

**LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**
COUNTY SERVICES BUILDING
ROOM 1028

July 10, 2002 - 7:00 P.M

MINUTES

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-
Board Present:

Ben Tucker, Chairman
Tom Mahoney, Vice Chairman
Allan Peltz
Dick Harris
Paul Tremel
Beth Hattaway

Board Absent

Don Nicholas

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Staff Present:

Matt West, Planning Division Manager
Pam Hastings, Public Works Department
Jerry McCollum, Public Works, Engineering Division
Kent Cichon, Planning Division
Cindy Matheny, Planning Division
Kathy Fall, Planning Division
Shannon Suffron, Development Review Division
Stephen Lee, Deputy County Attorney
Karen Consalo, Assistant County Attorney

I. CALL TO ORDER

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

II. ROLL CALL

Quorum was established.

III. ACCEPTANCE OF PROOF OF PUBLICATION

Motion to approve proof of publication passed by consensus.

IV. APPROVAL OF MINUTES

Motion to approve the minutes of the June 5, 2002, meeting passed consensus.

V. OLD BUSINESS

- A. *FUTURE LAND USE ELEMENT TEXT AMENDMENT TO VISION 2020 NEW POLICY: LOT SPLITS IN THE COUNTY'S EAST RURAL AREA SEMINOLE COUNTY BCC ALLOWANCE FOR A SINGLE LOT SPLIT IN THE COUNTY'S EAST RURAL***

Motion by Commissioner Mahoney to continue this item to the September 4, 2002 meeting. Second by Commissioner Peltz.

Motion passed unanimously. (6-0)

VI. NEW BUSINESS

The following item was taken out of order.

- E. *HEATHROW ELEMENTARY; SEMINOLE COUNTY SCHOOL BOARD, DIANNE KRAMER; APPROXIMATELY 45 ACRES MORE OR LESS; REZONE FROM A-1 (AGRICULTURE) TO PUBLIC LANDS AND INSTITUTIONS (PLI); 5715 MARKHAM WOODS ROAD.***

COMMISSIONER MCLAIN-DISTRICT 5

KATHY FALL SR PLANNER

Motion by Commissioner Tremel to continue this item to the August 7, 2002, meeting. Second by Commissioner Harris.

Motion passed unanimously. (6-0)

- A. *ORDINANCE AMENDING ROAD IMPACT FEE CHAPTER 120 OF THE SEMINOLE COUNTY LAND DEVELOPMENT CODE.***

PAM HASTINGS, PUBLIC WORKS DEPARTMENT MANAGER

JERRY McCOLLUM, COUNTY ENGINEER, PUBLIC WORKS

Ms. Hastings presented this item.

The impact fee program that is currently in place, adopted in 1990, was followed within 12 months by the 1991 Comprehensive Plan Update. In conjunction with that Comprehensive Plan Update, members of this Commission will recall the nature of the transportation needs, which faced Seminole County. The impact fee program and the 1991 Sales Tax referendum, served as a complimenting funding sources to compress a 20 year road improvement program to approximately 10 years. As we approached the end of that 10 year program, comprised of 50 different roadway projects, we have been able to foresee the clear financial status of that program and the original commitments and intent of the program. There was a set of capacity improvements on the major County network, which needed to be accomplished. Those improvements were needed both because of current deficiencies and the impact of projected growth through approximately year 2010. We have identified that those improvements, either accomplished or now in progress with updated cost estimates, have a financial standing of about \$413m spent or committed at this point. Approximately \$208m is attributable to growth or a little over 50%. During that 10 year period, about \$90m was collected in impact fees.

The result of that was that funding by the citizens through the 1991 Sales Tax was necessary to accomplish the road improvements in the 10 year time frame. That leaves us with about \$120m that is due back to the 1991 Sales Tax fund from future growth in the County through the impact fee. In able to forecast and see that financial status and carrying through with the original envisioned commitments, there are projects and the land uses in the population projections which are currently in place and currently reflected in the 2020 Comprehensive Plan Update.

We have identified that approximately 20 years from today we can accomplish the completion of that

\$120m pay back by leaving the impact fee rates at their current levies. Our impact fee program is structured such that the improvements are done and fees are collected in 5 districts. They are collected countywide for arterial roadways and in 4 collector districts for our major secondary road network. For 2 of those collector districts, the payback for the original identified projects would be fulfilled sooner than that 20 year horizon. For that reason, the study identifies that the fees in these collector districts can sunset at that point and time. Ultimately, countywide, a road impact fee would continue to be paid at least through December 31, 2021, in order to accomplish the repayment of the arterial roadway improvement payback that is due.

North Collector-	12/31/2002
East Collector-	12/31/2007
South Collector-	12/31/2021
West Collector-	12/31/2021
Arterial (Countywide)	12/31/2021

No changes to Road Impact Fee rates are necessary to implement the repayments. However, the fee levied in each District should sunset at a projected future date based upon estimates of approximate time to accomplish repayment, with no collector district extending beyond the arterial sunset date. The net effect of the study and proposed amendments is to freeze the rates at the current levies and to establish sunset dates as the original envisioned program is fulfilled.

Separate and apart from the Ordinance and the study, which is a fee and financial evaluation, staff has identified that with those repaid monies there are basically two types of improvements that would occur. First, we will be finishing out the original program. In addition, there are certain types of additional transportation improvements, which would be consistent with the purposes of the original 1991 Sales Tax referendum.

