

SEMINOLE COUNTY GOVERNMENT
LOCAL PLANNING AGENCY/PLANNING & ZONING COMMISSION
AGENDA MEMORANDUM

SUBJECT: Comprehensive Plan Amendment from Suburban Estates to Low Density Residential and associated rezoning from A-I (Agriculture) to R-IAA (Single-Family Residential) – Lake Jesup Woods

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

AUTHORIZED BY: Matt West **CONTACT:** Amanda Smith *AS* **EXT.** 7339 *MW*

Agenda Date <u>02/20/02</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input checked="" type="checkbox"/>

MOTION/RECOMMENDATION:

Recommend denial of a comprehensive plan amendment from Suburban Estates (SE) to Low Density Residential (LDR) for 81 acres located on the south side of Myrtle Street and west of Hester Avenue.

Recommend denial of the rezoning from A-I (Agriculture) to R-IAA (Single-Family Residential), Hugh Harling, applicant.

(District - 5, McLain)

(Amanda Smith, Planner)

BACKGROUND:

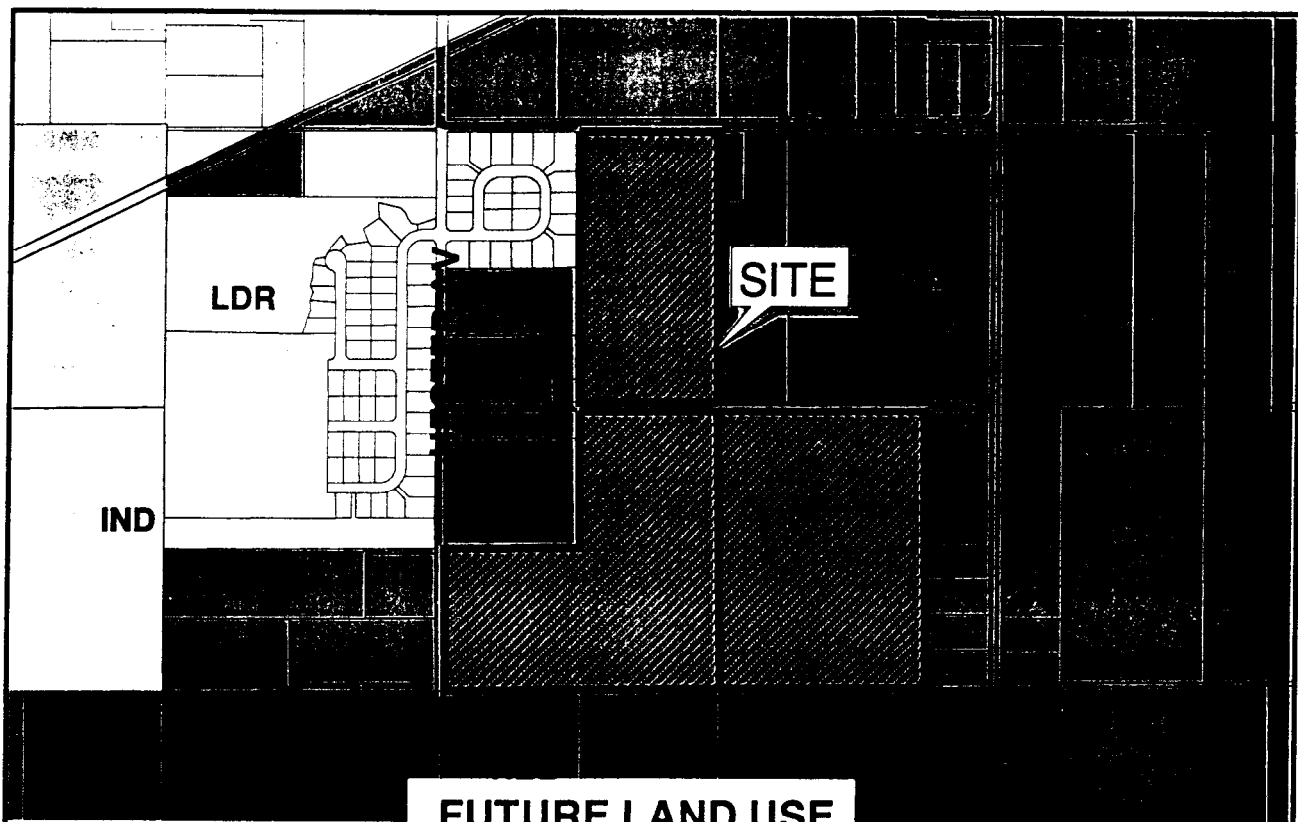
The applicant is requesting to amend the future land use designation of Suburban Estates to Low Density Residential and to rezone approximately 81 acres from A-I (Agriculture) to R-1AA (Single-Family Residential) for the development of a single-family residential subdivision on a site located south of Myrtle Street and east of Hester Avenue.

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

To date, the applicant has not amended the rezoning request, nor provided staff with any new information regarding the on-site wetlands delineation.

Reviewed by: Co Atty: <u>Reviewed for legal</u> DFS: _____ Other: _____ DCM: _____ CM: _____ File No. <u>PZOI-09</u>
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sufficient only KZC

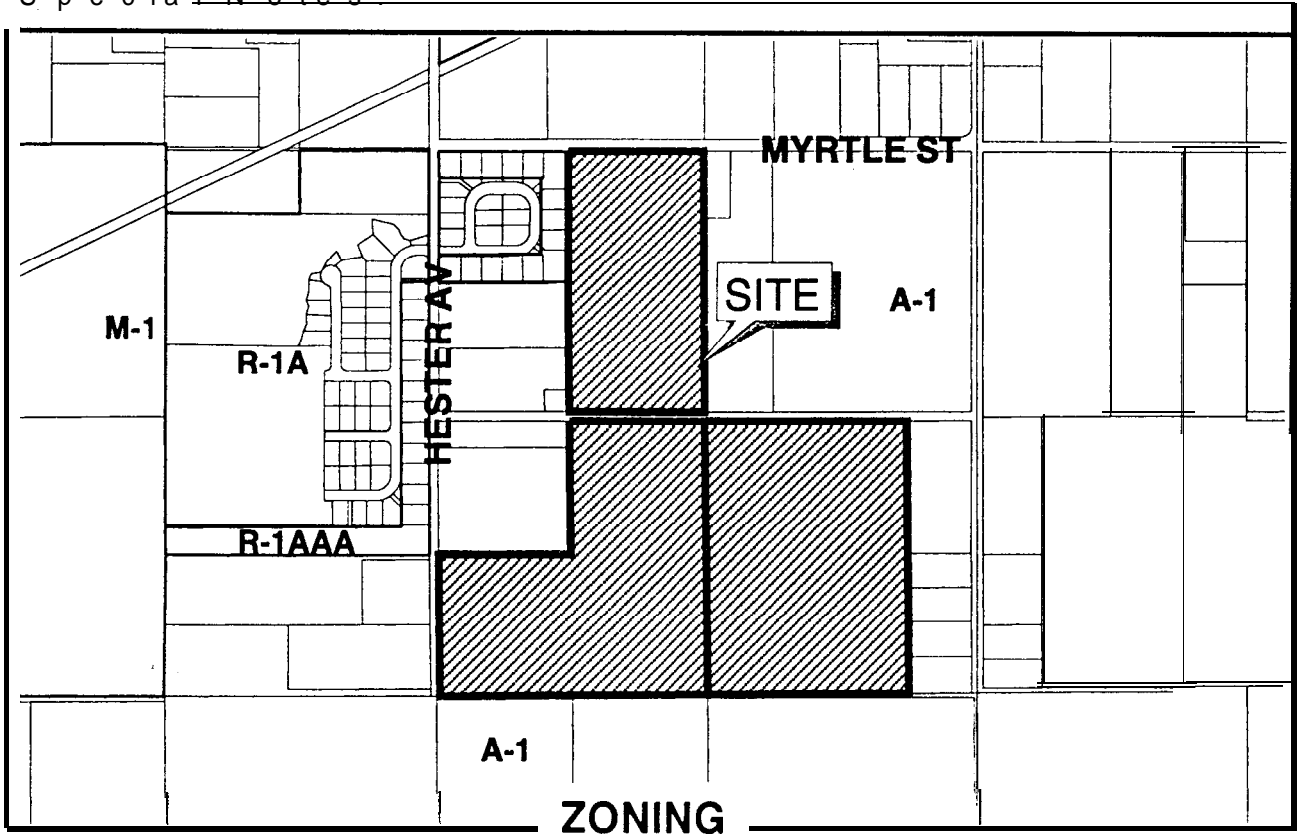


FUTURE LAND USE

Site
 Municipality
 SE
 LDR
 REC
 IND

Applicant: Jessup Woods
 Physical: 123-20-30-5AQ-0000-1, 090, 1030, & 1150
 Gross +/- Acres: B C C District:
 Existing Use: R & S AdC Acreage: 1
 Special Notes:

	Amend/Rezone#	From	To
FLU	01F.FLU1	SE	LDR
Zoning	Z2001-009	A - i	R-1AA



ZONING

A-1
 M-1
 R-1A
 R-1AAA

file n a/plan/cpcr02/z2001-009 apr/z2001-009staffcolor 07/17/01



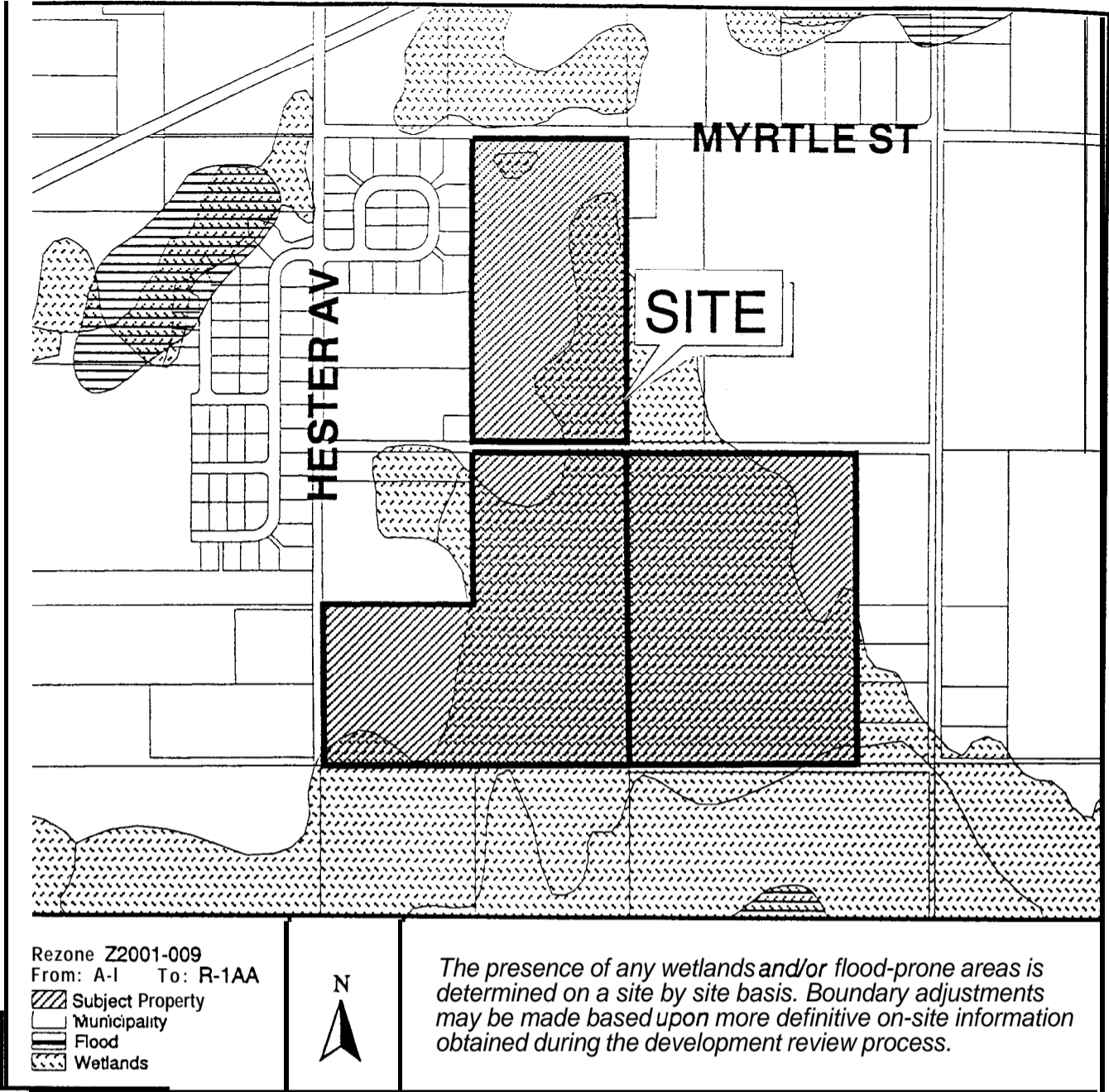
Rezone No. 2200 I-009
From: A-1 To: R-1AA

