

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

SUBJECT: Comprehensive Plan Amendment from Suburban Estates to Low Density Residential and rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) – Lake Jesup Woods

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Amanda Smith **EXT.** 7339

Agenda Date 08/07/02 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. Approve a comprehensive plan amendment from Suburban Estates to Low Density Residential and rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) for 81 acres located south of Myrtle Street and east of Hester Avenue (Hugh Harling, applicant); or
2. Deny a comprehensive plan amendment from Suburban Estates to Low Density Residential and rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) for 81 acres located south of Myrtle Street and east of Hester Avenue (Hugh Harling, applicant); or
3. Continue the plan amendment and rezoning to a time and date certain.

(District - 5, McLain)

(Amanda Smith, Senior 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-1 (Agriculture) to PUD (Planned Unit Development) 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),

Reviewed by: _____
Co Atty: RCC
DFS: _____
Other: MW
DCM: _____
CM: _____
File No. 01F.FLU01 & PZ01-09

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. At the request of the applicant, staff of the St. Johns River Water Management District (SJRWMD) and Seminole County staff met on-site to discuss the extent of the wetlands on March 26, 2002. Prior to a final recommendation by Staff, field verification by the SJRWMD will be required to determine the extent of wetlands on the site. It is Planning Staff's understanding that SJRWMD has not field verified the extent of the wetlands, nor provided a letter indicating the binding jurisdictional wetlands area.

On April 9, 2002, the Board of County Commissioners voted unanimously to transmit the large scale land use amendment from Suburban Estates to Low Density Residential to the Florida Department of Community Affairs (DCA) for review, with the following conditions:

1. The developer shall submit a PUD (Planned Unit Development) zoning plan that will be evaluated by the LPA and Staff.
2. The wetlands shall be delineated in order to ensure adequate buffering and a means to transition lot sizes from the west to the east to ensure compatibility with the "rural" character of the area.
3. There shall be a transitioning of lot sizes within the proposed subdivision with an overall density of 2.5 units per net buildable acre with a maximum density of 2.0 units per net buildable acre along the eastern property line.
4. There shall be a 100' natural buffer along the northern property line along Myrtle Street, excluding the ingress/egress easement.
5. The applicant shall pay the pro rata share for County water and sewer facilities to service the Lake Jesup Woods property.
6. The applicant shall pay the pro rata share for the signalization at the intersection of Jester Avenue and CR 427 and any improvements to the railroad crossing on Hester Avenue which may include signalization.
7. There shall be no loss of wetlands within the project boundaries.
8. The applicant commits to paying a pro rata share of improving Myrtle Street to County standards and paying a pro rata share of off-site improvements to Hester Avenue to bring the road up to County standards, to include but not limited to road pavement, right-of-way, drainage, and sidewalk standards. Improvements will be determined at the time of PUD final master plan approval.

On June 28, 2002, the Florida Department of Community Affairs issued an Objections, Recommendations, and Comments (ORC) Report for amendments transmitted as part of the Spring, 2002, amendment cycle, and had comments and objections related to this amendment. The State recommends that the county should not adopt the proposed land use amendment until the Myrtle Street Special Area Study is concluded and

the applicant has addressed the State's comments pertaining to the suitability for development considering the following: natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains, and wetlands. To date, the applicant has amended the rezoning application requesting PUD zoning. Many of the Board's conditions, and DCA concerns, however, have not been addressed.

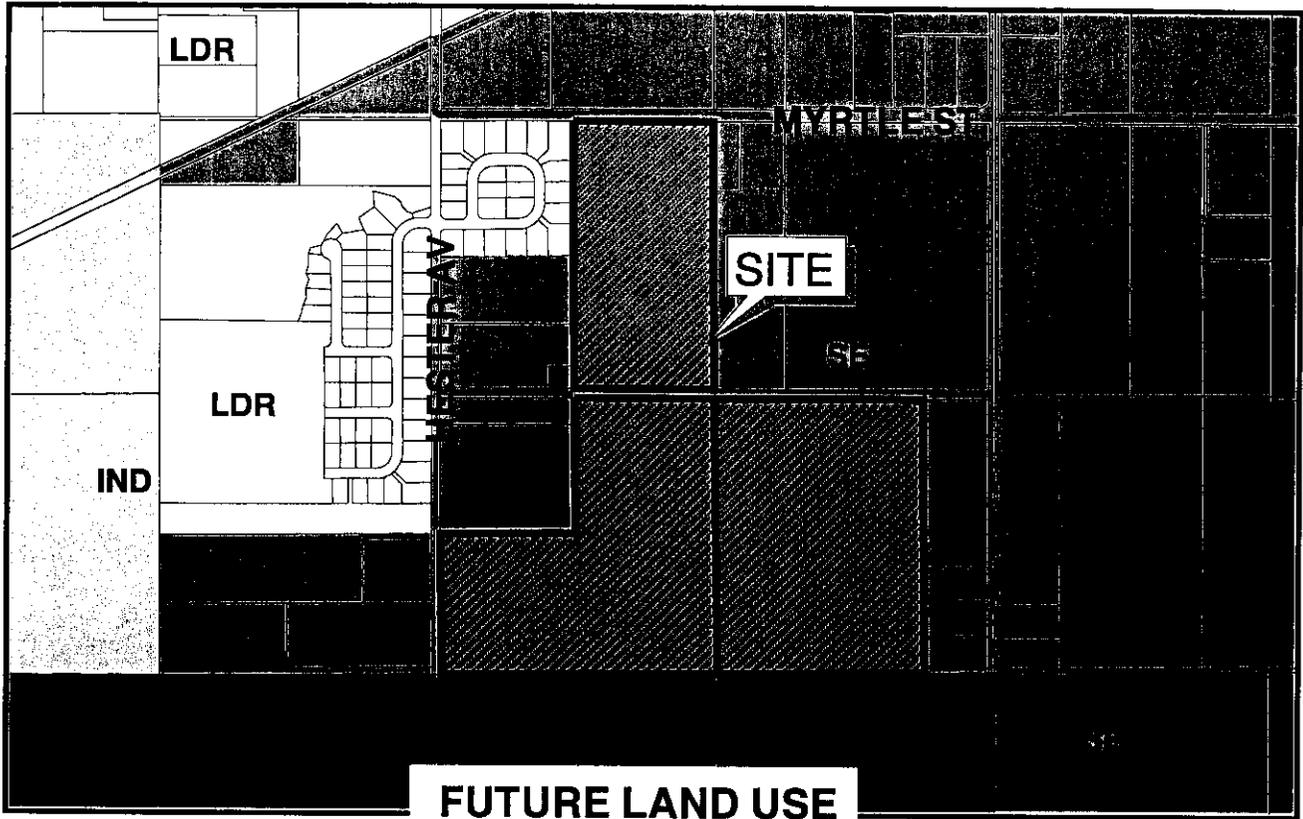
STAFF RECOMMENDATION:

This item was advertised for the August 13 BCC meeting. Therefore, Planning Staff recommend a continuation of the proposal until September 4, 2002, with the following conditions:

1. The extent of the jurisdictional wetlands impacts has not been evaluated or confirmed by Planning Staff or the St. Johns River Water Management District.
2. The applicant must submit a PUD Preliminary Master Plan consistent with the requirements of the Seminole County Land Development Code.
3. The applicant addresses the objections of the Department of Community Affairs pertaining to natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains, and wetlands.
4. The applicant addresses inconsistencies with Vision 2020 Plan policies identified at this time.
5. The applicant must submit a preliminary master plan that addresses the Board's conditions at the time of transmittal of the land use amendment to the Department of Community Affairs.

This item was advertised for the August 13 BCC meeting and therefore a continuance by the Board is recommended.

Continuing this item will delay transmittal of any other Comprehensive Plan amendments adopted by the BCC that are associated with the Spring 2002 Large-Scale plan amendment cycle.

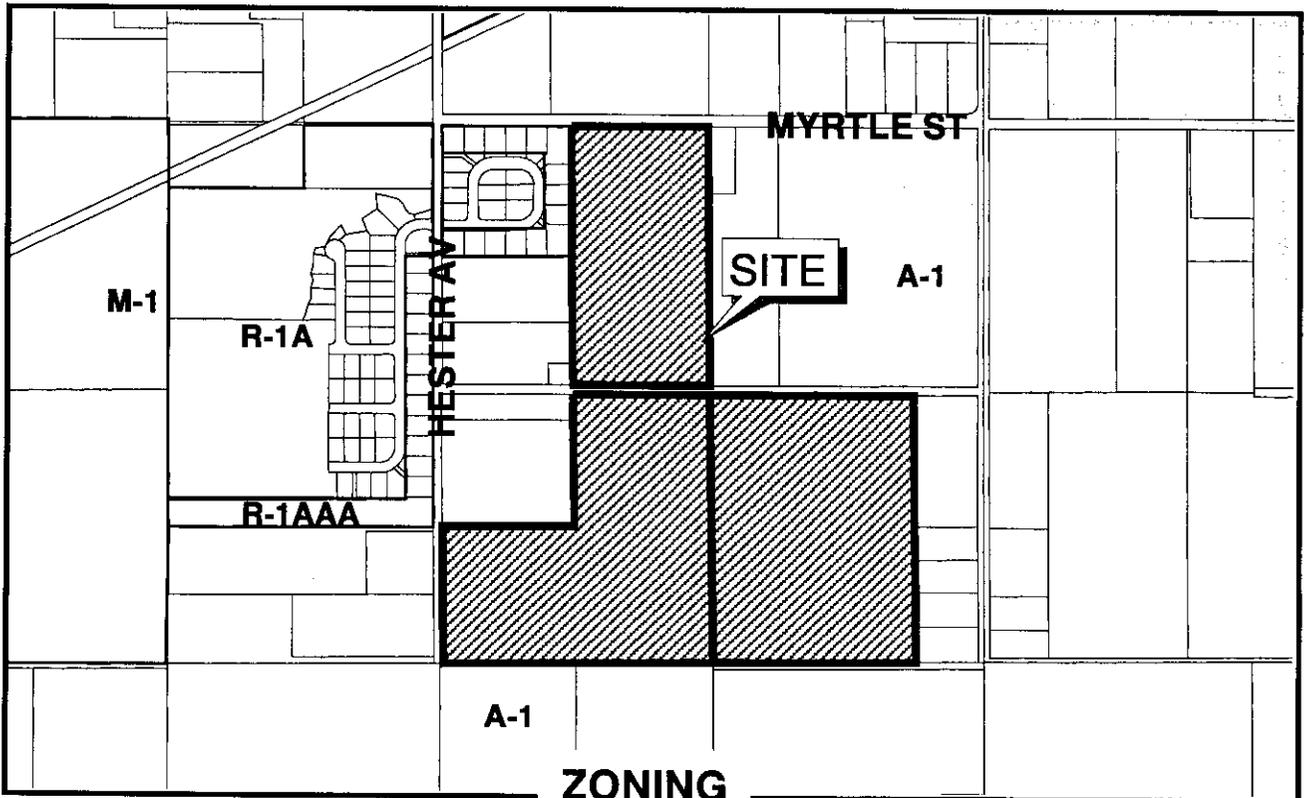


FUTURE LAND USE

 Site
  Municipality
  SE
 LDR
  REC
  IND

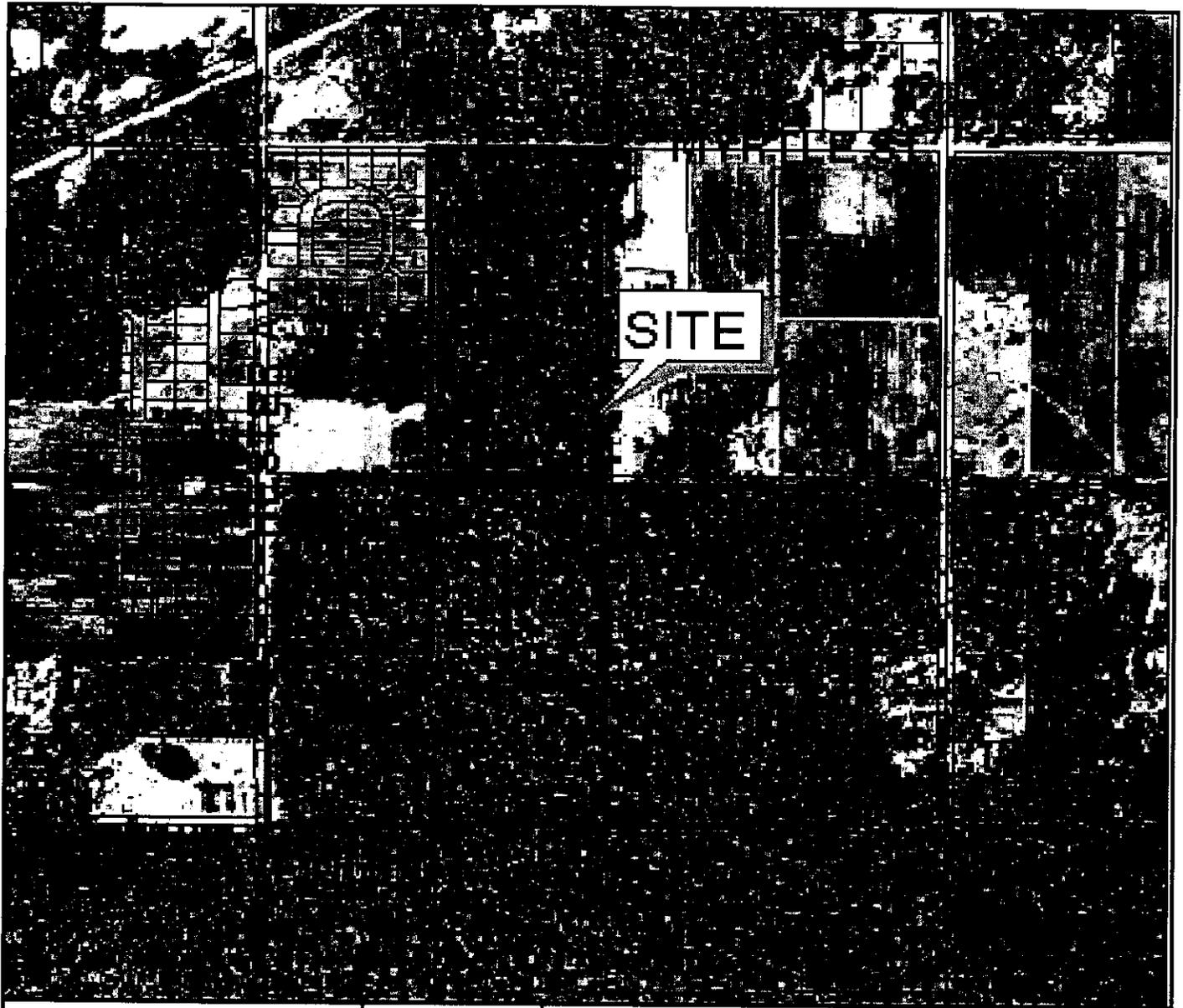
Applicant: Lake Jessup Woods
 Physical STR: 23-20-03-5AQ-0000-1090,1030, &1150
 Gross Acres: +/- 81 BCC District: 5
 Existing Use: Vacant Residential & Vacant Acreage
 Special Notes: _____

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



ZONING

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



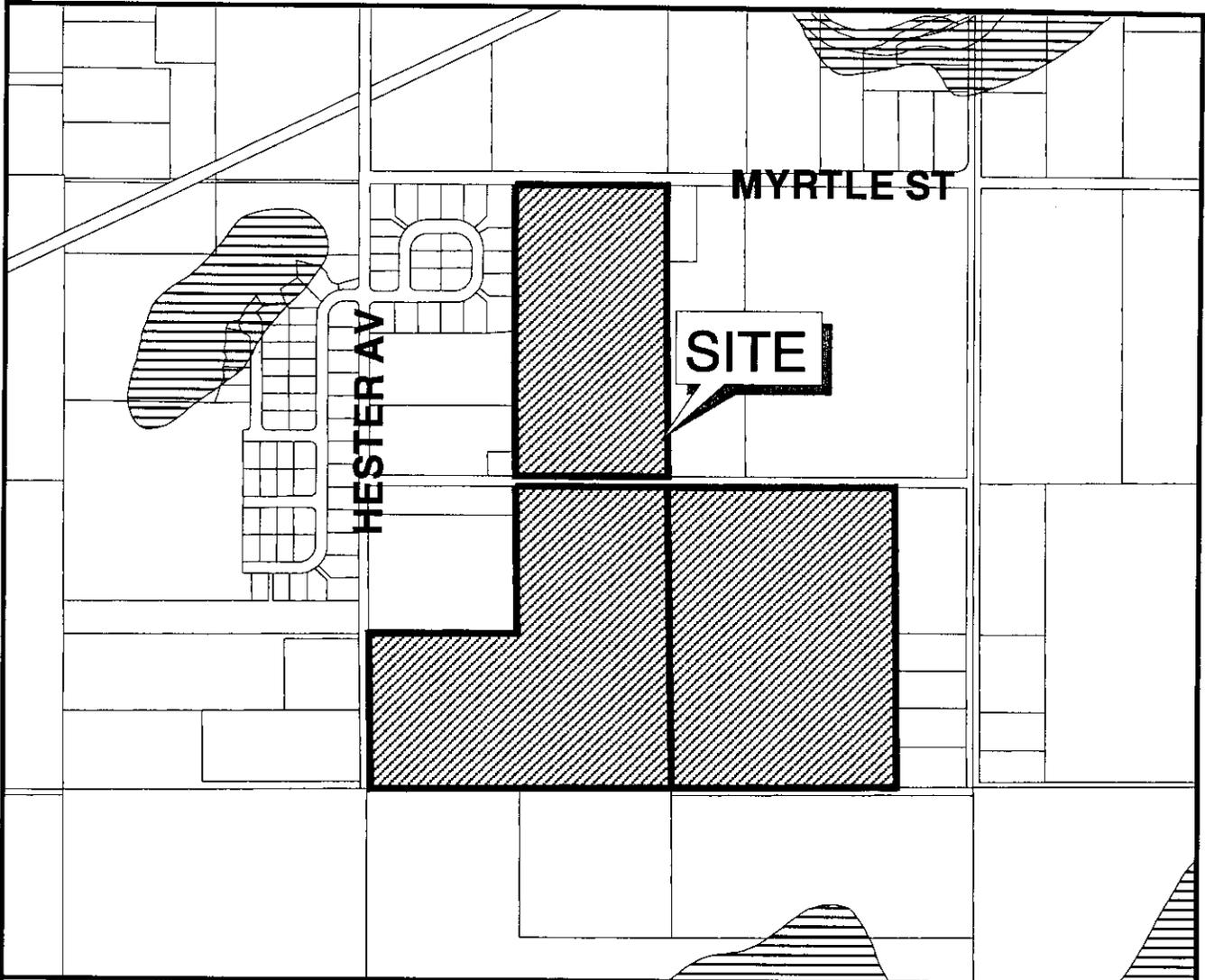
Rezone No. Z2001-009
From: A-1 To: R-1AA

- Subject Property
- Parcelbase



February 1999 Color Aerials

CONSERVATION



Rezoning Z2001-009
From: A-1 To: R-1AA

-  Subject Property
-  Municipality
-  Flood
-  Wetlands



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

Lake Jesup Woods

Suburban Estates to Low Density Residential		Amendment O1F.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 is part of the Spring 2002 Large Scale Land Use Amendment Cycle. In addition, the subject property is located within boundaries of the Myrtle Street Special Area Study.	
BOARD DISTRICT	#5 – McLain	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION August 7, 2002	<p>Planning Staff recommends a continuance of the proposal until the , September 4, 2002, with the following findings:</p> <ol style="list-style-type: none"> 1. The extent of the jurisdictional wetlands impacts has not been evaluated or confirmed by Planning Staff or the St. Johns River Water Management District; 2. Inconsistencies with Land Development Code policies related the PUD zoning classification; 3. The objections of the Florida Department of Community Affairs pertaining to natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains, and wetlands have not been addressed by the applicant; 4. Inconsistencies with Vision 2020 Plan policies identified at this time; 5. The proposed site plan does not address the Board's conditions at the time of transmittal of the land use amendment to the Department of Community Affairs. <p>Continuing this item will delay transmittal of any other Comprehensive Plan Amendments adopted by the BCC that are associated with the Spring 2002 Large Scale Land Use Amendment.</p>	
BOARD OF COUNTY COMMISSIONERS RECOMMENDATION April 9, 2002	On April 9, 2002, the Board of County Commissioners voted unanimously to transmit the large scale land use amendment from Suburban Estates to Low Density Residential to the Florida Department of Community Affairs for review, with the	

	<p>following conditions:</p> <ol style="list-style-type: none"> 1. the developer shall submit a PUD (Planned Unit Development) zoning plan that will be evaluated by the LPA and Staff; 2. the wetlands shall be delineated in order to ensure adequate buffering and a means to transition lot sizes from the west to the east to ensure the compatibility of the "rural" character of the area; 3. there shall be a transitioning of lot sizes within the proposed subdivision with an overall density of 2.5 units per net buildable acre with a maximum density of 2.0 units per net buildable acre along the eastern property line; 4. there shall be a 100' natural buffer along the northern property line, excluding the ingress/egress easement; 5. the applicant shall pay the pro rata share for County water and sewer facilities to service the Lake Jesup Woods property; 6. the applicant shall pay the pro rata share for the signalization at the intersection of Hester Avenue and CR 427 and any improvements to the railroad crossing on Hester Avenue which may include signalization; 7. there shall be no loss of wetlands within the Lake Jesup Basin; and 8. the applicant commits to paying a pro rata share of improving Myrtle Street to County standards and paying a pro rata share of off-site improvements to Hester Avenue to bring the road up to County standards, to include but not limited to road pavement, right-of-way, drainage, and sidewalk standards. Improvements will be determined at the time of PUD final master plan approval.
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**FLORIDA
DEPARTMENT OF
COMMUNITY
AFFAIRS**
June 28, 2002

On June 28, 2002, the Florida Department of Community Affairs issued an Objections, Recommendations, and Comments Report (ORC) regarding this particular land use amendment. The State recommends that the County should not adopt the proposed land use amendment until the Myrtle Street Special Area Study is concluded and the applicant has addressed the State's comments pertaining to the suitability for development considering the following: natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains, and wetlands. To date, the applicant has amended the rezoning application requesting PUD zoning. Many of the Board's conditions and Department concerns, however, have not been addressed.