It should be noted that uses of the repaid monies must be consistent with authorized purposes of the 1991 Local Option Sales Tax, and should not duplicate uses of the renewed 2001 1¢ sales tax. Staff therefore proposes to develop future recommendations for transportation capital improvements funded by the repayments based upon the following guidelines.

Projects should be new corridor roadways that would serve as arterials or serve to relieve arterials, or transit facilities of similar countywide benefit, and should be describable as being reasonably related to accommodating future growth. This type of project is a category of future need not met under the renewed 2001 1¢ Sales Tax program, which largely focused on existing and near-term requirements.

Commissioner Harris asked if there were any currently dedicated funds other than the General fund to support transit?

Ms. Hastings said at the present time the dedicated funds come under the 9th Local Option Gas Tax for operating revenues for the LYNX transit system and the only other committed source is about \$5m which remains from the 1991 Sales Tax appropriations for transit capital purposes. A portion of that is going to be used in the coming year for some additional buses and those kinds of things for LYNX.

Commissioner Harris said the funds are small in comparison to the needs.

Ms. Hastings said yes.

Commissioner Harris asked if any of the transit facilities could be broadly described to be countywide?

Mr. McCollum said there is commuter rail, light rail and also the circulator system in the Altamonte/Maitland area. So three systems right now just in Seminole County are being looked at.

From a definition prospective, all three of those would be eligible for consideration. From the Board of County Commissioners perspective, the only one they would make a commitment on at this time is the commuter rail system that runs from Volusia County down into Orange County.

Commissioner Harris said it is his opinion that whatever transit facilities or rail alignment eventually gets approved, whether it's a capital investment or operating costs, the whole funding requirement would fit in here and should be able to fall under this definition of countywide benefit.

Commissioner Mahoney asked if there was a plan contemplated within this amendment that requires a revisiting of the projections that staff has made?

Ms. Hastings said that in the study there is the specific recommendation that the study be updated annually because staff will be annually evaluating the impact fee collections and the status of the payback.

Commissioner Mahoney asked how much do all these studies deduct from the fund that is actually used to put concrete out on the road?

Mr. McCollum said these were all internal studies being done by staff. In 2006, the County will be doing a major update throughout the County looking at our current Comprehensive Plan. At that stage, we may need some outside help but in general, staff does all our annual updates.

Commissioner Tremel complimented staff on all the improvements that have been made and for the additional funds used to put in the landscaping around the County

Chairman Tucker said that since all three rails systems cluster around I-4, it is hard to convince the citizens residing in Oviedo and Chuluota that the rail system running down I-4 is a benefit in comparison to what it is costing them without more new roads going in an east west direction which for the most part, are hard to travel. Concerning new corridor roads, what does staff anticipate east/west?

Mr. McCollum said that at this stage it is hard to say specifically what staff is looking at. The light rail, or any type of rail, in itself is not going to help anybody unless you live right next to it without a bus circulator system. Part of making any type of rail system work is to have those east/west transit systems. In terms of any type of new corridors, staff has really not defined what they are looking at at this point because that's going to be evolving over the next year or two as staff starts some of the studies. There may be some east/west needs in the east side of the County but that cannot be determined at this time.

Commissioner Tucker asked if any of the funds could be used to reduce or eliminate some of the tolls in Seminole County?

Ms. Hastings said that use of local funds to pay tolls, when it was looked at it approximately 6 years ago, would require that the County come to agreement with the turnpike district about a portion of the toll rate attributable to debt service and capital. In linking it that way, it can't be used for operating purposes. It would have to be linked to the debt service factor of the toll rates.

Chairman Tucker felt the east/west corridors are being under utilized because of the cost of the tolls in Seminole County.

Mr. McCollum said that this could be looked at during a future update review.

Chairman Tucker said that it's been stated that buildout will occur by 2021. Then buildout was dropped down to 2016 with the last figure being 2010 or 2008. Now we're looking at infill lots and pulling up the small stuff that typically you wouldn't have built on 10 years ago but now it's prime land. It's getting picky, the pressure is going to be

coming out to the east, and that is why some of the people from Chuluota are here. We're looking at the 3, 5 and 10 acre subdivisions and there's pressure there. We're going to have to look at our buildout and he doesn't think we're going to make the full amount before we're built out. This is going to happen before those roads are finished.

Ms. Hastings said that could be a possibility before the payback is finished. We're committed to finishing the improvements and actually make the last of our money appropriations to those projects that aren't already under construction in FY 2003/2004. We are going to complete that original improvements program. The 2016-2017 horizon projections for residential was part of what staff looked at and used as the projections for going out to the 2021 date. It is true that commercial buildout extends far beyond that in the 2020 Comprehensive Plan Update. The biggest question we've gotten as the proposed ordinance has circulated among various groups is, given the various buildout projections and given what has been identified as some redevelopment, has staff looked all of the types capacity improvements on the secondary roadways which might involve some of those east/west kinds of roads that are being mentioned? That gets into a direction of land use change that staff has not evaluated at this point. That may be something the County Commission may wish to contemplate before we get to the point of the "spigot running dry".

