

1 **SPECIAL MEETING OF THE**
2 **LOCAL PLANNING AGENCY/**
3 **PLANNING AND ZONING COMMISSION**
4 **COUNTY SERVICES BUILDING**
5 **ROOM 1028**
6 **February 20, 2002 – 7:00 P.M.**
7 **MINUTES**
8
9

10 **Board Present:**

11 Ben Tucker, Chairman
12 Tom Mahoney, Vice Chairman
13 Don Nicholas
14 Beth Hattaway
15 Alan Peltz
16 Dick Harris
17 Paul Tremel
18
19

20 **Staff Present:**

21 Matt West, Planning Division
22 Cindy Matheny, Planning Division
23 Amanda Smith, Planning Division
24 Alice Gilmartin, Planning Division
25 Dick Boyer, Planning Division
26 Craig Shadrix, Planning Division
27 Tony Matthews, Planning Division
28 Karen Consalo, Assistant County Attorney
29

30 **I. CALL TO ORDER**

31 Chairman Tucker convened the meeting to order at 7:00 p.m.

32 **II. ROLL CALL**

33 Quorum was established.

34 **III. ACCEPTANCE OF PROOF OF PUBLICATION**

35 **Motion by Commissioner Peltz to accept proof of publication. Second by**
36 **Commissioner Mahoney.**

37 **Motion passed unanimously. (7-0)**

38 **IV. APPROVAL OF MINUTES**

39 There were no minutes to approve at this time.

40 **V. OLD BUSINESS**

41 *This item was moved to follow Item VI. B.*

42 **VI. NEW BUSINESS**

43 **A. OAKMONTE SENIOR VILLAGES JEWISH SENIOR HOUSING COUNCIL,**
44 **OF GREATER ORLANDO/JUDY KAHAN; APPROXIMATELY 20 ACRES**
45 **MORE OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM**
46 **SUBURBAN ESTATES TO PLANNED DEVELOPMENT; 02S.FLUO5; REZONE**
47 **FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT); WEST**
48 **OF 1-4, ON THE EAST SIDE OF THE SEMINOLE WEKIVA TRAIL,**
49 **APPROXIMATELY 3000' SOUTH OF LAKE MARY BOULEVARD.**
50 **COMMISSIONER MCLAIN - DISTRICT #5** **CINDY MATHENY**

51 The applicant is requesting a large-scale land use amendment from Suburban Estates to
52 Planned Development in order to develop an elder housing complex on a 20-acre
53 parcel. The applicant also requests a rezoning from A-1 to PUD. The site abuts 1-4, the
54 Oakmonte PUD, and vacant Suburban Estates properties. The site also abuts the
55 Seminole Trail and access will be provided to the Trail for residents of the project.

56 Site development would consist of 51 units on the west side of the site, and 200
57 assisted units on the east side of the site.

58 Staff recommends approval of the Plan Development land use with findings that
59 Planned Development land use, as proposed, would be:

- 60 1. Consistent with Plan policies related to the Planned Development land use
61 designation; and
- 62 2. Consistent with adjacent Planned Development and Suburban Estates land uses;
63 and
- 64 3. Consistent with Plan policies related to mixed development; and
- 65 4. Consistent with development within the Oakmonte PUD to the north; and
- 66 5. Consistent with Plan policies identified at this time.

67 Staff recommends approval of the rezoning request based on findings that:

- 68 1. The request, as proposed, would be compatible with surrounding development;
69 and
- 70 2. The request, as proposed, would be consistent with the Seminole County Land
71 Development Code regarding PUD zoning.

72 Staff recommends approval of PUD zoning on the site, subject to:

- 73 1. Maximum building height shall be 35'. The applicant has requested that this be
74 amended to add in an additional 10% for architectural enhancement. The
75 applicant has previously reduced a request for average height from 45' to 35'.
76 Staff would not oppose the additional 10% for the architectural enhancement
77 on top of the 35' height limit.
- 78 2. The Owner shall provide a pedestrian gate for resident access to the Seminole-
79 Wekiva Trail.
- 80 3. The Owner shall provide a split-face block wall with a height of 6' along the
81 west and south property lines. Within the landscape buffer adjacent to the
82 wall, the Owner shall provide a row of canopy trees and a row of understory
83 trees which shall be staggered to provide maximum visual screening.
- 84 4. Buildings within the western tract shall be limited to one story in height and
85 shall have hip or gable roofs.
- 86 5. Parking requirements for the western tract shall be one space per dwelling unit,
87 plus one guest space for every 4 units or fraction thereof. Parking for the
88 eastern tract shall be one space for each employee on the largest shift plus one
89 space per four beds.
- 90 6. Outdoor recreation amenities provided in the eastern tract are for the benefit
91 of all residents in the PUD and shall be counted towards the 25% open space
92 required for the overall PUD.
- 93 7. The project shall maintain a 25' wide landscape buffer and 50' building setback
94 along the west and south property lines.
- 95 8. Access shall be provided via an extension of the Oakmonte PUD internal road
96 system.
- 97 9. No off-site signage shall be permitted.
- 98 10. Lighting for the outdoor parking lots shall have a maximum height of 16',
99 including fixtures, which shall be cut-off/shoebox type fixtures or equivalent.
- 100 11. The project shall meet all portions of the Land Development Code which apply
101 to multi-family development.
- 102 12. On the western tract, parking and circulation areas shall be separated from the
103 property line by the residential buildings.

104 **Commissioner Tremel asked how staff reached the conclusion that this is**
105 **consistent with Suburban Estate land uses?**

106 Ms. Matheny said previously this has been a fairly contentious tract of land with
107 development proposed on it and that would have come through local streets from
108 Markham Woods Road. Staff felt that the proposed uses were consistent with what is
109 existing and proposed in Oakmonte and that access through Oakmonte orients this

110 piece towards the north rather than the Markham Woods corridor. Also, it is separated
111 by approximately 700' in distance from any platted Suburban Estates residential lots
112 and the intervening tracts of lands are either owned by the folks that are selling this
113 property to the Jewish Senior Housing Council or by a gentleman who has submitted a
114 letter in support of the application. The letter was submitted into record.

115 **Commissioner Tremel asked if they put in tennis courts and swimming pools,**
116 **could that be put towards open space (condition #6)?**

117 Ms. Matheny said yes, staff usually counts any type of outdoor recreational amenity
118 towards the open space and staff has done that in apartment complexes and PUDs in
119 the past.

120 Ken Wright, representing the applicant, said this facility is an upscale, high-end
121 residential senior housing facility and is keeping with the Lake Mary/Markham Woods
122 housing. He has a petition with over 1,000 signatures supporting the project and the
123 reason is that it fulfills a need in a location that is both a compliment to our community
124 and provides housing in an area where this type of housing is most suitable. He
125 complimented staff on their hard work, agreed with staff conditions and asked for
126 Board approval.

127 **Commissioner Nicholas said that on the right there is road access coming in**
128 **from the north. Is there any anticipation at any point and time that there**
129 **would be any other access to this property?**

130 Mr. Wright said no and that was discussed in the staff review as well.

131 PUBLIC COMMENT

132 Frank Shelton, 14 Stone Gate North, spoke in opposition to this request. He felt that
133 approval of this development, as proposed. would be a breach of an agreement with
134 Planning and Zoning Commission and Board of County Commissioners during adoption
135 of the first official Seminole County Comprehensive Plan in 1987, to maintain an
136 agreed-to boundary line between the new PUD area (basically the current boundary of
137 the Oakmonte PUD) and a minimum-one-acre lot future residential area between the
138 PUD and the existing minimum-one-acre lot subdivisions to the west and south.
139 Approval of this proposed development would destroy homeowner's rights to future
140 protection of their community after a hard-to-swallow compromise agreement made in
141 good faith with County Government as documented in Seminole County's
142 Comprehensive Plan. Homeowners had desired that all development south of Lake Mary
143 Blvd. be minimum- one-acre lots. Citizens and County Boards spent many hours during
144 1986-87 in arriving at the current compromise to allow reasonable higher intensity
145 development while protecting the surrounding residential area.

146 Following are important points to be considered:

- 147 1. The proposed Oakmonte Senior Villages would decrease the minimum distance from
148 current residential areas to the PUD from the agreed-to minimum of 850'-900'

149 (which allows for 3 to 4 rows of minimum-one-acre-lot residential housing) to about
150 300'

151 2. If approved, the proposed development would set a precedent for more intense
152 development in the entire minimum 850'-900' wide "Suburban Estates" band around
153 the PUD intended for minimum-one-acre home sites so as to protect the aesthetics,
154 quality of life and property values of existing homeowners and to ensure
155 compatibility.