Subject Property
 Parcelbase



February 1999 Color Aerials

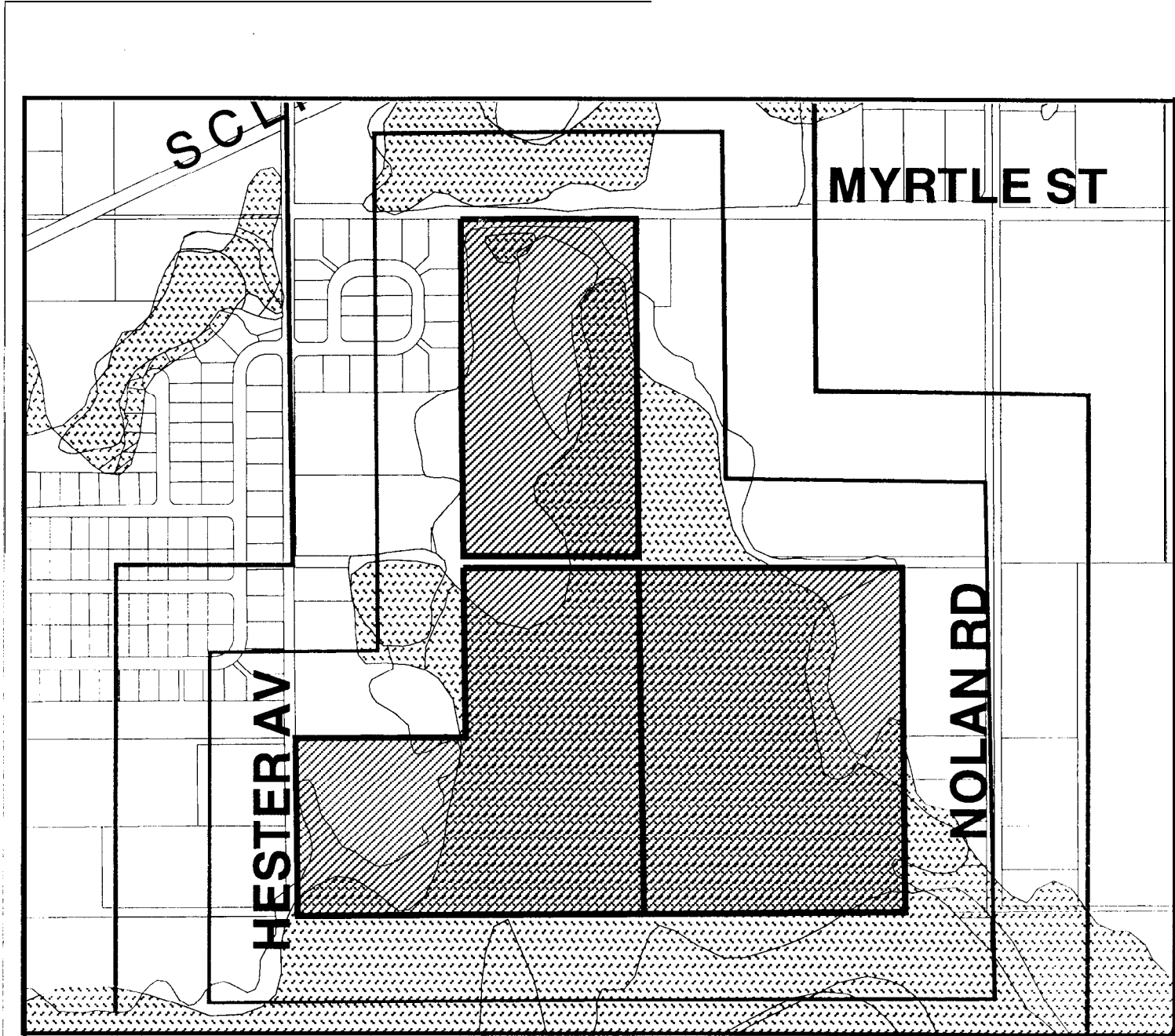
CONSERVATION








file n a /plan/cpcr02/z2001-009.apr/z2001-009cons 04/18/01

WETLANDS INFO FROM THE NWI (NATIONAL WETLANDS INVENTORY), PROVIDED BY SJRWMD

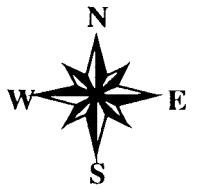
FLOODPRONE INFORMATION GENERATED FROM FIRM MAPS



LOT SIZE COMP
WETLANDS AND

-  Subject Property
-  330 ft Buffer
-  66 ft Buffer
-  Wetlands
-  NWI

M P
A N D
2 2 0



The presence of any wetland prone areas is site based. Boundary adjustments may be based upon definitive on-site information obtained during the development process.

Information used:
 NWI coverage (provided)

**Lot Compatibility Matrix
For
Lake Jessup Woods**

Pod	Zoning District	Zoning Acreage	Total Acreage	Zoning Acreage Total Acreage	Weight	Weight* Z.A. Total Acreage
Pod 1	R - 1 A	5 . 7 8	1 1 7 . 4	10 . 0 4 9 2	8	0 . 3 9 3 8
	R-1AAA	3 . 8 6	1 1 7 . 4	0 . 0 3 2 8	6	0 . 1 9 7 2
Pod 2	A - 1	9.94	1 1 7 . 4	10 . 0 8 4 6	4	0 . 3 3 8 6
Pod 4	A - 1	4 8 . 6 6	1 1 7 . 4	10 . 4 1 4 4	4	1 . 6 5 7 7
Pod 5	A - 1	1 8 . 4 9	1 1 7 . 4	10 . 1 5 7 4	4	0 . 6 2 9 9
Pod 6	R-1A	4 . 1 8	1 1 7 . 4	10 . 0 3 5 6	8	0 . 2 8 4 8
	R-1AAA	5 . 5 7	1 1 7 . 4	10 . 0 4 7 4	6	0 . 2 8 4 4
Pod 8	A - 1	1 6 . 1 8	1 1 7 . 4	10 . 1 3 7 8	4	0 . 5 5 1 2
						<u>4 . 3</u>

**A-1/
RC-1**

EXECUTIVE SUMMARY

Suburban Estates to Low Density Residential	Amendment O1S.FLU01 & PZ01-09
REQUEST	
APPLICANT	Hugh W. Harling, P. E. (Harling Locklin & Associates, Inc.)
PLAN AMENDMENT	Suburban Estates to Low Density Residential
REZONING	A-1 (Agriculture) to R-1AA (Single Family Dwelling District)
APPROXIMATE GROSS ACRES	81
LOCATION	South of Myrtle Street, east of Hester Avenue
SPECIAL ISSUES	The request was continued by the BCC from their Sept. 24, 2001 meeting although the applicant should have submitted an application to request PUD zoning and data. The applicant has not amended the additional information. The Planning Commission voted 4-1, 2001 meeting to recommend denial of the application to Low Density Residential and the rezoning to R-1AA.
BOARD DISTRICT	#5 – McLain
RECOMMENDATIONS AND ACTIONS	
STAFF RECOMMENDATION FEBRUARY 20, 2002	At the September 24, 2001, BCC meeting, the applicant requested the land use amendment be continued until the 2002 Spring Land Use Order to amend the rezoning request. The applicant has not provided a site plan request or revised site plan. Therefore, Staff recommends denial of the application for Residential land use with findings of unsuitability for Residential land use, as proposed, with the following findings: 1. Premature without determining the extent of wetlands based upon conceptual site plan volunteered by the Applicant. How the site plan will change if the Applicant modifies the site plan, the potential impacts or if the SURV of the wetlands on the site prior to development. 2. Inconsistent with Plan policies regarding Residential land use designations; a

3. An inappropriate transitional use a
4. Inconsistent with Plan policies iden

Staff also recommends denial of the A-1 to R-1A A, based on the above a subject request:

1. Is not in compliance with the app
Seminole County Comprehensive
County Land Development Code
zoning; and
2. The request, as proposed, would
surrounding development.

STAFF ANALYSIS

Suburban Estates to Low Density Residential

Amendment
01 S.FLUOI
& PZ01-09

1. **Property Owner(s):** Lake Jessup Woods
2. **Tax Parcel Number(s):** 23-20-30-5AQ-0000-1090, 23-20-30-5AQ-0000-1030, a n23-20-30-5AQ-0000-1150

3. **Applicant's Statement:** A m e n d m e n t t o t h e S e m i n o l e C
t o c h a 81.3+/- a t t h r e e s u b j e c t s i t e F u t u r e L a n d U s
E s t a t e s (S E) t o L o w D e n s i t y R e s i d e n t i a l d e v e l o p m e n t p r o g r a m , t h e p r o j e c t w i l l c o n s
d e v e l o p m e n t p r o g r a m , t h e p r o j e c t w i l l c o n s
r e s i d e n c e s . T h e s u b j e c t s i t e i s i n a n a r e a
r e s i d e n t i a l t o t h e s o u t h e a s t f r o m t h e g r o w i
U r b a n s e r v i c e s a r e a v a i l a b l e a n d t h e p r o p
w i t h t h e e x i s t i n g a n d p r o p o s e d d e v e l o p m e n t

T h e a p p l i c a n t s t a t e s t h a t t h e p r o p o s e d p r
C o m p r e h e n s i v e P l a n p o l i c i e s : A 2 d . 2 p 1 t e S d u b d i v
W a t e r S e r v i c e s - A x e a n M a p , o f 1 S e r v i c e t o N e w
A d o p t e d S a n i t a r y S e w e r E x t e n s i o n A r e a S M e a p i
D e v e l o p m e n t .

4. **Development Trends:** T h e a r e a p r i m a r i l y c o n s i s t s o f l
w i t h s i n g l e f a m i l y r e s i d e n t i a l d w e l l i n g u n i t s
S t r e e t . T h e A u t u m n C h a s e s u b d i v i s i o n t o t
b o t h R - I A a n d R - I A A A s i z e d l o t s a n d c o n t
S o u t h o f t h e s u b j e c t p r o p e r t y i s s t a t e a n d c o

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

- a . T h e e x i s t i n g z o n i n g (A - I) w o u l d p e r m i t
r e s i d e n t i a l u s e s (a t a m a x i m u m n e t d e n s i t y
- b . T h e r e q u e s t e d z o n i n g (R - I A A) w o u l d p
r e s i d e n t i a l o n 1 8 0 t o 2 0 0 l o t s .

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	Vacant
North	Suburban Estates	A-1	Vacant
South	Recreation	A-1	Vacant
East	Suburban Estates	A-1	Vacant, single-family residential and horse stables/farm
West	Suburban Estates and Low Density Residential	A-1, R-1A and R-1AAA	Single-family, retention pond and vacant

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

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, and if applicable, government and facility programs, including, but not limited to application for a land use designation amendment will programs (such as the affect on the timing/financing of amendment if approved.

Summary of Program Impacts: The proposed amendment does not conflict with the Metropolitan Orlando Plan or 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 14.1).*

Access to the subject property is via Myrtle Street. The subject property is paved and right-of-way and would be improved prior to any new development.

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 properties are within the Seminole County water and sewer service area. The applicant intends to utilize central

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 Station (Station # 35). Response time to the site is the County's average response time standard.

3. REGULATIONS The policies of the Plan also contain general requirements for managing growth and protecting the environment. The staff has evaluated the overall consistency of the 20/20a Plan with the standards 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).*

Although the existing roadways are substandard facilities to serve these properties indicates that they do not adequately serve this area, and that the proposed Plan amendments will have impacts to public facilities.