STAFF ANALYSIS

Suburban Estates to Low Density Residential

Amendment
O1F.FLU01
& 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, and 23-20-30-5AQ-0000-1150
3. **Applicant's Statement**: Amendment of the Seminole County Vision 2020 Comprehensive Plan to re-designate the 81.3+/- acre subject site from Suburban Estates (SE) to Low Density Residential (LDR). Based upon the proposed development program, the project will consist of an estimated 180 - 200 single-family residences. The subject site is in an area that is a logical expansion of low density residential to the southeast from the urbanizing 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 applicant states that the proposed project is consistent with the following Comprehensive Plan policies: 2.2.1 Subdivision Standards, 11.3.6 – Adopted Potable Water Services Area Map, 11.4.5 – Extension of Service to New Development, 11.3.6, Adopted Sanitary Sewer Service Area Map, and 14.4.4 – Extension of Service to New Development.

4. **Development Trends**: The area primarily consists of large acre tracts developed with single family residential dwelling units with some agricultural uses along Myrtle Street. Immediately to the east of the property is a horse stable with a lighted area for night riding. 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. To the south of the subject property are state and county owned public/natural lands.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

- a. The existing zoning A-1 (Agriculture) and Suburban Estates land use would permit the development of agricultural, residential, and non-residential uses, such as churches (at a maximum net density of 1 dwelling unit/acre) on the site.
- b. The requested zoning (PUD) would permit the development of single family residential on 150 - 160 lots.

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, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Policy TRA 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 (Policies TRA 2.1, 5.1, and 8.1).*

Access to the subject property is via Myrtle Street. The road is substandard in terms of pavement, storm drainage, and right-of-way width. The future developer would be responsible for bringing these roadways up to County standards.

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 water and sewer.

Potable Water Policy 11.4.5 and Sanitary Sewer Policy 14.4.4 both require that “new development fund the cost of extending water/sanitary sewer lines to serve their development. In the possible event of future development at urban densities greater than one dwelling unit per acre, urban services, such as potable water and sanitary sewer would be required.”

C. Public Safety – Adopted Level of Service: *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Rescue Five Points Fire Station (Station # 35). Response time to the site is less than 5 minutes, which meets the County's average response time standard.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 20/20 Plan, but are not applied in detail at this stage.

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

Although the existing roadways are substandard, other public facilities to serve these properties would be adequate, and the proposed Plan amendment would create no adverse impacts on public facilities.

B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection: *The County shall implement the Conservation land use designation through the regulation of*

development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).

On March 26, 2002, at the request of the applicant, staff with the St. Johns River Water Management District (SJRWMD) and Seminole County met on-site to discuss the extent of the wetlands. Based on the site visit, there may be as much as 60 percent of the site impacted by wetlands. 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-1) shall apply to wetlands which are one half (1/2) acre in size or larger, have a direct hydrologic connection to a one half (1/2) acre or larger wetland, or their adjacent areas. The County typically requires that the post-development wetlands be protected by a conservation easement and A-1 portions of the site impacted by wetlands not be rezoned. Prior to a final determination on the rezoning boundaries, field verification by the SJRWMD will be required to determine if the wetlands are classified as jurisdictional. SJRWMD has indicated to Mr. Javier Torregrosa, Seminole County's Natural Resources Officer, that the verification of wetlands will not be conducted until April 15, 2002, at the earliest.

Planning Staff believes that the proposed request is premature without determining the extent of, and impact upon, the wetlands. Under the Vision 2020 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 160 – lot 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 (CON Policy 3.13).*

Mr. Torregrosa, the Natural Resources Officer, has 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.

Prior to submission of final engineering plans for development of these properties, a survey of threatened/endangered species and species of special concern will be required to determine the presence of any such categories of wildlife. If any listed species are found to be potentially impacted by the proposed development, permits from the appropriate agencies will be required.

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

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

Based upon an initial evaluation of compatibility, the proposed Low Density Residential land use would not be consistent with Plan policies identified at this time and therefore is consistent with the Vision 2020 Plan.

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

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 land use designation from Suburban Estates to Low Density Residential to develop a single-family residential subdivision with PUD zoning to construct approximately 150 - 160 houses on 81 acres. While the Low Density Residential land use designation is considered a compatible land use adjacent to Suburban Estates, the Vision 2020 Plan is silent on 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.

Other applicable plan policies include:

- Wetlands Protection: Policy FLU 1.3
- Conservation Easements: Policy FLU 1.4
- Relationship of Land Use to Zoning Classifications: Policy FLU 12.4
- Consistency with Wetlands Management Program: Policy CON 3.3
- Consistency with Wetlands Regulation: Policy CON 3.4
- Consistency with the Flood Prone Overlay Zoning District: Policy CON 3.5
- Consistency with Conservation Easements: Policy CON 3.9
- Consistency with Agency Regulation Coordination: Policy CON 3.10
- Alternate Land Development Proposals: Policy TRA 7.8
- Review of Development Applications: Policy TRA 10.3

Dedication of Rights-of-Way: Policy TRA 11.2

Prohibit Use of Roadway Improvements as Sole Justification for Land Use Amendments:
Policy TRA 12.2

- C. **Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facility level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Policy CIE 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

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

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

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

PLANNING AND DEVELOPMENT



DATE: 3 April 2002
TO: Amanda Smith; Senior Planner
FROM: Francisco Torregrosa; Natural Resources Officer
RE: SJRWMD Meeting at Lake Jesup Woods
CC: Jean Abi-Aoun; Principal Engineer, DRD

The following is a brief summary of the wetland determination made by SJRWMD staff at the Lake Jesup Woods project site on 26 March 2002:

Those in attendance at the meeting included Francisco Torregrosa (Seminole County), Hugh Harling (Harling Locklin), Dar-Guam Cheng and Lance Hart (SJRWMD), Steve Butler and a field assistant (Morgan Environmental) and a surveyor.

Many areas of the site were assessed for wetland properties by the WMD staff. The area identified as wetlands by the consultant were found to be jurisdictional to the District. In addition, many areas outside that identified as wetlands by the consultant were also found to meet the criteria for a jurisdictional determination. The team from the WMD conducted a mini-class on what they were basing their determinations on. In particular, they identified the soil characteristics that needed to be present for a wetland determination. After the assessment, Mr. Hart instructed Mr. Harling that the site wetlands needed to be re-delineated based on their criteria and re-reviewed by him and Mr. Cheng. Mr. Hart indicated to Mr. Harling that he would not be able to re-inspect the site until around April 15th at the earliest. Mr. Hart stated he did not have his schedule with him to set a review date.

Mr. Harling asked me what the implications were for the April 9th BCC hearing. I told him that if the site wetlands were delineated by the consultant prior to April 9th, I could potentially review their line and make an assessment as to the relative accuracy of the delineation but that I would not be able to finalize the wetland limits. He stated that an approximation of the wetland line was better than nothing since he could then make an estimate of the approximate number of upland acres on-site. To date I have not been contacted by either Mr. Harling or his consultant.

Application

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

Form #1

Applicant's name: Hugh W. Harling, P.E. Harling Locklin & Associates, Inc.
Phone/Fax: 407-629-1061 / 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 Assigned to Property: SE
Future Land Use Designation Requested for Property: LDR

Acreage of Property: 81 +/- Acres
Current Use of Property: Vacant
Source of Potable Water & Sewer Service: Seminole County

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

Application checklist (all applications; please check prior to submittal to ensure all documentation is included):

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

Additional information/documentation which may be required:

- Completed authorization form (Form #2), if applicable.
Concurrent rezoning application (Form #3) and required master plan/site plan, if an amendment request includes a concurrent rezoning. Applications requesting the Planned Development or Higher Intensity Planned Development land use designation must include a concurrent zoning request to either the PUD or PCD zoning classification in accordance with the Seminole County Comprehensive Plan. Applicants should contact the Current Planning Division to ascertain the required rezoning submittal and application fees (407)321-1130 ext. 7433
- Special studies. It is the responsibility of the applicant to provide sufficient information for the County to transmit to the Florida Department of Community Affairs to justify the proposed plan amendment. In some cases, staff may require that special studies be submitted to the County. Examples of special studies which may be required are:
 1. For applications within the Wekiva River Protection Area, a demonstration by the applicant that the petition is consistent with the Wekiva River Protection Act, including an analysis of environmental impacts.
 2. Traffic studies to identify the ability of the roadway network to accommodate the land use with the existing or programmed network, near-site improvements, project phasing, etc.
 3. Wetlands mitigation plans where disruption above code requirements is proposed to accommodate the proposed use.

- Supplemental information. If the applicant desires to supplement information requested by the Plan amendment request be transmitted to the Florida Department of Community Affairs, this information must be submitted to the Current Planning Division at least four (4) weeks prior to the Local Planning Agency hearing to provide adequate review time. Applicants should contact the Current Planning Division regarding submittal procedures for supplemental information.
- Copy of fully executed sales contract
- Concurrency Application or Concurrency Deferral Affidavit (Form #4). Unless specifically requested by the applicant, a Concurrency determination will not be made in conjunction with a Plan amendment application (and associated rezoning, if applicable). A concurrency test will be required, however, in conjunction with the first final development order for the property. No rights to obtain final development orders or permits, nor any other rights, have been granted or implied by the County approval of the Plan amendment. To assure that these conditions are understood, the applicant must complete and execute the Concurrency Review Deferral Affidavit (or Concurrency Application, if desired) as part of the Plan amendment application.
- Water/sewer provider letter. Almost all of the future land use designations under Seminole County's Comprehensive Plan require central water and sewer service. For this reason, and to ensure consistency under the Plan, sites proposed for a Plan amendment must be evaluated to determine whether they are located within central water and sewer service areas depicted in Figures 11.1 and 14.1 of the Comprehensive Plan.
If the site proposed for a Plan amendment is not presently located within water and sewer service area boundaries as currently depicted in the Plan, the application must include a letter from an appropriate utility service provider that states the following regarding central water and/or sewer:

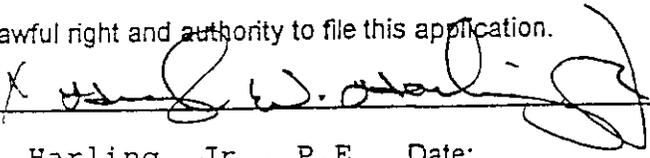
1. That the utility is, or will be, both willing and capable of providing capacity and service to the site; and
2. What formal, legal steps, if any, the utility must undertake to extend service to the site, and when the utility will undertake such steps; and
3. That the utility would support and recommend the County amending its Comprehensive Plan service area maps in conjunction with the applicant's land use amendment; and
4. That the expansion of service to the site would not have a negative impact on levels of service in the utility's existing service areas.

Please contact the Comprehensive Planning Division at 321-1130, ext. 7387 to review Service Area Maps or to inquire about potential appropriate utility service providers.

I acknowledge that Seminole County may not defend any challenge to my proposed Plan amendment and related development approvals, and that it may be my sole obligation to defend any and all actions and approvals which authorize the use or development of my property. Submission of this form initiates a process and does not imply approval by Seminole County or any of its boards, commissions, or staff.

I acknowledge that I have read the information contained in this application form pertaining to proposed amendments to the Seminole County Comprehensive Plan and have had sufficient opportunity to inquire with regard to matters set forth therein and, accordingly, fully understand all applicable procedures and matters relating to this application.

I hereby represent that I have the lawful right and authority 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 property owner (power of attorney to represent and bind property owner must be submitted with the application); or
3. Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed.

If the application is made by a partnership, corporation, or trustee, the names of all partners, corporate officers, or trust beneficiaries must be provided. All matters relating to the applicant's relationship with the seller must be disclosed. By execution of the application form, the applicant agrees to hold Seminole County harmless as to any and all matters relating to the applicant's relationship with the applicant's principal or seller.

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

Phone/Fax: 407-629-1061 / 407-629-2855 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

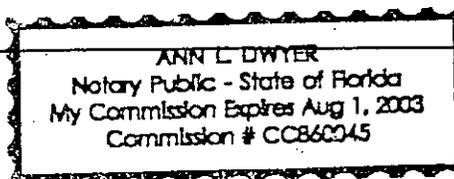
I/we Lake Jessup Woods Partnership, property owner(s), do hereby authorize Harling Locklin & Assoc. to act as my/our authorized agent and to file the attached application for an amendment to the Seminole County Comprehensive Plan and to represent me/us and make binding statements and commitments regarding the amendment request.

SWORN TO AND SUBSCRIBED before me this 5th day of March 19 2001

Ann L Dwyer

Notary Public in and for the County and State
Aforementioned

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). This services required by the proposed development activity are currently available and within the capacity of the providers.

Utility Water & Sanitary Sewer Services:

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

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.

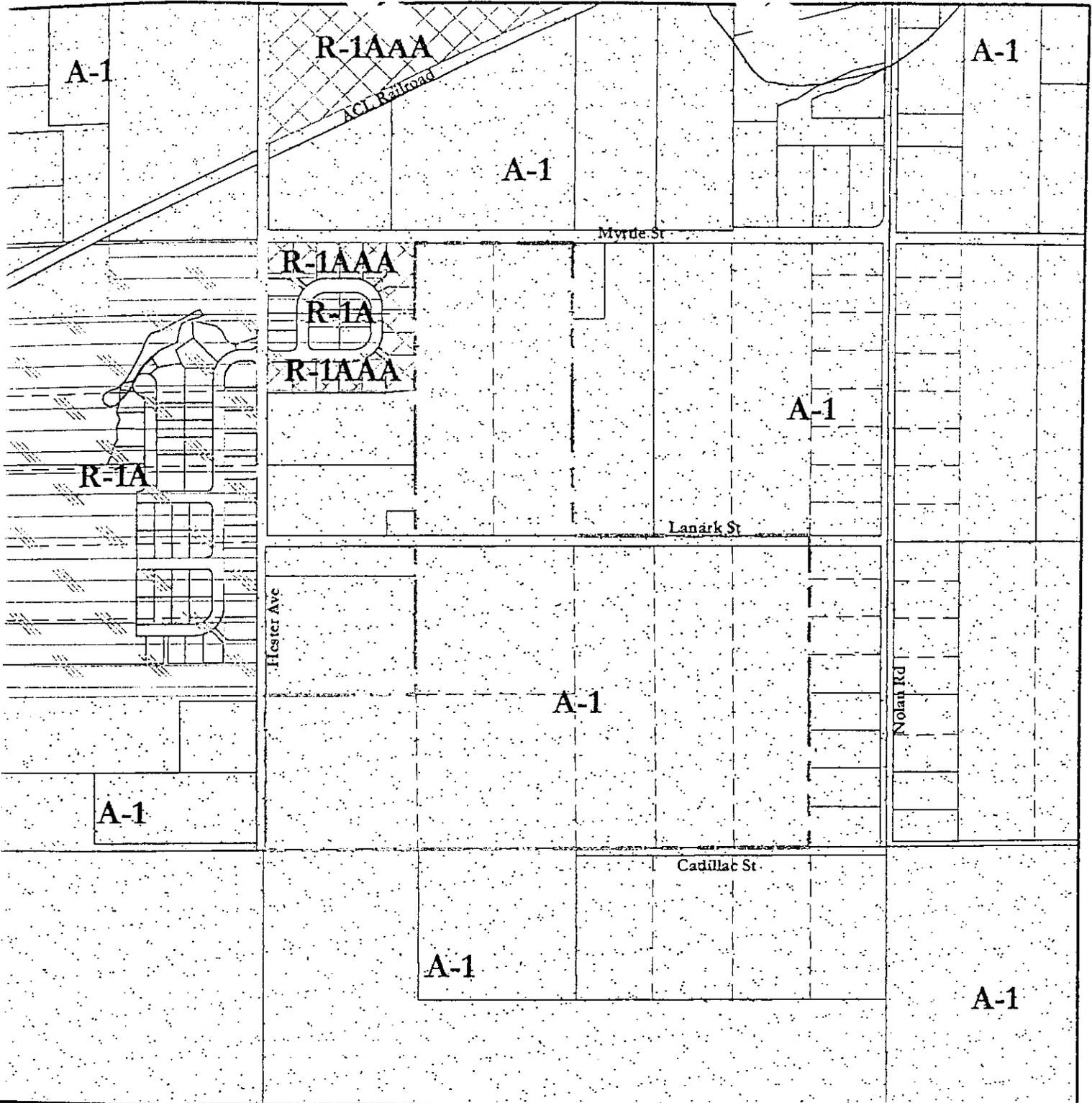
Policy 14.3.6 - Adopted Sanitary Sewer Service Area Map

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

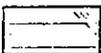
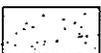
Policy 14.4.4 - Extension of Service to New Development

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

Exhibits and Maps



Lake Jessup Woods - Existing Zoning

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

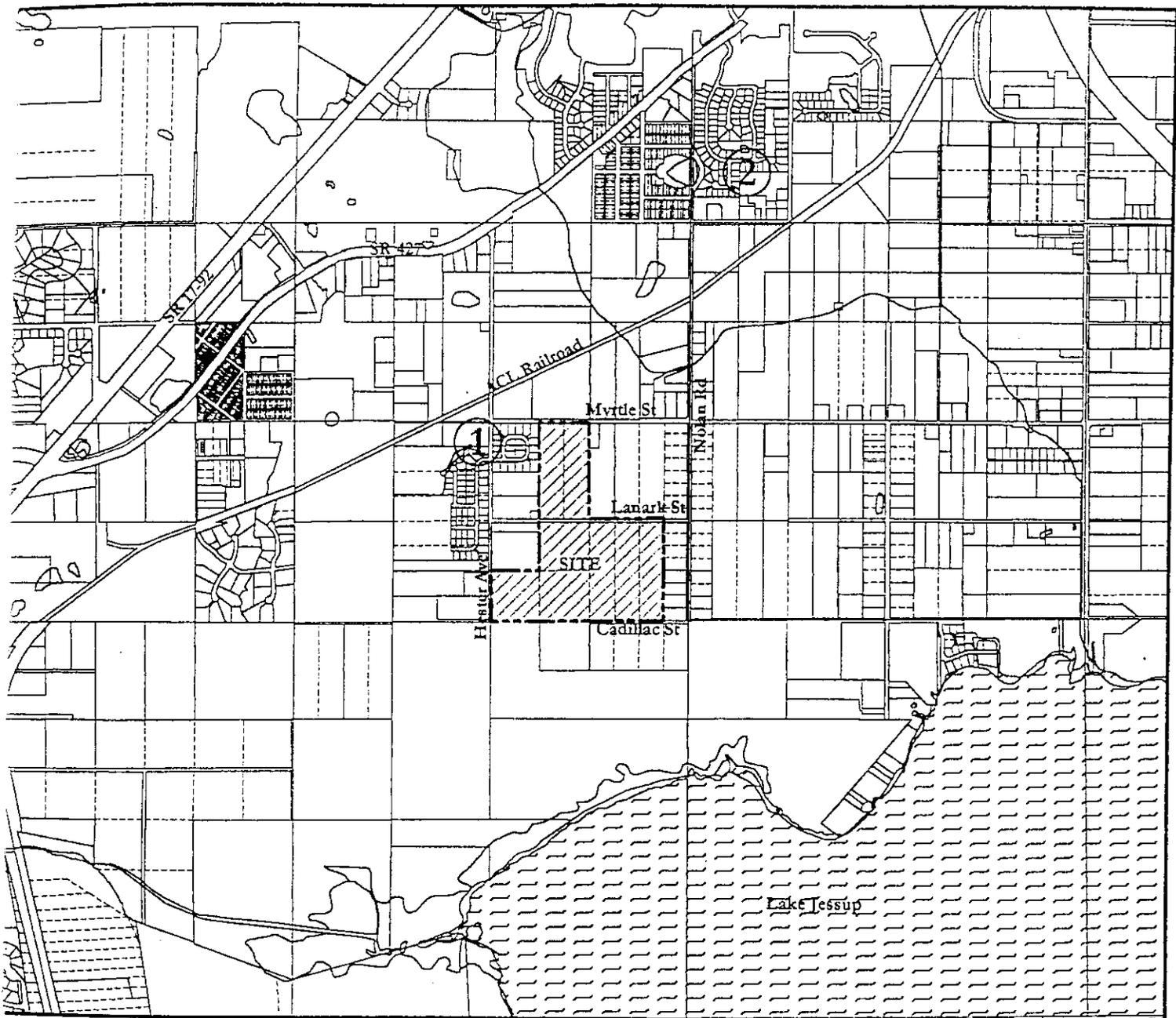
North



Scale: 1"=600'