156 3. It is unfair to ask homeowners to compromise over and over again and to wear
157 them down to the point that they cease to care, consider public hearings worthless.
158 and often move away. The PUD at Oakmonte has already been drastically
159 intensified through 4 amendments.

160 4. This proposed development, especially the large 3 story building, is far too intense
161 for the peripheral area of the PUD, causing complete incompatibility with
162 surrounding existing one-acre developments and future adjacent one-acre
163 residential development. They are proposing 250 housing units in an area currently
164 zoned for 16 one-acre homes (.8 x 20 acres). The proposed overall density is almost
165 16 living units per net-buildable-acre.

166 5. Applicant's claim that Net Acreage equals Gross Acreage is false, since there will be
167 internal roads, utility easements, and retention ponds just like those in any
168 development and they should not attempt to circumvent or change the rules. Even
169 under their rules, they are providing a minimum of "Open Space".

170 6. Applicant's claim that there will be no "Pedestrian" impact from the development is
171 false since residents and guests will have an enormous impact on the Seminole
172 Wekiva Trail to which they are providing a fancy gateway! This trail is adjacent to
173 the back yards in several surrounding subdivisions and the trail will already be
174 severely impacted by the large number of apartments in Oakmonte.

175 7. Regardless of consultant's claims, traffic at International Drive and Lake Mary Blvd.
176 and waiting times at the traffic light are already unbearable during rush hours! Also,
177 the Shoppes at Oakmonte already have insufficient parking.

178 If you decide to recommend approval of this project in some form, despite our wishes;
179 please take action to assure binding agreements with the Catholic Church and this
180 applicant for final development of the Church's entire property mandating both of the
181 following conditions:

182 • Relocate any portion of the proposed development that is closer than 900 feet from
183 existing one-acre home-sites to the area south along 1-4 and north of the FDOT
184 retention pond and require that it be designed, so that the ridge on the property
185 and landscaping around the proposed development, hide it from the view of
186 surrounding current and future one-acre home sites; taking into consideration the
187 height of such construction.

188 • Require that the Catholic Church legally assure development of the remainder of
189 their property as minimum-one-acre home sites for a minimum distance of 900 feet
190 from any existing home sites.

191 He asked the Board to protect the integrity of his community as currently prescribed by
192 the County's comprehensive plan and deny this request.

193 John Hannahs, 204 Orange Ridge Circle, is opposed to the request. He said the bottom
194 corner of the property has already been approved for assisted living and doesn't feel
195 this ALS facility should also be approved.

196 Barbara Fiorucci, 44 Stone Gate South, is opposed to the request. Before she bought
197 her property in Ravensbrook, she was told by County staff that the land behind her was
198 zoned for one acre residential and that the comprehensive plans for this land were
199 unlikely to change. She doesn't understand how staff could misrepresent the zoning
200 regulations and the importance of the comprehensive plan of this area. The precedent
201 that would be set by developing this land in this way, particularly if were to be further
202 extended, would seriously alter the appealing character of the Ravensbrook South
203 neighborhood and adversely impact property values.

204 Debra Wert, 20 Stone Gate South, is not opposed to this request but is concerned
205 about the traffic issue depending on whether it is an assisted living facility (ALF) or
206 independent living facility (ILF). She is concerned about what they may present for this
207 structure and then turn around and actually build.

208 Damon Dante, 30 Stone Gate South, is opposed to this request. This proposal directly
209 violates the one acre homesite covenant of Markham Woods. As a resident of
210 Ravensbrook, he is concerned that this will set a precedence for the other property
211 (Trepanier, Catholic Church) also creating undo traffic on Long Pond Road as well as
212 Markham Woods Road. This change in zoning will adversely affect property values in
213 many subdivisions.

214 Mr Gorovitz, representing the applicant along with Mr. Wright, said there has been a lot
215 of work on this property for 15 years but during the course of those 15 years there has
216 been an enormous amount of changes in the quadrant of Seminole County. This
217 particular piece of property abuts a parcel that a large office building is on, a trail and I-
218 4 and it is unrealistic to think that people are going to build large one acre estate
219 homes along an office building, a commercial use and I-4. We have looked for a
220 transitional use that makes sense and there is no greater transitional use that makes
221 more sense than this project.

222 Mr. Shelton said at this meeting this is right in his back yard but the reality is that the
223 closest villa that we would build to the closest home that exists today is almost 600'.
224 There will be an enormous amount of development in between over time, many will be
225 one acre. It is heavily wood in places and nobody will see or hear this from the existing
226 housing.

227 The big issue with traffic is how many cars are going to be going out onto Markham
228 Woods Road. This proposal puts forth zero trips on Markham Woods Road which has

229 been a critical concern all along. If we had single family development, all of it would go
230 onto Markham Woods Road. Now every trip will go through Oakmonte to the
231 intersection of Lake Mary Boulevard and I-4 and the only ones that will meander around
232 to Markham Woods Road are those that specifically are going to visit a use at Markham
233 Woods Road.

234 Mr. Shelton also suggested to reconfigure that property and take the single family and
235 wrap it along I-4. Mr. Goravich submitted a letter into record from the Diocese stating
236 that Diocese is not interested, at this time, in re-negotiating the proposed delineation of
237 property.

238 He agrees with all of staff's conditions and is requesting Board approval consistent with
239 the staff report.

240 **Condition #4** *Buildings within the western tract shall be limited to one story in height*
241 *and shall have hip or gable roofs.*

242 **Commissioner Mahoney asked when did staff get into the architectural**
243 **design business of designating hip and gables roofs? What are we trying to**
244 **avoid?**

245 Ms. Matheny said we are trying to look for buildings that are more residential in
246 character rather than institutional and we've done this several times recently on
247 projects that adjacent to existing single family residential or Suburban Estates areas.

248 **Commissioner Mahoney asked what it was that staff didn't want to happen**
249 **there?**

250 Ms. Matheny said staff did not want flat roofs.

251 **Commissioner Mahoney said we should just prohibit flat roofs.**

252 Ms. Matheny agreed that would be another way to do it.

253 **Condition #3** *The Owner shall provide a split-face block wall with a height of 6' along*
254 *the west and south property lines. Within the landscape buffer adjacent to the wall, the*
255 *Owner shall provide a row of canopy trees and a row of understory trees which shall be*
256 *staggered to provide maximum visual screening.*

257 **Commissioner Mahoney asked staff to create a greater degree of specificity**
258 **besides "maximum visual screening"? It would be better to have someone**
259 **with a landscaping background designate that so it is clear and there are no**
260 **misunderstandings. What is visual screening to one person is not necessary**
261 **to another.**

262 **Condition #8** *Access shall be provided via an extension of the Oakmonte PUD internal*
263 *road system.*

264 **Commissioner Mahoney said since a PUD is a negotiated zoning, would the**
265 **applicant be willing to accept a condition that specifies no further access**
266 **should be granted through this parcel to the property to the south?**

267 Mr. Wright said yes.

268 **Commissioner Mahoney said to the west is the trail which is either owned by**
269 **the County or the State or both. So we would control any access that way.**

270 Ms. Matheny said that was correct. They would have to apply for a trail crossing and
271 they do have alternate access.

272 **Commissioner Tremel asked what is the alternate access?**

273 Ms. Matheny said it would be through Oakmonte or through local roads out to Markham
274 Woods Road.

275 **Commissioner Mahoney said the point he is trying to make is if there were no**
276 **further access to the south then there can be no further creeping of this**
277 **development activity.**

278 Ms. Matheny said that is correct.

279 **Commissioner Tremel said by not providing additional access to the south**
280 **that solves part of the issue. He is concern that some of those guarantees**
281 **that are made are not upheld. He asked why can't we develop this facility**
282 **under the conditions of the original agreement that was made regarding this**
283 **property? It may not be as large but it is capable of being done.**

284 Mr. Gorovitz said along the southern boundary there will be a 6' wall, a 50' building set
285 back, and a 25' buffer area which is going to be heavily landscaped all along the way.
286 We are going to have a literal line in the sand demarcated by a wall and in addition to
287 that we will stipulate on the record and as a condition of approval that there will be no
288 traffic going back and forth between that wall. Once that wall goes up, it doesn't come
289 down and if it did come down you still could not run traffic back and forth. From the
290 prospective of this property, which currently has the right to put traffic on Markham
291 Woods Road, we're eliminating that right and stipulating that we won't put any out
292 there.