B. **Flood Plain and Wetlands Area** **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).*

According to the County's Geographic Information System and National Wetlands Inventory, provided by the St. Johns River Water Management District, the Federal Emergency Management Agency, approximately 75-80 percent of the site is covered by flood-prone areas. Based on cursory review of the site and applicant and County information, Mr. Torregrasso, Resources Officer, has determined that the wetlands of the subject property require the approval of any rezoning or other development activity. Verification by the St. Johns River Water Management District is required to determine if the wetlands are classified as jurisdictional wetlands, as established by the Clean Water Act Regulation in 1986 and submitted by the applicant. If the wetlands are classified as jurisdictional wetlands, they may

acreage of each site. Per the Seminole County Wetlands Overlay Classification (W-1) shall apply to wetlands (1/2) acre in size or larger, have a direct hydrologic connection to a water body (1/2) acre or larger, or their adjacent areas.

Furthermore, Planning Staff believes that the purpose of determining the extent and impact to the wetlands in the Comprehensive Plan, urban wetlands may be located on properties within the Lake Jesup Basin area. The wetland connectivity of a regional significance and the biochemical processes of these regionally significant wetlands and not compromised by development activities within the subdivision.

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 3.1).*

Mr. Torregrosa, the Seminole County Natural Resources Manager, advised that there are two eagles' nests in the vicinity of the proposed construction within 750 feet and loud noises will be disruptive during the nesting season.

Prior to submission of final engineering plans for the project, a field survey of threatened and endangered and species of special concern to determine the presence of any endangered species are found to be potentially impacted by the project. Consultation from the appropriate agencies will be required.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also provided to describe when, where and how development should be located. Staff will evaluate the appropriateness of the use, intensity, location and timing of development.

A. Compatibility: When the County's Future Land Use Map was adopted in 1987, land use compatibility issues were addressed through a community meeting/hearing process. When amendments are made to the map, staff makes an initial evaluation of compatibility based upon a set of professional standards and criteria such as: (a) long standing community policy direction from the Board of County Commissioners; (b) principles articulated in the Vision 2020 Plan; (c) compatibility with existing uses, protection of neighborhoods, protection of

private property rights, no creation of new streets, plan amendments, etc.).

Based upon an initial evaluation of compatibility proposed, would be consistent with Plan policies consistent with the Seminole County Comprehensive

Applicable Plan policies include, but not limited to:

1. **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 applicant is proposing to change the future Estates to Low Density Residential to develop with R-1A zoning to construct approximately. While the Low Density Residential land use adjacent to Suburban Estates, the appropriateness of transitioning PLU to R-1A is not believed that the intensity of the proposed development provide any transitioning or buffering from environmentally sensitive lands to the south.

2. **Determination of Compatibility in the Low Density Residential Future Land Use Designation:** *An objective procedure to ensure harmonious and appropriate transitional land uses relative to density, intensity, lot sizes, house sizes and setbacks among various residential zoning classification. (Future Land Use Policies 2.10 and 12.7)*

In 1998, Seminole County adopted Ordinance the single-family residential zoning classification use. The procedure was applied to the proposed the most appropriate zoning classification would or rezone to RC-1 (Country Homes District) but not net acre in size per lot. Therefore, Planning classification and Low Density Residential land uses relative to the density, intensity, and surrounding area.

Other applicable plan policies include:

Consistency with Future Land Use Element: C
Consistency with Future Land Use Element: W

Consistency with Future Land Use Designation
Classifications Policy 2.12.4
Consistency with Wetlands Regulation: Consider
Consistency with the Flood Prone Overlay Zone
Policy 4.3.5
Consistency with Conservation Easements: Co
Consistency with Agency Regulation Coordina
4.3.10
Extension of Service to New Development: Pot
Extension of Service to New Development: San
Consistency with Land Use Coordination: Traffi
Access Management: Traffic Circulation Policy
Review of Development Applications: Traffic Ci
Consistency with the DeTraffic @ tiorcu la fiR ng P bsl+oy - W6

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 facilities and requires that final development or meeting the adopted LOS are available or will development. Additionally, preliminary development the condition that no rights to obtain final development nor any other rights to develop the subject project County's approval of the preliminary development

5. COORDINATION - Each application for a land use designation assess how and to what extent any additional intergovernmental 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 at 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.*

The Seminole County Comprehensive Plan Comprehensive Plan adopted pursuant to Chapter Strategic Regional Policy Plan of the East Central pursuant to Chapter 163, Florida Statutes. Current Regional Policy Plan will be evaluated by individual amendment review process.

Application

**APPLICATION FORM FOR LARGE SCALE AMENDMENT TO
THE SEMINOLE COUNTY COMPREHENSIVE PLAN
Seminole County, Florida**

Form #1

Applicant: Hugh W. Harling, P.E. Harling Locklin & Associates, Inc.
 Phone/Fax: 407-629-1406 / 407-629-2855
 Address: 850 Courtland Street; Orlando, FL. 32804

Property Owner's Name: Lake Jessup Woods
 Phone/Fax: 470-628-1086
 Address: 118 N. Wymore Rd. Winter Park, FL. 32789

Future Land Use Designation: SEN Assigned to Property:
 Future Land Use Designation: BDR Requested for Property:

Acres: 8.1 +/-
 Current Use: Vacant Property
 Source of Potable Water: Seminole County Service

Rezone From: A-1 To: R-1AA

Application checklist (all applications; **all documentation is** check price included):

- Completed application (#1); County staff is available to assist and encourages pre-application conferences.
- Vicinity map depicting ground property and major roads.
- Legal description and tax parcel number.
- Application fee of \$5,000.
- Applicant's statement as to reasons for requesting Comprehensive Plan and how the proposed amendment policies affect the

Additional information/ documents required with which

- Completed authorizations (#2), if applicable (Form #3) concurrent rezoning application (if not submitted, if amendment request includes rezoning, Development or Higher Intensity Planned Development or concurrent zoning request to either the PUD or PCD the Seminole County Comprehensive Plan. Application Division to ascertain the required requirements (407)321-1130 ext. 7433
- Special studies. If the applicant provides sufficient information to the County to transmit to the Florida Department of Transportation for review of the amendment. In some cases, staff may require that special studies be conducted. Examples of special studies which may be required are:
 1. For applications within the Wekiva River Protection applicant that the petition is consistent with the Wetlands and an analysis of environmental impacts.
 2. Traffic studies to identify the traffic of the proposed use with the existing or programmed network, near and far, etc.
 3. Wetlands mitigation plans where disruption above and beyond the mitigation to accommodate the proposed use.

- Supplemental information. If the applicant's supplemental documents in respect to a Plan amendment request be truthful, Florida Department of Community Affairs, this information must be submitted to the Current Planning Agency hearing to provide should contact the Current Planning Division regarding such information.
- Copy of fully executed contracts.
- Concurrency Application. If a Concurrency Determination is requested by the applicant, a Concurrency determination will be required for a Plan amendment application (and associated rezoning, if applicable), however, in conjunction with the first final development rights to obtain final development orders or permits, nor any rights implied by the County approval of the Plan amendment. It is understood, the applicant must complete and execute the Affidavit (or Concurrency Application, if desired) as part of the Water/sewer provider letter. Almost all of the future land use in the County's Comprehensive Plan require a water and sewer service area to ensure consistency under the Plan, sites proposed for a Plan amendment determine whether they are located within a service area depicted in Figures 11.1 and 14.1 of the Comprehensive Plan. If the site proposed for a Plan amendment is not presently within a service area boundaries as currently depicted in the Plan, the applicant must obtain from an appropriate utility service provider a letter stating that the utility is willing and capable of providing water and/or sewer service to the site.

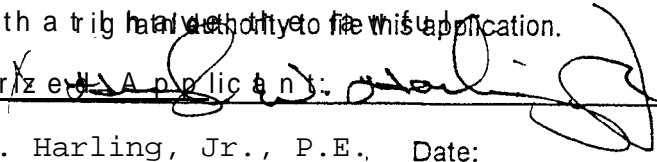
1. That the utility is, or will be, both willing and capable of providing water and/or sewer service to the site; and
2. What formal, legal steps, if any, the utility must undertake to provide water and/or sewer service to the site, and when the utility will undertake such steps;
3. That the utility would support and recommend the County's Comprehensive Plan amendment in connection with the applicant's Plan amendment; and
4. That the expansion of service to the site would not have a negative impact on service in the utility's existing service areas.

Please contact the Comprehensive Planning Division at 321-11130, extension 11130, to inquire about potential appropriate utility service providers.

I acknowledge that Seminole County may not defend any challenge to the County's related development approvals, and that it may be my sole obligation to obtain all necessary approvals which authorize the use or development of my property. Such acknowledgment does not imply approval by Seminole County or any of its boards.

I acknowledge that I have read the information contained in this application and Plan amendments to the Seminole County Comprehensive Plan and have understood the same with regard to matters set forth therein and, accordingly, fully understand the consequences relating to this application.

I hereby represent that I am authorized to file this application.

Signature of Authorized Applicant: 

Print or type name: Hugh W. Harling, Jr., P.E. Date: _____

An authorized applicant is defined as:

1. The property owner of record; or
2. An agent of said practitioner or owner (as defined by property submitted with the application); or
3. Contract purchaser (a copy of a fully executed sales contract containing a clause or clauses allowing an application).

If the application is made by a partnership, corporation, or trust, beneficiaries must be provided. All matters relating to the application of the application form, the applicant agrees to hold to the applicants relationship with the applicants principal or principals.

Agent or Purchaser's Name: Harling Locklin & Associates, Inc.

Phone/Fax: 407-629-1007 / 407-6629-2855 fax

Address: 850 Courtland St.; Orlando, FL. 32804

Names of Co-owners:

Names of Beneficiaries of Trust:

Names of Corporate Officers:

Names of Partners:

Robert H. Hara, General Partner

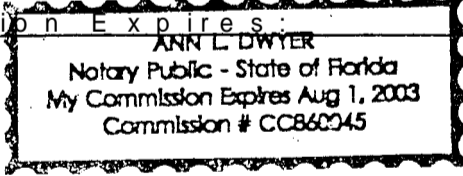
I/we Lake Jessup Woods Partnership property owner(s), hereby authorize Harling Locklin & Associates to act as my/our agent for an amendment to the Seminole County Ordinance regarding the amendment request.

SWORN TO AND SUBSCRIBED 5th day of March 19 2001

Ann L. Dwyer

Notary Public in and for the County and State of Florida

My Commission Expires:



Statement of Reasoning

Application Request:

Amendment to the Seminole County Comprehensive Plan to change the 81.3± acre subject site Future Land Use Designation from Suburban Estates (SE) to Low Density Residential (LDR)

General Location:

The amendment site property is located in Section 23, Township 20, Range 30 in northeast Seminole County. More specifically, the site is south of Myrtle Street, west of Hester Avenue, east of Nolan Road, and north of Lake Jessup.

Introduction:

This application for a Comprehensive Plan Amendment is the first step in the ultimate goal of rezoning the property and developing the site with low density residential. Based upon the proposed development program, the project will consist of an estimated 180 to 200 single-family residences.

The site is currently vacant with no significant improvements in place. The site is bounded by low density residential to the west and single family/agriculture to the north and east. The developer has donated the land to the south to be part of the state park along Lake Jessup. The surrounding land uses, zoning and future land use designations are presented on the attached maps and discussed in greater detail below.

Land Use Analysis:

The subject site is located southeast of the City of Sanford. The property to the west is called Autumn Chase, which is a 78± lot subdivision and is zoned R-1A and R-1AAA. The remaining acreage in the immediate vicinity is zoned A-1 and consists of mostly single-family residential and vacant land.

Adjacent Zoning:

North: A-1
East: A-1
South: A-1
West: R-1A, R-1AAA, & A-1

Adjacent Future Land Use Designation:

North: Suburban Estates (SE)
East: Suburban Estates (SE)
South: Suburban Estates (SE)
West: Low Density Residential (LDR) & Suburban Estates (SE)

The nearby development along SR 427 includes single family residential with lots ranging from 50 to 100' in width and 100 to 200' in depth, as well as some commercial, and industrial.

The amendment site is in an area that is a logical expansion of low density residential southeast from the growing areas surrounding the City of Sanford. Urban services are available and the proposed land use (LDR) is a compatible use with the existing and proposed development pattern.