**HARLING
LOCKLIN**
ASSOCIATES, P.C.

3/19/01 0105xcel



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-1.AA

Subdivision Names

- 1 - Autumn Chase
- 2 - Middleton Oaks

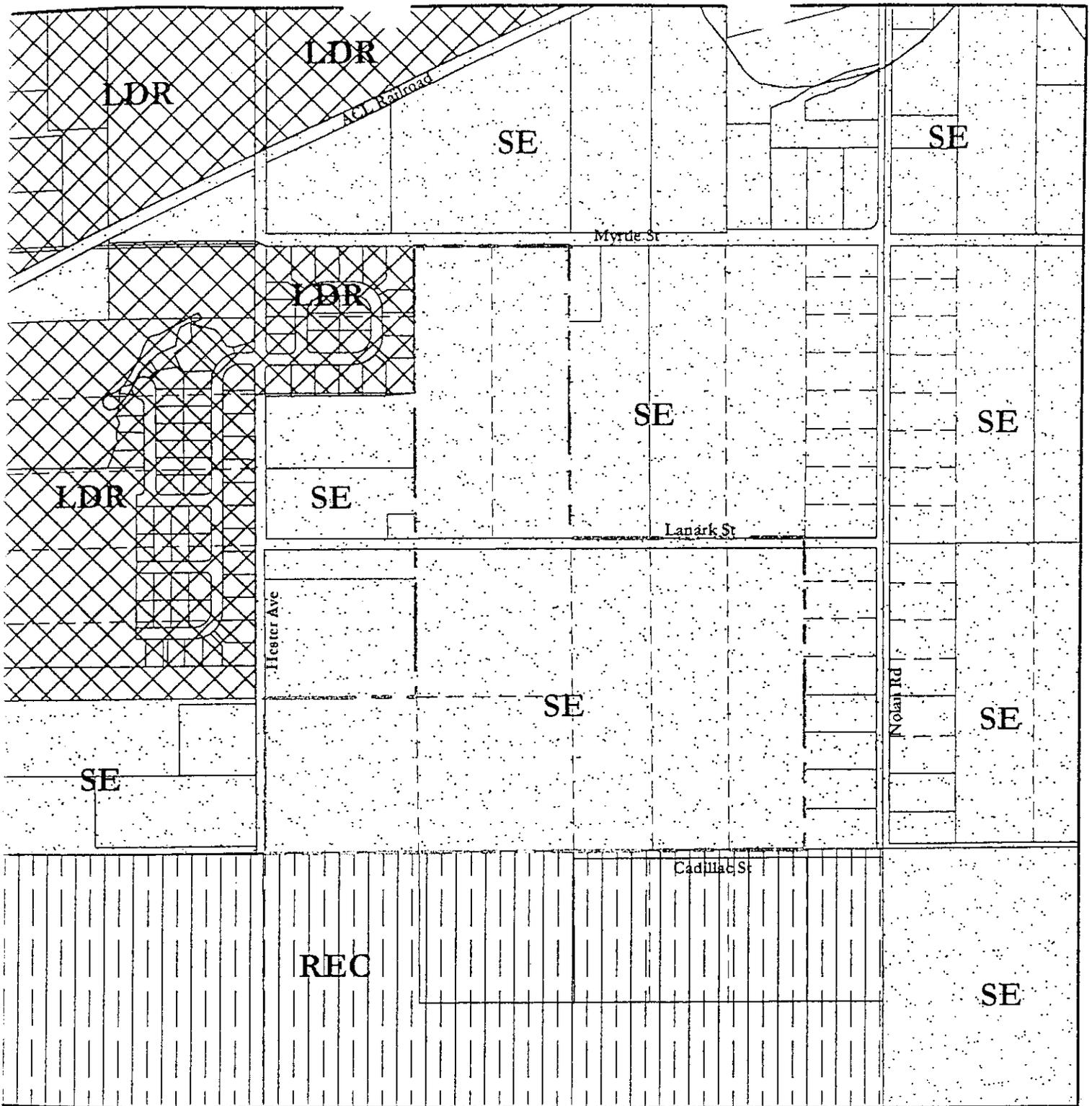
North



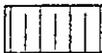
Scale: 1"=2000'

**HARLING
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& ASSOCIATES, INC.

3/19/01 0105enc2



Lake Jessup Woods - Existing Land Use

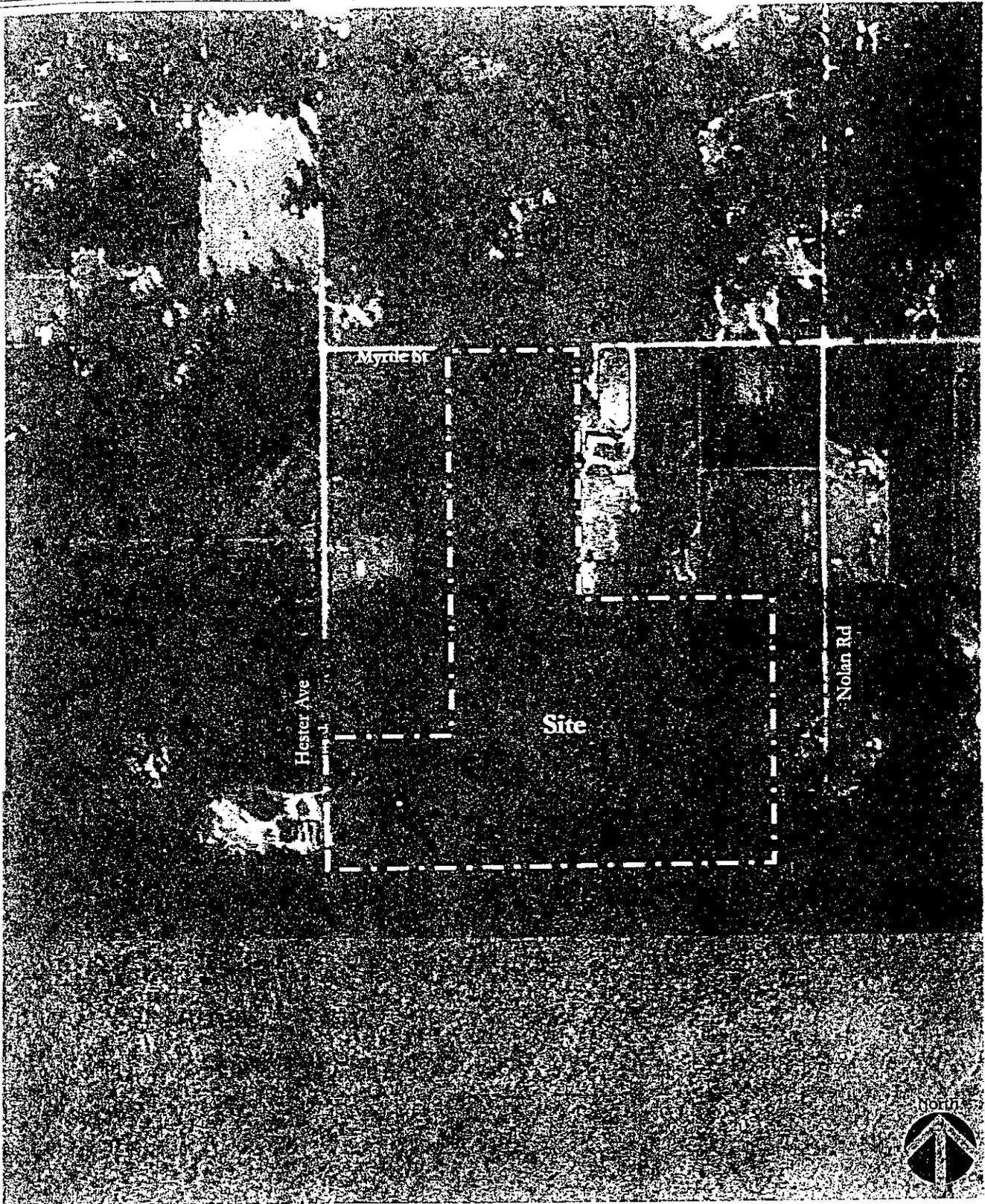
- 
 Recreation (REC)
- 
 Low Density Residential (LDR)
- 
 Sub Urban Estates(SE)



Scale: 1"=600'

**HARLING
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ASSOCIATES, INC.

3/19/01 0105sxc1



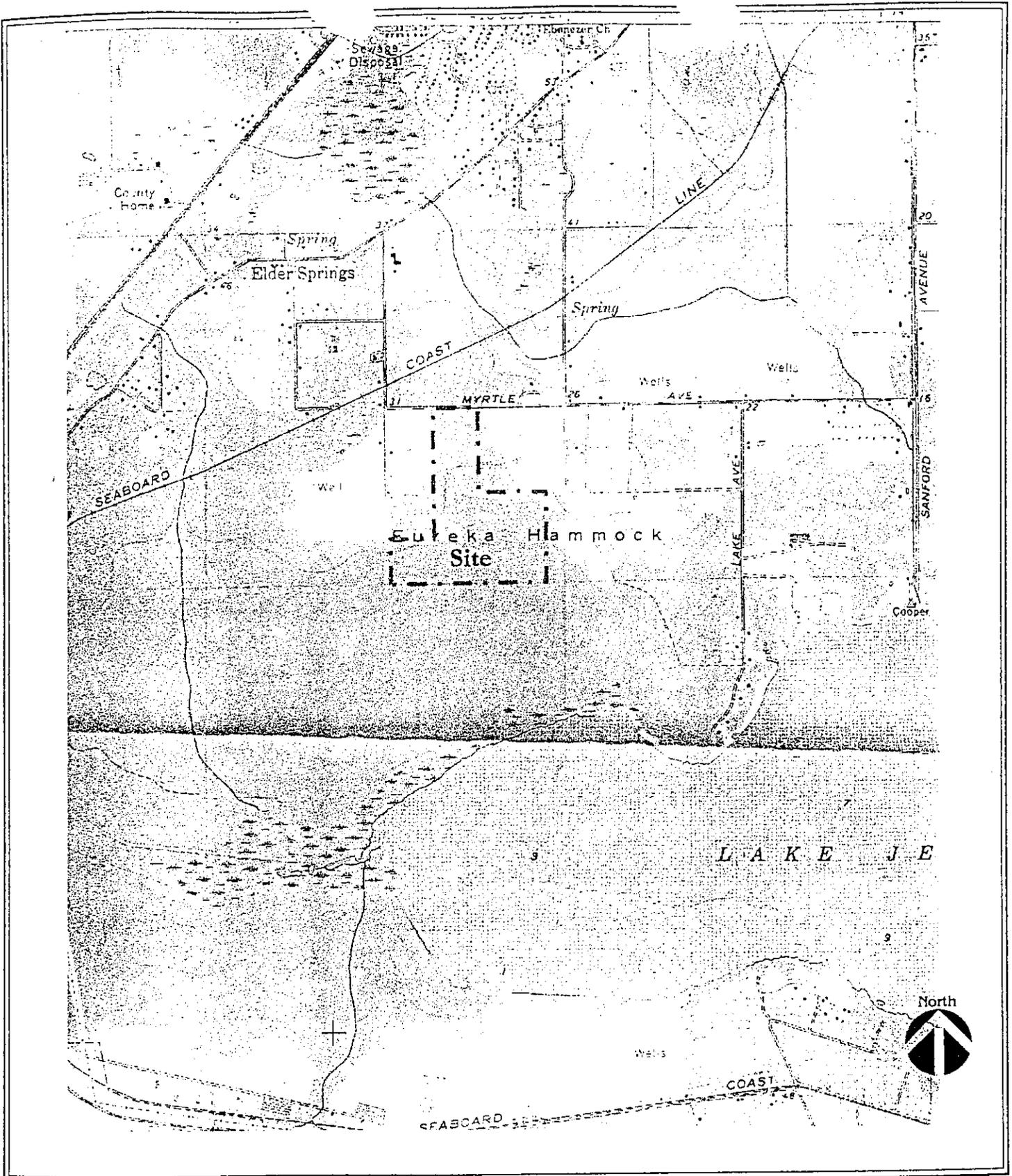
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& ASSOCIATES INC.**

Lake Jessup Woods

Aerials only

Job number: 0105
Date: 03/19/01

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



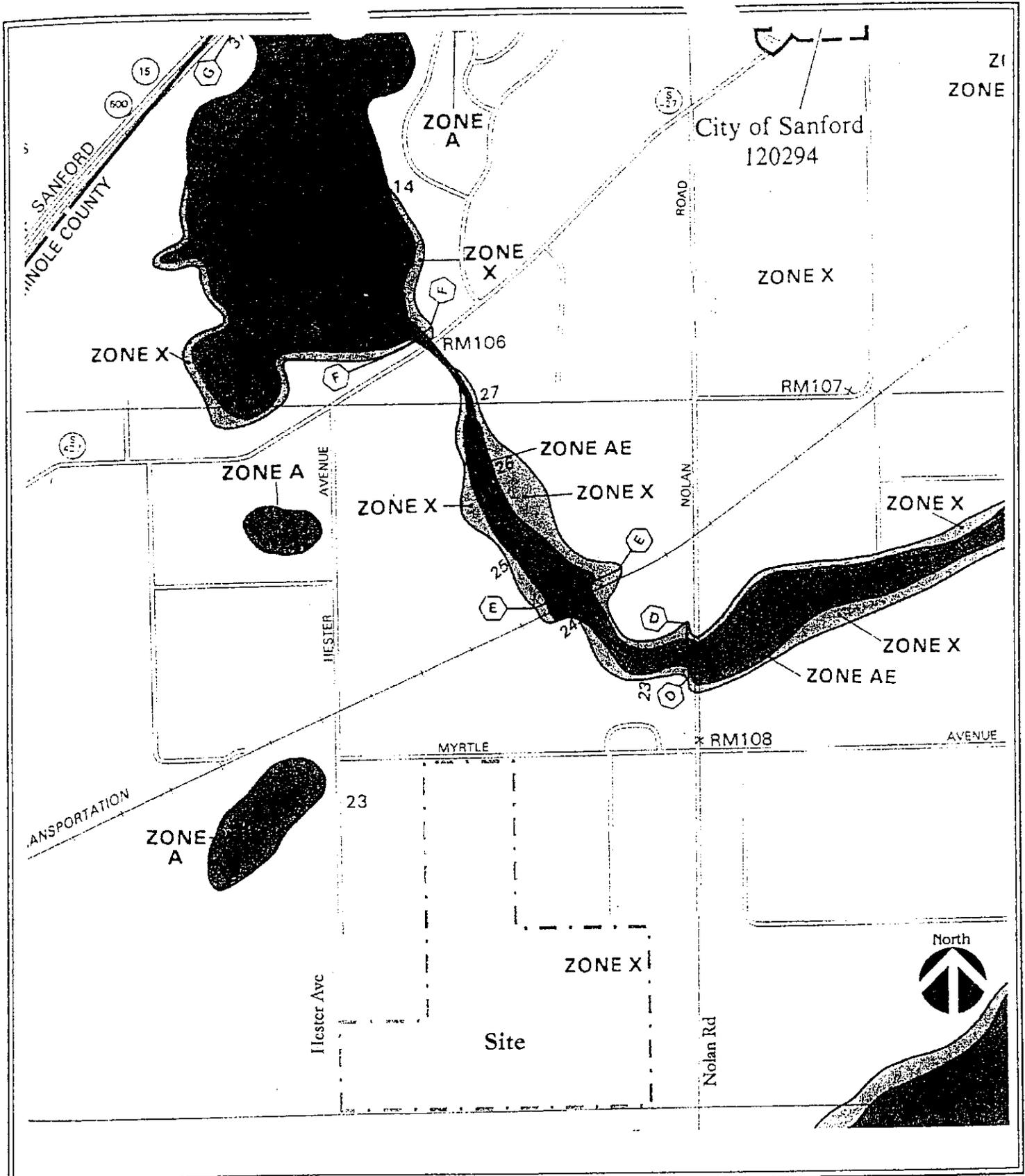
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& ASSOCIATES INC**

Lake Jessup Woods

USGS overlay

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

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Harling Locklin & Associates Inc.
850 Courland Street
Orlando, Florida 32804
Ph: 407-629-1061 Fax: 407-629-2855



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& ASSOCIATES INC.**

Lake Jessup Woods

Firm Map
panel # 12117C0135 E

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

Prepared by:
Harling Locklin & Associates Inc.
850 Courtland Street
Orlando, Florida 32804
Ph: 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 WORTH CITY OF	120410	0105	E
LAVELLE CITY OF	120204	0175	E
WINTER SPRINGS CITY OF	120206	0175	E
UNINCORPORATED AREAS	120205	0175	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 (usual stream flow on sloping terrain); average depths determined. For areas of alluvial fans, flooding velocities also determined.
- ZONE A99** To be prohibited from 100-year flood by Federal flood protection works under construction; no base flood elevation 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 mile; 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 1947
-  Identified 1947 or Later
-  Other with Protective Areas (1947 or 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