293 **Commissioner Tremel said there was supposed to be a "line in the sand"**
294 **when the original agreement was made. Also, there is the right to put traffic**
295 **on Markham Woods Road but as a Suburban Estate land use the right to put**
296 **traffic on Markham Woods Road is not allowed under this land use. So that is**
297 **not exactly an accurate statement. Those are his concerns.**

298 **Chairman Tucker said that for the record he was contacted by Mr. Wright and**
299 **discussed this item today. He also received a number of letters and has**
300 **submitted those into record.**

301 **Chairman Tucker asked about the licensing category?**

302 Mr. Goravich said that this is not an ALF (Assisted Living Facility), this is a ILF
303 (Independent Living Facility). It has a level of licensure with the State that is different
304 than ALFs. The project he is proposing will have residential units in the nature of
305 apartments with a whole lot of services available. For example, there will be a central
306 cooking facility and other services for the elderly. All of those same services will be
307 available for people who live in the villas as well. There will be ALF *services* but this will
308 not be an ALF facility.

309 **Chairman Tucker asked if there will be skilled nursing services?**

310 Ms. Judy Kahan said it is anticipated that this facility will meet the needs of the
311 residents for quite some time and they plan on phasing it in over the years. Hopefully
312 in the long run we can look forward to some long term care in there.

313 **Chairman Tucker asked what was anticipated for the future?**

314 She said she does not know the long term plan for this community.

315 Mr. Gorovitz said they have no intention of increasing the density in excess of what is
316 being asked for tonight. We have carefully considered what we have applied for in our
317 comprehensive plan and zoning documentation. We will not be back asking for more
318 intensity or more density on this property.

319 **Chairman Tucker asked if the surrounding property of single-family homes to
320 the south could be developed as single family homes that could be utilized as
321 group homes?**

322 Mr. Lufkowitz said that when you convert a conventional single family home to a group
323 service facility, there are certain occupational and permitting requirements that would
324 have to be scrutinized by County staff.

325 **Chairman Tucker said the State has taken a lot of that out of the County's
326 purview.**

327 Mr. Lufkowitz said he honestly cannot see that happening but he can't say for sure it
328 won't happen.

329 **Chairman Tucker said this a concern that he has for the location and it's not
330 pleasing to hear that this is a possibility, but it is. He asked what the long
331 term plans may be for this other property as it may have difficulty being
332 developed as single family homes along an interstate.**

333 Mr. Lutkowitz said he has no input, control or relationship on any of that property to the
334 south. We were very, very specific when we contracted for this 20 acres that there
335 would not be a cross access for the property to the south.

336 **Commissioner Nicholas asked if all the structures that were being proposed**
337 **were going to be built at one time?**

338 Mr. Lufkowitz said it will probably be a two-phased operation. The probability is that
339 the villa component will be built in 2 or 3 groupings and the multi-level facility will
340 probably be built in 2 components. There is a central core in that facility of
341 approximately 40,000 square feet. That includes the entry ways, the dining areas, the
342 exercise and recreation areas and the meeting areas. That will probably be built in its
343 entirety on the front side and then a certain number of the dwelling units will be built
344 and then there will be plans for the separate wing, however the final design comes up.

345 **Motion by Commissioner Mahoney to approve the rezoning from A-1 to PUD**
346 **subject to the 12 staff recommendations with the following amendments:**

- 347 **1. Condition #1 shall include the commitment that the western portion**
348 **shall be limited to 20' in height and will also include the request that**
349 **the 35' will be allowed the 10% architectural bonus.**
- 350 **2. Condition #3 shall be specified at a later date to have more specificity**
351 **to it.**
- 352 **3. Condition #4 shall be amended to read that building in the western**
353 **tract shall not have flat roofs.**
- 354 **4. Condition #8 shall be amended to include a provision that no further**
355 **access shall be granted to the south.**

356 **Second by Commission Nicholas.**

357 **Commissioner Mahoney said that when this Board approved the Oakmonte**
358 **PUD there was a discussion by him that since it was a combination of related**
359 **property owners and that the related property owners would continue to**
360 **own the property to the west that the approval of this PUD would not be**
361 **used to enhance or intensify the zoning of the remaining parcel to the west.**
362 **He still believe that. Suburban Estates, one acre lots, continues to be**
363 **appropriate for that site.**

364 **Motion passed 6-1. Commissioner Tremel voted against the motion.**

365 **Motion by Commissioner Mahoney to amend the Comprehensive Plan**
366 **designation for this site from Suburban Estates to Planned Development.**
367 **Second by Commissioner Nicholas.**

368 **Motion passed 6-1. Commissioner Tremel voted against the motion.**

369

370 **B. LOMA VISTA PD HARLING LOCKLIN & ASSOC./HUGH HARLING;**
371 *APPROXIMATELY 3.5 ACRES MORE OR LESS; LARGE SCALE COMPREHENSIVE*
372 *PLAN AMENDMENT FROM INDUSTRIAL TO HIGHER INTENSITY PLANNED*
373 *DEVELOPMENT (HIP); 02S.FLUO1 ; REZONE FROM AGRICULTURE (A-1) TO*
374 *PLANNED UNIT DEVELOPMENT (PUD); MULTI-FAM/COMM/IND/INST; WEST*
375 *SIDE OF SR 426 (ALOMA AVENUE) AND EAST OF THE GREENEWAY,*
376 *BETWEEN DEAN ROAD AND MITCHELL HAMMOCK ROAD.*
377 *COMMISSIONER MALOY - DISTRICT #1* *AMANDA SMITH*

378 The applicant, Hugh Harling, is requesting to amend the future land use designation of
379 Industrial to Higher Intensity Planned Development and to rezone approximately 4.07
380 acres from A-1 (Agriculture) to PUD (Planned Unit Development), so that the property
381 may be incorporated into the existing Loma Vista Planned Unit Development. The
382 subject property is located west of SR 426, between the Greenway and the Cross
383 Seminole Trail. The approved PUD comprises 52.7 acres and will consist of multi-
384 family, industrial, commercial, and institutional uses. The site is required to undergo
385 review as a Large Scale land use amendment because the proposed density of the
386 multi-family units is greater than 10 dwelling units per net buildable acre. The
387 proposed density is 14 dwelling units per acre.

388 In September 2001, the Loma Vista Developer's Commitment Agreement was amended
389 to address a number of concerns regarding the apartment complex. However, the
390 amended Developer's Commitment Agreement has not been returned to the County.
391 Therefore, the amendments have been incorporated into the Developer's Commitment
392 Agreement. This item is part of the Seminole County Large Scale Land Use Amendment
393 Spring Cycle.

394 Staff does not object to the proposed small scale land use amendment and associated
395 rezoning.

396 Mr. Harling, representing the applicant, said he agreed with staff comments and
397 requested Board approval.

398 **Motion by Commissioner Hattaway for approval of the HIP land use with**
399 **staff findings, as proposed. Second by Commissioner Nicholas.**

400 **Motion by Commissioner Mahoney for approval of the rezone from A-1 to**
401 **PUD with staff recommendations. Second by Commissioner Peltz.**

402 **Motion passed unanimously. (7-0)**

403 VII. **OLD BUSINESS** (*this item taken out of order*)

404 **A. LAKE JESUP WOODS HARLING LOCKLIN & ASSOC./HUGH**
405 **HARLING;** APPROXIMATELY 81 ACRES MORE OR LESS; LARGE SCALE
406 COMPREHENSIVE PLAN AMENDMENT FROM SUBURBAN ESTATES (SE) TO
407 LOW DENSITY RESIDENTIAL (LDR); REZONE FROM AGRICULTURE (A-1)
408 TO SINGLE-FAMILY RESIDENTIAL (R-1AA); SOUTH OF MYRTLE STREET,
409 NORTH OF CADILLAC STREET AND EAST OF HESTER AVENUE.
410 **COMMISSIONER MCLAIN - DISTRICT 5** **AMANDA SMITH**

411 The applicant is requesting to amend the Future Land Use designation of Suburban
412 Estates to Low Density Residential and to rezone approximately 81 acres from A-1
413 (Agriculture) to R-1AA (Single-Family Residential) for the development of a single-family
414 residential subdivision on a site located south of Myrtle Street and east of Hester
415 Avenue. This item is part of the Seminole County Large Scale Land Use Amendment
416 Spring Cycle.