The proposed amendment is a change in land use from Suburban Estates (1 du / acre) to Low Density Residential (4 du / acre). The services required by the proposed development activity are currently available and within the capacity of the providers.

Utility Water & Sanitary Sewer Services:

Seminole Co-untly currently has a 6” force main on the west side of Hester Avenue, which runs to the Greenwood Wastewater Treatment Plant. There is also an 8” water main on the west side of Hester Avenue, which runs to the Country Club Water Treatment Plant, which is connected to the Greenwood Water Treatment Plant. The lines are approximately 700 feet west of the site and there currently is enough capacity for the proposed project.

Telephone and Electric:

Bellsouth provides telephone service. Electric service is provided by Florida Power Corporation. Services are readily available with no significant upgrading or equipment additions required,

Transportation & Roads:

Access to the site will be from Myrtle Street connecting to Hester Avenue to the west and Nolan Road to the east. SR 427 is less than a mile away with direct access from Hester Avenue.

Myrtle Avenue and Hester Avenue are 2-lane paved county roads classified as minor collectors. Based on 2000 Seminole County traffic counts, Myrtle Avenue has a volume of 965 ADT, and Hester Avenue has a volume of 1,519 ADT.

The segment of CR 427 that would serves the proposed project is between Sunland Drive and County Home Road. The volume based on the 2000 Seminole County Traffic Counts is 13,495ADT, and has a remaining capacity of 17,164ADT. The segment of CR427 from County Home Road to US 17-92 has a volume of 10,766 ADT, and has a remaining capacity of 21,000ADT.

The proposed development program of 200 lots would create an estimated 1,910 average daily trips (ADT's).

Schools:

The site is within the Seminole County School District. The project is located within Seminole County Schools Northeast Cluster for elementary schools; the Northeast Cluster includes Hamilton Elementary School on East 8th Street, Midway Elementary School on Jitway, or Pinecrest Elementary School on West 27th Street, all in Sanford. Millennium Middle School on Lakeview Drive in Sanford and Seminole High School on Ridgewood Avenue in Sanford would also serve the residents of the site. Based upon the anticipated development program of 200 lots, the project student population would be approximately 130 school-aged children.

Law Enforcement & Fire Protection:

The project is within the acceptable response limits of Seminole County Fire State “ 35 located 1.5 miles to the northeast on County Home Road. The Seminole County Sheriff’s Department provides Law Enforcement. The proposed project is located near current patrol routes. The development will not create significant demands for Fire, Emergency, and Law Enforcement services. The limited added demands would be addressed through payment of standard impact fees and increased property taxes.

Consistency with the Goals, Objectives, and Policies of the Plan:

The proposed project is consistent with the following Land Use policies:

Policy 2.2.1 - Subdivision Standards

The proposed project shall comply with the Land Development Code provisions relating to the following:

- development within flood prone areas;
 - building setbacks and heights;
 - roadway buffers;
 - landscaping;
 - drainage;
 - on-site traffic flow and parking;
 - drainage and storm water management
 - fences and walls; and
- The maintenance and use of common open space areas through homeowners associations.

Policy 11.3.6 - Adopted Potable Water Service Area Map

The property is located within the Seminole County Utilities service area and will connect to the central water system.

Policy 11.4.5 - Extension of Service to New Development

The developer shall fund the cost of extending water lines to serve the proposed development.

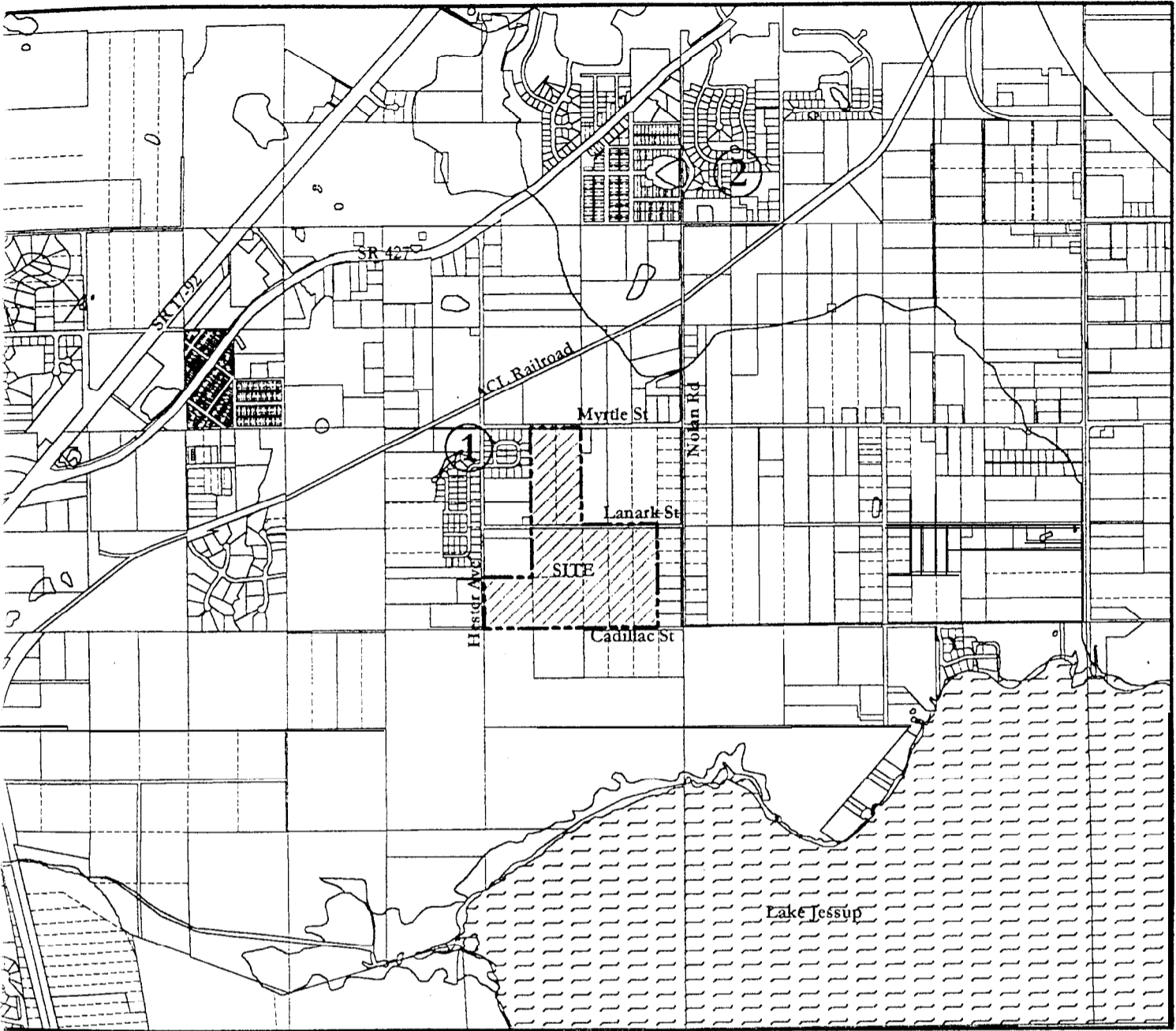
Policy 14.3.6 - Adopted Sanitary Sewer Service Area Map

The property is located within the Seminole County Utilities service area and will connect to the central sanitary sewer system.

Policy 14.4.4 - Extension of Service to New Development

The developer shall fund the cost of extending water lines to serve the proposed development.

Exhibits and Maps



Lake Jessup Woods

Area: 81.3 acres ±
 Location: Seminole County, Northwest of Lake Jessup
 Existing Land Use: Suburban Estates
 Proposed Land Use: Low Density Residential
 Existing Zoning: A-1
 proposed Zoning: R-1AA

Subdivision Names

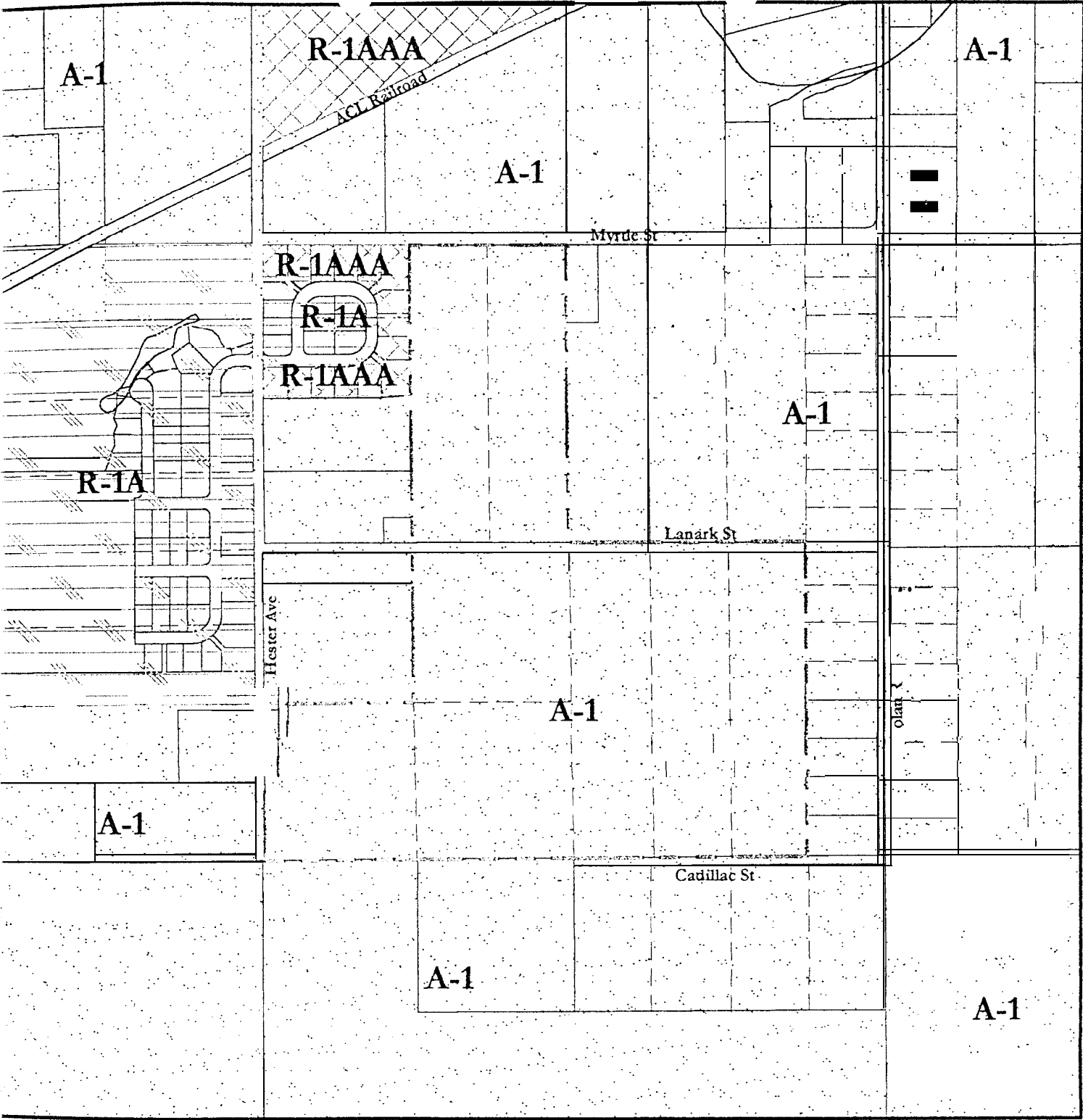
- 1 - Autumn Chase
- 2 - Middleton Oaks

North

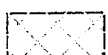

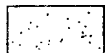
Scale = 2000'

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AN ASSOCIATES, INC.

