONING TO PUD

SUBMITTED 3/3 O/O 1

By:

Florida Land Design, Inc.
222 South Westmonte Drive
Suite 209
Altamonte Springs, FL 32714
(407) 389-1811

Applicant:
E.G. Banks
Charles W. Clayton, Jr., Trustee
W. Malcolm Clayton, For Clayton Investments #II, LTD
6 11 Wymore Road
Winter Park, FL 32789
(407) 644-6200

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APPENDIX A: Legal Descriptions

EXHIBITS:

Exhibit A:	Area Location Map	
Exhibit B:	PUD Development Plan	

GREENWAY CENTER PLANNED DEVELOPMENT

I. EXECUTIVE SUMMARY:

A. Site Location/Description:

The proposed **Greenway** Center Planned Development consists of approximately 73.32 acres in three tracts located on the north side of Aloma Avenue (S.R. 426) west of the **Greenway** (S.R. 417), in Seminole County, Florida. Of the total acreage, approximately 66.1% are developable uplands. The wetland areas lie primarily to the north and east of the developable areas, and make up a portion of the Bear Creek drainage basin.

The northern and southern tracts are separated by an 80 ft. wide trail corridor, formerly a CSX railroad right-of-way, totalling 2.34 acres that is not included in the project area.

1). Surrounding Land Uses:

The site is bordered by Aloma Avenue on the south, a single family residential neighborhood on the west, Wetlands and vacant acreage to the north, and S.R. 417 on the east. **Surrounding land** use designations are Low Density Residential (**LDR**) on the west side of the property, Conservation and Suburban Estates on the north, and the **Greenway** (S.R. 417) on the east. Extensive wetlands on the north side of the site provide a natural separator and buffer from the residential land uses on the north, and a minor arterial roadway (Aloma Avenue) separates the site from the vacant acreage to the south. The Low Density Residential land use to the west is presently developed as a single family subdivision. Property located on the south side of Aloma directly across from the subject property has a FLU designation of Higher Intensity Planned Development.

2). Site Access:

Access to the site is by way of an entrance point located on the westernmost 100 ft. of frontage on Aloma, previously negotiated with Florida Department of Transportation as a condition of the property taking for the Greenway. This access point is intended to line up with a similarly pre-determined access point to the property on the south. This will eventually become a signalized, full-directional intersection as development occurs on the property and the signal is warranted per FDOT.

This access point must also suffice to gain access to the back parcel, which is complicated by the necessity to either cross the Cross Seminole Trail, or relocate

the trail to a more attractive route along the wetlands to the north. The Applicant has initiated the paperwork to provide for this relocation. The tracts north of the trail right-of-way may be considered landlocked for the purposes of access without this relocation of the right-of-way.

Future development will provide for a divided, landscaped boulevard to run northward from **Aloma** along the westerly boundary to provide access to the northern and southern tract(s). This landscaped access corridor will provide for a landscaped buffer between the subject property and the adjacent residential neighborhood. A proposed 100 ft. wide access corridor will allow a boulevard to be constructed that will provide for a minimum aggregate total of 30 ft. width in landscape buffer between the subdivision and the roadway. This landscaped buffer will provide berms, hedges, ornamental trees and shade trees to screen views of buildings **from** the back yards of the adjacent neighborhoods. The width of the proposed right-of-way, combined with front building setbacks, should combine to place buildings no closer than 130 feet from the adjacent residential structures.

Site access constraints preclude providing access to subdivided parcels in any other fashion as the FDOT controlled access eliminates any possibility of gaining access to Aloma at any other point along the frontage. The **Greenway** on the east, the existing residential subdivision on the west, and wetlands that extend across the north restrict access from any other point.

B. Land Use Plan Amendment Request:

The Applicant seeks to change the future land use designation on the northern two Parcels (3 1-2 1-3 1-300-023 C-0000 and 3 1-2 1-3 1-300-024A-0000) from medium density residential (**MDR**) to planned **development (PD)**, pursuant to Vision 2020 Comprehensive Plan Policies as follows:

- * Policy FLU 2.11: Determination of Compatibility in the Planned Unit Development and Planned Commercial Development Zoning Classifications.
- * Policy FLU 5.2(B): The County shall encourage mixed use developments to discourage urban sprawl, maintain short travel distances between commercial and residential areas and provide transitional uses between low density residential uses and nonresidential uses.
- * FLU-DEFINITION OF PLANNED DEVELOPMENT

The land use plan amendment on the northern tracts is intended to enable development of a component of the proposed **Greenway Center PUD**. When

joined with the Higher Intensity Planned Development tract to the south, these parcels are intended to provide the residential, recreational and educational component of the proposed development (Please see the proposed land use master plan). This serves to provide a transitional land use between the commercial-office components, and approximately 50% of the adjacent single-family neighborhoods to the west.

The use of Planned Development land use designation allows the County to insure that adequate buffers will be developed between the site and the adjacent residential neighborhoods.

These tracts are ideally suited for this purpose as they border the Cross Seminole Trail, which provides an excellent pedestrian connection between surrounding neighborhoods and educational and commercial uses.

Due to the pending adoption of Vision 2020 by the Department of Community Affairs, this report references the policies and objectives of that plan. It is assumed that this approach acknowledges compliance and consistency with the desired goals and objectives of the County's future growth management plan.

C. Rezoning Request:

The Applicant requests that the zoning for all three parcels (3 1-2 1-3 1-300-024A-0000; 3 1-2 1-3 1-300-0240-0000; 3 1-2 1-3 1-300-023C-0000) be changed from A- 1 (Agricultural) to Planned Unit Development (**PUD**). Pursuant to the County's Vision 2020 Comprehensive Plan, and the Land Development Code, the PD and **HIP** components of this proposed zoning will meet the following policies, requirements and definitions:

Vision 2020 Comprehensive Policy Plan As It Pertains to Zoning:

Policy FLU 2.11: Determination of Compatibility in the Planned Unit and Planned Commercial Development Zoning Classifications.