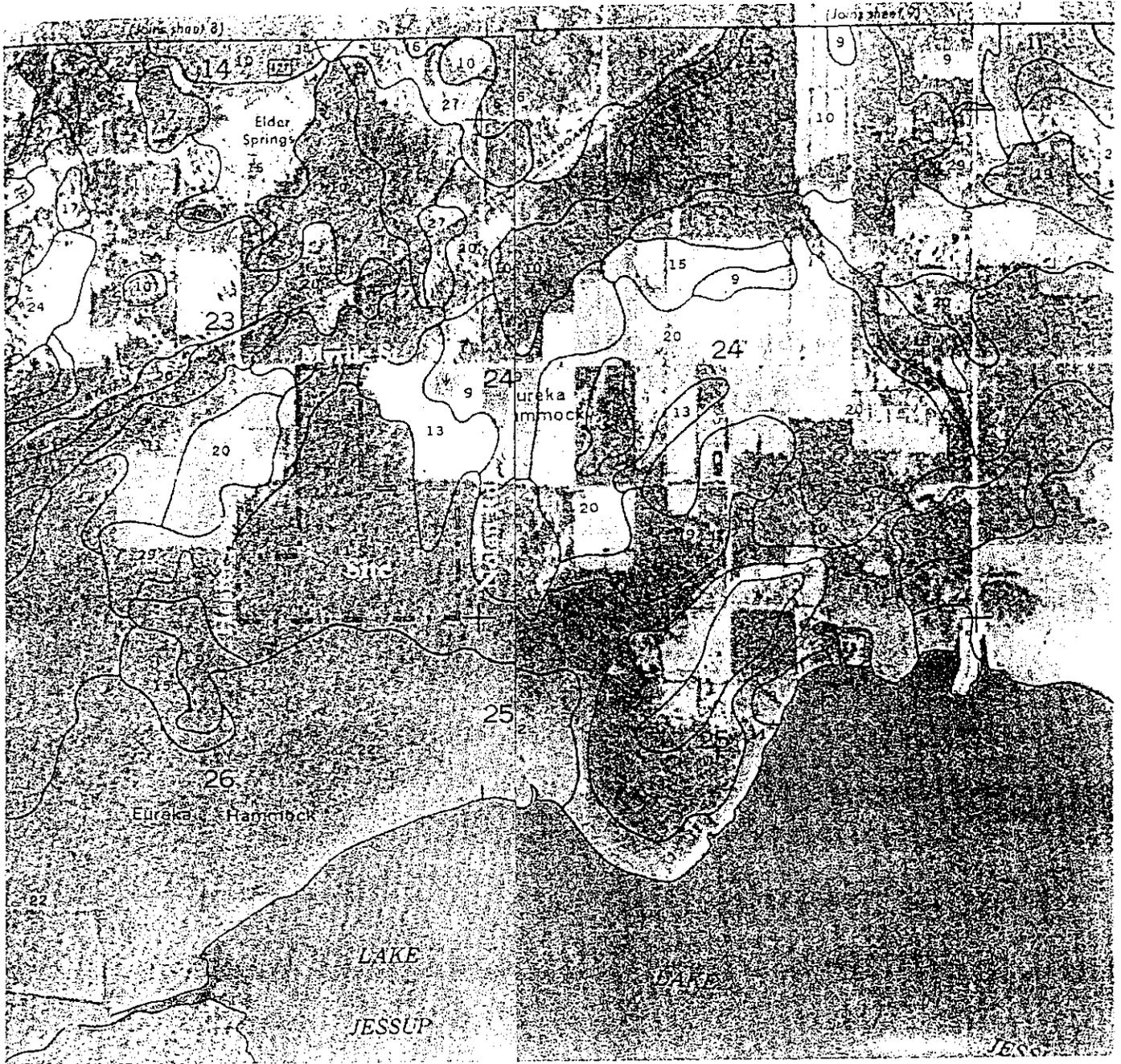
**HARLING
LOCKLIN
& ASSOCIATES INC.**

Lake Jessup Woods

Firm Panel cover &
Legend

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

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



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Lake Jessup Woods

Soils Map

Job number: 0105
Date: 03/19/01

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

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		Frag-ment > 3 Inches	Percentage Passing				Liquid Limit (Pt)	Plasticity Index
			Unified	ASHTO		4	10	40	200		
11 Basinger Smyrna	0-5	Mucky fine sand	SP, SP-SM	A-3, A-2-4	0	100	100	85-100	1-12	—	NP
	5-80	Sand, fine sand	SP, SP-SM	A-3, A-2-4	0	100	100	85-100	2-12	—	NP
	0-2	Fine sand	SP, SP-SM	A-3, A-2-4	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, A-2-4	0	100	100	80-100	5-20	—	NP
	25-80	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-2-4	0	100	100	80-98	5-20	—	NP
	30-45	Sand, fine sand	SP, SP-SM	A-3, A-2-4	0	100	100	80-98	2-12	—	NP
	45-64	Sandy loam, fine sandy loam, sandy clay loam	SM, SM-SC, SC	A-2-4, 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, SP-SM	A-3	0	100	100	70-100	2-10	—	NP
	42-62	Fine sand, sand	SP-SM, SM	A-3, A-2-4	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
	62-80	Fine sand, sand	SP, SP-SM	A-3	0	100	100	70-100	2-10	—	NP
22 Nittaw	0-2	Muck	PT	—	—	—	—	—	—	—	—
	2-10	Sand, fine sand, mucky fine sand	SP-SM, SM	A-3, A-2-4	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	SP, SP-SM	A-3	0	100	100	80-98	2-5	—	NP
	16-35	Fine sand, sand	SP-SM, SM	A-3, A-2-4	0	100	100	80-98	5-20	—	NP
	35-38	Sand, fine sand	SP, SP-SM	A-3, A-2-4	0	100	100	80-98	2-12	—	NP
	38-72	Sand, fine sand	SM, SM-SC, SC	A-2-4, A-2-6	0	100	100	80-98	20-35	<40	NP-20
	72-80	Sandy loam, fine sandy loam, sandy clay loam	SP-SM, SM	A-3, A-2-4	0	100	100	80-98	5-25	—	NP
72-80	Sand, loamy sand, loamy fine sand	SP-SM, SM	A-3, A-2-4	0	100	100	80-98	5-25	—	NP	

*Information from United States Department of Agriculture
Soil Conservation Service*

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& ASSOCIATES INC.**

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

Job number: 0105
Date: 03/19/01
f'g

Prepared by:
Harling Locklin & Associates Inc.
850 Courtland Street
Orlando, Florida 32804
Ph: 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 Hena, General Partner

Name & Title

LAKE JESSUP WOODS PARTNERSHIP

3-5-01

Date

BCC Minutes

April 9, 2002

APRIL 9, 2002

PUBLIC HEARINGS

Chairman McLain changed the order of the Agenda to begin with Item #68, followed by Item #73, as they are related. He advised that Item #67 was advertised for 7:00 p.m. and, therefore, will be heard at that time or as soon as possible thereafter.

PLAN AMENDMENT AND REZONE
HUGH HARLING, Continued

Continuation from September 24, 2001, of a public hearing to consider the Comprehensive Plan Amendment from Suburban Estates to Low Density Residential; and Rezone from A-1 (Agriculture) to R-1AA (Single Family Residential); property described as Lake Jesup Woods located on the south side of Myrtle Street and west of Hester Avenue; as described in the proof of publication, as shown on page 2131, Hugh Harling.

Amanda Smith, Senior Planner, addressed the Board to state as of today she received a notice from the applicant indicating he would like to amend his rezoning request from R-1AA to PUD in order to properly address any transitioning from lot sizes as well as buffering for the environmental concerns for the property. She stated the District Commissioner and the LPA have recommended that a special area study be conducted in this area to appropriately address the future development intensity and facility needs prior to the adoption of the Spring Large Scale Amendment Cycle in July. Staff is now recommending to transmit to the Department of Community Affairs the land use amendment with the following conditions: (1) Developer shall submit a PUD zoning plan that will be evaluated by the LPA and staff; (2) The wetlands shall be delineated in order to ensure adequate buffering and a means to transition lot sizes from the west to the east to ensure the compatibility of the rural-like character

APRIL 9, 2002

of the area; (3) There shall be a transitioning of lot sizes with the proposed subdivision with an overall density of 2.5 units per net buildable acre with a maximum density of 2.0 units per net buildable acre along the eastern property line; (4) The applicant shall pay the pro rata share for County water and sewer facilities to service the Lake Jesup Woods property; (5) The applicant shall pay the pro rata share for signalization at the intersection of Hester Avenue and CR 427 and any improvements to the railroad crossing on Hester Avenue, which may include signalization; (6) The applicant commits to paying their pro rata share of improving Myrtle Street to County standards and paying their pro rata share of off-site improvements to Hester Avenue to bring this road up to County standards, to include but not limited to road pavement, right-of-way, drainage, and sidewalks standards. Improvements will be determined at the time of PUD final master plan approval.

Ms. Smith reported that J.V. Torregrosa, the County's Natural Resource Officer, has met with the applicant, his environmental consultant, and the St. Johns River Water Management staff on site to discuss the extent of the wetlands. She understands that the wetlands will not be able to be field verified by the State until April 15 at the earliest.

Chairman McLain clarified with Matt West, Planning Manager, that the staff's recommendation is for no more than 2.5 units per net buildable acre with half-acre lots on the eastern perimeter.

Commissioner Maloy questioned Ms. Smith on when the change in the staff's recommendation from denial to approval occurred. He stated on these last-minute major changes, it would help the Board to have the staff comments provided so they can review

APRIL 9, 2002

them while listening to testimony. Ms. Smith provided copies of her comments (copy received and filed) to the Board for review.

Chairman McLain further clarified with Mr. West that the staff's recommendation is to forward the land use amendment to DCA for their comments and when this comes back with the PUD, site plan, and all wetlands delineation clearly identified, staff will make a final recommendation on any approval at the time of the zoning change.

Commissioner Morris discussed the buffering with staff.

Hugh Harling, Harling Locklin and Associates, representing Ernie Rapp, owner of the property, addressed the Board to state Mr. Rapp has given them permission to move forward under the conditions as stated. They are in agreement with staff and appreciate the work staff did with them. He explained he thinks the change took place when the Water Management District personnel went on the site for a wetlands analysis. He explained how this process was done. He advised the Soils Scientist for the Water Management District made the determination that there is a significant amount of uplands on the property. He said his consultant has not had the opportunity to go back and verify the wetlands line but that will be done before the adoption hearing. Mr. Harling said they could commit to a 100' natural buffer along Myrtle. They are also committed to bringing the water line along Myrtle, which would bring water service into the area, and committed to improving the roadway and bringing the drainage up to code.

Mr. Harling discussed with Commissioner Morris the differences in the current request and the earlier one. He stated staff requested they leave the land use designation as Low Density Residential and restrict the project in the zoning.

APRIL 9, 2002

He has entered a letter into the Record (not received and filed) that would cap the project at 2.5 units per acre and they are willing to abide by that.

Upon inquiry by Commissioner Henley, Mr. West said before they consider additional changes or land use amendments, they would prefer to do an area study for the Lake Jesup Woods area. He said he does not foresee any complications for compatibility in the area.

Mary Ann Baker, 651 Myrtle Street, addressed the Board to state once they get rid of the trees, there will be no putting them back. She asked the Board to judge wisely how they decide to do this project. She said there are a lot of beautiful trees and a lot of wildlife on the property. The more people brought in, the more traffic and more kids will come also. If they get a lot of subdivisions in this area, the whole character of the neighborhood is going to change and not necessarily for the better.

Robert Jasmin, 1153 Myrtle Street, addressed the Board to state for everything that has been brought up, staff has recommended denial and every time Mr. Harling has gotten an extension. He said the Web site this morning still stated this as a denial and now this afternoon all of a sudden it is turned around. He wants to know by whose authority and how was this done after all the time of denial recommendations. He asked why hasn't a comprehensive impact study been done on this whole area; why was this not done when Autumn Chase was proposed, and why not now. He asked staff to define what the impact will be on their homes and their way of life, the impact of traffic and so on. He said this need to be done before any decision is made and should be done before transmittal to DCA. He recommended

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the Board consider this and make that their recommendation. He said the current homeowners were mandated for one house per buildable acre and were told this from day one. He quoted from the transcript of the BCC meeting of January 23, 1996, stating the compatibility of Suburban Estates would be maintained. He asked the Board to do the study and do this right so they don't make another Autumn Chase.

Mr. West responded to Mr. Jasmin that it was under his authority that the staff's recommendation changed. He said it was changed today because he received in writing today from the applicant his request to change to PUD and additional commitments.

Commissioner Morris explained that Autumn Chase was going to be an affordable housing project and they worked on it to have it upscaled. He said the Board is now looking at a much different project than six months ago. This has not been continued to allow the applicant to move it forward but to change the proposal. He explained this is a transmittal hearing and at the PUD hearing, the ultimate density of the project will be reflected. This is going to be an extremely less dense project than Autumn Chase.

Lois DeCiryan and Danny DeCiryan, 1581 Silk Tree Circle, addressed the Board. Mrs. DeCiryan stated she opposes the change of land use at this time to any density above one dwelling unit per acre. She said it did not come as a surprise to her about the change tonight. She thinks it's a common thing to come in with a density and then come in with a lower density to make it go through. She thinks they do need a special area study. She lives in Autumn Chase and it is clear to them that this density of housing should have never been allowed. Many of

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the yards have to be drained as the ditches and swales do not drain. The swimming pool companies have to fill in the pools, and the retention ponds are full all the time. She said low density residential was an abomination and should not be used for further allowance of the density. Mrs. DeCiryan showed pictures (received and filed) of flooding in the area. She said she has been looking into the State of Florida naming Lake Jesup Basin as one of the three sensitive areas along with the Wekiva and the Little Econ. There is abundant wildlife in the area and she showed pictures (received and filed) of the gopher tortoises. She also showed an aerial photo (received and filed) demonstrating the connection of Lake Jesup with the Eureka Hammock and Autumn Chase developments. Mrs. DeCiryan submitted a letter from Carolyn Christlieb and a Petition in opposition, as shown on page 2137, done in September for the hearing that was continued.

Frances Lord, 4835 Hester Avenue, addressed the Board to state the figures she just submitted to the Board (copy received and filed) are from the Seminole County Appraiser's Office. This zoning request is for 78 acres and 61 of those have no taxable value, which means they are wetlands. Only 17 acres are above the water line. She said the County should consider buying this piece of land and preserving it to use for a catchall for the water that is going into Lake Jesup, and do not concrete over it and destroy it. She said she very much opposes the rezoning of this piece of property because it should be preserved.

Chairman McLain responded that if Mrs. Lord's figures are correct and only 17 acres of the property is not wetlands, then

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that is all the St. Johns District would allow to be developed. He said the Board agrees the lake needs to be protected.

Nancy Jasmin, 1153 Myrtle Street, addressed the Board to state Autumn Chase was approved because of the property on the other side of the railroad track, but it should never have been allowed to develop. This property is still low lands and is all wetlands, and it should be saved.

Linda Short, 5150 Plato Cove, addressed the Board to state her biggest issue is the impact this will have on just getting around from day to day. They all bought where they are and were willing to abide by the rules of one house per acre. She said the rule should apply to everyone, if you are an owner or developer. She stated she wants to have a big piece of acreage and have her neighbors do the same because she likes that way of life. She can already see the impact of traffic on her neighborhood. She has seen a number of dead animals hit by cars. She doesn't think anyone would oppose the project if it were one house per buildable acre.

B.J. Simons, 1550 Myrtle Street, addressed the Board to state one of the issues that affect him is the water runoff. The subject property is directly across the street from him, and he is already feeling an impact from the tremendous increase of water standing on his property from Autumn Chase. Before that development, he never had that situation. He said the water stands for weeks and weeks after moderate rain. Also, the ditches remain full now after the rains and they were not as bad before the Autumn Chase development. He asked the Board to consider what the impact is going to be on the neighbors. He said another concern is with the traffic, if the roads are not set up for these subdivisions coming in. This one will come,

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then another one, and another until Myrtle Street is built out. Another consideration is the school children. Unless there is money appropriated immediately as the subdivisions are built, it is going to take awhile to build the schools needed. He said this project will destroy the way of life in this area. They all moved there to enjoy the lifestyle out in the country. He knows everybody is entitled to make a profit off their property, but he feels people have a moral obligation to look after their neighbors as well when it comes to making an undue hardship on them.

Chairman McLain read the Written Comment Forms (received and filed) in opposition from the following: Chuck Bailey; Lolly DeHaven; Stuart Culpepper; Michael Burkhart; Kathy Lanzon; Wanda Culpepper; Diane Morton; Roseanne Prickel; and Cynthia Casper.

Ms. Smith advised she submitted e-mails (received and filed) to the Board to be entered into the Record.

Sam Kendall, Altamonte Springs, addressed the Board to state if the Board sends this project forward to the DCA and they approve it, then the developer will have the opportunity to go to the St. Johns District with his plan. The St. Johns District has a policy of allowing wetlands to be filled as long as you buy mitigation property somewhere else. Whereupon, Chairman McLain affirmed with Ms. Smith that the applicant has committed to not invade any wetlands on this property. She said if the Board wishes, staff can have the developer provide that commitment in a written statement.

Commissioner Morris stated the commitment is in the Record and becomes a part of the PUD application.

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Mr. Harling responded to comments by the residents. He advised that on the wetlands, they have agreed to maintain the same wetland density and number of wetland acres on the site that will be determined by the St. Johns River Water Management District. They have further agreed that if they cross a wetland to get from an upland to another upland, they would create an equal amount of wetlands. He explained there are a couple of ditches that have to be crossed that would be classified as wetlands. He reviewed the issues of water, sewer, drainage, and traffic that were discussed by the residents. He stated they will be improving Myrtle Street drainage and sewer and will provide sidewalks. He advised Commissioner Maloy that the estimated amount of wetlands is between 30% and 50%, and there are basically three areas of wetlands.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

Ms. Smith clarified that the Comprehensive Plan states that no loss of wetlands in the Lake Jesup Basin is appropriate, so staff would closely monitor when the project comes back in. She affirmed with Chairman McLain that any wetlands in Lake Jesup would have to be mitigated inside the Basin.

Upon inquiry by Commissioner Maloy, Ms. Smith advised that the recommendation is to transmit and at the same time a small area study will be done for this area. She said at the time of adoption, the staff would revisit the adoption of the land use amendment and the PUD zoning classification to see if it is compatible with the adjacent land use.

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Upon inquiry by Chairman McLain, Mr. Fisher advised what his recommendation would be as it relates to the small area study affecting this land use change.

District Commissioner McLain asked for a motion in support of the staff recommendation.

Motion by Commissioner Morris, seconded by Commissioner Henley, to support the staff recommendation to transmit the land use amendment from Suburban Estates to Low Density Residential; property described as Lake Jesup Woods located on the south side of Myrtle Street and west of Hester Avenue; as described in the proof of publication, Hugh Harling, with commitments made by the applicant tonight and the comments by the Planning Manager relative to the Small Area Study.

Districts 1, 2, 3, 4, and 5 voted AYE.

LAND USE AMENDMENT
ESTERSON/SCHUMACHER

Proof of publication, as shown on page 2131, calling for a public hearing to consider a Large Scale Land Use Amendment from Suburban Estates to Low Density Residential; property described as two tracts of land, one north of Myrtle Street approximately 1200 feet east of Nolan Road and the second, south of Myrtle Street and west of Nolan Road, Esterson/Schumacher, received and filed.

Alice Gilmartin, Planning, addressed the Board to state she would like to amend the staff recommendation to consider continuing this item until after the Small Area Study is completed.

Mr. West stated at no additional cost to the applicant, staff would bring this item back, possibly during the fall cycle, and this item would be considered in conjunction with the Small Area Study.

BCC Minutes

September 24, 2001

PLAN AMENDMENT AND REZONE
HARLING LOCKLIN & ASSOCIATES

-

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

Matt West, Planning Manager, addressed the Board to state that if the Commission votes to transmit this amendment to the Department of Community Affairs (DCA), the adoption hearing would be held on December 11, 2001, in conjunction with the associated rezoning request. He advised the Local Planning Agency voted 4 to 0 to recommend denial with the staff's 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 filed) 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 filed) 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-1AAA. 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-1AAA 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.

During discussion with Commissioner McLain, Mr. Harling said if it is the Board's desire for them to come back with a PD land use and continue to the next cycle to have the answers lacking at this time, and come back with a PUD rezoning, they would support doing that. Additional discussion ensued.

Commissioner McLain stated with the uncertainty and knowing the Board wants to develop a site that is compatible with Suburban Estates, he thinks it is appropriate to continue this to the spring cycle.

Motion by Commissioner McLain, seconded by Commissioner Morris, to continue to the spring cycle 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; as described in the proof of publication, Harling Locklin & Associates; and the applicant is to come back with delineated wetlands lines and a PUD request so they can work out a suitable site plan, if development is possible, that would be compatible with Suburban Estates.

Under discussion, Chairman Van Der Weide called for those who would like to speak for or against the continuance of this request.

Danny DeCiryran, 1581 Silk Tree Circle, addressed the Board to state this is the last piece of woods that goes into the Eureka Hammock/Lake Jesup area and with the discussion on the wetlands, he is asking the Board to reconsider building on this property.

Jean Michels, 370 Miller Road, addressed the Board to state she is glad the Board is continuing the hearing as she thinks it is too important to make a quick decision. She

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, 5157 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 filed.

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

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

LPA Minutes

August 1, 2001
and
February 20, 2002

LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
August 1, 2001 – 7:00 P.M.
MINUTES

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 LOCKLIN & 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-1 (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-1 (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-1 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-1) 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 staff's 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)

SPECIAL MEETING OF THE
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
February 20, 2002 – 7:00 P.M.
MINUTES

Board Present:

Ben Tucker, Chairman
Tom Mahoney, Vice Chairman
Don Nicholas
Beth Hattaway
Alan Peltz
Dick Harris
Paul Tremel

Staff Present:

Matt West, Planning Division
Cindy Matheny, Planning Division
Amanda Smith, Planning Division
Alice Gilmartin, Planning Division
Dick Boyer, Planning Division
Craig Shadrix, Planning Division
Tony Matthews, Planning Division
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 by Commissioner Peltz to accept proof of publication. Second by Commissioner Mahoney.

Motion passed unanimously. (7-0)

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

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

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-1 (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. This item is part of the Seminole County Large Scale Land Use Amendment Spring Cycle.

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.

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

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

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.

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

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. And would be incompatible with surrounding development.