Mr. McCollum said we have a Comprehensive Plan we deal with that is static at this moment. We all know Comprehensive Plans change all the time. As the Comprehensive Plan is amended, looked at and reviewed, that is when you start looking at the improvements. Staff is still keeping things open and flexible so we're not locking ourselves in.

Chairman Tucker said he wants to keep things flexible but wants to be sure that we're looking at the situation, the side ramifications, and the pressures that may come. That is, if we're running out of money on what we need to build and we're also reaching buildout but we have big areas that are not developed, we're going to be getting pressure to approve subdivisions in areas that perhaps were contemplated to be rural. We're seeing it everywhere around the country and that's the pressure that is going to come to this Board at some point. We need to look at this buildout figure of 2021 and have some alternatives.

Commissioner Mahoney said that several months ago this Board approved the Vision 2020 Comprehensive Plan. In it was the result of a study that said 25% increase in the population in 20 years. He didn't buy off on it then but it wasn't a bad idea to be planning for what might be the worst case scenario, a very large increase in population. If we're planning on paying off the roads over that period of time there is a very real risk that the bill will come due before we get there. That is the whole point we're trying to make. The payback period is going to get shorter and shorter which means the fees are going to get higher.

Mr. McCollum said that within the numbers that Ms. Hastings has mentioned, we're paying back "X" amount but we still have "X" amount of money that is freed up that can be spent on any future improvements.

PUBLIC COMMENT

Sam Kendall, 510 Hermits Trail, Altamonte Springs, had a number of concerns as to whether it is prudent to set a definite sunset schedule for these impact fees.

No part of the 2001 tax for road improvements is scheduled to be repaid by impact fees. The new improvements are arbitrarily said to be related to existing deficiencies and not related to growth. The improvements citizens will pay for are alleged not to be growth driven. However, staff has not presented any convincing arguments to show that these improvements are not caused by growth.

In fact, similar types of road improvements are going to be financed under the 2001 tax as were financed under the 1991 tax, including the widening of roads. Under the 1991 road improvements policy, over fifty percent of the improvements were attributed to the effects of growth. Under the 2001 tax schedule, virtually none of the improvements are attributed to growth. Is it defensible to say the safety and sidewalk improvements, as well as the road widenings, are not induced by growth?

Under the Supplemental Recommendation in this report, the staff is proposing to develop future recommendations for the use of these impact fee funds. Under the 1991 impact fee structure, these monies can also be used for mass transit. No such provision is included in the 2001 tax plan. You have an existing stream of revenue between six and seven million annually from impact fees. The BCC is considering an amendment to the Comp Plan to allow access to funds for mass transit. They are looking to the future where more of our transportation requirements will be met by mass transit. This Proposal would cut off a source of revenue to pay for capital costs that could be used to support future mass transit options. No action should be taken on sunseting the impact fees at least until the staff has completed their supplemental recommendation

Under the 1991 policy, two Committees were established relating to impact fees; a municipal committee and a committee of citizens. Staff is recommending that the committees not be convened because no changes in rate structure are being proposed. However, the proposal to terminate the impact fees is a matter of significant importance to all citizens of Seminole County. The committees should be convened to insure that the public understands the potential consequences of the sunseting recommendation and the task of the committees should be expanded to determine whether any aspects of the 2001 improvements can be attributed to the effects of growth, and therefore reimbursed from impact fees.

The Economic Impact Statement that accompanies this proposal states that "The proposal to amend the existing Road impact Fee ordinance will have a direct economic impact upon the operation of the County." Since collections for road impact fees will ultimately cease, plans for long-range funding of future major road improvement/ expansion projects will have to be made accordingly. By 2021, the County will eliminate a revenue stream representing six to seven million dollars a year for road improvements."

It states further, "As road impact fees are eradicated, overall costs for development will be less expensive." In developable areas, the financial impact to potential property owners will be positive. In the long-term, however, if capacity expansion construction needs for the major road network exceed available finding levels, new revenue sources may have to be considered."

He also noted that this Economic Impact Statement was not included with the information about this proposal published on the county web site before this meeting. Some citizens may not have had the opportunity to read these highly cautionary statements.

Impact fees are one of the most commonly used tools available to relieve residents from the costs incurred by new growth and development. Any proposal at this time to eliminate this source of revenue for the county would be inconsistent with nationwide trends to make growth pay for itself. He asked the Board if the citizens are expected to assume that growth management will be any less of an issue in 2021 then it is now?

He urged the Board members not to recommend this proposed ordinance to the Board of County Commissioners.

Jennifer McMurtrad, 875 Imber Street, Orlando, represented the Defenders of Wildlife.

She sees two issues with this proposal. The first is that it is a politically bad move because the 1¢

Sales Tax wasn't unanimously approved and now you're asking the taxpayers to come forth and pay some money. Even if the impact fee money is used for one set of transportation projects and the tax money is used for another set, you're still asking the citizens to contribute and letting the developers off the hook eventually. In the future if you ever want to pass another penny sales tax, you're going to have a very hard time answering to voters why they should come up with some money when you're not asking everybody to pay their fair share.