3/19/01 0105exc2



Lake Jessup Woods - Existing Zoning

-  Residential (R-1AAA)
-  Residential (R-1-4)
-  Agricultural (A-1)

h t r o N

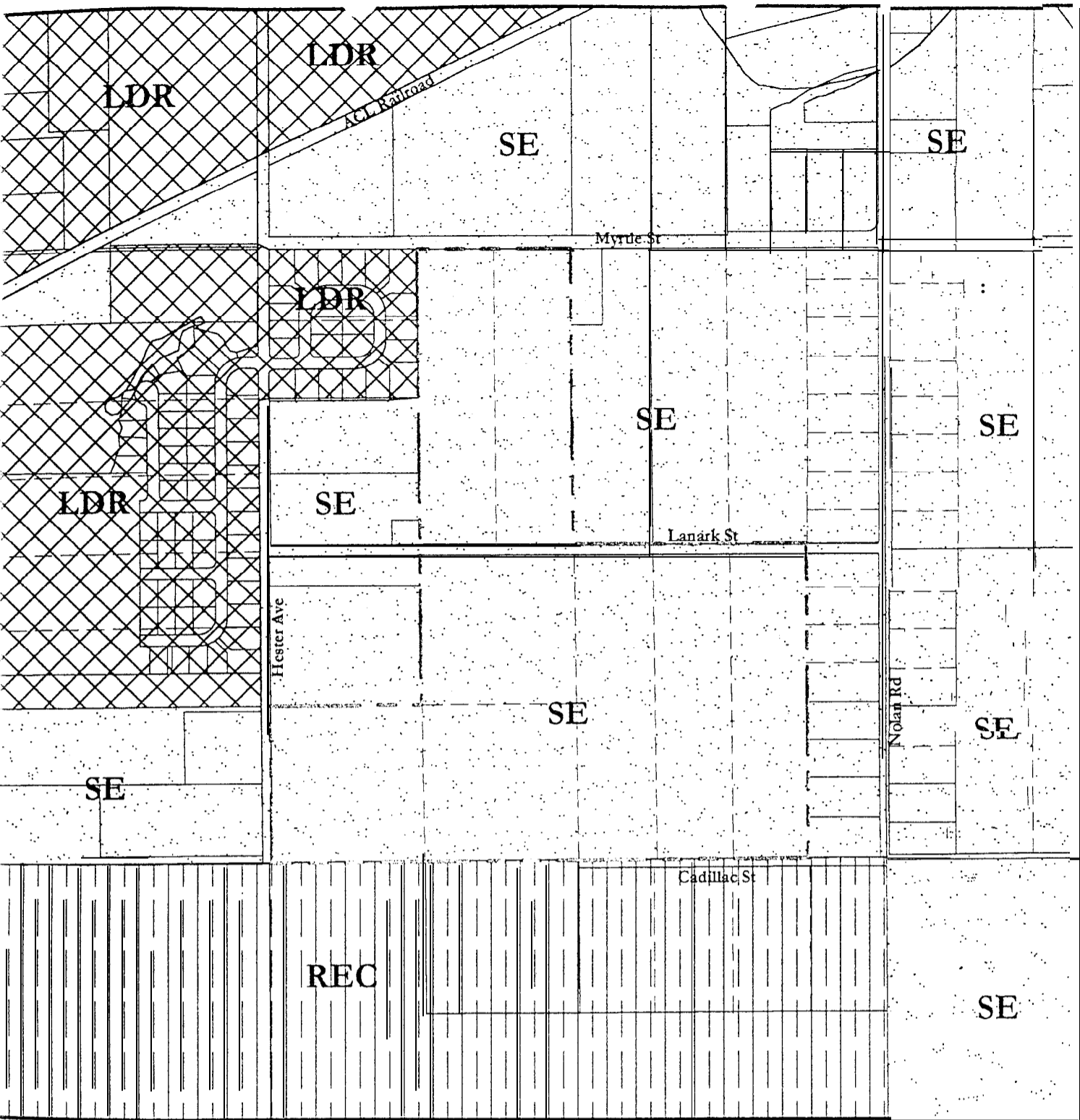


: e l a c S 1"=600'


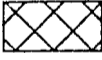
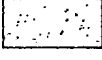
G N I L R A H

LOCKLIN
ASSOCIATES, INC.

3/19/01 0105excl



Lake Jessup Woods - Existing Land Use

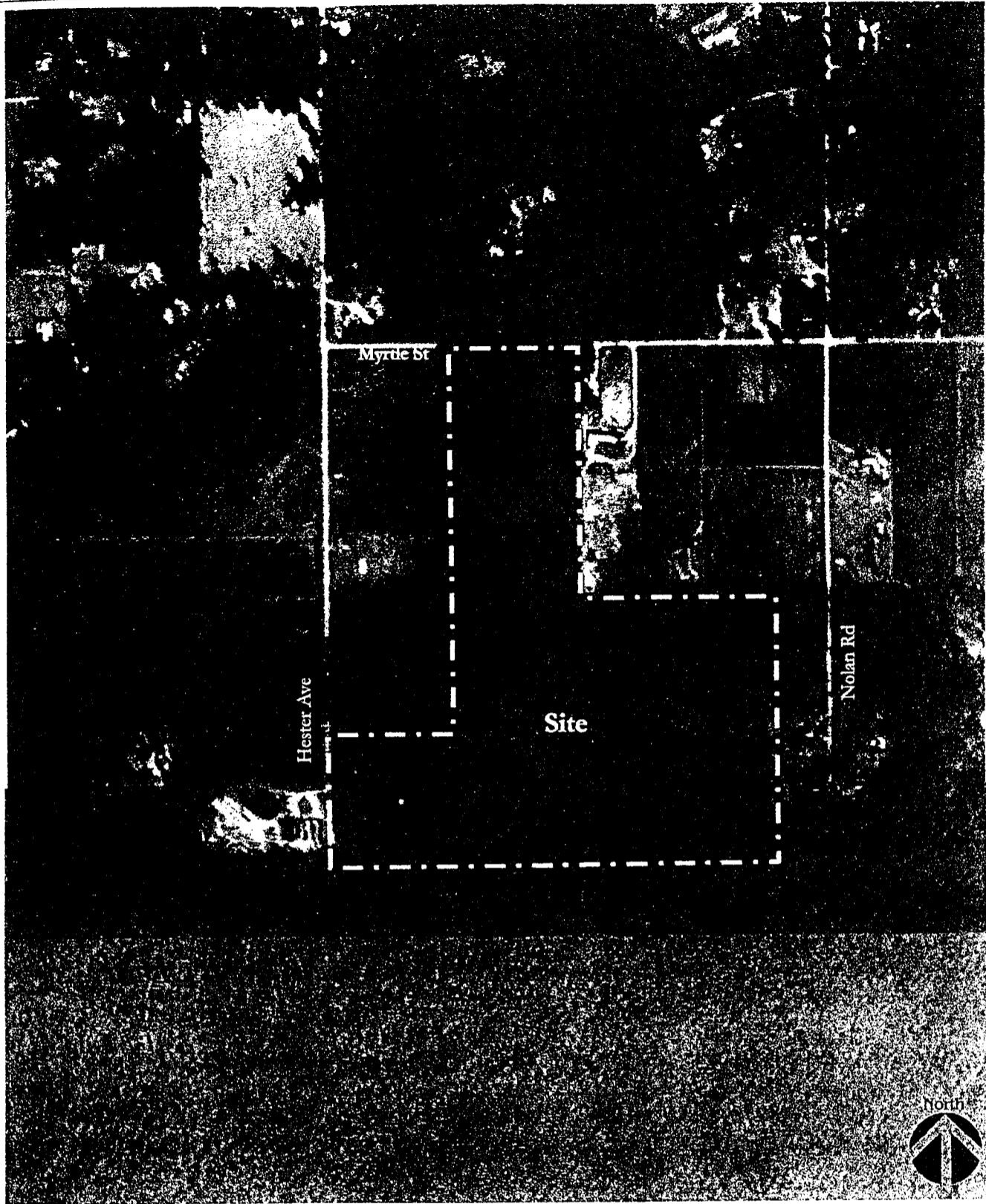
-  Recreation (REC)
-  Low Density Residential (LDR)
-  Sub Urban Estates(SE)

North



Scale 1"=600'

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& ASSOCIATES, INC.
3/19/01 0105exc1



**HARLING
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& ASSOCIATES INC.**

Lake Jessup Woods

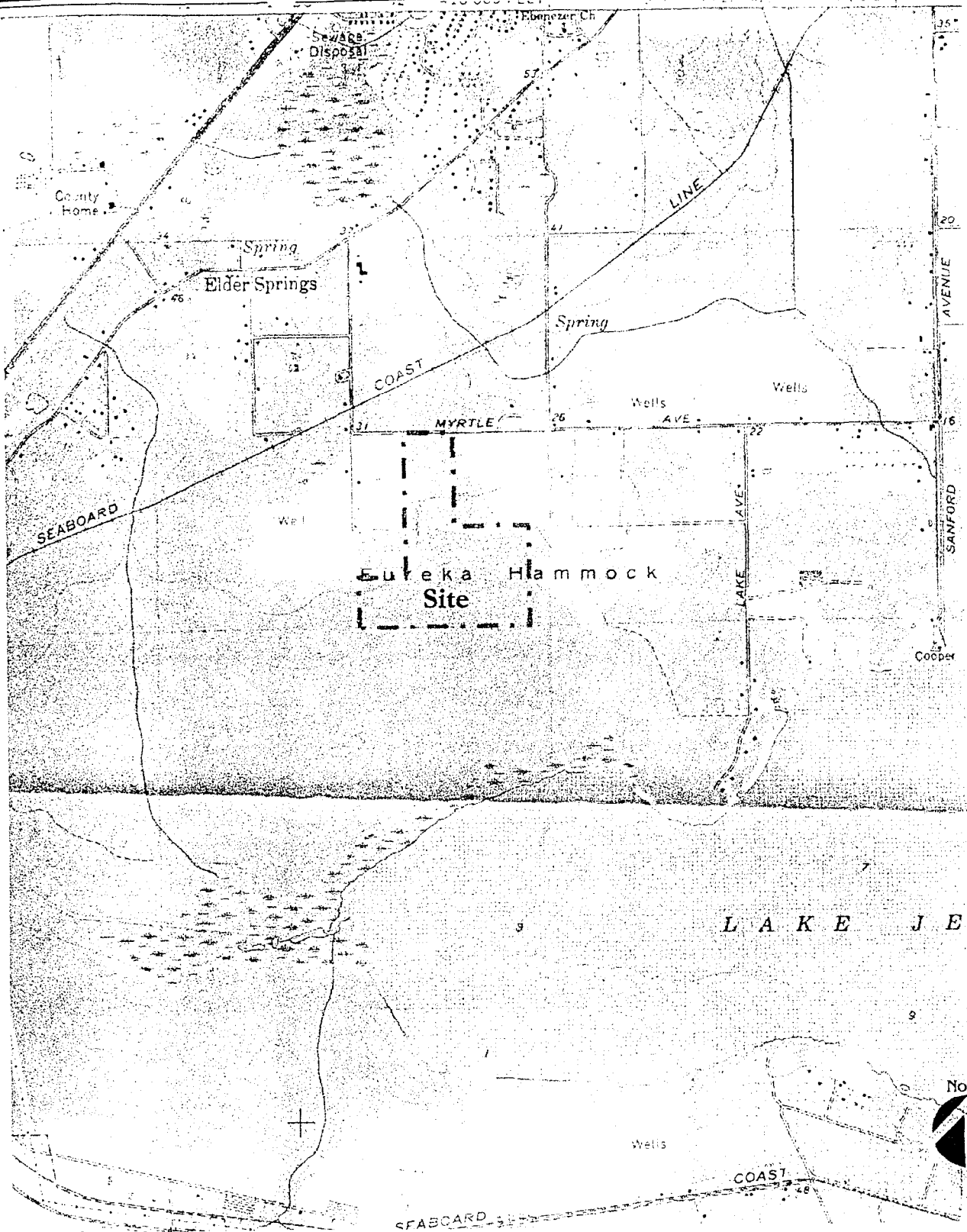
Aerial overlay

Job number: 0105

Date: 03/19/01

rg2

Prepared by:
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850 Courtland Street
Orlando, Florida 32804
Ph: 407-629-1061 Fax: 407-629-2855