Policy FLU 5.7: Higher Intensity Planned Development (HIP) General Uses and Intensities.

Policy FLU 5.13: Higher Intensity Planned Development (HIP) Design Standards.

FLU - DEFINITION: Higher Intensity Planned Development (HIP)-Core and Transitional Areas.

Land Development Code:

PART 25 PUD PLANNED UNIT DEVELOPMENT.

1). Requested Land Uses:

The Applicant seeks to provide for limited and controlled types of land uses based upon the land uses and provisions found in the following sections of the County's Land Development Code:

- Chapter 30; Part 25 PUD Planned Unit Development
- Chapter 30; Part 40 C-1 Retail Commercial District
- Chapter 30; Part 36 OP Office District
- Chapter 30; Part 15 R-4 Multiple Family Dwelling District
- Additional uses to be considered Permitted Uses not specifically listed as such in the above **Parts**:
 - *Commercial agricultural
 - * Self-storage facilities
 - * Adult living facilities

2). Prohibited Land Uses:

Types of uses intended to be specifically prohibited:

- Adult-oriented businesses
- Businesses requiring storage of quantities of hazardous materials
- Manufacturing
- Free-standing liquor sales (if within 1000 ft. of educational or religious use)

II. FLU AMENDMENT STANDARDS OF REVIEW

As the proposed FLU amendment is specific only to the northernmost parcel(s) and not the entire development site proposed for rezoning, impacts should be localized to the general area. While the requested FLU designation is Planned Development, per the proposed PUD Master Plan, the intended use of these parcels is to be either multi-family residential or school. These do not present dramatic impacts that strain compatibility with the surrounding neighborhoods. Nor is the requested increase in development intensity a substantial intensification over the existing Medium Density Residential (**MDR**) designation. The remaining parcel, intended to be the commercial component of the PUD, will remain designated Higher Intensity Planned Development.

Pursuant to the County's *VISION 2020 COMPREHENSIVE PLAN*, the subject parcels should qualify for review of localized impacts based on the following criteria:

A. *Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property;*

FLD: The single most significant event that has caused a change in the character of the surrounding area would be the construction of the **Greenway** in 1991. The interchange at Aloma Avenue provides ready access to the site and surrounding areas, which are starting to develop accordingly as regional vehicular access to employment and shopping has improved. The newly-opened areas are developing as residential developments with supporting commercial projects on both sides of the **Greenway** along Aloma.

The intent of the land use change on the subject tracts is to provide a transitional land use between the low density residential developments to the west and north and the **future** commercial use of the existing Higher Intensity Planned Development Tract. Changing the land use to Planned Development to permit negotiated development on the northern tracts to high density residential and/or school provides a good transition if adequate buffers and landscape treatment are utilized.

B. *Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service;*

FLD: Recent improvements in area roads support the development increase. Sanitary sewer and potable water connections can be made available to the site when needed at the time of development plan by way of main extensions and transmission facility construction. Discussion with County Staff has confirmed that capacity is available for the near-term horizon, and **future** capacity expansion is planned. The applicant acknowledges that without concurrency reservation, capacity availability could delay future development.

C. *Whether the site is suitable for the proposed use and will be able to comply with flood prone regulations, wetland regulations and all other adopted regulations;*

FLD: Upon development of the connecting roadway and utilities for the development, and approval of buffers, the site will be suitable for the proposed use(s). There is no reason to believe that at any time there would be any impediments to the development of the site that would abridge wetland and/or flood-prone regulations, or any other adopted regulations.

D. *Whether the proposal adheres to other special provisions of law (e.g., the*

Wekiva River Protection Act);

FLD: There are no specially legislated provisions of law in this case that would impose special conditions to the development of this site as requested. Certain administrative rules may govern the design and construction of this site that will have to be dealt with at the time of development plan and engineering.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code;

FLD: With the adjacency to the **Greenway** transportation **corridor** access, and the construction of adequate buffers between land uses, the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards.

F. Whether the proposed use furthers the public interest by providing:

1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site;

FLD: The applicant acknowledges that there may be opportunities for taking the lead on expansion of local services in excess of minimum requirements for development of the site. Such **opportunities** may present themselves at the time of development plan submittal and are subject to negotiation at that time.

2. Dedications or contributions in excess of Land Development Code requirements;

FLD: The applicant acknowledges that certain recreation facilities may be required as a condition of development plan approval. However, the applicant may want to go further than the minimum required by establishing a site and some furnishings for a trailhead facility, concurrently with development. This commitment may be established at the time of agreement to relocate the existing Cross Seminole Trail corridor to parallel the wetlands on the north.

3. Affordable housing;

FLD: The possibility exists that opportunities may arise to develop some or all of the PD land use component of the PUD as medium or high density residential. This occurs primarily as multi-family, but could represent other

types of residential uses. This provides the perfect transition between the low density residential areas to the west and north of the site and the commercial component of the PUD to the south. While this could develop as market-driven product, it could be developed under one of the tax-credit subsidy programs. Based upon the desired criteria for such subsidized projects, the location of this site relative to commercial and transportation makes it highly desirable.

4. *Economic development;*

FLD: Development of this site as requested will provide a substantial number of jobs within the commercial, office and educational employment sectors. In addition, the proposed development represents a substantial increase in the ad valorem property tax base, as well as substantial local option sales tax revenue.

5. *Reduction in transportation impacts on areawide roads;*

FLD: Providing for a regional shopping center, educational facilities, and an internal residential component that is adjacent to major arterial roadways and connected to the trail network will greatly reduce vehicle travel distance, as well as vehicle trips, for the surrounding residential areas.

6. *Mass transit*

FLD: The developer intends to cooperate with mass transit by providing compatible roadway design and locations for transit shelters.