The other point concerns transportation. She sits in a lot of transportation planning meetings at MetroPlan and DOT and the one thing she never hears is "we have too much money." There are always too many projects and the Board brought up a good point about the toll roads and the need to possibly reduce tolls. There is a social justice issue that is developing around here because people are favoring the building of toll roads so the affluent get to drive fast and they pay the tolls and the poor people are stuck on congested I-4. She feels reducing tolls would be a wonderful way to relieve congestion, to be fairer with people and to spread the traffic onto the different roads. That is just one example of probably 500 projects that are needed in the area. She felt that the Board should consider any revenue source.

She requested that the Board not recommend this proposed ordinance to the Board of County Commissioners.

Polly Miller, 121 Larkspur, Altamonte Springs, is an appointee to the Metropolitan Citizens Advisory Committee. She wanted to know if this is how Seminole County adopts an ordinance. She has been through many public hearings and she feels this needs a much wider exposure to the voters to be sure it is understood. She would like to see much more information made available in a proper venue before this becomes an ordinance.

Keith Schue, Group Chair of the Central Florida Sierra Club:

The Sierra Club is still trying to process and assess all the ramifications of this ordinance but we also have some of the same concerns that have already been heard tonight. In general, the Sierra Club is very supportive of mass transit initiatives and funding for those things. However, when you look at what is being contemplated here with this ordinance, it looks like at the end of the day this is a phasing out of impact fees that the development community presently must pay for impacts that they create and there seems to be an equity problem there.

We are also disturbed that part of the reason being given for this is that we now have an extension of the 1¢ sales tax. If it is true that there is some type of surplus due to eventual buildout, then perhaps we should be thinking about phasing out that portion of the sales tax instead of the development impact fees. In reality, he concurs with other people, that we're probably going to need the money for other innovative types of transit projects. He is also concerned that the public is not fully aware of whole scope of what is being contemplated here tonight.

He urged the Board not to approve the ordinance that is being presented tonight.

Deborah Schafer, 1740 Brumley Road, Chuluota requested that the last paragraph in the booklet handed out at tonight's meeting be explained to her.

"As road impact fees are eradicated, overall costs for development will be less expensive. In developable areas, the financial impact to potential property owners will be positive. In the long-term, however, if capacity expansion construction needs for the major road network exceed available funding levels, new revenue sources may have to be considered."

She is concerned about the north and east impact fees being stopped by 2007 because those are the areas that are probably still growing just as much as the other areas.

Commissioner Mahoney said he understands that the sunset provisions are by

sections. There are four sections for impact fee purposes. The sunset portion of the impact fees applies to the sections which are the collector roads and that is a small percentage of the overall impact fees. He asked what the percentage of that fee is?

Mr. McCollum said it could vary from 10%-25% of the total.

Commissioner Mahoney said the 75%-90% would continue indefinitely. The reason we are sunsetting in those particular quadrants is because it is built out and the needs for additional roads are funded.

Mr. McCollum said yes and no. The reason it's sunsetting is that the collector roads in that particular district are built out. That doesn't mean we're not going to need arterial roads in the future. The collector roads are what is being sunsetted.

Commissioner Mahoney asked if we built up a big piggy bank of monies to pay for unanticipated roadways, developers would sue the County and take the money back.

Mr. McCollum said the County is required by ordinance that within 6 years of collection, the County has to start spending the money. We cannot bank funds on some unknown because we would be sued and we would have to pay it back.

Commissioner Mahoney said that in fact that has happened when counties and cities have collected impact fees and not spent them for the purpose that they were collected for. They have had to give them back. So the point is that we're not attempting to turn off a spigot that is a good steady supply of cash because it would be nice to have that supply of cash coming in indefinitely. There is law and case law that actually requires us to do what we're doing.

Mr. McCollum said staff will be reviewing this annually and going through updates. This won't be the last time we talk about this.

Commissioner Mahoney said the notion of sunseting fees is probably scary to some people but the reality is even in the quadrants where it's being sunsetted or projected to sunset, 75%-80% of the fees are going to continue for the next 20 years anyway. It's really just a small portion of fees that are being sunseting.

Mr. McCollum said that was correct. It is only the collector portion.

Commissioner Harris said one of the things to keep in mind is that a little over 10 years ago the County voters passed that 1¢ tax because the County specified very clearly what that money was going to be used for. It has been used exactly for that purpose. The County has kept its part of the bargain. How ever you look at this, this is a continuing part of the County doing several things. First of all, keeping its word; secondly, by carrying forward with the exact plan as legally mandated by the ordinance that was passed; and finally, by doing the things that need to be done. We're looking forward by periodically examining what we're doing and updating our projections. We have here three examples of good government.

Motion by Commissioner Harris to move this proposed ordinance forward to the County Commissioners for their consideration supported by staff findings and recommendations together with these additional findings:

- 1. The County continues the policy of dedicating 3% of the capital funds in construction to landscaping and related or similar amenities;**
- 2. The capital funds applied to transit facilities be considered in their entirety as meeting the test of countywide benefit; and**

3. The sunset provisions and dates in this ordinance be carefully and fully reexamined not less than every 3 years.

Second by Commissioner Peltz.

Chairman Tucker asked staff for some points of clarification.

Who looks at these figures annually?

Mr. McCollum said staff looks at it and makes recommendations to the County Commission.

Ms. Hastings said this would also be a part of the plan for the 2006 Evaluation and Appraisal Report (EAR).

Chairman Tucker asked if this was formally in place in 2006?