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& ASSOCIATES INC.**

Lake Jessup Woods

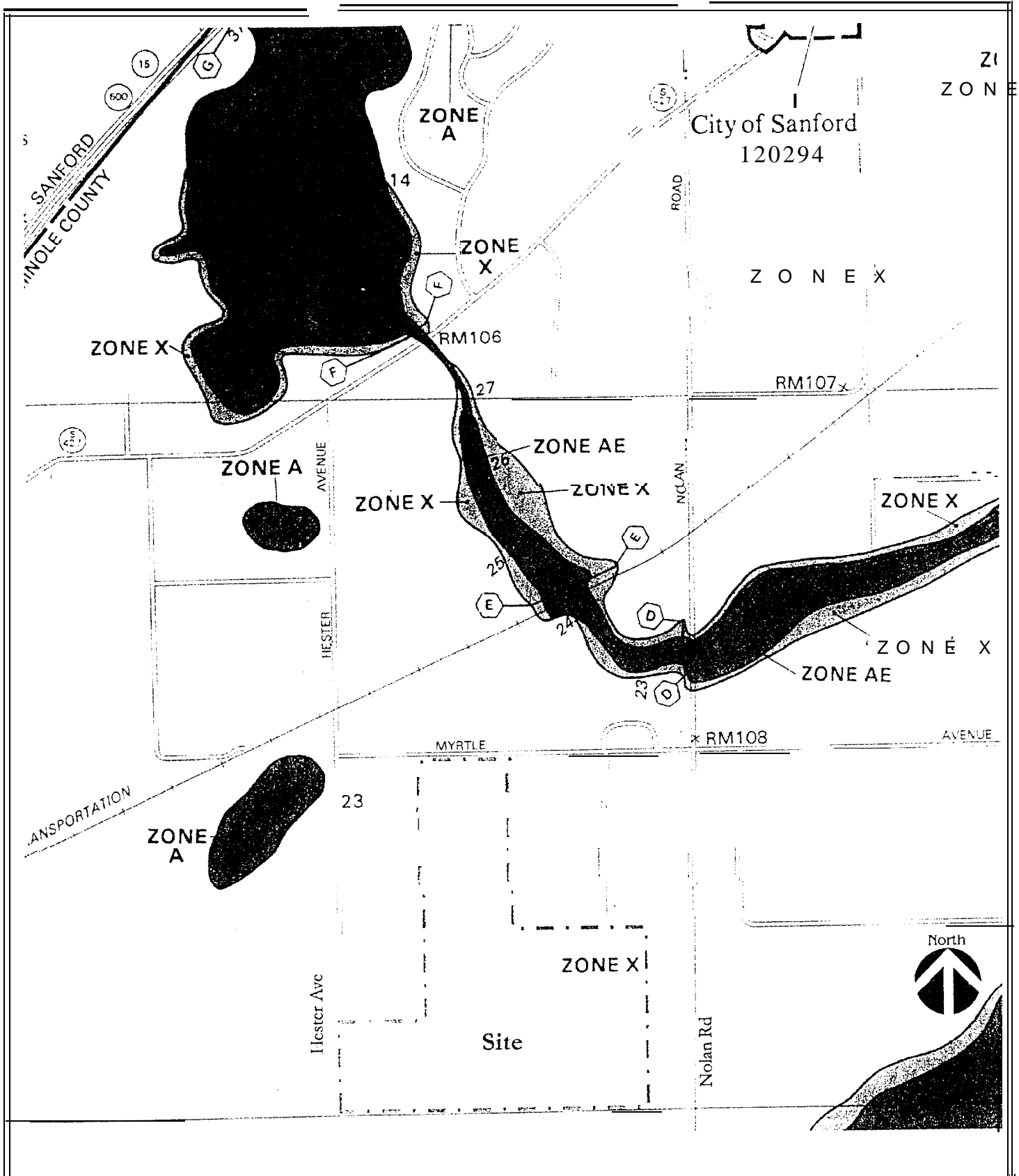
USGS overlay

Job number: 0105

Date: 03/19/01

rg

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Lake Jessup Woods
 Firm Map
 panel # 12117C0135 E

Job number: 0105
 Date: 03/19/01
 rg2
 Prepared by:
 Harlin Locklin & Associates Inc.
 650 Courtland Street
 Orlando, FL 32804
 Phone: 407-629-1061 Fax: 407-629-2855

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
SEMINOLE COUNTY,
FLORIDA AND
INCORPORATED AREAS

PANEL 135 OF 260

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
LAKE JESSUP WOODS	12117C	0135	E
WINDY HILLS	12117C	0135	E
WINDY HILLS	12117C	0135	E
WINDY HILLS	12117C	0135	E
WINDY HILLS	12117C	0135	E

Notice To User: The MAP NUMBER shown below should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER
12117C0135**E**

EFFECTIVE DATE:
APRIL 17, 1995



Federal Emergency Management Agency

LEGEND

- SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD
- ZONE A** No base flood elevations determined.
- ZONE AE** Base flood elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually street flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE A99** To be programmed from 1955 maps have no Federal flood protection systems under construction; no base flood elevations determined.
- ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.
- FLOODWAY AREAS IN ZONE AE
- OTHER FLOOD AREAS
- ZONE X** Areas of 50-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square miles, and areas protected by levees from 100-year flood.
- OTHER AREAS
- ZONE X** Areas determined to be outside 500-year flood plain.
- ZONE D** Areas in which flood hazards are undetermined.
- UNDEVELOPED COASTAL BARRIERS*
- Identified 1961
- Identified 1961
- Otherwise Protected Areas from 1961 On Later
- (Coastal barrier areas are normally located within or adjacent to special flood hazard areas.)
- Floodplain Boundary
- Floodway Boundary
- Zone D Boundary
- Boundary Dividing Special Flood Hazard Zones and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones
- Base Flood Elevation Line (Elevation in Feet)
- Cross Section Line
- Base Flood Elevation in Feet Where Uniform Within Zone
- Elevation Reference Mark
- River Mile

*Referenced to the National Geodetic Vertical Datum of 1929

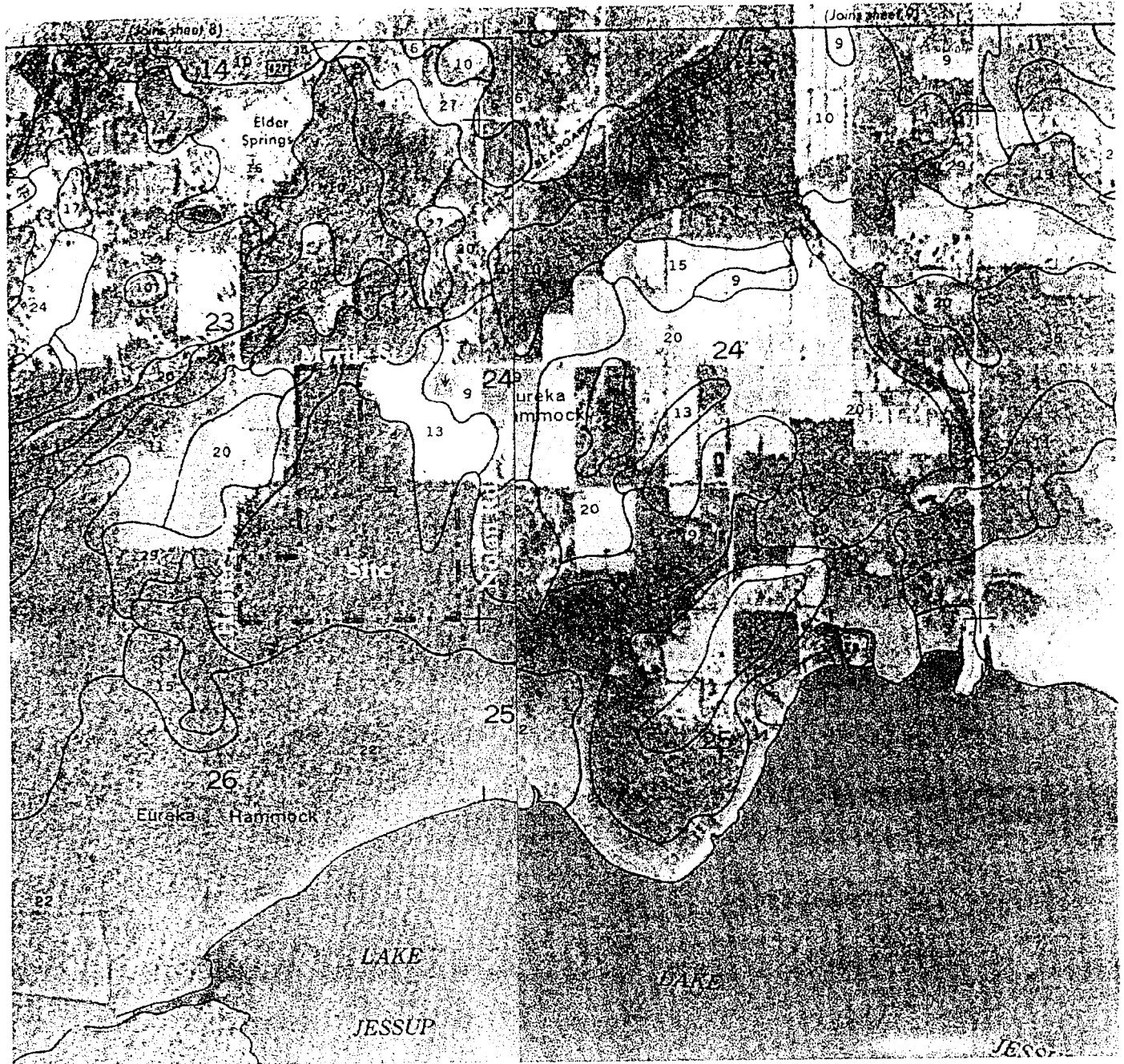
**HARLING
LOCKLIN I
& ASSOCIATES INC.**

Lake Jessup Woods

Firm Panel cover &
Legend

Job number: 0105
Date: 03/19/01
rg2

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& ASSOCIATES INC.**

Lake Jessup Woods

Soils Map

Job number: 0105

Date: 03/19/01

rg

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TABLE 13: ENGINEERING INDEX PROPERTIES

The symbol "<" means less than; ">" means more than. Absence of an entry indicates that data were not estimated.

Map Symbol and Soil Name	Depth (In)	USDA Texture	Classification		Fragment > 3 Inches	Percentage Passing				Liquid Limit (Pct)	Plasticity Index
			Unified	ASSHTO		4	10	40	200		
11 Basinger Smyrna	0-5	Mucky fine sand	SP, SP-SM	A-3, A-24	0	100	100	85-100	1-12	--	NP
	5-80	Sand he sand	SP, SPSM	A-3, A-2-4	0	100	100	85-100	2-12	--	NP
	0-2	Fine sand	SP, SP-SM	A-3, A-24	0	100	100	80-100	2-12	--	NP
	2-15	sand, fine sand	SP, SP-SM	A-3	0	100	100	80-100	2-10	--	NP
	15-25	Sand, fine sand, loamy fine sand	SM, SP-SM	A-3, A2-4	0	100	100	80-100	5-20	--	NP
	2550	Sand fine sand	SP-SP-SM	A-3	0	100	100	80-100	2-10	--	NP
13 EauGallie Immokalee	0-8	Fine sand	SP, SP-SM	A-3	0	100	100	80-98	2-5	--	NP
	18-30	Sand, fine sand	SP-SM, SM	A-3, A-2-1	0	100	100	80-98	5-20	--	NP
	30-45	sand, fine sand	SP, SP-SM	A-3, A-24	0	100	100	W-98	2-12	--	NP
	45-64	Sandy loam, fine sandy loam, sandy clay loam	SM, SM-SC, SC	A-24, A-2-6	0	100	100	80-98	20-35	<40	NP-20
	64-80	sand, loamy sand, loamy fine sand	SP-SM, SM	A-3, A-2-4	0	100	100	80-98	5-25	--	NP
	0-4	Fine sand	SP, SP-SM	A-3	0	100	100	70-100	2-10	--	NP
	4-42	Fine sand	SP, SPSM	A-3	0	100	100	70-100	2-10	--	NP
	42-62	Fine sand, sand	SP-SM, SM	A-3, A-24	0	100	100	70-100	5-21	--	NP
	62-80	Fine sand, sand	SP, SP-SM	A-3	0	100	100	70-100	2-10	--	NP
	80	Fine sand, sand	SP-SM, SM	A-3, A-24	0	100	100	70-100	5-21	--	NP
22 Nittaw	0-2	Muck	PT	--	--	--	--	--	--	--	--
	2-10	Sand, fine sand mu&y fine sand	SP-SM, SM	A-3, A-24	0	100	100	85-100	5-20	--	NP
	10-60	Sandy clay, clay	CH, CL	A-7	0	100	100	85-100	51-70	40-80	21-50
	60-80	sand, fine sand, fine sandy loam	SP, SP-SM, SM, SM-SC	A-3, A-2-4	0	100	100	85-100	4-25	<28	NP-7
29 St. Johns EauGallie	0-12	Fine sand	SP, SP-SM	A-3	0	100	100	75-95	3-10	--	NP
	12-22	Sand, fine sand	SP, SP-SM	A-3	0	100	100	85-95	3-10	--	NP
	22-54	Sand, fine sand, loamy fine sand	SP-SM, SM	A-3, A-2-4	0	100	100	85-95	5-20	--	NP
	54-80	sand, fine sand	SP, SP-SM	A-3	0	100	100	80-90	2-10	--	NP
	0-16	Fine sand, sand	SP, SP-SM	A-3	0	100	100	80-98	2-5	--	NP
	16-35	Sand, fine sand	SP-SM, SM	A-3, A-24	0	100	100	80-98	5-20	--	NP
	35-38	Sand, fine sand	SP, SP-SM	A-3, A-24	0	100	100	80-98	2-12	--	NP
	38-72	Sand, fine sand, loamy fine sandy loam, sandy clay loam	SM, SM-SC, SC	A-24, A-2-6	0	100	100	80-98	20-35	<40	NP-20
	72-80	sand, loamy sand, loamy fine sand	SP-SM, SM	A-3, A-2-1	0	100	100	80-98	5-25	--	NP
	80	sand, loamy sand, loamy fine sand	SP-SM, SM	A-3, A-2-1	0	100	100	80-98	5-25	--	NP