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

He requested Board approval for this request.

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

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

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

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

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

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

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

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

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

Florida Department of Community Affairs
Objections, Recommendations, and Comments Report
June 28, 2002



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

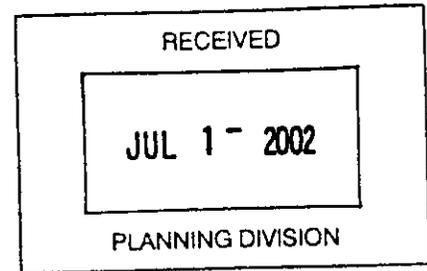
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

June 28, 2002

The Honorable Daryl McLain, Chairman
Seminole County
1101 East First Street
Sanford, Florida 32771-1468



Dear Chairman McLain:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA No. 02-1ER), received on April 19, 2002. Copies of the proposed amendment have been distributed to the appropriate state, regional and local agencies for their review and their comments are enclosed.

I am enclosing the Department's Objections, Recommendations and Comments (ORC) Report, issued pursuant to Rule 9J-11.010, Florida Administrative Code (F.A.C.). The issues identified in this ORC Report include the need to provide a suitability analysis demonstrating that the development proposed is appropriate for the site.

Upon receipt of this letter, the County has 120 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in Section 163.3184, Florida Statutes, and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendments;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and,

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Daryl McLain, Chairman
June 28, 2002
Page Two

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

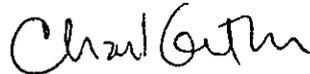
The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination, and issue the appropriate notice of intent.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), Florida Statutes, requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan or plan amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b) which are effective July 1, 2001, and providing a model sign-in information sheet, please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. For efficiency, we suggest the information sheet be provided in electronic format.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the East Central Florida Regional Planning Council.

Please contact Dawn McDonald, Planning Consultant, at (850) 922-1816, if you require assistance.

Sincerely yours,



Charles Gauthier, AICP
Chief, Bureau of Local Planning

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council
Mr. Dick Boyer, Senior Planner, Seminole County
Ms. Cindy Kirkconnell, Attorney, Lowndes Drosdick, et.al.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

SEMINOLE COUNTY

Amendment 02-1ER

June 28, 2002
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed 02-1ER amendment to its comprehensive plan pursuant to Section 163.3184, Florida Statutes (F.S.).

Objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The local government should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
SEMINOLE COUNTY
PROPOSED AMENDMENT 02-1ER**

I. Consistency with Rule 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, Florida Statutes (F.S.)

A. The Department raises the following objections to Amendment #01F.FLU01 (Lake Jesup Woods):

1. Objection

The amendment site has not been demonstrated to be suitable for the proposed land uses and the allowable densities and intensities of use. Data and analysis have not been provided assessing the site's suitability for development considering the following: natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains, and wetlands. An analysis which assesses the appropriate level of development based upon the presence and protection of these resources, occurring both on- and off-site, has not been included. [Section 163.3177(6)(a), and 163.3177(6)(d), F.S. Rules 9J-5.005(2), 9J-5.006(2), 9J-5.006(3)(b)1., 9J-5.006(3)(b)4., 9J-5.006(3)(b)9., 9J-5.013(1), 9J-5.013(2), and 9J-5.013(3), F.A.C.]

Recommendation

Do not adopt the proposed amendment until a special study of the Lake Jesup area has been completed. Alternatively, provide analyses which identify and evaluate the suitability of the site for development considering the above cited natural resources. Wildlife and wildlife habitats should be identified, including, but not limited to, vegetative cover and potential for wildlife and wildlife habitats. Listed species occurring on-site or having potential to occur on-site should be identified. The importance of upland areas to the life cycle of wetland dependant species should be evaluated in order to ensure that the habitat value of wetland areas is protected. Identify potential impacts of development to water quality, floodplains, and wetlands. This analysis should address impacts attributable to increased run off and associated pollution. After undertaking an analysis assessing the suitability of the site for development, the County should assess which future land use is most appropriate for the site. The land use chosen should be consistent with and supported by the data and analysis and be compatible with the protection of natural resources and their functional values. Revise the amendment, as necessary, to be consistent with and supported by data and analyses.

B. The Department raises the following comment to Amendment #01F.FLU01 (Lake Jesup Woods):

1. Comment

Florida Department of State indicates that Amendment #01F.FLU01 includes a portion of archaeological site 8SE71, a general vicinity archeological site where the exact location has not been determined. FDOS recommends the County survey the amendment site prior to development to determine the precise location of the site and to determine if this is a significant archeological site.

C. The Department raises the following comments to the entire amendment package:

Intergovernmental Coordination Element

1. Comment

The County would benefit by including a policy or policies requiring independent special districts to provide a public facilities report as required by Section 189.415, F.S.

Potable Water Element

2. Comment

The St. Johns River Water Management District recommends the City include policies in the plan to incorporate water use reduction standards, such as limiting pervious surfaces, encouraging the planting of drought tolerant plants, such as native vegetation, and adopting water conservation measures. The SJRWMD suggests the City include policies in the plan relating to the amount of water resources available for future growth, noting the amount of water permitted for use under the consumptive use permit. According to the SJRWMD, the City should calculate its future water needs on the City's potable water demand and on the amount of water made available in the City's consumptive use permit. In addition, the District recommends that the City include policies in its Intergovernmental Coordination Element to indicate that the City will participate in regional water planning initiatives. Furthermore, the District recommends the County revise Potable Water Element Policy 1.6 to indicate that the County will cooperate in a regional reuse system with nearby municipalities that already are connected to a reuse system. In addition, the District recommends the County revise Potable Water Element Policy 3.2 to include the date of the existing plan and the completion date for the first update, and indicate that the County's plan will be consistent with the District's latest Water Supply Plan and other reports and data available at the time the County's plan is updated.

II. Consistency with the State Comprehensive Plan

The proposed amendment is inconsistent with the following goals and policies of the State Comprehensive Plan (Chapter 187.201, Florida Statutes):

Goal 8 (Water Resources), Policy 10.;

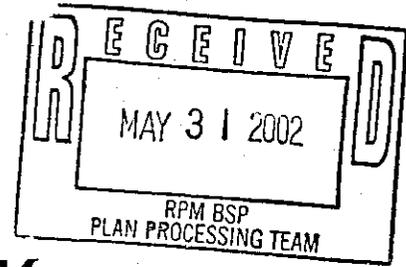
Goal 10 (Natural Systems and Recreational Lands), Policies 1., 3., and 7.; and,

Goal 20 (Transportation), Policies 3., and 13.

These State Comprehensive Plan issues can be resolved by addressing the objections in this Report.

East Central Florida
**REGIONAL
PLANNING
COUNCIL**

6BW
5-31-02



MEMORANDUM

Chairman/
Commissioner
Randall Morris
Seminole County

Vice Chairman
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TO: D. Ray Eubanks, FDCA, Planning Manager
Brenda Winningham, FDCA, Comm. Program Administrator

FROM: Kimberly Neal *KN*

DATE: May 29, 2002

SUBJECT: Comprehensive Plan Amendment Review

LOCAL GOVERNMENT: Seminole County
LOCAL AMENDMENT #:
DCA AMENDMENT #: 02-1ER

Council staff has completed a technical review of the above referenced comprehensive plan amendment. The review was conducted in accordance with the provisions of the East Central Florida Regional Planning Council's current contract with the Florida Department of Community Affairs for Plan and Plan Amendment Reviews.

We have not identified any significant and adverse effects on regional resources or facilities, nor have any extrajurisdictional impacts been identified that would adversely effect the ability of neighboring jurisdictions to implement their comprehensive plans.

The East Central Florida Regional Planning Council is available to assist in the resolution of any issues that should arise in the course of your review. If you should have any questions, please contact me at SunCom 334-1075 x327. Thank you.

cc: Local Government Contact: Dick Boyer, Senior Planner
File



Department of Environmental Protection

Jeb Bush
 Governor

Marjory Stoneman Douglas Building
 3900 Commonwealth Boulevard
 Tallahassee, Florida 32399-3000

David B. Strubs
 Secretary

May 28, 2002

65W
5-30-02

Mr. Ray Eubanks
 Plan Review and DRI Processing Team
 Florida Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

RE: Seminole County, 02-1ER

Dear Mr. Eubanks:

The Office of Legislative and Governmental Affairs has reviewed the proposal under the procedures of Chapter 163, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code, and we have the following comments and suggestions:

Lake Jessup Woods, Amendment 01F.FLU01:

This amendment concerns re-designating 81.3 acres from Suburban Estates (SE) to Low Density Residential (LDR). Based on the proposed development program, the project will consist of an estimated 180 to 200 single family residences. The current SE land use designation would allow one building unit per acre.

While urban services are available for this parcel, almost sixty per cent of the parcel is wetland. Due to the high percentage of wetlands, the Department recommends that prior to changing the designation, delineation and water management district verification of the landward extent of any wetlands and surface waters be obtained, in accordance with guidelines of Rule 62-340, F.A.C. All improvements to the property should avoid and minimize wetland impacts where possible. Stormwater runoff should be managed to protect the natural function of wetlands and floodplains. The Department agrees with County Planning Staff that the proposed request is premature without the wetland determination. The hydrologic and biochemical processes of these wetlands should be protected to the greatest extent possible. Without proper planning, a 180-unit development could impact these wetlands. We agree with the County Staff that the conservation easement be placed on all the wetlands for their protection, even after construction is complete.

In general, the land use designations proposed for the property in this amendment would increase density and intensify use beyond current use. As a result, the Department has concerns regarding future development within the environmentally sensitive areas onsite. Natural resource impacts within or adjacent to the subject development areas resulting from the proposed increase in density and intensity of use will likely include:

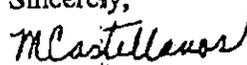
"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Mr. Ray Eubanks
May 28, 2002
Page Two

- Alteration of the existing surface water hydrology and natural drainage patterns on adjacent properties, as a result of increased impervious surface development.
- Modification of groundwater levels and hydrological contributions to the natural system, due to increased water consumption and the creation of drainage ditches and stormwater ponds.
- Reduction in flood attenuation capacity of area lakes, creeks, ditches and sloughs by increasing the amount of impervious surface within the watershed.
- Increased erosion and sediment loading due to construction activities and removal of existing vegetation.
- Alteration of water quality of increased nutrient and pollutant loads typically associated with urban and suburban development (road surface runoff, septic systems, lawn fertilizers, etc.). The effect of higher pollutant loading during storm events will be further magnified by a reduction in the overall quantity of water naturally entering the wetlands.
- All of the foregoing impacts could result in a degradation of wetland and upland habitat.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 487-2231.

Sincerely,



Marlane Castellanos

Office of Legislative and Governmental Affairs

MCI



St. Johns River Water Management District

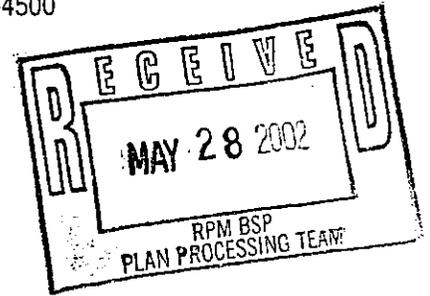
Kirby B. Green III, Executive Director • John R. Wehle, Assistant Executive Director

Post Office Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

May 23, 2002

D. Ray Eubanks, Planning Manager
Plan Review and Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

*60W
5-28-02*



Subject: Proposed Seminole County Comprehensive Plan Amendment for ORC Review
DCA Reference # 02-1ER

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment and have the following informational comments relating to water supply in specific sections of the plan.

Brief comments are also provided at the end of the comprehensive plan comments concerning the Future Land Use Map and text amendments submitted with the comprehensive plan amendments.

General Comments

The entire county is located in the District's Priority Water Resource Caution Area (PWRCA) and, based on information from the District's permitting and compliance staffs, the County has used 1½ times the water allocated in its consumptive use permit (CUP) for each of the years 1998, 1999 and 2000 in its northwest area. As a result of the continuing significant overuse related to this CUP, the County received a Notice of Violation from the District in January 2002. Negotiations related to the renewal of the CUP and the Notice are currently under discussion between the County and the District. Information included in the District's Water Supply Assessment and Water Supply Plan indicates a serious shortfall of groundwater to meet future water demand in the east-central Florida area. The County is encouraged to continue its involvement in the District's regional planning process and to work directly with other water users to find regional solutions, including the development of alternative sources of supply, for the region's potential water supply problems.

Intergovernmental Coordination Element

Objective IGC 3 — The problems concerning future water supply in Seminole County and the region are well explained in Issue S-W 2. However, although Policy IGC 3.3 relates to general coordination with the District, there is no specific policy related to Issue S-W 2. In addition, there is no specific policy relating to water supply from other elements listed in Policy IGC 3.5.

GOVERNING BOARD

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			Catherine A. Walker ALTAMONTE SPRINGS

Given the issues in the east-central Florida area related to long-term water supply, District staff suggest that a specific policy be added requiring the County's continued involvement in the District's regional water supply planning efforts in the area. Additionally, a policy that supports coordination with other local governments and major water users in identifying and implementing suitable alternative water supply strategies should be included under this Objective. The County's involvement in this regional planning effort, and working directly with other water users in the region, would be useful not only in terms of future potable water supply, but also regarding related issues such as water conservation, the use of reclaimed water, protection of recharge areas and water quality.

Potable Water Element

Issue POT 6 — Just as in the Intergovernmental Coordination Element, a clear description of the problems relating to the need for alternative sources for future potable water supplies is presented, but no specific policies related to the County's plan to assist in resolving the problems are included in the Goals, Objectives and Policies of this element.

Policy POT 1.4 — Other conservation related requirements that could be added in this policy for inclusion in the Land Development Code are placing a numerical limit on the percentage of an area that can be irrigated, e.g., 50% of the plantable area (landscaped area). Requiring a percentage of the landscaped area to use drought-tolerant or native vegetation and requiring that reclaimed water be used for irrigation where and when it becomes available are other options.

Policy POT 1.6 — The County might also consider adding a policy that supports becoming part of a regional reuse system with nearby municipalities that are also in the PWRCA and have similar water supply issues.

Objective POT 3 — In addition to setting levels of service (LOS) related to the capacity of facilities, this objective should include language that requires the LOS to be related to available sources of water and, more specifically, to the allocation granted under the current CUP for the facility or group of facilities. This type of information would be useful in analyzing the acceptability of future growth based on the availability of water.

Policy POT 3.2 — The date of the existing plan and the completion date for the first update should be included in this policy. The policy should also indicate that the County's plan would be consistent with, and use information, from the District's latest Water Supply Plan and other reports and data available at the time of the update.

Comments on FLUM Amendments

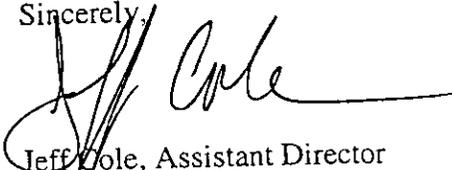
FLUM amendments 01F.FLU01, 02S.FLU01, 02S.FLU02 and 02S.FLU05 are all large-scale amendments changing land use to a more intensive land use. In all except one, the water supplier is to be the County. The only information provided is a statement that water will be supplied and the capacity is available. Given the comments above concerning the issues with the County's CUP and the general problems in the region concerning sources of future water supply, a water supply analysis should be included in the application for land use change that shows that not only

the facilities have the required capacity, but that there is available capacity from the proposed source under the current CUP for the facility providing the water. In other words, the County should analyze whether it currently has enough water in its CUP permit(s) with the District to supply future development associated with these land use changes.

The District supports and appreciates the County's Administrative FLUM amendment 02S.ADM01 that provides for the potential use of some of the County's Yankee Lake property as a surface water treatment facility. Since the use of surface water as an alternative water supply source is one of the options included in the District's Water Supply Plan, allowing for such use on the County's property could be important to the development of regional solutions to the water supply issues facing east-central Florida.

We appreciate the opportunity to provide comments. If you have any questions or need additional information, please call District Policy Analyst Dick Galantowicz at (386) 329-4436/Suncom 860-4436, or e-mail him at dgalanto.sjrwm.com.

Sincerely,



Jeff Cole, Assistant Director
Office of Communications and Governmental Affairs

JC/REG

Don Fisher, Planning and Development Director, Seminole County
Marlane Castellanos, FDEP
Sandra Glenn, ECFRPC
Linda Burnette, SJRWMD
Nancy Christman, SJRWMD
Dwight Jenkins, SJRWMD
Barbara Vergara, SJRWMD
Hal Wilkening, SJRWMD
James Hollingshead, SJRWMD
Dick Galantowicz, SJRWMD

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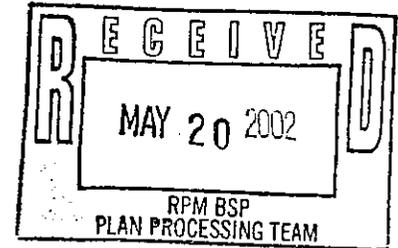
FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State

DIVISION OF HISTORICAL RESOURCES

May 15, 2002

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

*6 BW
5-21-02*



Re: Historic Preservation Review of the Seminole County (02-1ER) Comprehensive Plan Amendment Request (Received by DHR on 04/29/02)

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, we have reviewed the above document to decide if data regarding historic resources have been given sufficient consideration in the request to amend the Seminole County Comprehensive Plan.

We have reviewed proposed text changes to various Comprehensive Plan elements, in addition to five Future Land Use Map amendments to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed text changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Seminole County.

Regarding the map amendments, 01F.FLU01-Lake Jesup Woods, appears to encompass a portion of archaeological site 8SE71, which is recorded only as a "general vicinity" site, as the exact location is unknown. This site was reported as a late 19th-early 20th century lumber camp. We recommend that this tract be subjected to a cultural resources assessment survey to determine if this potentially significant archaeological resource is present on this tract. Furthermore, we also recommend that the county sponsor cultural resource assessment surveys for Amendment 02S.FLU02 in any areas not previously disturbed by construction activities, and for Amendments 02S.FLU05 and 02S.ADM01, as these tracts appear to have at least a moderate potential of having significant archaeological resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp or Laura Kammerer of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

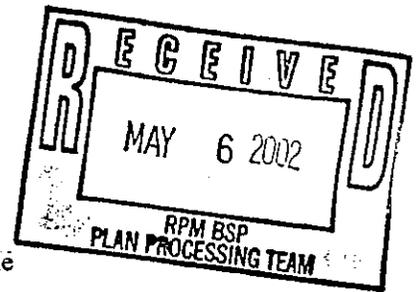
Laura A. Kammerer

for Janet Snyder Matthews, Ph.D., Director

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250 • <http://www.flheritage.com>

- Director's Office (850) 245-6300 • FAX: 245-6435
- Archaeological Research (850) 245-6444 • FAX: 245-6436
- Historic Preservation (850) 245-6333 • FAX: 245-6437
- Historical Museums (850) 245-6400 • FAX: 245-6433
- Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476
- St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044
- Tampa Regional Office (813) 272-3843 • FAX: 272-2340

Mr. Ray Eubanks, Community Program Administrator
c/o Plan Processing Team, Seminole County
Florida Department of Community Affairs
Division of Resource Planning Management
Bureau of Local Planning
2555 Shumard Oak Blvd
Tallahassee, Fla. 32399-2100



Re: Transmittal Letter dated April 17, 2002

Proposed Spring 2002 Large Scale Future Land Use Amendments to The Seminole County Comprehensive Plan

Amendment #01F.FLU01, Lake Jesup Woods; Harling Locklin & Assoc.

Agenda #68, 4/9/02 Public Hearing: "Lake Jesup Woods"

Dear Mr. Eubanks,

Pursuant to Chapter 163.3184(6), Florida Statutes, and as a citizen of Seminole County who owns property and resides in the neighborhood containing the above proposed development, I hereby do urgently and sincerely request that the DCA conduct a review of the proposed Amendment listed above. I respectfully suggest that the proposal NOT be adopted at this time, pending a *small area study* that has been initiated by the Seminole County Board of County Commissioners at the request of their staff. It should be noted that all P&Z Commission and staff reports and recommendations PRIOR to the April 9 "Revised" recommendation are against the proposal and repeatedly begs further wetland evaluation, small area study and policy direction for this unique and sensitive area.