7. *Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan*

FLD: The proposed land use designation is intended to be consistent with the following policies in the Vision 2020 Comprehensive Plan, and other policies:

Policy CON 3.8	PUD/Cluster Developments
Policy CON 3.9	Conservation Easements/Dedication
Policy FLU 1.3..	Wetlands Protection
Policy FLU 2.5	Transitional Land Uses
Policy FLU 2.11	Determination of Compatibility in the Planned Unit Development and Planned Commercial Development
	Zoning Classifications
Policy FLU 6.2	Concurrency Requirements

Policy HSG 1.6	Infill Development
Policy HSG 2.5	Development Compatibility Standards
Policy HSG 4.2	Finance Authorities (Affordable Housing)
Policy REC 1.4	Large Development Recreation Requirements
Policy REC 5.2	Recreational Trail Development
Policy REC 6.7	Funding Alternatives (Park & Trail Facilities)
Policy TRA 3.4	Require Context-Sensitive Design (Roadways)
Policy TRA 3.5	Enforce Design Principles
Policy TRA 3.7	Consideration of Intermodal Connections in Transportation Improvements
Policy TRA 3.9	Park Access and Accessibility
Policy TRA 3.10	Bicycle and Recreational Trail Planning and Coordination
Policy TRA 5.2	Promote Mixed Use Centers
Policy TRA 5.4	Promote Infill Development
Policy TRA 5.6	Transportation/Affordable Housing Coordination
Policy TRA 5.8	Require Multi-Modal Facilities in Site Planning and Design

STANDARDS OF REVIEW

-Land Use Densities/Intensities and Allowable Zoning Classifications

All **land** use designations, zoning **classifications** and resulting development shall be consistent with the **standards** set forth in **Exhibit FLU: Future Land Use Designations and Allowable Zoning Classifications**, except as **specifically** set forth in this plan.

FLD: All proposed land uses ~~with~~ⁱⁿ the amendment area shall conform to criteria found in *Exhibit FLU*.

Optional Land Use Designations

The Board of County Commissioners may determine that a land use designation other than the designation requested by the applicant is appropriate. Examples of optional land use designations to the ~~designator: applied for~~ are set forth in **Exhibit FLU: Optional Land Use Designations**.

FLD: The requested land use pursuant to this amendment is already Planned Development.

Services and Facilities/Concurrency

Minimum **facilities** needed to **support** a **land** use designation amendment shall be those defined in **Exhibit FLU: Services and Facilities By Classification** and shall be subject to the Concurrency Management **Standards** and provisions contained in the Implementation Element of this Plan.

FLD: Acknowledged.

State/Federal Agency Review

Proposed amendments shall be forwarded to appropriate State agencies (and Federal agencies, when appropriate) for review and comment on projects located adjacent to State of Federally owned lands, within any area subject to special provisions of law or upon request of the State of Federal Agency.

FLD: Acknowledged.

Special Studies

The following special studies shall be provided by the applicant as part of the application package to provide adequate time for review by staff and appropriate agencies:

A. *Any application for a Plan amendment within an area affected by a special law...*

FLD: The proposed site is not located within any area of special concern governed by special laws.

B. *Proposed amendments to the Planned Development or Higher Intensity Planned Development future land use designation...*

FLD: The proposal does not request amendments to existing Planned Development or Higher Intensity Planned Development Future Land uses.

C. *Traffic studies may be required to identify the ability of the roadway network to accommodate the land use with the existing or programmed network..*

FLD: As the land use intensification request only proposes to increase the northern parcel(s) from Medium Density Residential to Planned Development allowing for development of High Density Residential and/or School, staff has indicated that a traffic study may not be needed at the time of application. However, one will be furnished later upon request.

D. *Wetlands mitigation plans where disruption above Land Development Code requirements is proposed to accommodate the proposed use...*

FLD: There are no proposed encroachments or disruptions of wetlands areas above Land Development Code requirements.

Amendments to Existing Planned Development Sites

FLD: N/A

Standards for Amending the Urban/Rural Boundary

FLD: N/A

Standards for Plan Amendments within the East Lake Sylvan Transitional Area

FLD: N/A

III. PUD REZONING INFORMATION:

A. TRACT A DATA:

Total Area Including Wetlands: 24.53 ac.
Total Developable Land Area: 24.53 ac.
Existing Zoning: A-1 - Seminole County
Proposed Zoning: **PUD** - Seminole County
Existing Land Use Designation: Higher Intensity Planned Development
Proposed Use: Mixed Uses Based on Seminole County Zoning Classifications C-1, C-2, R-4 & OP*, plus Commercial Agricultural.

Max Building Ht. 35 ft.
Max Impervious: 75% (801,395 s.f.)
Minimum Green Space: 20% (213,705 s.f.)
Maximum FAR: 0.35
Maximum D.U. **20/Acre**

*The proposed site **development** scheme shall consist of one or more of the land uses identified herein. Site **development** standards shall be as per the Seminole County Development Code.

B. TRACT B DATA:

Total Area Including **Wetlands**: 48.79 ac.
Total Developable Land Area: 23.93 ac.
Existing Zoning: A-1 - Seminole County
Proposed Zoning: **PUD** - Seminole County
Existing Land Use Designation: Medium Density Residential
Proposed Land Use Designation: Planned Development (Application Submitted Concurrently)
Proposed Use: Mixed Uses Based on Seminole County Zoning Classifications R-4; plus Private Schools and Colleges, Commercial Agricultural.
Max Building Ht. 35 ft.
Max Impervious: 75% (78 1,793 s.f.)

Minimum Green Space: 20% (208,478 s.f.)
Maximum FAR: 0.35
Maximum D.U. 20/Acre

*The proposed site development scheme shall consist of one or more of the land uses identified herein. Site development standards shall be as per the Seminole County Development Code.