Information from United States Department of Agriculture
Soil Conservation Service

**HARLING
LOCKLIN
& ASSOCIATES INC.**

Lake Jessup Woods
Engineering Index Properties
Soils: 11, 13, 22, & 29

Job number: 0105
Date: 03/19/01

Prepared by:
Harling Locklin & Associates Inc.
850 Courtland Street
Orlando, Florida 32804
P h :407-629-1061 Fax: 407-629-2855

Parcel Numbers and Legal Description

**PARCEL NUMBERS
LEGAL DESCRIPTION**

23-20-30-5AQ-0000-1090

Leg Lots 109 + 110 (Less North 8 ½ feet for road) Eureka Hammock Plat Book 1, Page 106

23-20-30-5AQ-0000-1150

Leg Lots 115,116 & 117 Eureka Hammock Plat Book 1, Page 106

23-20-30-5QA-0000-1030

Leg Lots 103 to 105 Eureka Hammock Plat Book 1, Page 106

**HARLING
LOCKLIN
& ASSOCIATES, INC.**

CONSULTING ENGINEERS • PLANNERS • SURVEYORS

LETTER OF AUTHORIZATION

Parcel I.D .

23-20-30-5AQ-0000-1090

23-20-30-5AQ-0000-1150

23-20-30-5AQ-0000-1030

Part of Section 23, Township 20 South, Range 30 East
Seminole, Florida

To Whom it May Concern:

As the Owners of the parcel referenced above I authorize Harling Locklin & Associates, Inc. to act on our behalf for all signatures in application to land use amendment, rezoning, site plan, development, construction and all permit approvals.

Robert Hura, General Partner

Name & Title

LAKE JESSUP WOODS PARTNERSHIP

3-5-01

Date

**LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

**COUNTY SERVICES BUILDING
ROOM 1028**

August 1, 2001 – 7:00 P.M.

M I N U T E S

Board Present:

Paul Tremel, Acting Chairman

Alan Peltz

Grey Wilson

Ben Tucker

Board Absent

Dick Harris, Chairman

Tom Mahoney, Vice Chairman

Mark George

Staff Present:

Matt West, Planning Division

Alice Gilmartin, Planning Division

Dick Boyer, Planning Division

Tony Matthews, Planning Division

Cindy Matheny, Planning Division

Amanda Smith, Planning Division

Kathy Fall, Planning Division

Craig Shadrix, Planning Division

Steve Lee, Deputy County Attorney

A. LAKE JESSUP WOODS; HARLING LOCKLE & ASSOC./HUGH HARLING; APPROXIMATELY 81 ACRES MORE OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM SE (SUBURBAN ESTATES) TO LDR (LOW DENSITY RESIDENTIAL); (01F.FLU01); REZONE FROM A-I (AGRICULTURE) TO R-1AA (SINGLE-FAMILY RESIDENTIAL); SOUTH OF MYRTLE ST, NORTH OF CADILLAC STREET, AND EAST OF HESTER AVENUE APPROXIMATELY 81 ACRES MORE OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM SE (SUBURBAN ESTATES) TO LDR (LOW DENSITY RESIDENTIAL); (01F.FLU01); REZONE FROM A-I (AGRICULTURE) TO R-1AA (SINGLE-FAMILY RESIDENTIAL); SOUTH OF MYRTLE ST, NORTH OF CADILLAC ST, AND EAST OF HESTER AVENUE (PZ01-09) (Continued 07/11/2001 LPA/P&Z)

District #3 Amanda Smith

The applicant is requesting a Large Scale land use amendment from SE to LDR, and rezoning from A-I to R-1AA for the development of approximately 180-200 single family residential lots. The subject property is 81 acres in size and located south of Myrtle Street and east of Hester Avenue.

The area primarily consists of large acre tracts developed with single family residential dwelling units with some agricultural uses along Myrtle Street. The Autumn Chase subdivision to the west of the subject property consists of both R-1A and R-1AAA sized lots and contains approximately 78 single-family lots. South of the subject property is State and County owned public/natural lands.

According to the County's Geographic Information Systems (GIS) data, approximately 75%-80% of the subject property is covered by wetlands and is considered flood prone. Based on a cursory review of the site and published data provided by the applicant and County information, Mr. Torregrosa, the Seminole County Natural Resources Officer and Craig Shadrix with the Planning Division, have determined that the wetlands may encompass up to 90% of the subject property. Prior to the approval of any rezoning actions for the area, field verification by the St. Johns River Water Management District will be required to determine if the wetlands are classified as jurisdictional or written verification that the jurisdictional wetland line, as established by the Department of Environmental Regulation in 1986 and submitted by the applicant, is still valid. If these areas are classified as jurisdictional wetlands, they may not be counted towards the net acreage of each site. Per the Seminole County Land Development Code the Wetlands Overlay Classification (W-I) shall apply to wetlands which are ½ acre in size or larger, have a direct hydrologic connection to a ½ acre or larger, or their adjacent areas.

Planning Staff believes that the proposed request is premature without determining the extent and impact to the wetlands. Under the new Comprehensive Plan, urban wetlands may be impacted provided that aggregate properties within the Lake Jesup Basin are acquired as conservation lands, so that wetland connectivity of a regional significance is achieved. The hydrologic and biochemical processes of these regionally significant wetlands should be retained and not compromised by development activities associated with a 180-lot subdivision.

Mr. Torregrosa, has also determined that there are two eagles' nests in the vicinity of the subject area, which may restrict any construction within 750 feet and loud noises within 1500 feet of the nests during the nesting season.

The Low Density Residential land use designation is considered a compatible land use adjacent to Suburban Estates, However, the Comprehensive Plan is silent to the appropriateness of transitioning LDR adjacent to Recreation. Planning Staff believes that the intensity of the proposed development is too dense and does not provide any transitioning or buffering from the passive recreational and environmentally sensitive lands to the south.

Staff utilized the Lot Compatibility Matrix ordinance to determine the compatibility of the proposed R-1AA zoning for the subject property. It was determined that the most appropriate zoning classification would be either to remain A-1 (Agriculture) or rezone to RC-1 (Country Homes District), both of which require a minimum of one net acre in size per lot. Therefore, Planning Staff believes that the R-1AA zoning classification and Low Density Residential land use are inappropriate transitional land uses relative to the density, intensity, and lot sizes for the character of surrounding area.

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

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

Also, based on the above analysis, staff recommends that the subject request:

1. Is not in compliance with the applicable provisions of the Seminole County , Comprehensive Plan and the Seminole County Land Development Code related to R-1AA zoning; and

2. The request, as proposed, would be incompatible with surrounding development.

Staff recommends denial of the rezoning from A-1 (Agriculture) to R-1AA (Single Family Dwelling).

The applicant, Hugh Harling, said in looking through staffs comments from a development standpoint we have an R-1A and R-1AA and a perimeter of R-1AAA lots immediately to the west that are adjacent to the property. To the north and west at the corner of Hester Road and Myrtle is a church. To the immediate east is a riding stable for commercial utilization. One of the things shown in the plan is a 25' perimeter around the entire tract. Also, the plan includes utilization of the equestrian nature to the east and allowing that 25' perimeter that comes down the east side to go all the way through and become a trail that would allow access into the County park area to the south. There is a railroad to the north that runs on an angle and at some point and time that railroad will be abandoned and once it is abandoned it will probably become a trail and that would allow a connection of a trail in this vicinity with other public lands.

There is a church across the street and a commercial stable next door which are all R-1AA and R-1AAA to the west and then staff won't have any way of evaluating this particular property adjacent to a publicly owned property. The applicant has worked very hard with the residents that are in the Aster Farms area and came up with a boundary along the public property that the County owns out there that included a 25' buffer and a chain link fence to keep the critters on their side. We do have a model to follow and the 25' buffer that we have proposed is appropriate adjacent to public lands which would make our request compatible.

Our total density has been revised downward from what was shown in our original request. Regarding traffic circulation, we realize that we would have to make some donations of right-of-way and some road improvements. Water and sewer services are immediately adjacent to our site and are provided by Seminole County, which would eliminate the use of septic tanks in this location. The response time from the nearest fire station is less than 5 minutes.

We are willing to modify our zoning request to allow R-1AAA on the eastern parameter, plus a 50' buffer that would be a trail and in addition to that, R-1AAA lots along that parameter.

Commission Wilson asked if the rail corridor passed through this property?

Mr. Harling said it did not pass through this property.

PUBLIC COMMENTS

Joan Coil, 207 Albert Street, spoke in opposition to this request. She said this is a natural area and no one takes into consideration that this one of the reasons that many residents chose to live there. She feels the wildlife should be protected.

Danny and Lois DeCiryian, 1581 Silk Tree Circle, spoke in opposition to the request. They are concerned about the environmental impact to the wetlands and traffic safety because of the curve at Myrtle/Hester Drive. Mr. DeCiryian is confused about the location of the wetlands since it appears to be different than what Mr. Harling showed in his request. Ms. DeCiryian feels that taking out the woods would lower the property value of the residents already there. She said that Autumn Chase is only about 1/3 developed and there are already drainage problems.

Robert King, 2211 Black Hammock, spoke in opposition to the request. He feels the proposed amendment is incompatible with the surrounding area and the natural environment. He said that Autumn Chase, the adjacent community, was a mistake and should never have been permitted and should not be used as compatible for taking out the next piece of property adjacent to it. If this project is approved it will degrade Lake Jessup. B.J. Simons, Jr., 1550 Myrtle Street, did not speak but is in opposition of the request. He said the wetlands are the main habitat for the wildlife in this area and no more housing should be permitted. He is also concerned that the roads are not suitable for more traffic which more housing would generate.

Viola Menefee, 5575 Hester Avenue, did not speak but is in opposition to the request.

Frances Lord, 4835 Hester Avenue, did not speak but is in opposition of the request. She feels the property should never be developed as it is water drainage for the area into Lake Jessup.

Robert Jasmine, 1153 Myrtle Street, spoke in opposition of the request. He read from the minutes of the January 23, 1996 meeting when the BCC decided to override Zoning and Planning recommendations and allow Autumn Chase to be built. Commissioner McLain was concerned at that time about the adjoining Suburban Estates property and stated that as development moves forward in this area it maintain the compatibility of Suburban Estates (1/du per acre).

Ken Wilder, 5850 Hester Avenue, spoke in opposition of the request. He feels the property should remain compatible with what is out there now.

Mary Ann Baker, 651 Myrtle Avenue, spoke in opposition to the request. She is concerned about the traffic problems that will be caused by more people moving into the area. There are already traffic problems resulting from the development of Autumn Chase.

Frances and Earl Lord, 4835 Hester Avenue, did not speak but are in opposition to the request. They feel the rezoning is not compatible with the area and the zoning now in place. Also this is a very heavily wooded and drainage area.

Mr. Harling said that CR 427 has 2 segments that remain to be completed. Both of those are funded programs and will be constructed from a signal standpoint on Hester Road. From the amount of traffic that is already there, a traffic signal will be warranted when these improvements are made.