417 On September 24, 2001, the Board of County Commissioners voted unanimously to
418 continue this item until the 2002 Spring Large Scale Land Amendment cycle, so that the
419 applicant could amend the rezoning request to PUD (Planned Unit Development),
420 delineate the on-site wetlands, and develop a PUD plan that would provide for
421 compatibility with adjacent Suburban Estates and Low Density Residential land uses.

422 On August 1, 2001, the LPA unanimously recommended denial of the proposed
423 requests citing staff's findings.

424 To date, the applicant has not amended the rezoning request, nor provided staff with
425 any new information regarding the on-site wetlands delineation. Therefore, the
426 applicant's original request is still applicable.

427 Planning Staff recommends denial of the Low Density Residential use with findings that
428 Low Density Residential land use, as proposed, would be:

- 429 1. Inconsistent with Plan policies related to the Low Density Residential land use
430 designation; and
- 431 2. Inconsistent with adjacent Suburban Estates land use; and
- 432 3. Inappropriate transitional use at this location; and
- 433 4. Inconsistent with Plan policies identified at this time.

434 Staff also recommends denial of the rezoning from A-1 (Agriculture) to R-1AA (Single
435 Family Dwelling) since the request, as proposed:

- 436 1. Is not in compliance with the applicable provisions of the Seminole County
437 Comprehensive Plan and the Seminole County Land Development Code related
438 to R-1AA zoning; and
- 439 2. And would be incompatible with surrounding development.

440 Mr. Harling, representing the applicant, said that when he was here before, denial was
441 recommended. There was significant discussion about staff's report. Staff's report said
442 that this property was 100% in the 100 year floodplane. He presented the FEMA map
443 floodplane map that the entire State of Florida recognizes as to what areas have 100 year
444 floodplanes on them. This site has no floodplane on it. The 100 year floodplane on Lake
445 Jesup is at elevation 10 and the south end of this property is at elevation 12 or higher. As
446 you move back towards Myrtle Street, it is even higher than that.

447 One of the concerns of the residents of the Ryland project adjacent to this, is that we
448 were requesting R-1A and we were requesting 4 units to the acre as a comp plan. Low
449 Density residential is a comp plan that we're requesting. What we are willing to do on a
450 voluntary basis is restrict that density to 2.5 units per acre and willing to amend the
451 rezoning request from R-1AA to R-1AAA which more accurately representing the 2.5 unit
452 per acre density that we have been willing to cap.

453 Regarding the land uses of the property, we are immediately adjacent to Low Density
454 Residential and has been almost completely developed and being built out at this time.
455 To the east of the property and down on Lake Jessup there is another piece of Low
456 Density Residential property that has been developed. There are water and sewer
457 services that are being provided to the existing development that can be extended to this
458 development. This is an indicator that there is a need for residential units to support the
459 development and jobs that are coming into this particular area.

460 Hester Avenue is about 1.1 miles from the Greenway intersection with 427. The Airport is
461 just north of that which is an employment center. A little bit to the east of that there's a
462 site which is where the new courthouse will be located.

463 He feels there is a demand for a quality residential housing in this particular area and this
464 project is a logical extension of the urban services that are already provided in that area.

465 **Commissioner Tremel asked about new information regarding the on-site**
466 **wetlands.**

467 Mr. Harling said a wetland consultant has gone out and flagged the wetlands. He finds
468 that there is about 3.5 acres of wetlands in the northwest corner of this property. Upon
469 taking the St. Johns Water Management District out there and also a County staff person,
470 they could not come to an agreement on that. We have paid a \$1,500 fee and have
471 requested that Department of Environmental Protection (DEP), who is basically the
472 overseers the wetlands determination in the State of Florida, come in with their team of
473 experts and set that wetland line for us. He expects they will be here within the next 30
474 days. This hearing will be in front of the Board of County Commissioners on April 9th and
475 it our hope that we will have that information then and it will determine exactly where the
476 wetlands line is.

477 When we went through this before, Rick Cantrell who wrote the book for DEP, came down
478 and made a finding that this site had no wetlands on it. That was prior to the Warren-
479 Henderson Act which added a lot of vegetative indicators into the law which changed
480 where the wetland line would exist. The particular site is a mixture of oaks, pines and red

481 maples and from a biological standpoint it is very difficult to make a determination on that
482 basis. The soils analysis should give us the information we need. He apologized to the
483 Board for not having the information tonight for their review.

484 PUBLIC COMMENT

485 B. J. Simons, 1550 Myrtle Street, is opposed to the request. He has lived on the 12½
486 acres directly across from the proposed site. He is opposed to any more development in
487 this area; either high or low density. Since the development of Autumn Chase, run off
488 water in the area is terrible. Ditches are on either side of Myrtle Street from Hester Street
489 to Nolan remain full of water run off weeks if not months after normal rains. Water stands
490 on his property 2 to 3 times longer since Autumn Chase was developed. If Lake Jessup
491 Woods is allowed to be developed, water run off would be too much.

492 He is also concerned about the wildlife. It just isn't here since Autumn Chase and further
493 development will make it worse.

494 Schools are overcrowded from elementary through high school. After Autumn Chase
495 there was not enough seating on school buses until more buses were added to the route.

496 Earl and Frances Lord, 4835 Hester Avenue, are opposed to the request. They
497 presented figures from the Seminole County Appraiser's Office. This rezoning request is
498 for 78 acres. Sixty-one of the acres in question are valued at \$20.00 per acre. (under
499 water). Seventeen of this land has a taxable value of \$123,169.00 (\$7,000.00 per
500 acre). Now why is this underwater land (a true wetlands area) suddenly so valuable
501 that a huge subdivision of over 150 homes can be built here?

502 When Mr. Schumacher came to this area many years ago and began clearing all the
503 surrounding lands to begin farming, he never touched this area in question. He
504 recognized it as a true wetland area and left it as such. This rezoning is not compatible
505 with our rural area.

506 Mary Ann Baker, 651 Myrtle Street, is opposed to the request. She is presenting
507 comments for items V. A. and also VI. C. She has two concerns. One is the effect that
508 even the reduced 2½ units per acre will cause on the environment in this area. On our
509 land, the ground is our water filtration system and the more concrete and the more
510 houses that are put up the less area there is for water filter. They can put drains in and
511 move it here and move it there but it will only stress on the retention ponds. Our trees
512 are our air filters and because we are cutting down the trees our air is getting hotter and
513 not as pure.

514 There is too much traffic for this area. With all the added traffic after all the development,
515 it is going to be ten times worse.

516 She is not opposed to one house per acre and feels they can put in a nice and lucrative
517 subdivision with one house per acre. The only reason they want to subdivide this land so
518 much is to get more money out of the property. She asked the Board not to put the
519 greed of a few over the need of the many.

520 Alex Dickison, 4851 Hester Avenue, is opposed to the request. He has lived there for over
521 20 years and a good portion of the Lake Jesep Woods area has been underwater for a
522 long, long time. Some of it is underwater right now during the dry season. How can it be
523 underwater during the dry season if it's not in the 100-year floodplane?

524 He is not against development of the area, he just wants it to be developed properly. This
525 land is just not developable. It could be developed a little bit but it is not densely
526 developable. He feels that the days of this type of land being sensitively developed should
527 be passed us and not even considered.

528 Mack Thorne, 1416 Myrtle Street, is opposed to the request. He has lived there since
529 1984 and the Lake Jesup property has always had water standing on it. The width of
530 Myrtle Street will in no way carry the amount of homes they are wanting to build. He has
531 concerns for his children. Right now they can go out and play in the yards and he doesn't
532 worry about them being outside. If a large amount of people are brought into the area,
533 there may be security issues.

534 He feels the Lake Jesup area is not an area for this kind of development. It is too much
535 for the area.

536 Robert Jasmin, 1153 Myrtle Street, is opposed to the request. This has been before this
537 Board and the Board of County Commissioners. There was a 1999 study done by the St.
538 Johns Water Management District that showed a majority of this property is wetlands and
539 prone to flooding and there were only two small upland areas. Based on that study and
540 the recommendation of staff, he feels this request should be denied.

541 Danny and Lois DeCiryen, 1581 Tree Circle, are opposed to the request. Their concern is
542 that one piece of development is being used to justify another piece of development. This
543 property is wetlands and is flooded all the time. Ms. DeCiryen said they have had a lot of
544 problems with drainage in Autumn Chase and they continue to have a lot of problems.
545 There have been problems with premature building settlement and mud and water in the
546 back yards. There is a drainage ditch that is constantly filled with water and is breeding
547 misquotes very quickly.