Mr. Fisher said the next Evaluation and Appraisal Report process is due to the Department of Community Affairs (DCA) in 2006. We are going to be beginning the process next year. It is quite lengthy and involves a lot of citizen participation.

Chairman Tucker said we have 3% specifically designated for landscaping. Is there a specific percentage designated for sidewalks?

Mr. McCollum said that in any type of major roadway we build, we always put sidewalks. We also have, separate from that, out of the new 2001 1¢ sales tax, a program to go and build sidewalks where we have missing gaps throughout the County. Roughly over the 10 year period, which is the length of the 2001 sales tax, \$40m designated to building sidewalks.

Chairman Tucker asked what percentage is that?

Mr. McCollum said that roughly 10% of the total of the new 2001 sales tax is dedicated to sidewalks.

Chairman Tucker asked if there was a priority to that program?

Mr. McCollum said there are two studies. About 6 or 7 years ago, staff worked with the school safety advisory committee to come up with a set of priorities. Also, about 2 years ago staff did another study with the emphasis being on the schools and that is where we came up with the additional \$40m worth of sidewalks that went into the 1¢ sales tax.

Chairman Tucker asked if recommendation #3 of the motion would be in conflict with the 2006 review?

Mr. McCollum said no.

Motion passed unanimously. (6-0)

B. LAKE - FOREST 13A; LAKE FOREST-GARY ADAMS/DRMP - DAVE LOWE; APPROXIMATELY 6.78 ACRES MORE OR LESS; PRELIMINARY APPROVAL OF AN 11 LOT SINGLE FAMILY RESIDENCE SUBDIVISION, ZONED PUD (PLANNED UNIT DEVELOPMENT); 550 5 OREGON COURT. COMMISSIONER McCLAIN-DISTRICT 5 SHANNON SUFFRON, PLANNER

The applicant, Orlando Lake Forest Joint Venture, is requesting approval of an 11 lot Preliminary Subdivision Plan for the Lake Forest Planned Unit Development located on the South side of Orange Boulevard, North of SR 46 and South of Nevada Avenue. The property is approximately 6.78 acres in size and is zoned PUD. The minimum lot size is 8,775 square feet. The minimum lot width at the building line is 65'. The internal roads are private and water and Seminole County is providing sewer. No waivers are requested for this project. Staff has reviewed the PSP and finds that it meets the applicable regulations of the Seminole County Subdivision Code and the conditions of the Lake Forest

PUD.

Staff recommends approval of the Lake Forest Section 13A PSP.

Motion by Commissioner Mahoney to approve. Second by Commissioner Tremel.

Motion passed unanimously. (6-0)

C. LAKE FOREST t LAKE FOREST-GARY ADAMS/DRMP - DAVE LOWE;
*APPROXIMATELY 4.24 ACRES MORE OR LESS; PRELIMINARY APPROVAL OF A 6
LOT SINGLE FAMILY RESIDENCE SUBDIVISION, ZONED PUD (PLANNED UNIT
DEVELOPMENT); 550 5 OREGON COURT.
COMMISSIONER MCLAIN-DISTRICT 5 SHANNON SUFFRON, PLANNER*

The applicant, Orlando Lake Forest Joint Venture, is requesting approval of a 6 lot Preliminary Subdivision Plan for the Lake Forest Planned Unit Development located on the South side of Orange Boulevard, North of SR 46 and South of Nevada Avenue. This project contains 4.23 acres, Internal roads will be private and water and sewer services will be provided by Seminole County utilities.

No waivers are requested for this project. Staff has reviewed the PSP and finds that it meets the applicable regulations of the Seminole County Subdivision Code and the conditions of the Lake Forest PUD.

Staff recommends approval of the Lake Forest Section 19 PSP.

Motion by Commissioner Harris to approve. Second by Commissioner Hattaway.

Motion passed unanimously. (6-0)

**D. 1-4 INDUSTRIAL PARK - 5th SECTION RH WILSON & ASSOCIATES/ RONALD
H. WILSON; APPROXIMATELY 25.92 ACRES MORE OR LESS; PROPOSED 19 LOT
COMMERCIAL INDUSTRIAL PARK ON 25.92 ACRES, ZONED M-1A; EAST OF HICKMAN
DRIVE - WEST OF ELDER ROAD.
COMMISSIONER MCLAIN-DISTRICT 5 SHANNON SUFFRON, PLANNER**

The applicant, Spaceport U.S.A. Inc., is requesting approval of a 19 lot industrial Preliminary Subdivision Plan for the 1-4 Industrial Park 5th Section located East of Hickman Drive and West of Elder Road. This project contains 26 acres. Internal roads will be dedicated to Seminole County and water and sewer services will be provided by Seminole County utilities.

No waivers have been requested for this project. Staff has reviewed the PSP and finds that it meets the applicable regulations of the Seminole County Subdivision Code.

Staff recommends approval of the 1-4 Industrial Park 5th Section PSP.

Motion by Commissioner Hattaway to approve. Second by Commissioner Harris.

Chairman Tucker asked if there ware any adverse drainage impacts to the Elder Road area?

Ms. Suffron said no. The applicant has done a really good job of addressing the drainage issue. Staff is going to be working out the details with them and looking at this very closely at the time of final engineering.