Following are 4 of the main issues inadequately addressed to date:

I. Environmental Considerations: The proposed development, "Lake Jesup Woods", is located in an 81(+/-) acre mature Hydric Hammock located less than 1/2 mile north of Lake Jesup. These woods are known locally as "Eureka Hammock", and play a critical role in all wetland and habitat functions for the north drainage basin / watershed area of Lake Jesup. Florida House Bill 2365 (2000) designates the Lake Jesup basin as a *separate and distinct basin* requiring special management of wetland areas. The extent and type of wetlands in the proposed area are as yet *undetermined* at this time pending recent soil evaluations performed less than a week prior to the 4/9/02 BCC Public Hearing (and subsequent approval for transmittal to DCA). Current maps and common knowledge indicate it is very wet, up to 80% wetlands, with areas of standing water 12 months per year, regardless of drought conditions. Since the development of the adjacent parcel to the west, "Autumn Chase", properties in the region have experienced increased saturation, standing water and runoff problems. *Autumn Chase* itself has had numerous water and drainage issues during and after construction, and is only 75% built at this time. *Autumn Chase* is the development of this intensity that is closest to the north shore of L. Jesup; impacts to the lake are undetermined but certainly are counter-productive to the massive restoration project in progress on the lake.

II. Infrastructure: Hester Ave. and Myrtle Ave. cannot safely support the now increasing loads of traffic with narrow, substandard, ditched roads and only 2 practical, but substandard exit routes out of the entire area north from Lake Jesup. The 90 degree corner of Hester and Myrtle Ave. is a poorly drained, tight corner with no shoulders. This is a school bus stop and is a three-way corner poised for a disaster. When two school buses or large trucks pass on Myrtle or Hester, one or both goes off the pavement onto soft, muddy shoulders or swales. The area for the entrance/exit to the proposed development will be about 300 feet from the aforementioned corner, heavily wooded on both sides of a narrow, ditched road. Area schools are already crowded, and children are not safe anywhere along Myrtle Ave. walking, bike riding or waiting for a bus.

III Rural Character and Citizen input: Through all 4 public hearings concerning this proposal, many citizens have spoken eloquently and appropriately about their desire to retain the rural and agricultural character of the area along Hester, Myrtle and Sanford Avenues which have been enjoyed by residents for generations. Nearly all area residents agree that *Autumn Chase*, an LDR development to the West of the proposal, should NEVER HAVE BEEN APPROVED, and is inappropriately being used as a means of leapfrogging development to the east along Myrtle Ave. Two to four units per acre is not compatible with anything in the area except *Autumn Chase* and cannot be sustained on the soil we have here, which does not drain...

Lois DeCiryan
1581 Silk Tree Circle
Sanford, Fla. 32773
Phone: 407-321-2780
Cell: 407-474-5434
Email: l.timyan-deciryan@excite.com

PUBLIC HEARING: April 9, 2002 re: Large Scale Comp. Plan Amendment for an area named by the developer as "Lake Jesup Woods", from SE to LDR with a proposed density of 2.5 dwelling units per acre.

I OBJECT to a change of land use at this time to LDR or ANY density above ONE DU PER ACRE! This is based on the following points:

A. I live in Autumn Chase, to the direct west of the property in question. It has become clear to myself as well as the other residents that this density of housing should not have ever been allowed back here. Many of the brand new yards have had to be regraded and redrained for drainage problems and continue to be soggy even in this drought period. Ditches and swales here do not drain and there is standing water in many areas. Pavement on streets is cracking, gas tanks and swimming pools tend to "float" on water, the retention ponds are full at all times, etc. It is very apparent that there is a special and unique hydrology in this area that needs a thorough study before any WISE decision is made concerning further development.

BASICALLY, THE DECISION TO ALLOW LDR WAS TRULY AN ABOMINATION to this area, as was correctly predicted by area residents years ago. **THIS ZONING SHOULD NOT BE USED AS JUSTIFICATION FOR FURTHER ZONING OF THIS INTENSITY!!!** Two wrongs do not make a right.

B. The State of Florida has named the Lake Jesup Basin as one of the three sensitive areas for special environmental protection, along with Wekiva River, and the Econ River Basin, according to CS/HB 2365, Section 5

"Under its Environmental Resource Permit program, the SJRWMD shall delineate the Lake Jesup basin as a separate and district drainage basin and regional watershed..."

And it is also cited in the **Seminole County Comp Plan Vision 2020**

1. **Conservation Element Introduction**

..."A continued focus on the conservation of intact wetland systems in the rural portion of the County is necessary to supplement these (land) acquisition programs".

It is again mentioned in the "Special AREAS" portion of the Wetlands Management Strategy portion of Vision 2020.

..."The Lake Jesup basin was designated by House Bill 2365 as a special basin unto itself during the 2000 session, which created additional requirements that exceed those with nested status."

2. **OBJECTIVE CON 3 Floodplain, wetlands and Upland Communities**

“The County shall protect ecological systems including wetlands and uplands, which are sensitive to development impacts and provide important natural functions for maintenance of environmental quality and wildlife habitats”

Certain members of County Government have clearly indicated that the Myrtle Ave. corridor is “slotted for development, and that this is this is in spite of the fact that Lake Jesup is less than a mile away, and only 1500 to 2000 feet away from “Lake Jesup Woods” proposed development! Why is there a multi-million dollar restoration effort going on without any attention given to the Eureka Hammock area of the Northeast shore?

C. Comp Plan Policy 3.6 Impacts to wetlands OR FLOODPLAINS is prohibited unless the project has a SPECIAL REASON or NEED to locate there , a clear demonstration of overriding public interest, and there is no feasible alternative.

There are feasible alternatives to allow the landowner to utilize his land, it just needs to be one du per acre.

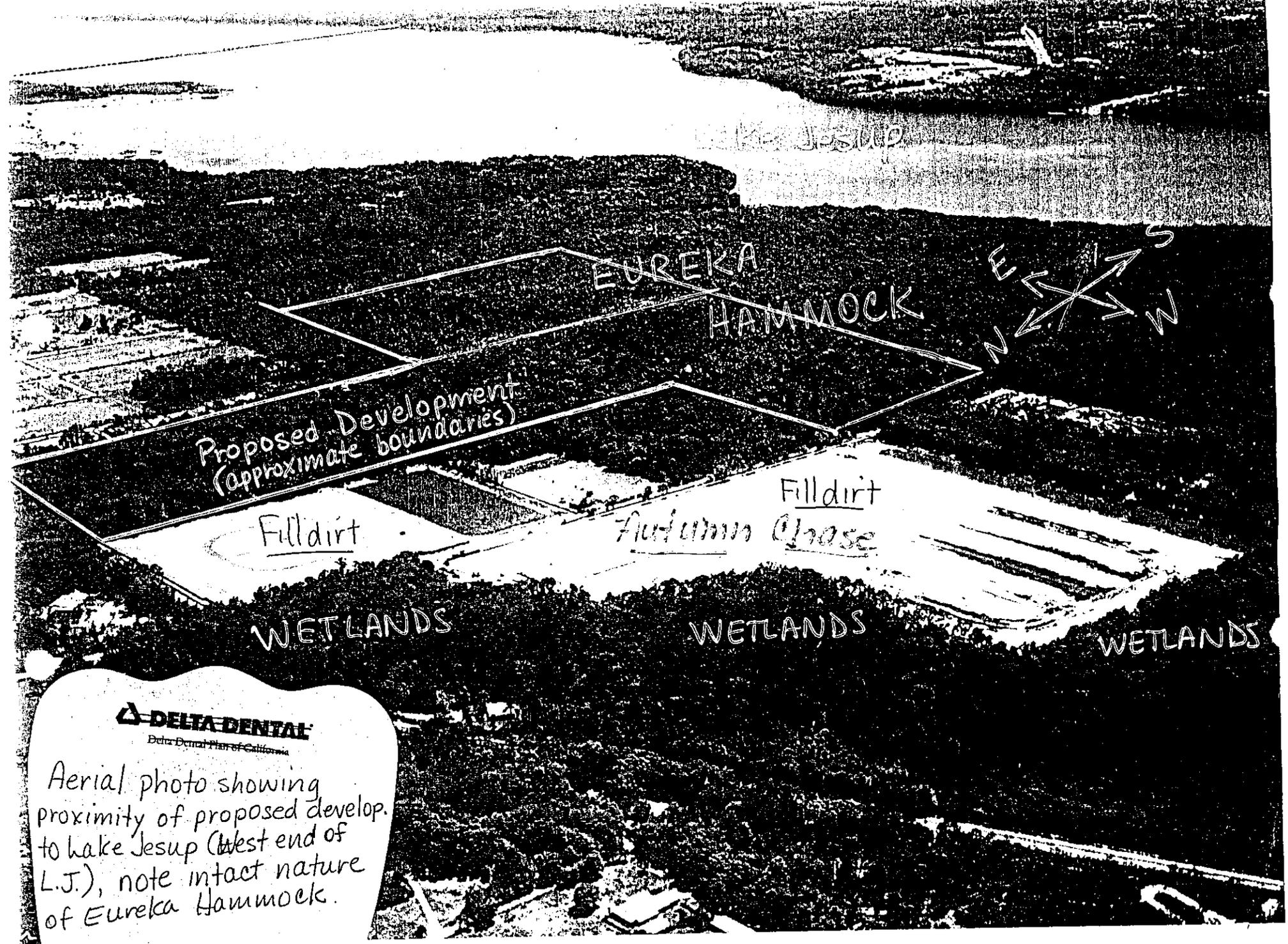
D. There is abundant wildlife, including gopher tortoises, bald eagles, bobcats, swallow-tail kites, all wading and water fowl, Pileated and Red-cockaded Woodpeckers, etc. that live, feed, hang around this property every hour of every day. Owls hoot every night from several directions. The woods DO connect habitats with a major water source. (See photos of gopher tortoise)

E. Today it happened again. The applicant has changed his request at the 11th hour, not giving anyone, including the County Staff a reasonable timetable to do necessary preparation for this hearing. Last year the applicant filed for continuances for 2 out of 2 hearings, a grand record so far of 3 out of 3 hearings without the REQUIRED and OBVIOUS documentation/information, etc. that he knew he needed. Furthermore, he was mandated at the Sept. hearing to go get ready for a PUD and get the wetland/soil study done, which he has failed to produce, even after 7 months. The first BCC meeting which was supposed to be a PUBLIC HEARING was a fiasco, and not a fair hearing at all, as the public was basically asked to come back in the spring.

F. We as residents demand that staff be directed to conduct a special study in this area to properly decide how to proceed and to make wise, informed decisions based on facts instead of other reasons.

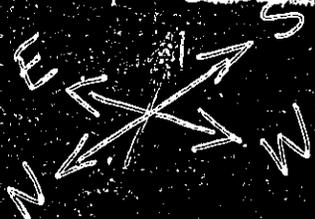
Please have the wisdom and courage to do the right thing tonight.
Respectfully submitted,

Lois DeCiryán



LAKE JESUP

EUREKA
HAMMOCK



Proposed Development
(approximate boundaries)

Fill dirt

Fill dirt
Autumn Chase

WETLANDS

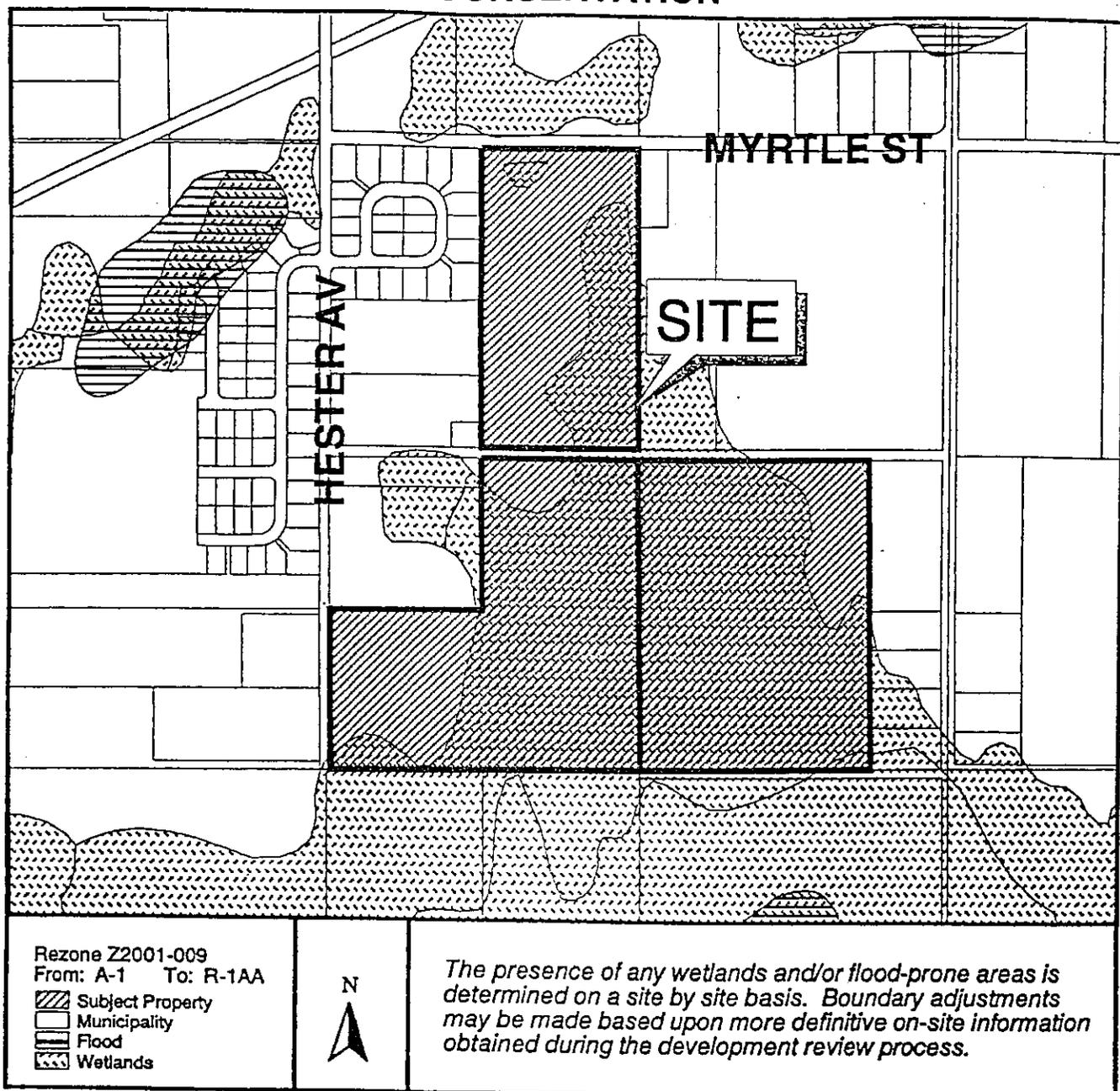
WETLANDS

WETLANDS

DELTA DENTAL
Delta Dental Plan of California

Aerial photo showing proximity of proposed develop. to Lake Jesup (west end of L.J.), note intact nature of Eureka Hammock.

CONSERVATION



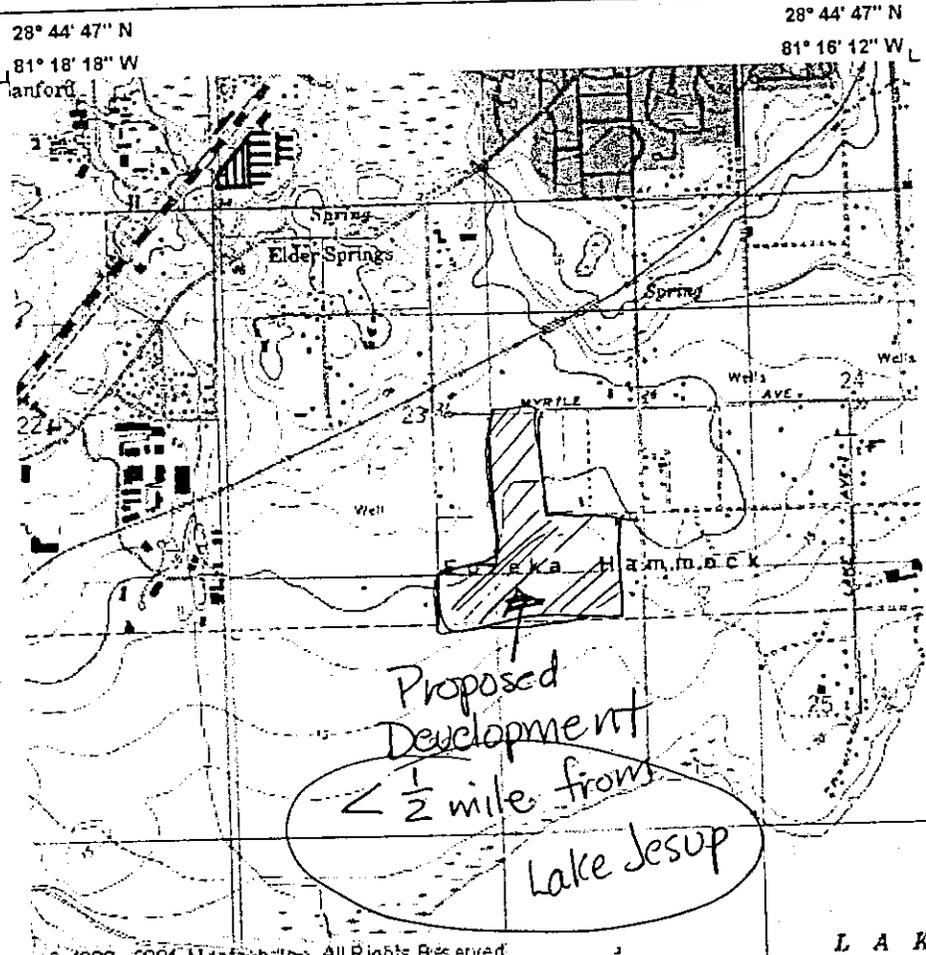
filename: /plan/vcpcr02/z2001-009.apr/z2001-009cons 04/18/01

This is the current conservation map showing flood-prone and wet lands -

We are told that the new study will not be completed until May of 2002! Why is this ~~not~~ zoning change going through??

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See attached map for orientation of pictures

Photo #1 Ditch on South side of Myrtle just East of the Autumn Chase walled subdivision. This ditch has standing water 12 months a year, drought or not.

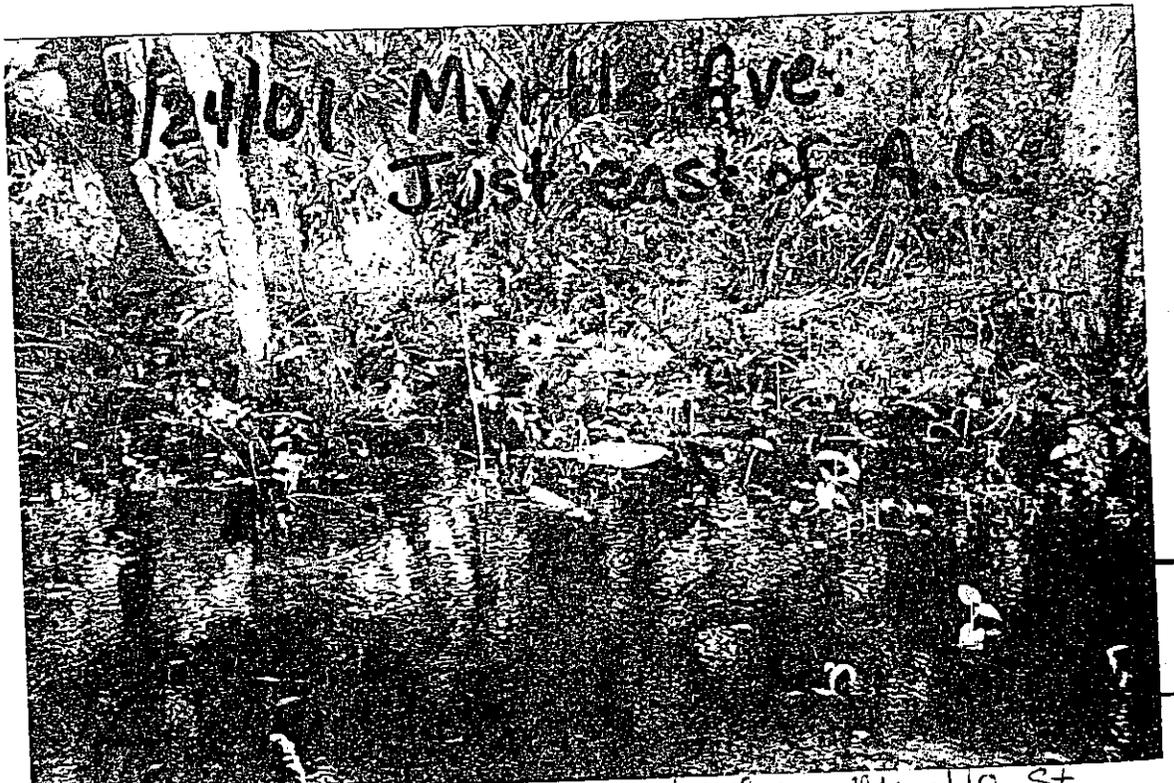


Photo #2 Looking into property from Myrtle St. * This still looks the same as of April 20, 2002.