548 She has been told this land is not contiguous and does not provide connectivity to with
549 other areas for wildlife. She vehemently opposes that statement. This area is the only
550 piece of old woods that connects anything with Lake Jesup. There is a tremendous
551 amount of biodiversity in this land called Lake Jesup Woods. There are gopher tortoises,
552 sand hill cranes and woodpeckers in the area that all need homes.

553 Lenny Palombo, 5900 Nolan Road, is opposed to the request. He can't imagine the
554 amount of fill that would have to be brought it if they developed this area. It would flood
555 his property since he is down at the tail end of both properties that they are looking at
556 changing the zoning on. The amount of fill they brought into Autumn Chase has flooded
557 the surrounding properties that back up to that now.

558 Mr. Harling said the requirement that the St. Johns River Water Management District has
559 is that a 25 year/24 hours storm is to be retained on site. This is a design storm. That
560 storm is then released at no greater rate than was released prior to development. What

561 you have to do in these particular locations, and in any location in the Water Management
562 District area, is provide retention for flood attenuation and also pollution treatment for the
563 stormwater before you can release it. So those things are both governed by Seminole
564 County, the Water Management District and several other jurisdictions.

565 Seminole County has passed a natural lands referendum where money is collected to buy
566 properties and to buy properties that are connected. They do this in joint participation
567 with the CARL program at the State, with the Water Management District and wildlife
568 corridors have been determined through and around Seminole County. The owner of this
569 property has donated 90 acres south of the property into the State owned property which
570 surround Lake Jesup at this time. There is a wildlife corridor that runs around Lake
571 Jesup. It is already protected and much of it is already in State ownership.

572 The information that Mr. Jasmine got regarding 1999 Water Management District study
573 was incorrect because those two areas being shown as uplands are the two areas that are
574 wetlands. It is the exact reverse for this property.

575 On our site there is a major drainage ditch that traverses the site all the way through and
576 collects water from Myrtle in both directions. It has never been cleaned by the County
577 that he can recall. The County now has acquired a drainage cleaning equipment. When
578 we finish our project, we will be required to put a drainage easement over that ditch and
579 be required to give the County a maintenance easement on both sides of that ditch so
580 they can maintain it. The flooding that does occur from a localized basis around Myrtle
581 Avenue and locations close to that drainage ditch because it is so clogged will actually get
582 better. The drainage in a lot of locations is based on how much maintenance occurs and
583 the maintenance of ditches in those locations. Most of the ditches that are located here
584 are ditches that have been used to service the previously dominate agricultural industry in
585 Central Florida. Those ditches are then converted into ditches that are used for
586 development and things of that nature. There will be improvement to the drainage in that
587 area.

588 We will commit to an entrance into this gated community, provide a circular drive with a
589 radius large enough for a school bus to pull in and turn around completely. A pick-up area
590 that was cover the for the school children so they could be away from Myrtle Street and
591 picked up in a secure fashion and drop the children off at school. We will also commit to
592 sidewalks along Myrtle Avenue into the development that will allow the children who live
593 in the area to come and utilize that same system.

594 There is a significant tree canopy that we intend to save on this particular development.
595 If a piece of property is already totally cleared from a development standpoint of view, in
596 a lot of cases it is cheaper to fill than it is to provide an underdrain system to protect the
597 roads. One of the things that the County has that is a code requirement is that the water
598 table be no higher than 1' below the base of the road. That is to keep the road from
599 falling apart and being a maintenance problem that would affect the residence of the area
600 from an economic standpoint and also affect the citizens who have to pay taxes for
601 maintenance of roads and things of that nature. In this particular location, we would be
602 utilizing more of an underdrain to protect the road base and less of a fill to get away from

603 the ground water table. We would accomplish that in such a manner that we are able to
604 not fill around the tree cover and the tree canopy and the large trees that are located in
605 this area because if you do fill around them, you kill them. That is our engineering
606 solution to what many people feel is going to be another Autumn Chase. It is our intent
607 to engineer it in such a way to allow the tree canopy to stay.

608 He requested Board approval for this request.

609 **Commissioner Tremel pointed out that Autumn Chase was another "line in**
610 **the sand". There wasn't going to be any development to the west of that.**
611 **He has not heard anything tonight to change the Board's decision from**
612 **August. This is just not an appropriate request.**

613 **Commissioner Harris said that there is no reason that at one acre a very high**
614 **value development can't be done on this property. It can be done very**
615 **profitably and very environmentally friendly. This is a prime piece of**
616 **property for a high end, very high quality development that could save the**
617 **trees, provide minimal impact to area in terms of runoff, number of homes ,**
618 **impact on roads, schools and all of those things and be done very profitably.**
619 **After looking at Autumn Chase, he is sorry that he supported it.**

620 **Motion by Commissioner Tremel to deny the Large Scale Comprehensive Plan**
621 **Amendment from Suburban Estates to Low Density Residential. Second by**
622 **Commissioner Harris.**

623 **Commissioner Mahoney said that while it is possible from an engineering**
624 **prospective to use underdrains and perhaps artfully use a PUD to cluster, it**
625 **doesn't get past the first step which is density and the density set by the land**
626 **use and the land use says 1/du per acre. The reason to support the motion**
627 **to deny is strictly a compatibility issue. It is not compatible to have 2½ or 3**
628 **units per acre when the appropriate use in this case is 1/du per acre and it**
629 **should stay that way.**

630 **Motion to deny this request for the Large Scale Comprehensive Plan**
631 **Amendment passed unanimously. (7-0)**

632 **Motion by Commissioner Mahoney to deny the rezoning from Agriculture (A-**
633 **1) to Single-Family Residential (R-1AA). Second by Commissioner Peltz.**

634 **Motion to deny the rezoning request passed unanimously (7-0)**

635 *C. ESTERSON & SCHUMACHER (LSLUA); APPROXIMATELY 60 ACRES MORE*
636 *OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM*
637 *SE(SUBURBAN ESTATES) TO LDR (LOW DENSITY RESIDENTIAL); (1) NORTH*
638 *OF MYRTLE STREET, APPROXIMATELY 1200' EAST OF NOLAN ROAD; (2)*
639 *SOUTH OF MYRTLE STREET & WEST OF NOLAN ROAD.*
640 *COMMISSIONER MCLAIN - DISTRICT #5* *ALICE GILMARTIN*

641 The request is for a change in land use from Suburban Estates to Low Density
642 Residential. It is not accompanied with a rezoning request.

643 The request is considered inconsistent with the established rural-like character of the
644 area north of Lake Jesup. The area east of Hester Avenue consists of primarily large
645 acre agricultural tracts interspersed with large lots, typically greater than one acre, with
646 estate homes or ranchettes. Current homeowners in the vicinity settled in this rural-like
647 area for its character and assumed assurance that the area would continue to be
648 developed with large lot intensities or the continuance of agricultural uses. To allow
649 residential development at a density up to four dwelling units per acre would change
650 the character of the area. The proposed Low Density Residential land also represents a
651 precedent for leap frog development within the area, rather than an orderly progression
652 from developed areas to the west and northwest. The Autumn Chase Subdivision to the
653 west of the property has a Low Density Residential Land Use and R-IA and R-IAAA
654 zoning categories. Autumn Chase Subdivision was approved with two zoning categories
655 to facilitate a transition to the larger parcels to the east.

656 The site is within an area of rural character north of Lake Jesup in the Urban Area.
657 Water and Sewer are available west of the properties at Hester Avenue and Myrtle
658 Street. Roadways serving the property are rural roads that are substandard in width for
659 urban densities.

660 Planning Staff recommends denial of the Low Density Residential land use with the
661 following findings:

- 662 1. The proposal is inconsistent with established Suburban Estates land use and a rural-
663 like character to the area incorporating active agricultural uses intermixed with large
664 lot single family homes/estates or ranchettes. Low density residential development
665 of up to four dwelling units per acre would change the character of the area from a
666 rural-like setting to one of a suburban character.
- 667 2. Hester Avenue and Myrtle Street are substandard rural roadways and can not
668 accommodate urban low densities unless roadways are brought up to County
669 standards for pavement width, right of way width and stormwater needs.
- 670 3. The proposed Low Density Residential land use represents a precedent for leap frog
671 development within the area, rather than an orderly progression from developed
672 areas to the west and northwest.
- 673 4. Current homeowners in the vicinity settled in the rural-like area for its character
674 (uses and lot sizes allowed under the Suburban Estates land use) and assumed
675 assurance of the current intensity of development to continue. Recent development
676 east of Autumn Chase has been to homes on large lots, as in estate homes or
677 ranchettes.