TRACTING PLAN-LAND USE BREAKDOWN				
TRACT	TYPE	PROJ. S.F./D.U.	DEVELOP AREA	% OF DEVELOP
A	Commercial / Multi-Family	373,984 s.f. 490 D.U.	24.53 ac.	50.6%
B.	Multi-Family / School	479 D.U.	23.93 ac.	49.4%
	TOTAL	-		100%

Tract configuration shall conform to FLU designation boundaries. Projected uses are conceptual and subject to minor modification during Final Master Plan and Site Plan approval.

C. GENERAL NOTES:

- SOILS INFORMATION IS BASED ON THE SOIL CONSERVATION SERVICE SOIL SURVEY FOR SEMINOLE COUNTY WHICH INDICATES THAT THE FOLLOWING SOILS ARE FOUND ON-SITE:
#6 Basinger-Smyrna-Delray
#20 Myakka and Eau Gallie Fine Sands
#23 Nittaw, Okeelanta, and Basinger Soils-Frequently Flooded
#30 Seffner Fine Sand
- TOPOGRAPHY IS BASED ON THE MOST RECENT U.S.G.S. TOPOGRAPHICAL SURVEY.
- UTILITIES TO THE SITE WILL BE FURNISHED BY THE FOLLOWING PROVIDERS:
WATER: SEMINOLE COUNTY UTILITIES
SEWER: SEMINOLE COUNTY UTILITIES
ELECTRIC: FLORIDA POWER CORPORATION
SOLID WASTE: LOCAL FRANCHISE
TELEPHONE: UNITED TELEPHONE
- AN ON-SITE LIFT STATION SHALL PROVIDE SANITARY SEWER

TRANSMISSION. CONVEYANCE SHALL BE BY WAY OF A FORCE MAIN TO CONNECT TO COUNTY MAIN AT CLOSEST ACCEPTABLE POINT. LIFT STATION AND MAINS SHALL BE OWNED AND MAINTAINED BY SEMINOLE COUNTY.

5. PUBLIC WATER MAINS SHALL MEET THE REQUIREMENTS OF THE AMERICAN WATERWORKS ASSN. (AWWA) AND SEMINOLE COUNTY.
6. FIRE PROTECTION IS TO BE PROVIDED BY SEMINOLE COUNTY. ALL UTILITY REGULATIONS PERTAINING TO THE LOCATION AND REQUIRED FLOWS OF FIRE HYDRANTS WILL BE MET.
7. STORMWATER DRAINAGE TO BE DESIGNED PER SEMINOLE COUNTY AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICT REQUIREMENTS.
8. THE SITE IS **PRIMARILY** IN FLOOD ZONE "X", WITH SOME AREAS IN FLOOD ZONE "A" PER FLOOD INSURANCE **RATE** MAP OF SEMINOLE COUNTY, FLORIDA, COMMUNITY #12117, PANEL #0165. DATE OF **FIRM-4/17/95**.
9. LANDSCAPE BUFFERS SHALL BE PROVIDED IN ACCORDANCE WITH SEMINOLE COUNTY REGULATIONS.
10. THE OWNER PROPOSES TO RELOCATE THE CROSS-SEMINOLE TRAIL AS SHOWN ON THE PLAN, PER STATE OF FLORIDA REQUIREMENTS.
11. IMPACT ANALYSIS IS PROJECTED AS FOLLOWS:

TRACT "A":

Multi-Family:

Schools:	490 Units x 3.25 Persons/D.U. = 1,592.5 x 20% = 319 School-aged Children.
Roads:	490 x 6.47 ADT/D.U. = 3,170 ADT
Water:	490 x 225 GPD/D.U. = 110,250 GPD
Sewer:	490 x 200 GPD/D.U. = 98,000 GPD

Commercial:

Schools:	None.
Roads:	373.98 x 76.9 ADT/1000 s.f. = 28,759 ADT
Water:	373.98 x 117 GPD/1000 s.f. = 43,756 GPD
Sewer:	373.98 x 102 GPD/1000 s.f. = 38,146 GPD

TRACT "B":

Multi-Family:

Schools:	478 Units x 3.25 Persons/D.U. = 1,553.5 x 20% = 311 School-aged Children.
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Roads:	478 x 6.47 ADT/D.U. = 3,092 ADT
Water:	478 x 225 GPD/D.U. = 107,550 GPD
Sewer:	478 x 200 GPD/D.U. = 95,600 GPD

D. PROPOSED DEVELOPMENT SCHEME:

The proposed site development scheme shall consist of one or more of the land uses identified herein. Site development standards shall be as per the Seminole County Development Code.

E. PROPOSED LAND USES:

1). Approved Uses - OP:

- (a). Accountants Offices (including bookkeeping services)
- (b). Architects Offices (including physical design, planning, and landscape)
- (c). Attorney's Offices
- (d). Engineer's Offices(including mechanical, civil, chemical, electrical engineering)
- (e). Insurance Offices
- (f). Investment Company **Offices** (including security brokers and related services)
- (g). Medical and Dental Clinics (**including** doctors's offices and laboratories as licensed by the State of **Florida**; nursing -registries, X-ray and Imaging Laboratories)
- (h). Mortgage Finance **Offices**
- (i). Pharmacies with/without drive-through
- (j). Real Estate Offices (sales, leasing and management)
- (k). Research Services, Safety Consultants
- (l). Tax Consultants (including income ~~tax~~ services)
- (m). Abstract or Title Services
- (n). Advertising Agencies (including public relations)
- (o). Airline Ticket Agencies
- (p). Estate Planning and management
- (q). Employment Agencies
- (r). Building Contractors (offices only)
- (s). Communications (including designers, videotape editing, radio stations with primary broadcast antennae located elsewhere)
- (t). Any other uses which are similar or compatible to the uses permitted herein, which would promote the intent and purpose of this use.