Chairman Tucker stated for the record that none of these roads would have access to the Elder Road.

Ms. Suffron said that was correct.

Motion passed unanimously. (6-0)

- F. GAP HOUSING FRAGOMENI ENGINEERING/SHERRI FRAGOMENI; APPROXIMATELY 3.25 ACRES MORE OR LESS; REZONE FROM A-1 (AGRICULTURE) TO R-3A (MULTIPLE FAMILY DWELLING DISTRICT); NORTH OF ALOMA AVENUE ON WEST SIDE OF HOWELL BRANCH ROAD.**
COMMISSIONER MALOY-DISTRICT 1 CINDY MATHENY, SR PLANNER

The applicant, Sherri Fragomeni, is requesting approval of a rezoning from A-1 (Agriculture) to R-3A (Multiple Family Dwelling District) in order to develop a townhouse project with a net density of 9.8 units per acre project on a 3.25-acre site.

The applicant is requesting a reduction in the active/passive building setback along the west property line, from 100 feet to 50 feet in width.

Staff has no objection to the request, as the property to the west is developed with multi-family units at a similar density.

Staff recommends approval of the rezoning from A-1 to R-3A, subject to the attached Development Order.

The applicant agreed with staff recommendation and asked for Board approval.

Motion by Commissioner Harris to approve subject to staff findings. Second by Commissioner Peltz.

Motion passed unanimously. (6-0)

- G. MIKLER/RED BUG PUD CPH ENGINEERS, INC/JAVIER E OMANA; APPROXIMATELY 53.8 ACRES MORE OR LESS; LARGE SCALE LAND USE AMENDMENT FROM LOW DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT AND REZONE FROM A-1 (AGRICULTURE) AND PCD (PLANNED COMMERCIAL DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT); SOUTHEAST CORNER OF MIKLER ROAD AND RED BUG LAKE ROAD.**
COMMISSIONER MALOY-DISTRICT 1 CINDY MATHENY, SR PLANNER

The applicant, CPH Engineers, Inc., is requesting approval of a large-scale land use amendment from Low Density Residential (LDR) and Planned Development (PD) to Planned Development (PD) and associated rezoning from A-1 (Agriculture) and PCD (Planned Commercial District) to PUD (Planned Unit Development) for this 55.6-acre parcel of land. The applicant proposes to develop a mixture of retail commercial and multi-family residential on the site.

Staff had a number of concerns that are detailed in the staff report primarily related to the intensity of uses requested by the applicant, compatibility with surrounding uses and the appropriateness of the project as a transitional use at this location

Staff recommends denial of Planned Development land use on the findings that Planned Development land use as proposed would be:

1. inconsistent with Plan policies related to the Plan Development land use designation;
2. inconsistent with adjacent low density residential land use;
3. inconsistent with Plan policies related to mixed use development;
4. inconsistent with the development in the immediate area; and
5. inconsistent with Plan policies identified at this time.

Staff also recommends denial of the rezone with findings that this request, as proposed, would be:

1. incompatible with surrounding development; and
2. inconsistent with the Seminole County Land Development Code regarding PUD zoning.

Javiar Omana, CPH Engineering, disagreed with staff's recommendation. He gave a brief history of this request. The 4 property owners, who own 4 parcels in the subject amendment area, asked his firm to do a feasibility study on the potential growth opportunities for their properties at this location. His firm has been retained by the 4 separate property owners and have come in under one application to represent them under one unified land use change. The properties are uniquely located within the Red Bug Corridor district. This is a district that has undergone tremendous change within the last 10-15 years. There has been a lot of growth pressures, the roadway has changed in character drastically in past 25 years and along with that, the overall aspects of growth within that area have changed. We have the Oviedo Crossings, the construction of 417, and adjoining commercial uses that are attached to the Oviedo Crossing project.

This particular property is facing a tremendous amount of development pressure because of its unique location and that is why we believe that these properties are ideally suited for a transitional use and therefore considered a great infill property within the Corridor itself.

We originally came in and requested a change from a low density residential and PCD to mixed use designation. Upon review of our submittal, staff requested that we amend our submittal to change the mixed use designation to planned development with a corresponding PD zoning. The reason for that is the County has yet to adopt specific design criteria for a mixed use development.

Based on that, we've prepared a bubble master plan of how we envision this particular property developing as a PD. On the western side of the property, there is a residential component. Most of the eastern side of the property, we envision mostly commercial development.

We respectfully disagree with staff's assessment and recommendation for denial because we believe that the Vision 2020 policies for economic development and land use appropriateness is met. This particular property is uniquely placed because of its infill nature. Recommendation for approval of this application does not promote infill development and is ideally suited for a transitional use. Public facilities and infrastructure are readily available for this property and the character of the surrounding neighborhoods and area has changed drastically in the last 10-15 years.

We believe that rezoning tied to PD is the best way to place a check on how this property is going to be developed. While we disagree with staff's recommendation for denial, we do agree with staff that the PD vehicle is the best way to address how this property is going to be developed. Subsequent to this meeting, the property owners have instructed him to meet with the Red Bug Coalition and staff to discuss how to best address the PD concerns on this property.