678 Should the LPA/P&Z or the BCC consider approving this petition for Low Density
679 Residential Development, policy direction is needed on whether it is perceived that this
680 area is ripe for conversion to Low Density Residential and how extensive, how
681 substandard roadways will be brought up to standards to accommodate urban low
682 densities, and protection of homes where the rural-like character is the desired lifestyle
683 of the homeowners.

684 Hugh Harling, representing the applicant, said there are some significant differences to
685 these parcels. The wetlands are easily identifiable as you can see by looking at the
686 aerial. The majority of this property has been in agricultural pursuits for the past 60-
687 100 years and it is being brought forward today for residential inclusion into the area
688 that would allow urban services to come in and a slightly higher density. The applicant
689 is also willing to cap the density at 2.5 units per acre.

690 If you have a 1/3 acre lot in a well developed subdivision, it can have a rural character
691 if you provide rural character along the road systems that front it. That would be the
692 intent in this development. It also can have a rural character with that density if you
693 can save existing vegetation and if you have a property that is used agriculturally you
694 can plant significantly additional vegetation around those existing houses.

695 The level of service on Myrtle Street is very little traffic at this time. The County has
696 approved development on Orange Boulevard and NW Seminole County that also has
697 substandard roads. There are many developments that have been approved on roads
698 that are less than 24' in width and less than urban in nature. Those road systems get
699 improved on a piece meal basis. These two developments would be required to
700 improve the roads in front of them and bring them up to County code which is typically
701 done and then as additional development takes place along Hester Road, there would
702 be a widening of Hester Road that would take place at the same time.

703 It is very important from an efficient delivery of services and efficient delivery of
704 government to get a higher density than Suburban Estates. Suburban Estates in this
705 particular location are going to be on wells and septic tanks. The well water out here is
706 not drinkable and most of the people out there have spent significant money to treat
707 the water themselves in this particular location. The break-even analysis to provide
708 sewer service and water service in a particular area is usually 2.2-2.3 units per acre if
709 you want to come in and provide. We would provide a lift station and the County has
710 provided for additional capacity on 427. The County is putting some very large water in
711 and they are also putting T's in that come down Hester and increase the size of utilities
712 in that particular location. Those services are being provided and in order for that to be
713 a break-even type of system, you need a density that averages about 2.2 units per
714 acre. We would ask that you consider these additional things in your discernment
715 tonight. From a capability standpoint, an almost a half acre lot in this particular location
716 with water and sewer service to it serves the public better and is a much better and is a
717 much more efficient use of the land than the Suburban Estates than presently exists
718 there.

719 Mr. and Mrs. Eric Esterson, the applicants, live at 1235 Myrtle Street, which is
720 contiguous to the two parcels being brought before the Board tonight. Ms. Esterson's
721 family owned and farmed this property for over 60 years. At the end of the 80s,
722 farming was no longer viable. We have maintained various agricultural operations for
723 the past 10 years but it has become increasingly evident that the need for agricultural
724 production in Seminole County has disappeared while the demand for quality housing
725 has strongly increased. Therefore, at this time, we are requesting a future land use
726 amendment, which would change some of our farm property from Suburban Estates to

727 Low Density Residential. We would still own property between these two parcels that
728 will remain agricultural. Our land use request is in compliance with the goals of the
729 future land use plan for Seminole County. As Seminole County continues to pursue
730 quality industrial and commercial businesses, we must also address the need for quality
731 housing for the employees of these businesses. Adequate and desirable housing is a
732 prime consideration for many businesses when they relocate or expand. Our proposed
733 land use change would enhance the already favorable economic conditions by providing
734 adequate housing in a convenient location and that is one of the goals of the future
735 land use plan of Seminole County.

736 The majority of our property is cleared and has been farmed so there will be no impact
737 to any environmentally sensitive land. Removing the land from agricultural production
738 will end the use of pesticides and fertilizers that are inherent to a farming operation.
739 This discontinued use will add to the protection to the environment, which is another
740 goal of the future land use plan.

741 According to the Seminole County Future Land Use Plan, Low Density Residential land is
742 compatible with Suburban Estates and it states that it is compatible to be adjacent to
743 Suburban Estates development. A Low Density Residential land use would be
744 compatible with existing Suburban Estates and Low Density Residential uses in the
745 immediate area.

746 We want to ensure our neighbors that our intent is to maintain a neighborhood with a
747 high quality of life.

748 Mr. Simon was concerned about the flooding. Previous to the 1998 tornado that passed
749 through our property, there was a good size ditch that was maintained by the County
750 on the north side of Myrtle Street. There was a ditch on the north and the south side
751 that was maintained by the County. Since the tornado passed through and the FEMA
752 money was available, the ditch configuration changed from a drainage ditch to a
753 shallow swale. It used to go down and turn and go under Myrtle Street and drain down
754 that ditch that Mr. Harling stated he would maintain. The flooding problem that is north
755 of Myrtle is simply because the County is not maintaining it's ditches as it used to.

756 In the County's road plan, the County will be paving Nolan Road, which connect Myrtle
757 Street to 427. So people in these two parcels will then have a choice of three entrances
758 and exits to these parcels. They can go out by the way of Hester or Nolan or Sanford
759 Avenue. So the traffic would be disbursed in three different directions.

760 Mr. Harling requested Board approval of this item.

761 Jack Rosier, 4850 Hester Avenue, is opposed to the request but did not speak.

762 Lois DeCiryran, 1581 Silk Tree Circle, is opposed to the request. Even though she lives
763 in Autumn Chase she doesn't feel that Autumn Chase should have been developed but
764 we can't make two wrongs equal a right. We are still only about 75% built out and
765 there are a lot of problems being experienced and it would be wise to look at this
766 development and the impact it has had on the environment. We are having big water

767 problems and we need to really look at water and land use. We need to look at the
768 traffic access and exit routes out of this area.

769 Robert Jasmin, 1153 Myrtle Street, is opposed to the request. He is concerned about
770 the compatibility issue. He has a horse farm on three acres and he doesn't want to lose
771 that rural way of life. There already is a traffic problem out there now and it will
772 increase if this request is approved.

773 Alexander Dickison, 4851 Hester Avenue, is not opposed to development because he
774 knows development is going to come. The thing that bothers him is the approach to
775 the development. Ms. Esterson should be able to develop her property but she
776 shouldn't be bringing in two parcels at a time. There are not parks in that area. The
777 roads are terrible. There are no schools down in that area.

778 Mary Ann Baker, 651 Myrtle Street, is opposed to the request. The water in that area
779 straight from the well is undrinkable. She paid a fortune to get the water up to
780 drinkability. She paid a lot of money to have her septic put in. She would not
781 appreciate the County coming in, making her use their sewerage and city water, and
782 charging per month after she has already paid to have good water and good sewerage.
783 She is concerned about the traffic issues.

784 Linda Shore, 5150 Plato Cove, is opposed to the request. She lives there because of
785 the rural character of the area and wants it to stay that way. One acre estate homes is
786 realistic and would make a nice development. She feels the higher density would effect
787 the quality of the water and the artesian well that goes under her property. She feels
788 this development, as proposed, will devalue the area. The traffic is a problem and will
789 increase if this request is approved.

790 B.J. Simons, 1550 Myrtle Avenue, is opposed to the request. He said the runoff from
791 Autumn Chase still has not been taken care and he doesn't see why anyone would think
792 it will be any different on any other subdivisions that are low density or high density or
793 anything over the one unit per acre.

794 Mack Thorne, 1416 Myrtle Street, is opposed to the request. It was the understanding
795 that Autumn Chase was the "line in the sand" and now here we go again. The traffic is
796 very, very bad. We are close neighbors and would like to keep it that way.

797 Earl Lord, 4835 Hester Avenue, is opposed to the request. When he came to this area
798 and built his home, the zoning of Suburban Estates was and still is in place. Zoning to
799 Low Density Residential is out of compliance with the area. He wants to see the
800 neighborhood grow in the manner for which it was started.

801 Mr. Harling said the comprehensive plan that was passed by the State was intended to
802 provide a framework that was flexible and allowed change and growth to take place. It
803 allowed people to come in and change as the character of the land changed and as the
804 intensity and the jobs that were being provided in the area changed. Seminole County
805 has been through a significant number of comp plan updates that have been updated
806 by staff as mandated by the State but also the State mandates that you are allowed to

807 make a comp land change twice a year for someone who wants to provide for a better
808 use of their property.