2). Approved C-1 Uses:

- (a). Any use approved under P-O.
- (b). General business establishments with retail sales including:
Antiques, Art
- (c). Automobile parts, new or reconditioned, with no on-site installation
Bakery shops, the products of which are sold retail on the premises
- (d). Bicycles, sporting goods (with outside storage or display)
- (e). Books, newsstands, electronic media sales or rental
- (e). Clothing, shoes
- (f). Florists
- (g). **Gift** shops
- (h). Duplicating, office supplies
- (i). Electrical appliances and electronics stores-radio, stereo, video equipment
- (j). Grocery and specialty food stores
- (k). Paint and wallpaper stores
- (l). Pawn shops (no outside storage or display of vehicles or boats)
- (m). Freestanding Liquor package sales (if not in conflict with separation distances between schools or churches)
- (n). Hardware, including lumber when totally enclosed within structures
- (o). Household **furnishings**
- (p). Jewelry, luggage
- (q). Automotive service stations
- (r). Banks and savings institutions, including drive-through and automated facilities
- (s). Cocktail lounges (if not in conflict with separation distances between schools or churches)
- (t). Drive-in restaurants when boundaries of the tract of land are located in excess of 200 **ft.** of any residential district
- (u). Convenience stores with gas stations
- (v). Dry cleaning and laundries
- (w). Enclosed amusement centers
- (x). Health spas
- (y). Hotels and motels
- (z). Funeral homes
- (aa). Fire stations, libraries
- (bb). Locksmiths, shoe repair, photographic studios, tailors, watch and clock repair
- (cc). Parking lots
- (dd). Restaurants with alcohol sales
- (ee). Shopping centers
- (ff). Skating rinks, billiard parlors, bowling alleys, provided that such activities are enclosed in a sound-proof building
- (gg). Theaters (except drive-ins)
- (hh). Household hazardous waste collection centers if located as an ancillary use

- to an automotive service station, maintenance or repair facility.
- (ii). Commercial agricultural uses.
- (jj). Any other uses determined to be similar or compatible to the approved uses by the County Commission.

(kk). C-1 Prohibited Uses:

- Churches
- Biomedical, biological waste, hazardous waste incinerators or transfer stations
- Crematoriums-animal or human
- Landscape nursery storage of plants or equipment
- Boarding houses
- Adult entertainment clubs
- (ll). Any use or activity which is not in **full** compatibility with the uses, requirements and standards found herein and in the County's Land Development Code

3). Approved R-4 Uses:

- (a). **Multi-family**, multiple-story apartments
- (b). Apartment hotels
- (c). General office buildings
- (d). Boarding and lodging houses
- (e). **Motels**
- (f). **P**ublic elementary schools

4). Additional Approved Uses:

- (a). Public and private middle and high schools and colleges
- (b). Adult congregate living facilities
- (c). Commercial agricultural
- (d). **Hospital**, nursing homes
- (e). Water and sewer treatment plants

LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
September 5, 2001 – 7:00 P.M.
MINUTES

Board Present:

Dick Harris, Chairman
Tom Mahoney, Vice Chairman
Mark George
Alan Peltz
Grey Wilson
Ben Tucker

Board Absent

Paul Tremel

Staff Present:

Matt West, Planning Division
Cindy Matheny, Planning Division
Cynthia Sweet, Planning Division
Jeff Hopper, Planning Division
David Martin, Trails Division
Steve Lee, Deputy County Attorney

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **ACCEPTANCE OF PROOF OF PUBLICATION**

Motion by Commissioner Mahoney to accept proof of publication. Second by Commissioner George.

Motion passed unanimously. (6-0)

IV. **APPROVAL OF MINUTES**

Approval of minutes was deferred until the end of the meeting.

A. GREENWAY CENTER; E.G. Banks-Charles W Clayton Jr / W. Malcolm Clayton; Approximately 73 Acres More Or Less; Large Scale Comprehensive Plan Amendment From MDR (Medium Density Residential) To PD (Planned Development); Rezone From A-I (Agriculture) To PUD (Planned Unit Development); North of SR 426 And West Of Greenway (SR 417) (PZ01-11) District 1
Cindy Matheny

The applicants, E.G. Banks, Charles W. Clayton Jr., and W. Malcolm Clayton, request approval of a land use amendment from MDR (Medium Density Residential) to PD (Planned Development), and a rezoning from A-I (Agriculture) to PUD (Planned Unit Development) for this 73 acre parcel in order to develop a mixture of multi-family, school and commercial and office uses. The south portion of the site is currently designated as Higher Intensity Planned Development and is not included in the land use amendment. The site is located on the north side of SR 426 and the west side of SR 417.

The existing Medium Density Residential land use on the northern portion of the site would potentially permit development of single-family, duplex, or multi-family homes at a net density of no greater than 10 dwelling units per acre, with the appropriate zoning in place. The existing A-I zoning permits single-family development at a maximum net density of one unit per acre, and a variety of agriculture and non-residential uses, such --as churches, wholesale plant nurseries, and public or private elementary schools.

The southern portion of the site is currently designated as HIP land use, with A-I zoning. The HIP land use requires PUD or PCD zoning in order to develop, and potentially permits a wide range of uses, including residential, commercial, industrial, offices, and public uses, churches, or daycare centers.

The requested Planned Development land use and PUD zoning, as proposed, would permit the development of a private school or up to 479 apartments on the northern tract and a mixture of commercial and office uses or up to 490 apartment on the southern tract.

Staff recommended approval of Planned Development land use on the northern parcel with findings that Planned Development land use, as proposed, would be:

1. Consistent with Plan policies related to the Planned Development land use designation; and
2. Consistent with adjacent Low Density Residential and Suburban Estates land uses; and
- 3. An appropriatetransitional use at this location; and
4. Consistent with Plan policies identified at this time.

Staff also recommended approval of the rezoning for the entire parcel with findings:

1. Is in compliance with the applicable provisions of the Seminole County Comprehensive Plan and the Seminole County Land Development Code related to PUD rezoning; and
2. The request, as proposed, would be consistent with surrounding development.