Joe Roviato, transportation planner for Luke Transportation, was retained to do the transportation analysis for the Comprehensive Plan analysis. As you look at what the existing zoning is under the maximum density and the future proposed land use change under maximum density, under both of those scenarios the projected traffic analysis does not show that either land use scenario would cause an adverse or significant effect on any of the state roadways in the impact area. We basically looked at 10 roadways within the analysis area and none of them were significantly impacted under the maximum density that would be allowed under the proposed land use. Even under the comments from the County, they do not site transportation as an issue of concern on the Comprehensive Plan change.

Commissioner Tremel asked what the projections were for the property if it remained as is?

Mr. Omana said that under the Comprehensive Plan analysis, you have to look at it as single family. Under the future existing land use maximum density given what is in the Land Development Code, you could put in 215 single family developments there. The future land use given, with a mixed use scenario, you could assume that 30.1 acres would be of a commercial or retail nature which has a maximum density FAR and would allow 458,905 square feet and the residential portion of the mixed use would be considered multi-family and that allowed a maximum density of 474.

Commissioner Temel asked at what density when you say multi-family?

Mr. Omana said for the commercial we were looking at a .35 and for the residential we were using 20 units per acre. We took the allowable densities right out of the Land Development Code.

Commissioner Tremel said that 20 acres per unit is at the high end of the allowable density for multi-family.

Commissioner Tremel asked what is the current density on the property to the west?

Mr. Omana said to the west there is a land use designation of low density residential, however, right at the corner the County has approved two senior housing building complexes of 3 to 4 stories. That is not within the land use designation to be considered low density residential but it has been approved and they are under construction.

Ms. Matheny said actually that land use was changed to Planned Development when the project was approved.

Mr. Omana said the property to the east has a land use designation of high density residential, R-4 zoning with 3-story apartment units. To the south there is low density residential, to the southwest there is a planned unit development, single family residential with approximately 172 single family residences that is undergoing PD approval. The balance of the property to the south is low density residential.

In our analysis, we utilized the Vision 2020 appropriateness land use matrix for compatibility. The bubble diagram, on the eastern most side of the property, we have the commercial component and on the western side we have the residential component. By using that particular chart, we scored all check marks which means compatible transitional use and a circle which means it can be considered a compatible transitional use providing certain sensitive design issues are addressed such as height, buffers, setbacks, architectural controls, pedestrian amenities and things of that nature. Based on this particular chart, we believe that our submittal application does comply with the Vision 2020 policies and guidelines for transitional uses and mixed use projects. He believes that with the detail of how this is developed, there can be some compromise with staff as to exactly this can be developed. The land use itself is an appropriate use as far transitional uses.

Commissioner Tremel is still unclear on what it the property is transitioning from.

Mr. Omana said there is an established low density residential to the west. The change in land uses have begun to occur already. Immediately to the west of the property, there are two 3-4 story buildings and that is an increase of intensity in land use. Immediately to the east of the property, there is high density residential and to the south there is predominately low residential. We are envisioning that on the west we start with the mid to high density residential development, apartment units. We are going from a land use that is low to 3-4 story units, senior housing, to high density residential, up to 20 units per acre. From then we are transitioning on to a commercial development which is in line with what has happened in that particular corridor relative to the Oviedo Crossings PD. There is a 7-11 at the corner and opposite there is high density residential to the east.

Commissioner Tremel asked what is the density of the senior complex?

Ms. Matheny said it's about 7-8 per acre. They actually have more apartment units per acre but the impacts based on the types of unit was assessed by the County at 7-8 units per acre.

Commissioner Tremel said we are going from 7 to 8 to 20 units per acre as a transitional use.

Mr. Omana said the 20 units per acre that he is using is something that is allowable under the particular land use designation. We use that as a maximum in our analysis to ascertain what roadway impacts would be occurring on site and also how the infrastructure system would be impacted. That doesn't necessarily mean it would be developed at 20 units to the acre.

Commissioner Tremel said that it is uncommon for applicants to ask for approval and commit to work with staff and the Red Bug Coalition to make adjustments. Normally we hear the adjustments as part of the approval process. A PUD for this area makes perfect sense. A PUD with 20 units to the acre and the amount of commercial space that is being thrown around doesn't necessarily make perfect sense.

Mr. Omana said this is why we have come to sort of an impasse. Our original submittal was for mixed use land use designation. Staff was hesitant for us to continue with that request because the County did not have the design criteria in place to control the intensities and densities on site. Staff recommended that we proceed with an amended application and go with a planned development procedure. The problem with a PD is that it is a two component process. Not only are we dealing with the land use but we're also dealing with a rezoning of the property. At this point and time our property owners do not know exactly what is going to go on the site plan. While they would welcome the PD land use designation on the property, they have no information to provide a specific site plan that would address the issues of setbacks, buffers, types of uses, parking ratios and things of that nature. We are looking to staff for some direction. We are willing to meet with staff and the Red Bug Coalition to further develop a site plan that would be amenable and keeping more with the transitional use and the other sensitive issues.

Commissioner Tremel said he recalls when the senior project was approved. The Red Bug Coalition was very active in providing input into that. They did not have serious reservations with that because although it was an increase in density, it was a rather passive increase in density but they certainly were taking a very strong stand that they did not want to see the approval of that as a justification for a dramatic increase in uses to the east of that. It was very clearly understood by this Board at that time that the approval of that project because of the unique nature of it wasn't going to be used for a justification to really jump things up on the property to the east. This request that you are making with the type of densities that you are talking about, is doing just that.