809 Low density residential is compatible with Suburban Estates. The two can work
810 together in harmony and the people who reside in each of those two types of areas can
811 reside in harmony and live together and that's what we would like to see accomplished.

812 Mr. Harling said artesian wells are being plugged. The St. Johns Water Management
813 District has a team that will come out and plug artesian wells because artesian wells are
814 a drain on the conservation of ground water.

815 He feels that 2.5 units can be compatible with the existing area and that a quality
816 development can be provided that is very high in character with expensive houses and
817 also would provide water and sewer service to the area.

818 He requested approval of his application from the Board.

819 **Commissioner Harris said one of the problems that we have in Seminole**
820 **County is evident right here. We have agricultural land that has been in**
821 **family ownership for 40, 50, 60 years and in some cases more. The economic**
822 **conditions have changed so that the family, if they are depending on the**
823 **state of their wealth, may even be endangering at times of losing the land**
824 **because it is no longer productive. The problem is that piece of land is**
825 **cleared for agricultural purpose which makes it not a great candidate for**
826 **larger plot homes. These parcels are very different from the first parcel that**
827 **is undeveloped, not farmed, totally treed. So the issue that comes before us**
828 **is not just the issue of that particular parcel, but the issue of fairness to the**
829 **owners and to the community and it is not an easy decision. These parcels**
830 **come forward, one or two and in this case, three at a time and that will**
831 **continue to happen in this area no matter what decision we make. Rather**
832 **than approve, deny or otherwise just act on single parcels, this area will**
833 **continue to be under pressure. There will continue to be agricultural land**
834 **that has been in families that comes up for sale where the highest and best**
835 **use is not agricultural and the pressure is there to development into low**
836 **density residential.**

837 **As the Airport and the area new Judicial Center develops, this area will be**
838 **under continuing and increasing pressure and the opportunity arises for an**
839 **investor to quietly put together several of these parcels and then bring them**
840 **in and ask for a rezoning.**

841 **Rather than act on this tonight in absence of a plan for the entire area, it**
842 **would be his suggestion that this Board defer action on this and instead**
843 **request that staff take this entire area, along Lake Jesup and south of the**
844 **Airport going all the way over to 17-92 and do a small area study and**
845 **suggest what the final development trend in that area should be.**

846 **Motion by Commissioner Harris to defer action and instead based on the his**
847 **comments, refer this issue back to staff for a small area study so all the**

848 **issues can be properly considered in this particular area. Second by**
849 **Commissioner Tremel.**

850 **Commissioner Mahoney said he is for the motion, however, if the applicant**
851 **chooses to proceed to the BCC and seek from them an answer to their**
852 **request for a land use amendment, we might want to consider the alternate**
853 **that they do choose to proceed. He thinks the best plan of attack is to defer**
854 **the request and to do a study. However, we don't control that. The applicant**
855 **paid the money, they get to control the process, and they get to go before**
856 **the Board. We might want to consider that if they do proceed, what would**
857 **our opinion be today. He feels the answer today would be no.**

858 **Commissioner Tremel said that by recommending to defer, the Board is**
859 **recommending that it not stay in this plan cycle. He asked staff if that was**
860 **correct.**

861 Ms. Gilmartin said that was correct.

862 **Commissioner Harris revised the motion to include that as part of the**
863 **deferral it is premature and the Board does not have the basis to act**
864 **affirmatively on this request this evening.**

865 **Commissioner Tremel added that if you look at the staff recommendation,**
866 **after Condition 4, staff is basically taking that position.**

867 **Chairman Tucker said he didn't disagree but as a recommending body this**
868 **Board should pass it on, up or down to the BCC with the recommendation**
869 **that the County Commission request a study. His recommendation is to deny**
870 **this request.**

871 **Commissioner Tremel withdrew his second.**

872 **Motion dies for lack of a second.**

873 **Motion by Commissioner Tremel to deny this request for reasons stated in**
874 **the staff report and also attach a recommendation to the Board of County**
875 **Commissioners that they request staff to do a small area study in this area.**
876 **Second by Commissioner Mahoney.**

877 **Commissioner Hattaway said the only way a "line in the sand" can be**
878 **respected is if all that are concerned have a say so in drawing that line. This**
879 **has not been done. The applicants have offered to cut in half the density that**
880 **they originally requested. Even two units per acre might be amenable. What**
881 **we are proposing to this old and respected Seminole County family is that**
882 **they now take their farm land, that they can no longer use, out of the loop**
883 **for a minimum for 6 months and sit on it and hope that the study will be**
884 **finished in 6 months so they can come back in the next cycle. This is very**
885 **unfair to this landowner. This landowner has been here and most of you are**
886 **out there because some farmer sold you his land. This is a farmer that has**
887 **hung on until the very last. They don't have a viable business farming any**

888 longer. They wish to use the property that they paid taxes on many, many
889 years in a productive manner. They are not raping the land or building
890 apartments. They are trying to do something that will fit in with their
891 environment because they are going to live right there beside it. Two units
892 to an acre is more than most of us have to live on. She will be voting against
893 the motion.

894 Commissioner Tremel said they have not denied the use of their property.
895 They can develop it in accordance with the Comprehensive Plan, which is one
896 unit per acre. Sine quite a few people have chosen to do that, there is a use
897 of the property just not at the use they are requesting.

898 Commissioner Nicholas said that at some time this property is going to be
899 developed somehow and probably more than just Suburban Estates. He
900 doesn't want to see apartment complexes and those kinds of things. Two
901 units to the acre is fairly reasonable. He thinks the small area study is a good
902 thing to do but his concern is with split parcels. He thinks this whole area
903 needs to be looked at because there is some developable acreage out there
904 although the first parcel that was looked at tonight was appropriate because
905 of the wetlands. These parcels seem a little more reasonable for somebody
906 to develop their property a little more as they see fit.

907 Motion passed 4-3. Commissioner Harris, Commissioner Nicholas, and
908 Commissioner Hattaway voted against the motion.

909 ***D. VISION 2020 - GUIDE TO THE JOURNEY AHEAD; SPRING CYCLE***
910 *AMENDMENT REGARDING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF*
911 *COMMUNITY AFFAIRS (FDCA) OF PROPOSED LARGE SCALE TEXT*
912 *AMENDMENTS TO THE SEMINOLE COUNTY COMPREHENSIVE PLAN (SCCP).*
913 *PROPOSED TEXT AMENDMENTS WILL BE INCORPORATED INTO THE NEWLY*
914 *ADOPTED SCCP (MAY 8, 2001), KNOWN AS VISION 2020-A GUIDE TO THE*
915 *JOURNEY AHEAD (AND REFERRED TO AS "VISION 2020"). THE SUBJECT*
916 *TEXT AMENDMENTS WILL REPLACE PLAN ELEMENTS OF THE SCCP.*
917 *ALICE GILMARTIN, PRINCIPAL COORDINATOR*

918 The Text Amendments to the Seminole County Comprehensive Plan, (Vision 2020) were
919 given to the LPA at the meeting of January 9, 2002, in preparation for their public
920 hearing on February 20, 2002. The Local Planning Agency (LPA) met on July 18, 2001,
921 for a briefing with staff to discuss the text amendments to eight Elements of the
922 Comprehensive Plan. The LPA was unable to open the public hearing on these Text
923 Amendments on August 1, 2001, due to a lack of a quorum. The Board of County
924 Commissioners at their next meeting opted to withdraw the Text Amendments to the
925 Comprehensive Plan from the Fall Cycle Amendments and directed staff to resubmit
926 them for the next Spring Cycle of Comprehensive Plan Amendments. Before the LPA are
927 the same Text Amendments as they previously reviewed last summer. The only
928 changes to the document involve the references to the one cent sales tax that

929 previously was proposed but now has passed and updated tables in the exhibit section
930 of the Capital Improvements Element.

931 The LPA generated a list of questions at the briefing of July 18, 2001, which staff has
932 responded to. The Board of County Commissioners held a briefing on the amendments
933 on July 24, 2001, and no additional concerns were brought to staff's attention other
934 than the original concerns of the LPA. There were no changes to the text of the Vision
935 2020 Elements based on the Board's briefing on July 24, 2001.