Gopher
Tortoises,
Bobcats,
Swallowtail
Kites, Bald
Eagles, Sand
Hill Cranes,
etc frequent
this area.

Photo #3

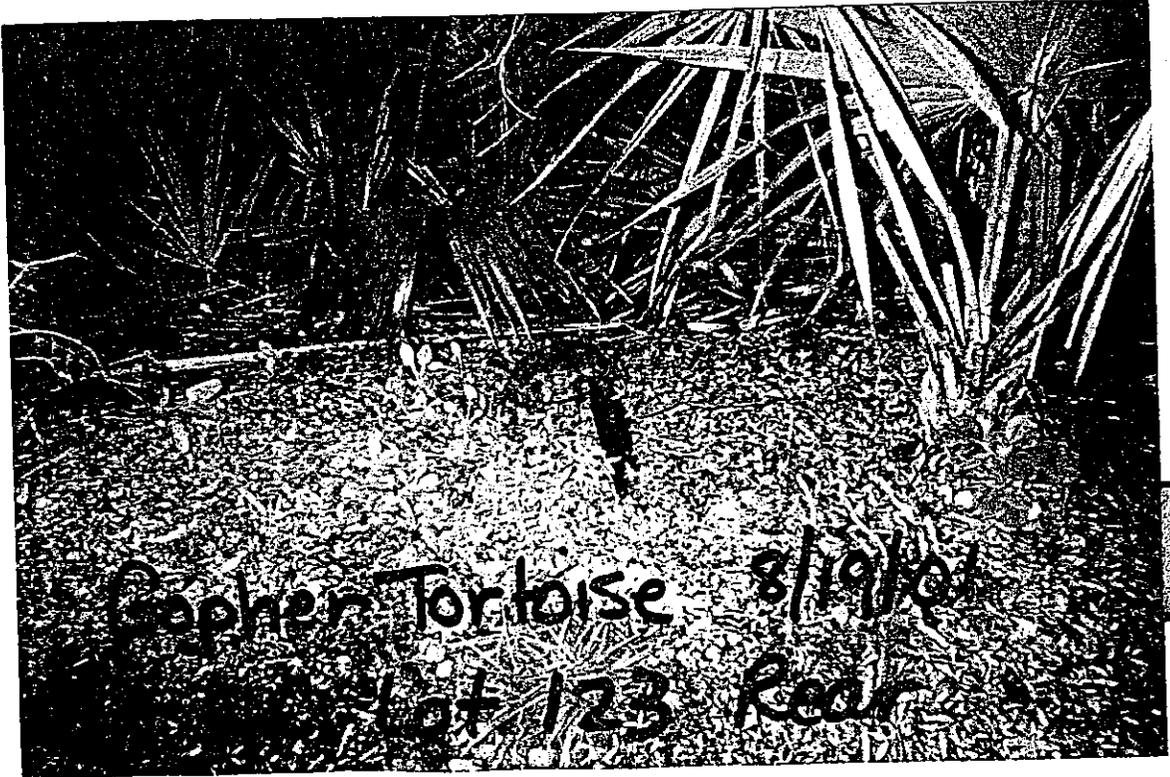


Photo #4

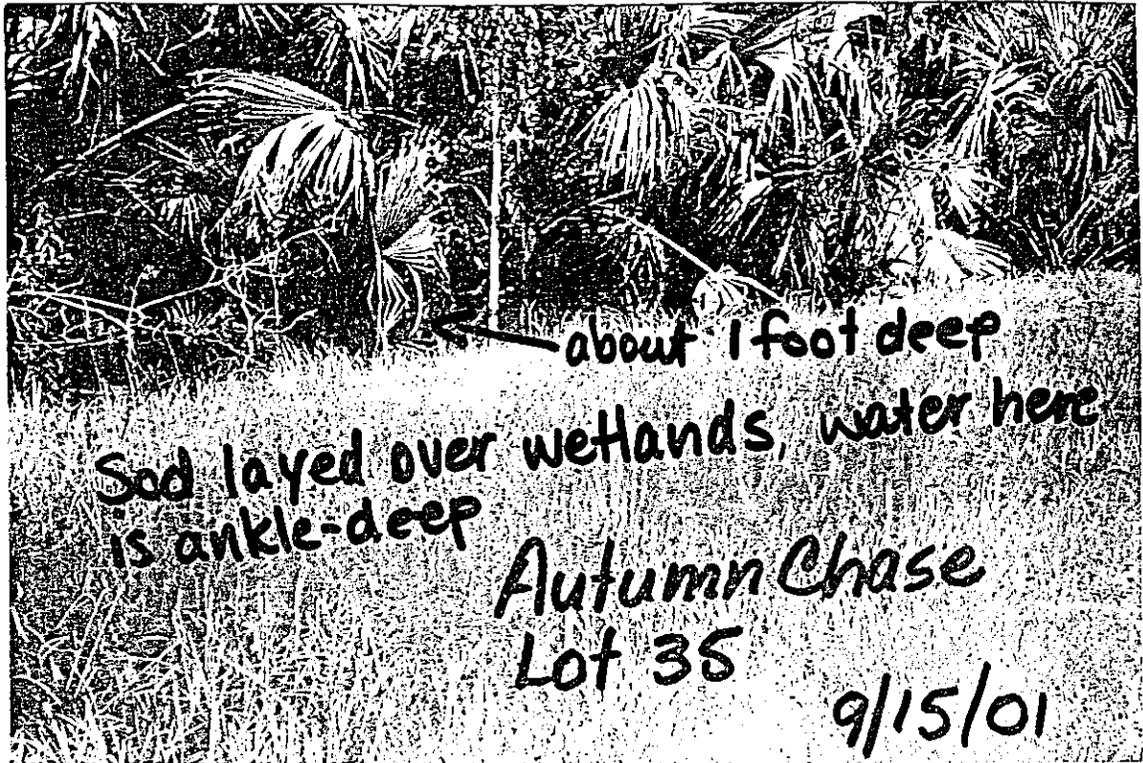
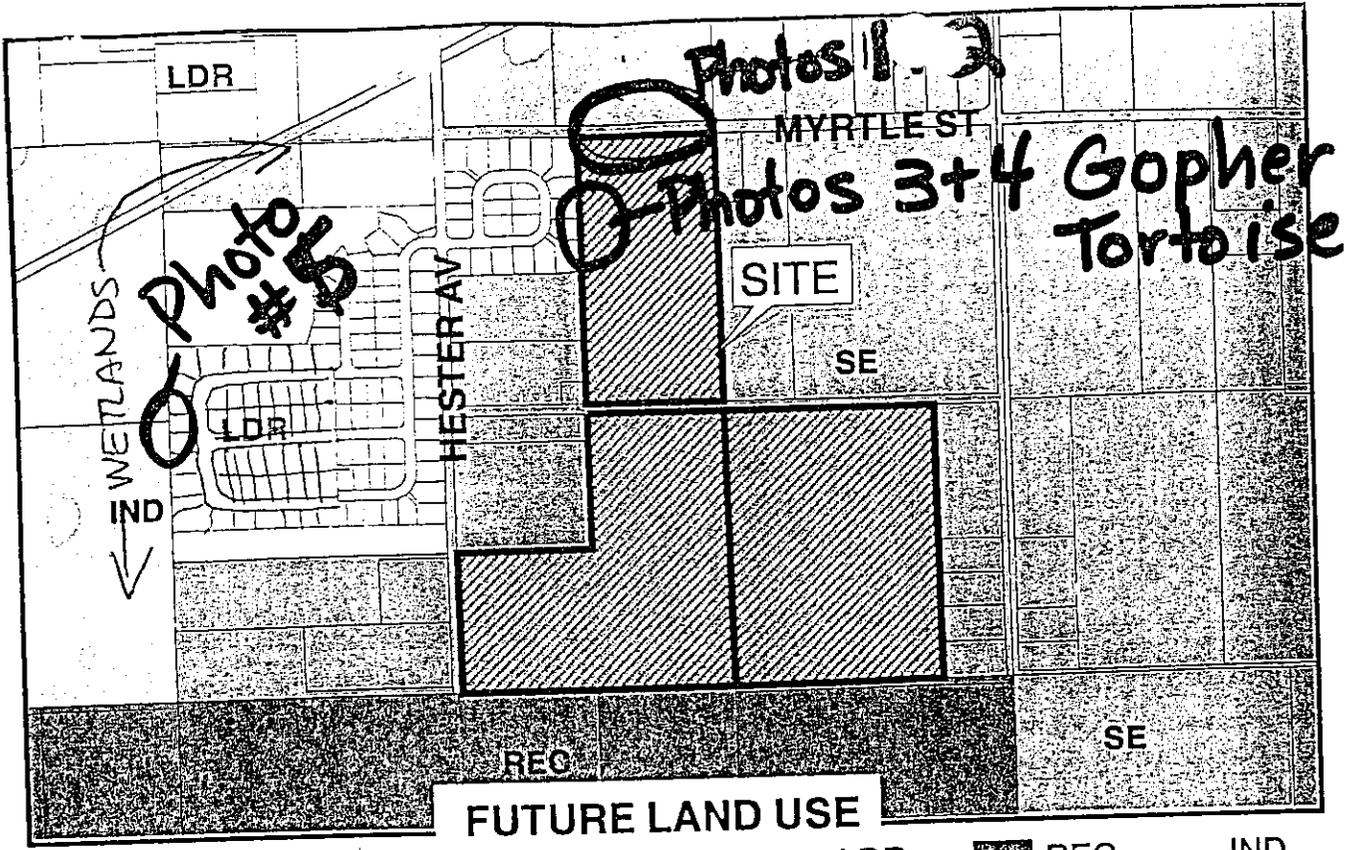
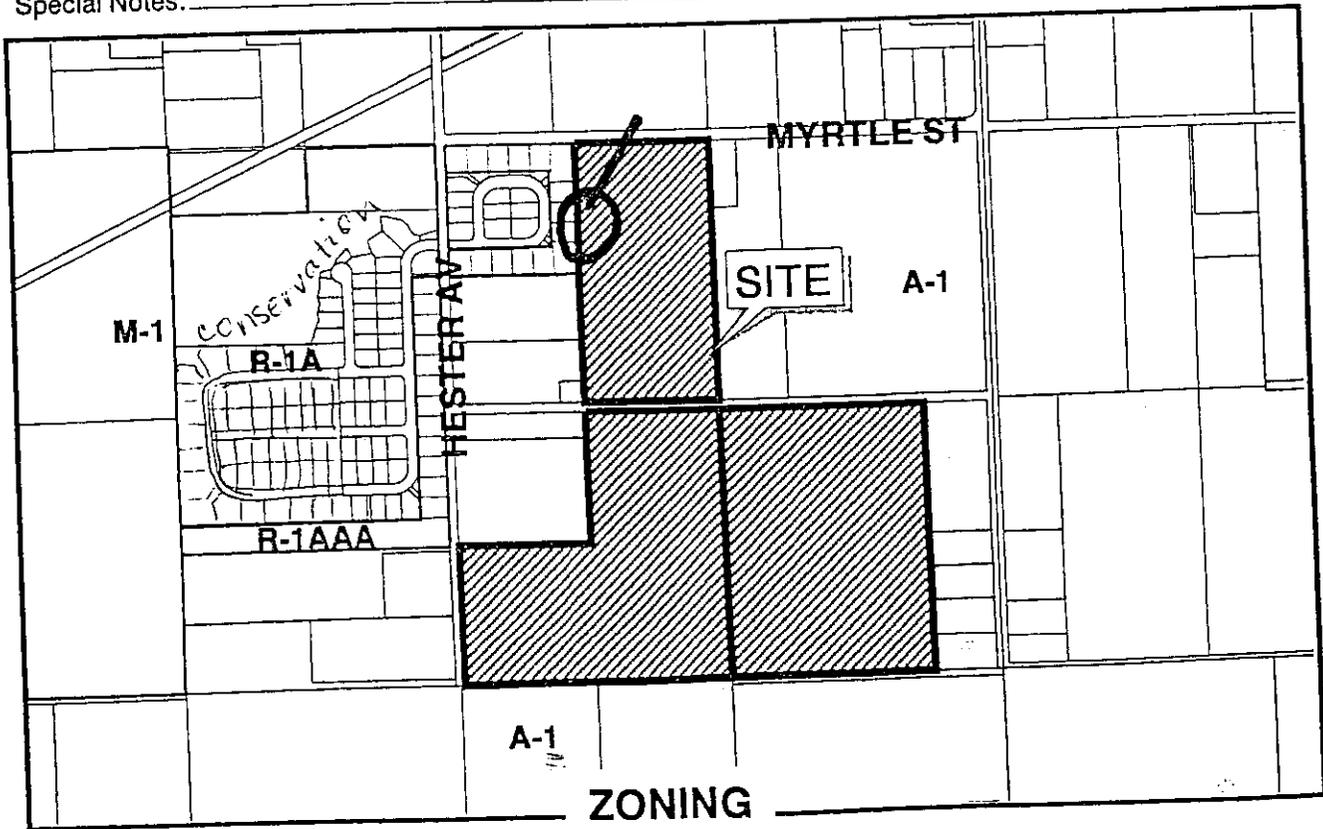


Photo #5 Evidence of increased water drainage problems as Autumn Chase is being built.



Applicant: Lake Jessup Woods
 Physical STR: 23-20-03-5AQ-0000-1090, 1030, & 1150
 Gross Acres: +/- 81 BCC District: 5
 Existing Use: Vacant Residential & Vacant Acreage
 Special Notes: _____

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



filename: /plan/cpcr02/z2001-009.apr/z2001-009staffcolor 04/18/01

1:11M map from Seminole County Comp. Plan !!

Seminole Herald
Sunday, April 14, 2002

Commission rezones land near Jesup

By Christopher Patton
Staff Writer

SANFORD — The muddy lands north of Lake Jesup should be protected argued residents.

County commissioners did not agree Tuesday approving a comprehensive plan amendment from suburban estates to low density residential for 81 acres located on the south side of Myrtle Street and east of Hester Avenue.

"We're very much oppose the rezoning of this property," said resident Earl Lord. "We really should preserve this."

The subdivision project, labeled Lake Jesup Woods, initially was to be considered by commissioners Sept. 24, 2001. Commissioners voted unanimously then to continue the project and allow the applicant to amend the rezoning request.

County staff had recommended denial of the project in September and continued to hold

See Land, Page 7A

Land

Continued from Page 1A

that opinion until Tuesday's meeting. Staff decided to support the project after the applicant agreed to several concessions including limiting the project to 2.5 homes per acre. The project still must be reviewed by the state and approved by commissioners again this summer.

Residents are concerned about

flooding that would result if the subdivision is built. They describe the Myrtle Street area as extremely marshy and believe the recent addition of the Hester Avenue subdivision Autumn Chase only compounded the problem.

The applicant considers the property to be 30 to 50 percent wetlands. Neighbors disagreed

estimating the property was 80 percent wetlands. After visiting the site, county staff also disagreed stating in their report to commissioners that "there may be as much as 60 percent" wetlands. A final wetlands count will come from the St. Johns Water Management District.

"Autumn Chase should have never been able to be developed,"

said Myrtle Street resident Nancy Jasmin. "It's lowlands and it always will be."

BJ Simons, who lives across Myrtle Street from the proposed Lake Jesup Woods project, said he fears water run-off will only increase if the subdivision is approved. He said he noticed a "tremendous increase" in standing water on his 12.5-acre proper-

ty after Autumn Chase was constructed.

"I ask all of you to consider how this is going to effect the neighbors," Simons said to commissioners.

Commissioner Grant Maloy said he would vote in favor of the project, but when it returns for another approval "it needs to have the wetland deviation" plan

completed.

Although commissioners approved the Lake Jesup Woods comprehensive plan amendment, they delayed rezoning actions on two other Myrtle Street parcels farther east. Commissioners agreed a comprehensive study of the area is needed before any more developments are considered in the area.

Photos by is Timyan-DeCiryau

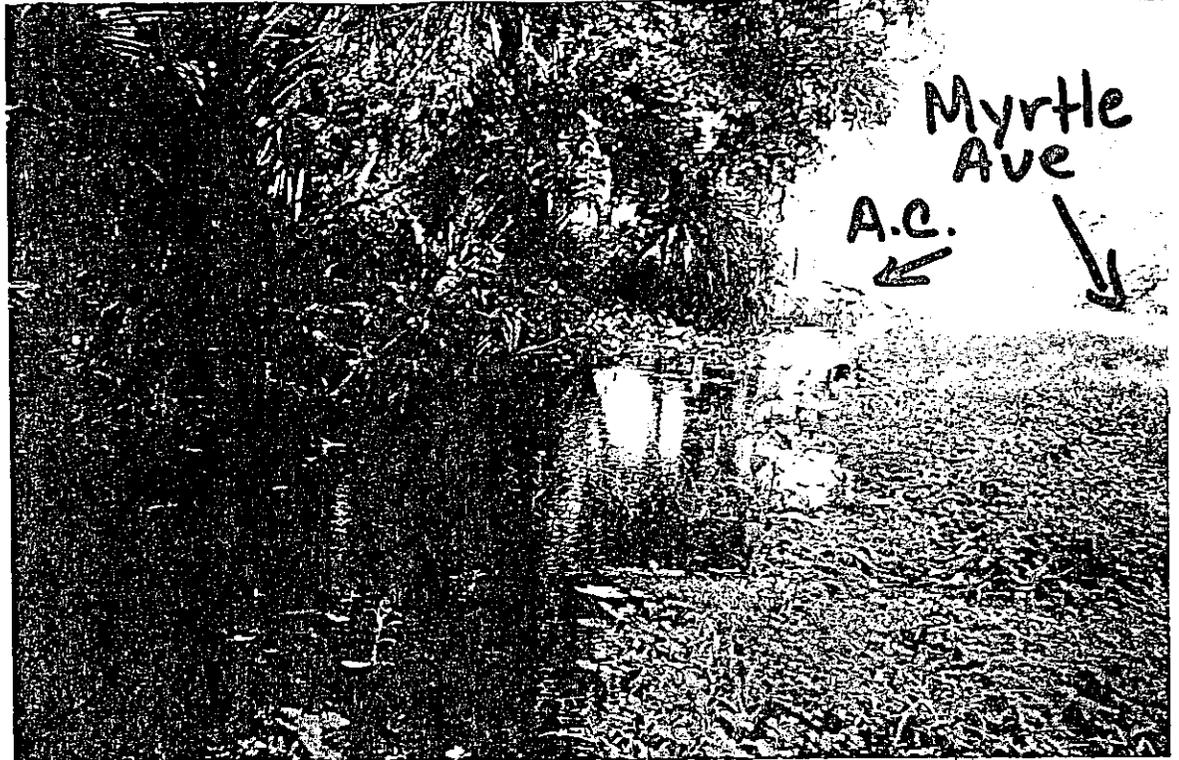


Photo #1 Ditch on South side of Myrtle just East of the Autumn Chase walled subdivision. This ditch has standing water 12 months a year, drought or not.