Mr. Harling is very conscience of how valuable the trees are for the sale of real estate lots in this development and feels the ability to save them will actually drive the development.

Mr. Harling said that the drainage design parameters and rules are there to protect the resources and he will work with the St. Johns Water Management District and the County to protect the resources.

Mr. Harling said the buffer that is in the northeast corner would not be touched. He will provide the buffering that was presented and also upsize the zoning to match the zoning that adjacent to the property, which is R-1AAA.

Mr. Harling feels this is a compatible project and is consistent with the land use. All services are available to this site. He requested that the Board vote for approval of this project and move it forward to the Board of County Commissioners.

Chairman Tremel asked what the difference in the elevation is between Autumn Chase and this property?

Mr. Harling said there is approximately 2'-3' of fill over the Autumn Chase site and this site would be comparable in elevation before the 2'-3' were placed on the site.

Chairman Tremel said that one of the things that he has observed over the years is the concern that the homes that are going to be built are not going to be of a value comparable to surrounding areas which in most cases proves not to be true. The ironic part is that it has a reverse effect on preserving the natural area because you end up with very large homes on smaller lots and there is less and less that is capable of being preserved. He would like to see smaller homes built and more of the natural environment being preserved.

Mr. Harling said if you take a 2,000 square foot home and put it on 11,700' lot that is not a lot of coverage for the house itself. The average selling price of a home in central Florida today is \$87 a square foot and that includes the lot and equates out to a \$174,000 house in this particular subdivision which would be the beginning price for a 2,000 square foot home. His expectation would be that

the majority of the homes built here would be somewhere between 2,400 and 2,800 square feet which would put them right in the \$200,000-\$225,000 price range.

Motion by Commissioner Wilson to deny this request. Second by Commissioner Peltz.

Commissioner Wilson asked staff if they have had a chance to evaluate the wetland presentation that was given tonight?

Mr. Shadrix said he has had a chance to take a preliminary look at the conceptual aerial, which was a non-binding conceptual that has not been signed off by an agency. Staff feels there is a great bit of concern regarding where the actual line is. A wetland delineation is not done unless there is a particular dispute but certainly more investigation can be made into this site. The question is still open as to where the wetland line exist.

Ms. Smith said the map that was used was a floodplain and wetlands map that was generated by the County's GIS data. This particular map was utilized for the lot size compatibility study because of issues concerning adjacent wetlands and when doing lot size compatibility, all wetland issues have to be thrown out for adjacent parcels. This map shows everything the County has pertaining to that data.

Commissioner Peltz said with regards to developed area, this site is in a flood plane.

Ms. Smith said it is either floodplain or wetland.

Commissioner Tucker asked if that was a FEMA map?

Mr. Smith said no.

Commissioner Tucker asked if staff had a FEMA map?

Ms. Smith said this information is generated from FEMA and also the FIRMA maps and USGS as well.

Mr. Shadrix said in areas where there is some mapping discrepancies, staff will sometimes look at other data sources such as FEMA but the St. Johns Water Management District updates their information on a regular basis and that is the data that is used in the County's GIS database to construct the preliminaries.

Ms. Matheny said this map does not reflect the underlying soils on the property and that it is USGS and FEMA data and incorporated all the flood prone areas within' the 100-year flood zone and wetlands. This map does show actual flood prone and wetland areas.

Chairman Tremel said the applicant mentioned that they didn't realize the wetlands determination had expired and that originally there was a binding wetland determination made on this site. Is that correct?

Mr. Shadrix said according to the information staff has available to them, there was some type of letter that existed showing jurisdiction of the wetland lines granted by a State agency in prior history. However, Seminole County has signed off on no such jurisdictional in the past.

Commissioner Tucker said he is voting in favor of the motion to deny because there are still too many unanswered questions and he doesn't have a good feeling about the drainage issues. Also, the density is too high for that area. He has problems with the compatibility questions that staff approaches regarding the compatibility of Suburban Estates to R-1AAA and how the residential property should be buffered from recreational property.

Ms. Smith said in regards to Suburban Estates adjacent to Recreation, Table 2.1 of the Seminole County Comprehensive Plan indicates that there are land uses that are appropriate adjacent to each other such as Suburban Estates adjacent to Low Density Residential. However, Recreation is not mentioned. Usually when requests like this come in, it is on a case-by-case basis and staff uses their professional judgement to determine the compatibility and buffering.

Chairman Tremel asked if the motion makers' intention was to deny the land use amendment land change and the rezoning?

Commissioner Wilson and Commission Peltz said yes.

Motion passed unanimously. (4-0)

PLAN AMENDMENT AND REZONE
HARLING LO & 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 Agency voted 4 to 0 to recommend denial with the staffs findings.

He reviewed the surrounding zonings and showed an aerial map (copy received and filed) of the pastureland, agricultural lands, and areas with housing already constructed in Autumn Chase.

Mr. Grace left the meeting at this time.

Mr. West also showed a planning map (copy received and filed) of the wetlands showing an approximate boundary of the wetlands as provided by the St. Johns River Water Management District. He said there was a lot of contention and debate at the Local Planning Agency meeting concerning what this map meant. He pointed out it is a planning tool and not ground truth.

Mr. West stated if the Commission desires to transmit the amendment and approves some type of development, Myrtle Street would have to be brought up to County standard. Also, if this property goes to LDR, staff recommends that central water and sewer be provided to this project and that would be a condition of approval. He said the response times are consistent with the Public Safety element. The concurrency aspect has been deferred until later at preliminary subdivision or final subdivision.

Mr. West discussed the wetlands and floodplain issues. He said staff estimates that 75% to 80% of the property is some type of wetland. He explained why this information is significant to know at this time. He stated that the St. Johns District has designated the Lake Jesup Basin as significant and the wetlands in it are very significant, and special attention is given to the impacts to the wetland basin. He read that Objective 7 (copy received and tiled) of the Conservation Element of the Comprehensive Plan states, "the County shall protect the functions provided by wetlands." He read that based upon the applicant's proposed development program, the project will consist of an estimated 180 to 200 single-family residences on this 80-acre piece, which means there is intent to significantly impact the wetlands on this property. He referred to Conservation Policy 3.6, Wetlands/Floodprone Regulations (copy received and filed), stating that "impacts to wetlands/floodplains beyond what is otherwise allowed in the land development regulations and Comprehensive Plan is prohibited, unless the project has a special reason or need to locate within wetlands (or wetland protection areas), and there is a clear demonstration of overriding public interest, and there is no feasible alternative. In such cases, impacts to wetlands shall be kept to the minimum feasible alteration, while preserving the functional viability to wetland to the maximum extent feasible. All

impacts to the wetlands shall be mitigated in accordance with the applicable provisions in the Comprehensive Plan and land development regulations.”

Mr. West read from Conservation Policy 7.10, Wetland Regulation-Intergovernmental Coordination (copy received and filed), that “Seminole County shall coordinate efforts with St. Johns River Water Management District and U. S. Army Corps of Engineers to maximize the benefits of mitigation in the Wekiva, Jesup, and Econlockhatchee River basins, and in the rural areas of the County.” He further read Conservation Policy 3.4 (copy received and tiled) that “in order to protect and sustain the functions and values provided by wetlands, the County shall by July, 2001, make all appropriate changes to the W-1 and FP-1 Zoning Overlay Classifications to accomplish the following, which shall serve as general guidelines for regulation of wetlands: modify the Land Development Code to establish areas where no loss of wetlands is appropriate and to require the conservation of wetland systems”

Mr. Grace reentered the meeting at this time.

Mr. West said staff is concerned with the big disparity with the applicant about how much of this property is wetlands and how many homes could be put on the property.

Commissioner Morris stated he thought between the P&Z hearing and tonight’s hearing, some work was to be done by St. Johns to flag the property and let the Board know what is going on.

Mr. West also advised that two eagles nests have been identified in close proximity to this property, and if there is development on the property, the timing of the construction may have to vary around the nesting habits of the eagles.

J. V. Torregrosa, Natural Resources Officer, addressed the Board to discuss the wetlands issue. He noted that his assessment was based on some of the areas and not the entire parcel. His focus was on whether or not there were wetlands outside those identified. He reported his investigation revealed there were areas outside the jurisdictional wetlands delineated by Breedlove, Dennis (applicant's consultant) that met the criteria for classification as jurisdictional wetlands. He said the St. Johns District was contacted to conduct their own assessment of the site, and the District stipulated that a permission letter from the owner was necessary. The District has not yet received that letter from the property owner.

Mr. West advised the staff's findings are that the applicant's request is premature due to the policies listed until they can come to a better understanding of where the wetlands are, and the request is inconsistent with the Plan policies identified. He thinks if this is transmitted to the State, he believes the State will have the same objections. Upon inquiry by Commissioner Morris, Mr. West said he is still opposed to R-1 AAA. He explained this request could become a small scale amendment instead of a large scale, depending upon where the wetlands are.

Hugh Harling, Harling Locklin, representing the property owner Ernie Rapp, addressed the Board to state he will review the information (Exhibit package received and filed) he submitted and the maps that more accurately depict the entire area. He said

this property has significant drainage implications for the entire basin on Myrtle Avenue and Hester Road. There is a ditch that runs north and south through the property that carries a tremendous amount of water away from the residents and the development and other properties that exist in this area. Additionally, at the northeast corner, there is another section that takes water into the property. He said these are agricultural ditches placed years ago and they have changed the hydrology and hydric nature of the soils in this area. He referred to the FEMA panel (copy in the exhibit package) and he showed the areas in gray depicting the 100-year flood elevations and said there are no 100-year flood elevations on this particular site, so, therefore, there is not a FEMA map or need for a FEMA alteration on this site. He showed the Soils Conservation Service map and said hydric soils are shown on the site and they acknowledge those as definitely wetlands.

Mr. Harling advised when their consultant visited the site, he said it was very thick and there had been a tornado that knocked down a wide swath of trees that made it very difficult to accomplish a wetlands flagging. If the Board allows them to transmit this amendment, they will cut lines on a 100-foot grid on the property and then the wetlands consultant can walk the line and flag the wetlands where identified and survey those lines to get a ground-truth wetland line.

Mr. Harling submitted in the exhibit package two letters from residents who agree this project is compatible and consistent with Seminole County policies on density. He said they have agreed to the R-1 AAA zoning, which means the minimum house-selling price would be in the area of \$185,000 and would add to the tax rolls. Also, they would comply with all the wetland policies, all the local, State, and federal laws regarding endangered species. Mr. Harling further stated if the Board chooses to transmit the

amendment and wish them to come back with a PUD zoning request, they would be willing to do that.

Upon inquiry by Commissioner Maloy, Mr. Harling explained the difference between the map by Breedlove, Dennis and the map by staff is that staff is saying the entire area is hydric and the applicant is saying some of the soils are not hydric, but the condition is due to agricultural ditching. He said if development occurs, they would be placing easements over the ditches to give Seminole County access, and would place easements adjacent to the ditches that give the County the ability to maintain the ditches.

Upon inquiry by Commissioner Morris on the road infrastructure and network not being compatible, Mr. Harling stated they would be required to upgrade the road system in front of the project and through Hester Road. They would also be required to continue to provide drainage flow into the ditch system. Further, he explained their consultant has indicated there are a lot of uplands on this site that can be developed successfully. He described the methods that could be used to avoid taking out all the existing trees.

Upon inquiry by Commissioner McLain, Mr. West discussed the similarities with the Wekiva project and the possibility of developing a PUD. Mr. West said this project is a perfect candidate for a PUD. He explained what the process would be to move forward with a PUD and delineate the actual wetlands. He said to have an adoption this calendar year, December 11 is the last target date. Another consideration would be a small scale amendment for a certain phase and follow with a large scale amendment on the balance of the property.

submitted pictures (received and filed) of the area taken during a rainstorm on September 14, 2001, for the Board to review. She said the land is now a sponge.

Wanda Culpepper, 5 157 Hercules Court, stated she would wait until the next meeting to make comments. The Written Comment Form from Stuart Culpepper was received and filed.

Robert S. Jasmin, 1153 Myrtle Street, stated he would defer his comments until later.

No one else spoke in support or in opposition.

Speaker Request Form for Earl and Frances Lord was received and tiled.

The Written Comment Form for Nancy Jasmin was received and filed.

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