Therefore, staff recommended approval of the rezoning for the entire parcel from A-I (Agriculture) to PUD (Planned Unit Development), subject to:

1. Off-site signage (billboards) communication towers, and adult entertainment establishments are prohibited uses.
2. Multi-family density on Tract B is limited to a maximum density of 14 dwelling units per acre.
3. If the Owner proposes 3-story apartment buildings on Tract B, a 120' setback must be maintained from the west property line. As an alternative, the westernmost buildings may maintain a 100' setback provided those buildings are a maximum of 2-stories. Buildings include any attached units or structures, even if separated by stairwells or similar openings.
4. If a school or college is developed on Tract B, lighted athletic fields and stadiums, or other high-impact uses, must be located on the east side of the tract. Determination of affected uses and their locations will be made during final PUD master plan approvals.
5. The Owner must receive a determination from the Department of Community Affairs prior to preliminary PUD zoning plan action by the Board of County Commissioners that the project will not be required to undergo DRI review.
6. If the Owner is unable to relocate the Trail to the northern portion of the site, any Trail crossing must be in accordance with applicable County and State policies or codes regarding Trail crossings that are in place at the time of development.

This request is part of the Fall 2001 Large Scale Plan Amendment cycle and as such it will go forward to the Board of County Commissioners on Tuesday, September 11th, for a transmittal hearing. If the Board determines that the land use amendment should be transmitted to the State Department of Community Affairs for review, the amendment would come back to the Board later this year, probably in December, for action on the land use amendment and at that time the Board would take action on the zoning. They will take no final action at the meeting on Tuesday, September 11th, unless they choose to deny it and not transmit it to the State. Also, there are some issues involving the Trail on this site. --

David Martin said he got a look at this proposal back in late July and told the applicant that staff is always interested in looking at alternatives for realignment of the trails. Staff did not get a copy of a proposal from the applicant. Cindy Matheny supplied them with a copy. Staff is not in agreement with the proposal of putting the trail 7' from the property line of an adjacent subdivision. In addition, there is an 80' corridor of uplands

and it looks like the proposal deals with 60' of possible wetlands which is also not an acceptable exchange. This is property that is owned by the State and they have the final determination on what happens with it but the County would not make a recommendation of swapping the property for the trail and there are a lot of other issues that still need to be worked out.

Commissioner Tucker asked if this item came before this Board first in July?

Mr. Martin said yes. Staff looked at it in July when it was supposed to go before the Board at the last meeting in July when the Trail Protection Policy came up but staff has not had any contact with the applicant prior to that. The Trails Team has been to every meeting and it has been continued four times.

Commissioner Tucker asked Mr. Martin if he had an opinion on what it should be?

Mr. Martin said that his opinion is that this proposal is not a good swap for the County.

Chairman Harris asked for the reasons for his opinion.

Mr. Martin said there is an 80' wide corridor, which is an important corridor to allow flexibility with design of the trail. They want to reduce that down to 60' and put the trail along the adjacent subdivision along the westerly side with the unpaved trail 6' from the property line which would be an inconvenience to property owners and staff cannot support that. Also, it goes along the wetland boundary lines and staff is not exactly sure how much of that would be wetlands. The applicant was told that as a two for one land swap with the State, wetlands could be looked at as long as the main trail corridor was not impacted.

Commissioner Mahoney asked if the State owned the corridor now?

Mr. Martin said yes and they are under no obligation to give it up.

Commissioner Wilson said this corridor is a multi-use corridor, including equestrians, and it is difficult enough to get multi-uses along this trail. This is really the State's call since it is State owned land. The County has to make the application on behalf of the landowner in order to proceed.

Commissioner Tucker said staff dropped the ball on this when they sent out the notices and people have shown up two or three times. The Trails staff has had it since July and he doesn't see why we can't be more proactive in working with both the community and the developers.

Commissioner Wilson said he has spoken with staff and they have tried several times to get together a number of times with the applicant because it is pretty critical to what they want and it really hasn't proceeded. They may not understand that this particular process really isn't a County process. They would have to go through an application process to get a commercial crossing.

Ted Buckley, representing the applicant, said he felt he could clear up a number of misconceptions with regard to where he's at and what he is seeking at this point because it's not fully understood by all the parties involved. He hopes that after the meeting is over there will be some ground for negotiations to take place.

This is a preliminary PUD rezoning and the initial step of the process. He started by having a neighborhood meeting with the residents of the subdivision next door back in early July. At that time, he explained what he was looking to do and the purpose of that meeting was really to identify some of the issues he was going to have to deal with at a later date when a potential developer comes along and proposes a development plan and a final PUD plan. He is not going to be the developer of this property but there are several people looking at this property for development following this step in the process. At that time when an actual development proposal is known, it will be possible to determine how the internal circulation is going to be done, how the tracts are going to be divided up and whether there will be a necessity to relocate the trail. At this time, the applicant has no particular desire one way or another to relocate the trail or to permit a crossing. We merely recognize that both approaches require approximately the same amount of effort and in preparing the PUD plan, so we included both options in that Plan because one or the other will occur.

Mr. Buckley passed out a synopsis of his comments to the Board to be entered into record. (See attached)

Chairman Harris asked Mr. Buckley if he was intending to develop the uplands?

Mr. Buckley said no. Those uplands are indicated in the Plan solely for the calculation of development intensity.

Chairman Harris said if this Plan is approved, the way it is designed there will be no traffic crossing the Trail from the proposed development.

Mr. Buckley said that is true.

Page Break

Commissioner Tucker asked if it would include a commercial shopping center of regional impact?

Mr. Buckley said it would be more of a neighborhood type shopping center. The size of the property does not lend itself to be an Oviedo mall or anything of that nature.

Commissioner Wilson asked how do you get to Tract B without crossing over State property?

Mr. Buckley said there are old easements that exist along that property line that allow for access from Aloma to the railroad. They were originally set up and granted by the property owner to provide access for maintenance to the railroad.

Commissioner Wilson asked if there was ever a way to get to Tract B without coming from Aloma?

Mr. Buckley said no. That was the only way that he was aware of.