Mr. Omana said he is not relying on that particular approval. That is history and he had nothing to do with that approval but that is changing the character of the corridor. The densities are being maxed out to ascertain impacts to the roadway system and the public and county facilities. That doesn't mean that the developer is going to be putting 525 apartment units and close to a half million square feet of retail in the space.

Commissioner Tremel asked how do we come to what the number is going to be once the zoning is approved?

Mr. Omana said if staff and this Board and the Board of County Commissioners sees fit to recommend approval solely of the land use change to either mixed use or planned development, that in of itself does not grant the owners of these properties any entitlements. We creating a land use designation to the property, however, a specific site performance can only be approved by means of the PD site plan approval process. At that point and time we are open to scrutiny by the public, by

staff, by this Board and the Board of County Commissioners. At that time you can set limitations as to what types of uses are included in the PD, height restrictions, buffers requirements and things of that nature.

Commissioner Hattaway asked what is the age group that you are hoping to attract to the multi-family?

Mr. Omana said he didn't know because specific market studies have not been performed.

Commissioner Hattaway asked if the capacity had been checked at the surrounding schools?

Mr. Omana said no but that is a major issue they are aware of.

PUBLIC COMMENT

Greg Prior, 1478 Thornhill Circle, Oviedo, is chairman of the Red Bug Coalition. He said the Coalition has worked with developers to make sure the transition is good. He understands the value of the property and the changing nature and none of that has been done on this project. He supports staff's recommendation for denial until the applicant can come back with something more definite.

Mr. Omana said it is the applicant's intent to meet with the concerned citizens of the neighborhood, the Red Bug Coalition and staff to make a full disclosure as to how this is going to be developed.

Commissioner Harris said the troubling part of this is that it is really very nebulous. The applicant is right, planned development is the correct category but planned development is not the same as identifying the intensity. Commissioner Harris doesn't have a good feeling as to whether or not the intensity is appropriate because there is no real specificity to this. Over time we get in trouble when we take concepts as opposed to specificity. He recommended that the applicant withdraw his application and go back to the Red Bug Coalition and work out the specificity and put some limits on it so we have at least a conceptual site plan with some solid planning elements to determine what is appropriate. Planned Development is the right concept but the concept and the intensity of that concept are two different issues, one of which is totally missing here.

Chairman Tucker said he agreed and his vote would be to vote it down.

Commissioner Mahoney said that 20 units to the acre is the most intense apartment in Seminole County. Just to the east of this site there an apartment community which is probably somewhere around 15 and they are talking about transitioning from that into a rather large highly developed commercial district and then from that moving westward to the 20 unit per acre apartments. Apartments are an okay use for this but 20 units per acre is too much and 4-stories require elevators. Three story apartments probably maxed out at 15 units per acre, some neighborhood commercial right around the front and a third use could be some attached single family homes called townhomes. In my view, these are the kinds of things that could be approved on a PUD but the one that we have is not enough to vote yes on.

Commissioner Tremel said one of the issues the Board constantly deals with is trying to find places for single family development and we end up being asked to do it in areas where it is more rural in character and the people don't want it. Here we're looking at a site that this is certainly not the highest use of the property but there is room for considerable amount of room for some residential use far less than 15 units to the acre. He doesn't feel we should lose this valuable piece of potentially residential property in an area where people want to build residential homes.

Chairman Tucker asked the applicant if he would like to withdraw his application without prejudice?

The applicant said no.

Motion by Commissioner Mahoney to recommend denial of the large scale land use amendment from Low Density Residential and Planned Development to Planned Development and denial of the rezoning from A-1, Agriculture and PCD to PUD. Second by Commissioner Peltz.

Commissioner Mahoney said this is a good site for a PUD. This site warrants uses something other than single family lots. This site warrants something more intense than a subdivision of traditional homes but the one that we've been given is far more intense than the particular area warrants. This Board could look more favorably upon another plan that had greater detail and less intense uses.

Commissioner Harris agreed with Commissioner Mahoney. Single family on this particular site could be done under a PUD, could do townhomes, could do some other things that really makes sense.

Motion to deny passed unanimously. (6-0)

VII. OTHER BUSINESS

Commissioner Mahoney said that in the report for the agenda for the County Commission regarding the request for townhomes on Tuskawilla Road, it accurately states that this Board recommended denial of the land use by a vote of 3-2 and then inaccurately states that the Board voted in opposition of the rezoning by 5-0. He would like that record to reflect that it was a 3-2 vote as well. Since it has been postponed to the next meeting, that record can be corrected.

Commissioner Mahoney commented on the item regarding the Heathrow item that was continued. It was stated that Heathrow donated the real estate to the School Board. That land was transferred from Heathrow to the School Board but they got impact fee credits. It is an important distinction when you talk about donation without any consideration. That land was not donated but in essence paid for by credits.

VIII. Planning Manager's Report

Mr. West said at the next meeting staff will brief the Board on Senate Bill 1906 which was adopted by our legislature and went into effect on May 31st, 2002.

The next meeting will be August 7th, 2002.

VII. ADJOURNMENT

Meeting adjourned at 8:58 p.m.

Respectfully Submitted,

Fran Newborg, Recording Secretary

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