936 Staff presented a slide presentation on Vision 2020 Text Amendments. (See Attached)

937 Introduction/Coordination Element Alice Gilmartin

938 Drainage Element Craig Shadrix

939 Potable Water, Sanitary Sewer, Solid Waste, Public Safety Elements Dick Boyer

940 Capital Improvements Annual Update Dick Boyer

941 Implementation Element Tony Matthews

942 **Commissioner Harris asked why we did not have a first response agreement**
943 **with Oviedo?**

944 Mr. Boyer said we have worked with them for quite a while. They have their own way
945 of doing things at the moment. We continue to ask them and suggest to them that
946 they join with us. It makes it more expensive for us and there is some discussion going
947 on now regarding that issue.

948 Ms. Gilmartin said we do have a mutual aid agreement with them.

949 **Commissioner Hattway asked why is it necessary for us to flush our toilets**
950 **with potable water?**

951 Mr. Boyer said it has been the easiest thing and there is probably some health concerns
952 of getting crossed water supplies within the household at that level. He can ask the
953 question to the professionals who would know.

954 **Commissioner Hattaway said they can install backflow valves to protect us**
955 **and there are people that are very concerned about the lack of water we are**
956 **facing in the near future.**

957 **Chairman Tucker asked if staff addressed what plans the two major utility**
958 **companies had for providing electrical power growth?**

959 Ms. Gilmartin said in the Intergovernmental Coordination Element staff does address
960 coordination with utility companies and has attempted to set down policies that would
961 encourage communication back and forth. In regard to telecommunications, the
962 County is one of the leading agencies to provide underground cable connecting to all
963 the cities. We have attempted to include, in the last round of text amendments, energy
964 conservation policies.

965 **Chairman Tucker said, according to his knowledge, the County has no County**
966 **backbone system for fiber optics lines going into large neighborhoods. We**

967 **don't make allowances for corridors that go into those areas on rights-of-**
968 **ways where we encourage uses that are coming. Those are items for an**
969 **infrastructure that are almost a necessity in a lot of the residential areas.**

970 Ms. Gilmartin said that in all the new road construction and the road widenings that
971 have taken place in the last ten years, the County has laid fiber optics with those road
972 constructions.

973 **Chairman Tucker said many counties provide a designated corridor to**
974 **encourage this. He feels this should be part of this plan.**

975 Ms. Gilmartin said staff will look into this and come back to the Board and follow up on
976 it and have that information for the Board of County Commissioners also.

977 **Chairman Tucker asked if staff has addressed the school concurrency issue?**

978 Ms. Gilmartin said staff is in a wait and see position on how the legislature handles the
979 school concurrency issue. Staff has talked about it with the School Board
980 representatives. They're of the opinion that they provide a level of service that is
981 higher than what may be required under a school concurrency. Their position is that
982 they would like to wait and see what does happen in the legislature and whether it
983 becomes mandatory or not. We are pretty much following their lead on that.

984 **Chairman Tucker said that many counties, including Orange County, are not**
985 **waiting for the legislature and are proceeding ahead.**

986 Ms. Gilmartin said we have been in conversation with the School Board representatives
987 and they have asked us to wait and see what happens in the legislature.

988 ***VISION 2020 AMENDMENTS TO THE TRANSPORTATION ELEMENT***

989 *ALICE GILMARTIN, PRINCIPAL COORDINATOR*

990 The addition of a policy as a text amendment to the Transportation Element, Vision
991 2020, will provide direction in regulating access for parcels that have double frontage
992 on two rights of way of which one is a residential street. This proposed policy to the
993 Transportation Element is an aid in regulating access of double frontage lots where
994 non-residential uses abut right of way of a residential street. By placing a policy in the
995 County's Comprehensive Plan, this provides direction in controlling the provision of
996 secondary accesses of non-residential uses onto a residential street. This policy will
997 result in the drafting of language for a revision to the Land Development Code
998 addressing this issue. This effort will reduce the impact of cut-through traffic on
999 residential streets. The need for this policy and follow up language in the Land
1000 Development Code came to the attention of staff during routine reviews of site plans
1001 where there were requests for secondary accesses onto residential streets.

1002 This text amendment will "piggyback" the other text amendments to the
1003 Comprehensive Plan (revision to eight elements in Vision 2020) and after the BCC
1004 reviews the language, the proposed policy will be sent to the Department of Community
1005 Affairs for review with the other Vision 2020 amendments.

1006 **Commissioner Mahoney said approximately a year and a half ago a parcel**
1007 **was developed off of Lake Emma Road just south of Huntington Pointe.**
1008 **There was an existing subdivision fully developed with all the houses in place**
1009 **to the north and then a small tract was developed to the south of it. The net**
1010 **effect was that a road was placed in these people's back yards. I asked then**
1011 **that a policy be adopted that would prohibit this. Is this a policy that would**
1012 **help address that issue?**

1013 Ms. Gilmartin said she believed so.

1014 Mr. West said he has an example of Bowland Drive that comes off of Alafaya Trail in
1015 Seminole Terrace. The block between Bowland and Alafaya is zoned commercial. On
1016 the east side of Bowland it is residential and the west side is commercial. We have pre-
1017 application meetings where developers are attempting to come in and place commercial
1018 developments and then have accesses to Bowland Drive when they could have stricter
1019 accesses directly to Alafaya.

1020 Most of these occurrences happen in areas where the zoning was commercial from the
1021 60s or 70s where they took lots that had frontage on a local residential street but also
1022 had frontage on a major collector arterial. Now these infill properties are starting to
1023 come in and wanting to develop. We are running into this more often and we're just
1024 trying to minimize the impact to the residential that is still on the other side of the local
1025 street.

1026 **Commissioner Tremel said he supports the concept but feels it would be**
1027 **more appropriate in the Land Development Code than in the Comprehensive**
1028 **Plan.**

1029 Mr. West said the only reason it is in the Comprehensive Plan is that staff wanted to put
1030 a general policy in there so we could protect the residential neighborhoods and we
1031 could also then, in the Land Development Code, be more specific.

1032 **Commissioner Harris asked if this implied that if he had a parcel of land at an**
1033 **intersection and one is on a residential street that he could not access both**
1034 **streets?**

1035 Mr. West said the intent is to discourage but not necessarily prohibit. In the future
1036 when we write our Transportation Land Development Code regulations, we'll have
1037 issues in there about traffic calming and directional traffic to protect residential
1038 neighborhoods. That would supplement this policy to find the best way for properties
1039 to reduce their impacts on residential streets.

1040 **Commissioner Harris said he is concerned that there may be a case where we**
1041 **prohibit or discourage access to the residential street and then you have**
1042 **people trying to get across an artery by making left turns and you end up**
1043 **with a situation that is a serious safety consideration when they could go on**
1044 **to the residential street and go down and catch a light and get out onto the**
1045 **artery. His concern is that if we put a blanket policy in here we don't end up**
1046 **with that kind of situation because somebody at the design stage states that**

1047 **the policy says you can't access that street and we end up with a safety**
1048 **situation.**

1049 **Commissioner Harris doesn't have a problem with what staff is trying to do**
1050 **but would like to add at the end of the first sentence a phrase that says**
1051 **"consistent with safety considerations".**

1052 **Commissioner Nicholas said that it is designed to "minimize" the impact. It**
1053 **does not state "prohibit" access. It's just minimizing the impact.**

1054 **Commissioner Harris said none is minimizing it.**

1055 **Commissioner Nicholas said this does not prohibit it and it gives flexibility.**

1056 **Motion by Commissioner Mahoney to recommend approval of the text**
1057 **amendments known as Vision 2020. Second by Commissioner Tremel.**

1058 **Motion passed unanimously. (7-0)**

1059 **Motion by Commissioner Tremel to recommend approval of the**
1060 **Transportation Element. Second by Commissioner Nicholas.**

1061 **Motion passed 6-1. Commissioner Harris voted against the motion.**

1062 **VII. PLANNING MANAGER'S REPORT**

1063 There was no Planning Manager's Report at this time.

1064 **VIII. OTHER BUSINESS**

1065 There was no other business.

1066 **IX. ADJOURNMENT**

1067 Meeting adjourned at 11:30 p.m.

1068 Respectfully Submitted,

1069

1070

1071

1072

Fran Newborg, Recording Secretary

1073

1074 The public hearing minutes of the Seminole County Local Planning Agency/Planning and
1075 Zoning Commission is not a verbatim transcription. Recorded tapes of the public
1076 hearing can be made available, upon request, by contacting the Seminole County
1077 Planning Division Office, 1101 E. First Street, Sanford, Florida, 32771, (407) 665-7371.