Commissioner Wilson asked if there was way to get to this tract before 417 was there?

Mr. Buckley said he did not know. He said it was his understanding that FDOT has not provided any settlement providing access as a result of the corridor taking. However, the owners recognized there was an old easement that went from Aloma to the railroad.

Commissioner Wilson said that it is important to know if there is another way to get to this parcel without coming from Aloma.

PUBLIC COMMENT

Mathew Smith is a land use real estate lawyer representing the adjacent property owners. His clients understand that there will be some sort of development on this property and that the southern parcel, Tract A, is HIP and Tract B is MDR. They have met with Commissioner Maloy to try and find a good resolution for this piece of property.

The owner is focusing on the fact that this is a preliminary stage of the process and they are not going to develop the property themselves. Both of those points are not relevant to the decision tonight because the real development issues are made right now. -The purpose for having these preliminary public hearings to allow this Board and the Board of County Commissioners to decide some parameters. If this project is unrealistic and not consistent with surrounding areas and the County's goals, there is no reason for it to go any farther. This project, as proposed, is not compatible with either the County's Comprehensive or the surrounding land uses.

The top parcel, Tract B, is MDR and the bottom parcel is HIP. The reason that the MDR is there is that MDR is a transitional use between LDR and HIP. When you look at the definition of MDR in the Comprehensive Plan it talks about 10/du per net buildable acre. The developer's starting point is twice that. The second sentence in the definition says that MDR serves as an effective transitional use between more intense urban development and LDR and SE uses and that is precisely what we have here. In Table 2.1 of the Comprehensive Plan it states that in transitional parcels when you are dealing with Comprehensive Plan Amendment requests like we are here you have to consider several things. They include maintaining the community character, the availability of facilities and services and the Comprehensive Plan Policies. The only commercial allowed next to low density is neighborhood commercial. Community Regional is not allowed because there is no transitional use there. Neighborhood commercial includes bookshops, newsstands, ice cream stores, drug stores, fire stations, florists, laundry and cleaning pick-up stations, luggage shops and professional offices, not high intensity commercial uses.

The project proposes the maximum density for the HIP parcel. It also proposed twice the maximum density for the northern parcel, the transitional piece. It proposes 35' high buildings, the maximum floor area ratio for the commercial and a four-lane

boulevard 30' from the low density residential. Tract A is proposed for 490 apartments and Tract B with the double density would have 479 apartments. The impact, based on the plan that was submitted, is 968 apartments on that site. The low density residential with its zoning in comparison is 4 dwelling units per acre. If you multiply out the numbers it would be 13 people per acre right next to 65 people per acre on the proposed development. That is not consistent with the Comprehensive Plan. This project could generate 630 school age children and 32,000 additional trips on this site.

There are several issues here. Traffic is an issue and the use of the railroad right-of-way through the middle but the real decision is made now. The real decision is on density and the intensity of the development and it is very clear that the Comprehensive Plan does not contemplate the MDR area up there that is surrounded by low and very low intensity uses that would be developed at 14-20 units per acre. As the project is proposed now, the northern tract is transitional and should remain transitional and the southern tract has to be developed with a sensitive site design.

Mark Mangeau, 2652 Creekview Circle, is opposed to the project. The land use amendment is incompatible with the current density. There are serious traffic safety issues and he is against relocating the Seminole Trail. Also, the issue of access to Tract B should be settled before the project is allowed to move forward.

Sharon Shaffer, 2880 Regal Lane, is opposed to the project. She is concerned about --the traffic safety issues and the overcrowding of the schools which has already caused redistricting to occur several times. She asked the Board to deny this request.

Lori Ward, 5600 South Lake **Burkett**, is representing the homeowners of the Trinity Bay Subdivision who are opposed to the project. She submitted a letter to record composed by the Trinity Bay Board of Directors. The residents of Trinity Bay had no notice of the request. Trinity Bay residents are concerned about the traffic safety issues, crime and the decrease in property values.

Mr. Buckley said that Mr. Smith would be right about the northern parcel except that there are geographical conditions that make a difference. We are not dealing with the flat 2-dimensional representation of parcels that happen to be adjacent to each other. In this particular case, the vast majority of that northern parcel is buffered by very, very deep wetland area, which is a minimum of 700' deep, and more like 1,200' deep in quite a few areas. Where we do have a potential adjacency issue is with the properties that are directly to the west. This is the reason this is not a commercial parcel and commercial zoning or land use was ever proposed for this parcel. This would strictly be residential. Staff looked at it and saw that there would be issues associated with having a higher density residential next to low density single family residential residents. We agreed with that immediately. Staff proposed 120' building setbacks for 3 story buildings which is in excess of normal requirements, we agreed to that. We have also agreed to the excess landscape buffers in between that are called for. We think this is a job for whoever is going to develop back there. If they propose to develop 4 units to the acre and put single family homes back there, obviously that buffer would have to be quite a bit less than if they put 16 units to the acre. When you

apply the 80% net calculation to the developable land, you are really talking about 16 units to the acre by Code not just by arbitrary decision. We are starting off with a reduced amount. We feel that any recommendation of approval in this case would be conditioned upon all of this being done.

This is neighborhood commercial and the uses that are included in the plan are neighborhood type uses. The only difference is that we have included the possibility of grocery stores that provide support to this community.

He doesn't feel that this will reduce property values. When the Oviedo mall was built it increased property values because of the convenience to transportation corridors and being convenient to shopping.

On the access issue, the only possible access solution that would incorporate Regal Lane does not necessarily mean we have to widen out turn lanes in front of the property on Aloma. There are other solutions that are available here.

Mr. Smith said there are no issues regarding the wetlands to the north. They are not going to be developed and are an excellent natural buffer. There is no data as to why the transitional use should be eliminated here. It is there for a reason and the proposal here would absolutely eliminate that.

This is not neighborhood commercial. The proposed uses are C-I and they are included --- in the original application.

Commissioner Mahoney said that typically when a PUD request comes in, it is a negotiated zoning and there will be conditions listed by staff and it is up to this Board to either agree with it, add on some additional conditions or recommend denial and send along a suggestion as to what we might approve. In this case, my recommendation for the PUD is denial and he can't think of anyway to bridge the gap from where the application is to what he could recommend. It is more complicated than what he can come up at this meeting tonight.

Motion by Commissioner Mahoney to deny the rezoning request of the entire tract from A-I to PUD. Second by Commissioner Peltz.

Commissioner Tucker said he agreed with the denial of the PUD. At some point it will be developed but he would have expected something else. There is not enough material presented tonight to make a decision.

Commissioner George said this is a unique piece of property with many unique features not only in its layout but in the way it was conceived over the years. The PUD is going to be the way to go but there are way too many issues in this one to give recommendations.

Commissioner Wilson concurred.

Chairman Harris said that when this Board is asked to take an action to move a piece of property from whatever it is zoned to a PUD there is substantially more specificity than what we are dealing with here. The specificity that is

necessary to make an evaluation as to whether it fits is not here. We can't see where it's going so we can't really make a good decision as to whether it fits. He will be voting with the motion.

Motion to deny passed unanimously. (6-0)

Motion by Commissioner Mahoney to deny the Plan Amendment from Medium Density Residential to Planned Development for Parcel B. Second by Commissioner George.

Chairman Harris said when this comes back for development he would like to see a professional traffic engineer and his assessment of what should happen with that request.

Motion to deny passed unanimously. (6-0)

SEPT. 25, 2001

**PLAN AMENDMENT AND REZONE/E. G. BAN-KS,
CHARLES W. CLAYTON, JR., W. MALCOLM CLAYTON**

Continuation from September 11, 2001, of a public hearing to consider a Comprehensive Plan Amendment from Medium Density Residential to Planned Development; and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); property located west of SR 417 and north of SR 426, E. G. Banks, Charles W. Clayton, Jr., and W. Malcolm Clayton.

Motion by Commissioner Maloy, seconded by Commissioner Morris, to continue to the Spring 2002 Large Scale Amendment Cycle the public hearing to consider the Comprehensive Plan Amendment from Medium Density Residential to Planned Development; and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); property located west of SR 417 and north of SR 426; as described in the proof of publication, E. G. Banks, Charles W. Clayton, Jr., and W. Malcolm Clayton.

Districts 1, 2, 3, and 5 voted AYE.

**PLAN AMENDMENT AND REZONE
HARLING LOCKLIN & ASSOCIATES**

Continuation from August 28, 2001 and September 11, 2001 of a public hearing to consider the Lake Jesup Woods Large Scale Comprehensive Plan Amendment from Suburban Estates to Low Density Residential; and Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling District.): property located south of Myrtle Street and east of Hester Avenue, Harling Locklin & Associates.

Matt West, Planning Manager, addressed the Board to state that if the Commission votes to transmit this amendment to the Department of Community Affairs (DCA), the adoption hearing would be held on December 11, 2001, in conjunction with the associated rezoning request. He advised the Local Planning

FILE # PZ01-11

DEVELOPMENT ORDER # I-23000001

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On _____, 2002, 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: E.G. BANKS; CHARLES W. CLAYTON, JR., TRUSTEE; W. MALCOLM CLAYTON, TRUSTEE

Project Name: GREENWAY CENTER REZONE

Requested Development Approval: Rezoning from A-I zoning classification to PUD 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 owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: CINDY MATHENY,
SENIOR PLANNER
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

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

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

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

1. Off-site signage (billboards), communication towers, and adult entertainment establishments are prohibited uses.
2. Multi-family density on Tract B is limited to a maximum density of 14 dwelling units per acre.
3. If the Owner proposes three-story apartment buildings on Tract B, a 120' setback must be maintained from the west property line. As an alternative, the westernmost buildings may maintain a 100' setback provided those buildings are a maximum of two stories. Buildings include any attached units or structures, even if separated by stairwells or similar openings.
4. If a school or college is developed on Tract B, lighted athletic fields and stadiums, or other high-impact uses, must be located on the east side of the tract. Determination of affected uses and their locations will be made during final PUD master plan approvals.
5. The Owner must receive a determination from the Department of Community Affairs prior to preliminary PUD zoning plan action by the Board of County Commissioners that the project will not be required to undergo DRI review.
6. If the Owner is unable to relocate the Trail to the northern portion of the site, any Trail crossing must be in accordance with applicable County and State policies or Codes regarding Trail crossings that are in place at the time of development.
7. Subject to developments standards enumerated on the preliminary PUD plan which is attached as 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 owner of the said property has expressly

covenanted and agreed to this provision and all other terms and provisions of this Development Order.

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

Done and Ordered on the date first written above.

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

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, E.G. Banks, 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

E.G. Banks, 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 E.G. Banks who is personally known to me or who has produced _____ as identification and who executed the foregoing document.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Charles W. Clayton, 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

Charles W. Clayton, Jr., Trustee

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 Charles W. Clayton, Jr. who is personally known to me or who has produced _____ as identification and who executed the foregoing document.

WITNESS my hand and official seal in the County and State last aforesaid this day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, W. Malcolm Clayton, 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

W. Malcolm Clayton, Trustee

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 W. Malcolm Clayton who is personally known to me or who has produced _____ as identification and who executed the foregoing document.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

PARCEL "A"

THAT PART OF THE NORTHWEST 1/4 LYING SOUTH OF RAILROAD
R/W AND WESTERLY OF EXPRESSWAY, LYING IN SECTION 32,
TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA

31-21-31-300-0240-0000

PARCEL "B"

THE WEST 5/8 OF THE NORTHWEST 1/4 LYING NORTH OF RAILROAD
R/W (LESS EXPRESSWAY), LYING IN SECTION 31, TOWNSHIP 21
SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA

31-21-31-300-023C-0000

31-21-31-300-024A-0000