See attached map for orientation of pictures

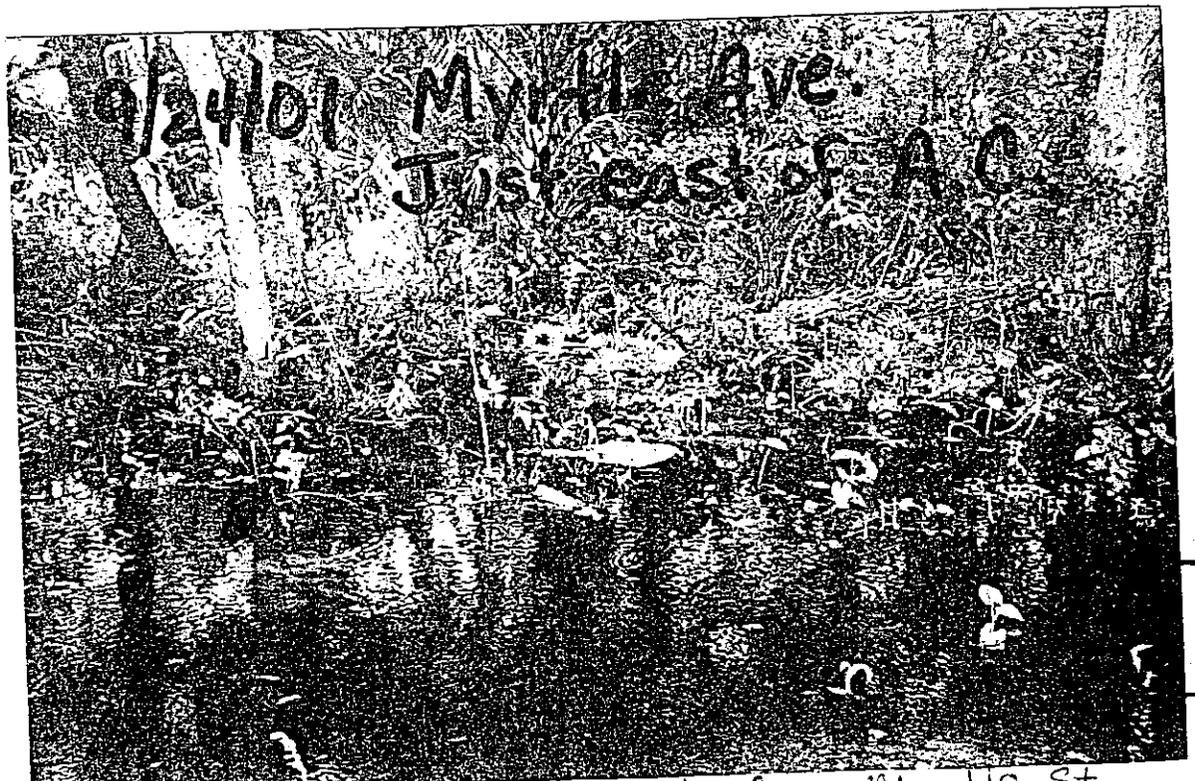


Photo #2 Looking into property from Myrtle St. * This still looks the same as of April 20, 2002.

Gopher
Tortoises,
Bobcats,
Swallowtail
Kites, Bald
Eagles, Sand
Hill Cranes,
etc frequent
this area.

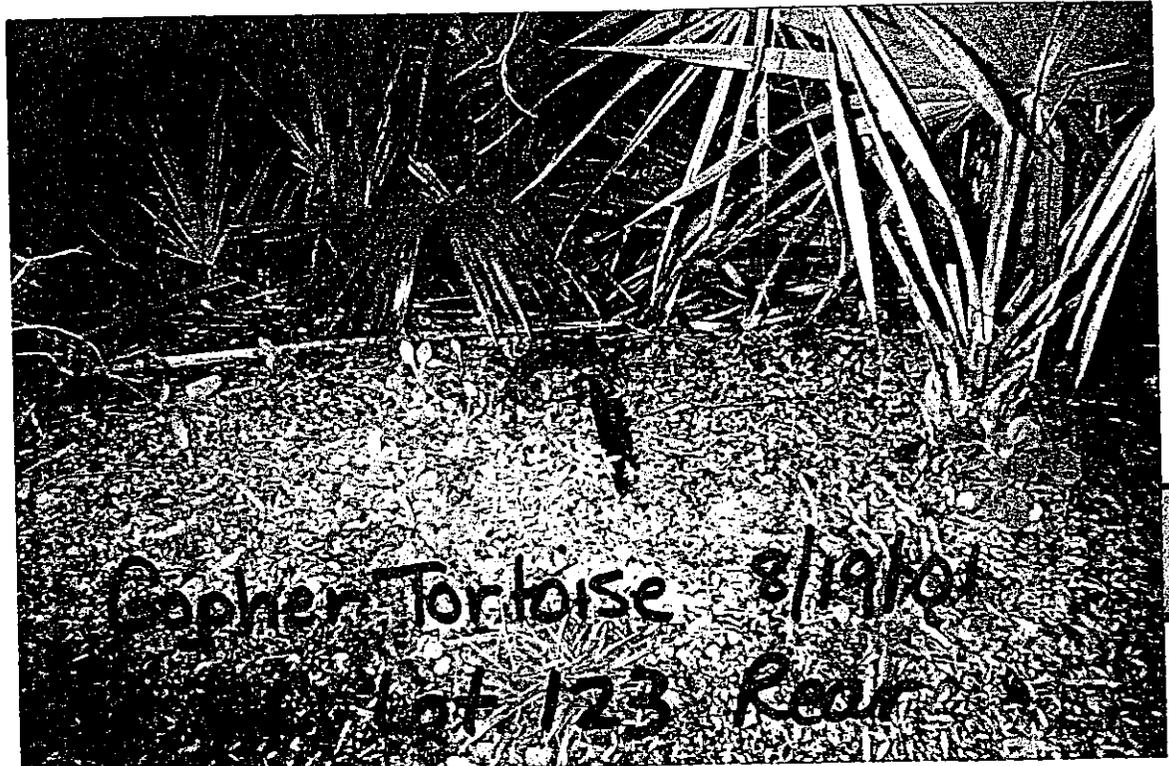
Gopher
Tortoise
8/19/01

Rear
property
line

Lot 123

Autumn
chase

Photo #3



Gopher Tortoise 8/19/01

Lot 123 Rear

Photo #4

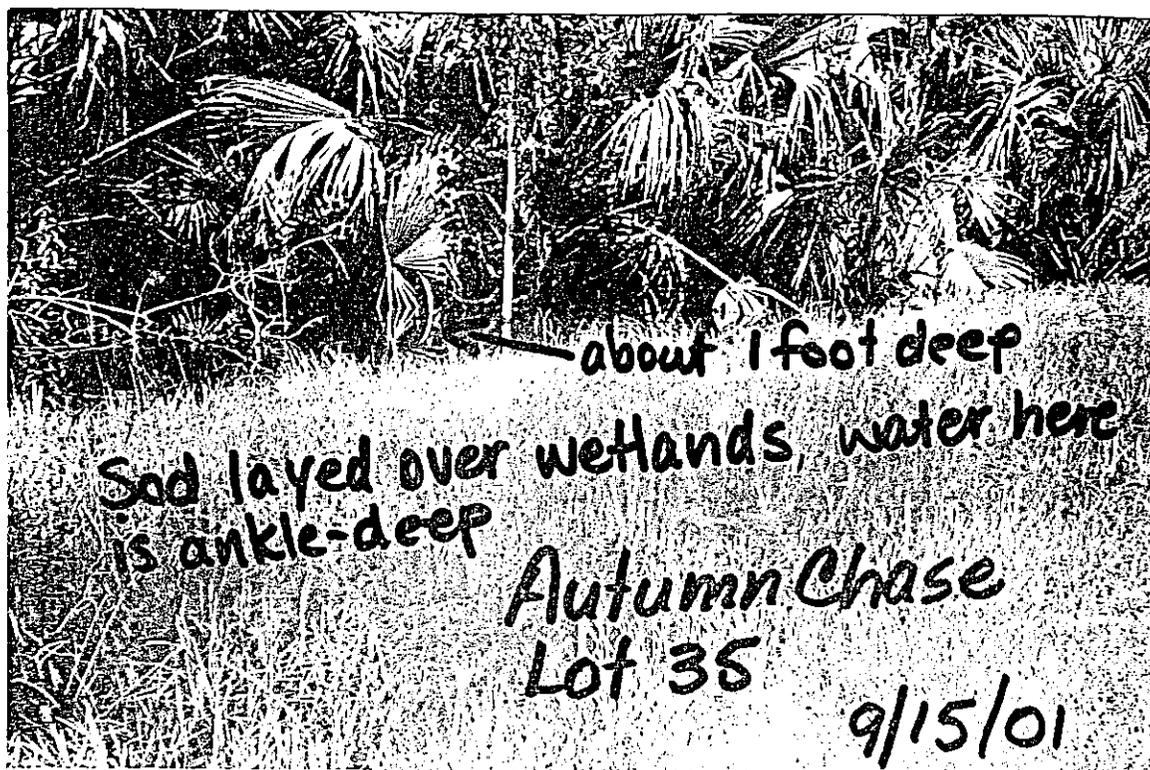
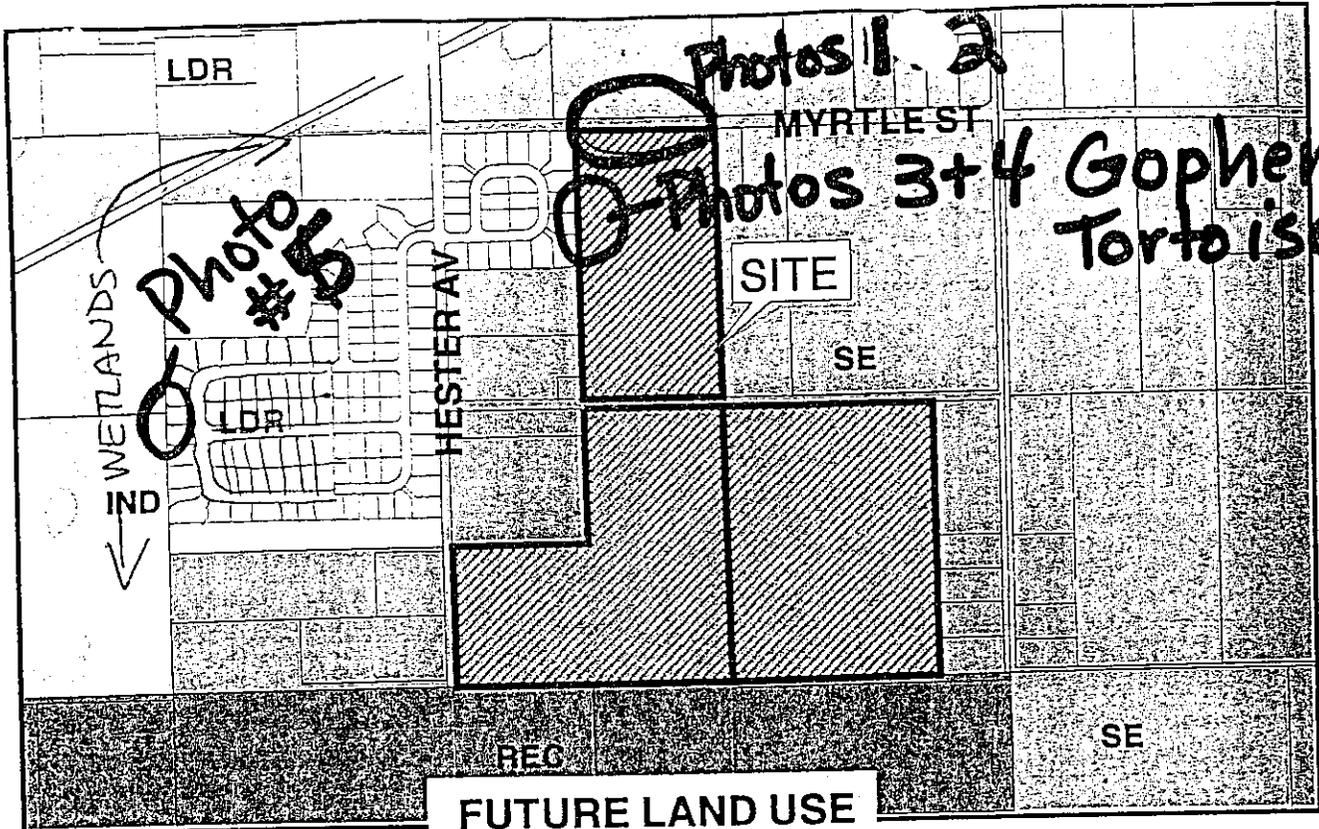


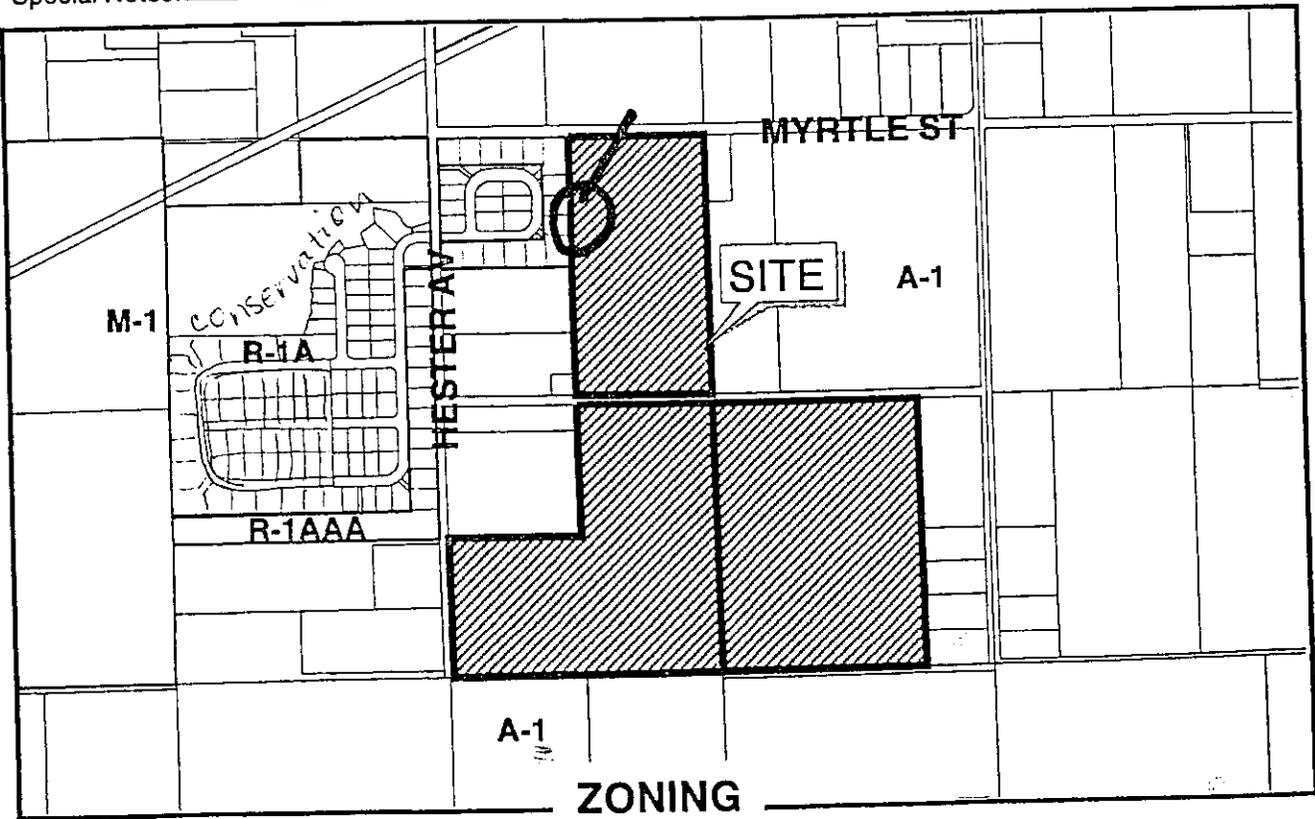
Photo #5 Evidence of increased water drainage problems as Autumn Chase is being built.



Site
 Municipality
 SE
 LDR
 REC
 IND

Applicant: Lake Jessup Woods
 Physical STR: 23-20-03-5AQ-0000-1090,1030, &1150
 Gross Acres: +/- 81 BCC District: 5
 Existing Use: Vacant Residential & Vacant Acreage
 Special Notes: _____

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

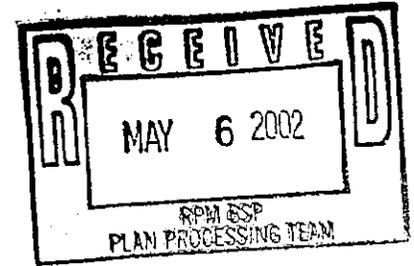


A-1
 M-1
 R-1A
 R-1AAA

filename: /plar/cpcr02/z2001-009.apr/z2001-009stattcolor 04/18/01

FLUM map from Seminole County Comp. Plan !!

Mr. Ray Eubanks, Community Program Administrator
c/o Plan Processing Team, Seminole County
Florida Department of Community Affairs
Division of Resource Planning Management
Bureau of Local Planning
2555 Shumard Oak Blvd
Tallahassee, Fla. 32399-2100



Re: Transmittal Letter dated April 17, 2002

Proposed Spring 2002 Large Scale Future Land Use Amendments to The Seminole County Comprehensive Plan

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Agenda #68, 4/9/02 Public Hearing: "Lake Jesup Woods"

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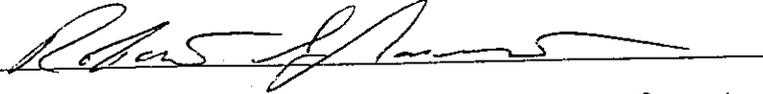
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Thankyou for your prompt attention in this matter.

Printed Name Robert S. JASMIN

Signature: 

Address: 1153 MYRTLE ST. SANBOED FL. 32773

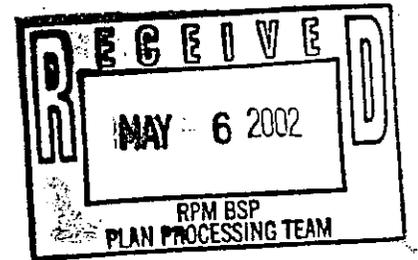
Telephone: (407) 330-0444

Additional
Comments:

I have been aggressively fighting development out here since 1990 with minimal to no success. The ways of county government have been an eye-opening, and sometimes brutal, educational process. At the least of which, have been the back room deals, broken promises, and "so called" compromises, that on the face of it seem to give the largest & wealthiest landowners & their developers overwhelming control over the land use, density & ultimately property values of the many other landowners who reside in the impacted areas. "They" (P.Z.B.) & (B.C.C.) go on & on about landowners rights! - "well, hold the phone y'all." What about the 350+ residents who own 1 to 20 acre parcels out here? Are "we" chopped liver? What happened to our rights? For the last 12 yrs or better we have brought to the table undisputed factual data over & over again to these meetings, only to be pushed aside for the gain of a few to the chagrin of the many. This is sect 1 of 3 large parcels currently under review by the B.C.C. The second applicant owns in the neighborhood of 2000 acres they want to develop in the same area. Please cut the heart out of the Hyde before it can grow another head.



Mr. Ray Eubanks, Community Program Administrator
c/o Plan Processing Team, Seminole County
Florida Department of Community Affairs
Division of Resource Planning Management
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Tallahassee, Fla. 32399-2100



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Thankyou for your prompt attention in this matter.

Printed Name Nancy Jasmin

Signature: Nancy Jasmin

Address: 1153 Myrtle St, Sanford, FL 32773

Telephone: 407-330-0444

Additional
Comments:

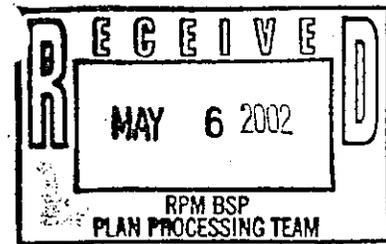
I have been a resident of Central Florida (Sanford) for 15 years now and have seen many changes take place in our small community, some good, some bad. We are dealing with overcrowded schools, hospitals, etc. The roads are in constant repair and our County services i.e. Sheriff/Police depts are taxed to their limits as are garbage, sewage and water services. Our natural resources stated by St. Johns River Water Management are in a crisis and could be depleted in a few short years. We need to take action now to slow down our rampant and unbridled growth of residential development to be more compatible with the area we reside in. Our County Commissioners have repeatedly turned a blind eye to over development in favor of the wealthy landowners and builders in fear of being sued. This property has always been wetlands (0% to 80%) and is part of the Lake Jessup basin which should be protected by the State. Our own Seminole

Co. Tax rolls have assessed only 17 acres to have any value at all, the other 60+ acres have no taxable value whatsoever. To Summarize my sentiments and opinion on what you have to do is look at what's happening all across Florida, This area is not alone and there are many people finally waking up to the fact that we are overdeveloping our State and this needs to be addressed by the Florida Dept of Community Affairs.

I also want to mention that this area was devastated by the tornado of Feb. 1998 and we lost 12 of our friends and neighbors. "We" as a community came together to face adversity and death; we fought to put our lives back together and rebuild. My property and home were destroyed and it took 2 long years to

return to "normal" living. We had to refinance our mortgage to complete our home and literally paid for ^{our} property twice by doing so. I was convinced then that this is where I wanted to live and enjoy our rural way of life and I truly believe it should remain as such.

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c/o Plan Processing Team, Seminole County
Florida Department of Community Affairs
Division of Resource Planning Management
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2555 Shumard Oak Blvd
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Printed Name B.J. SIMONS + MARCIA SIMONS

Signature: B. J. Simons + Marcia Simons

Address: 1550 Myrtle st. Sanford Fl. 32773

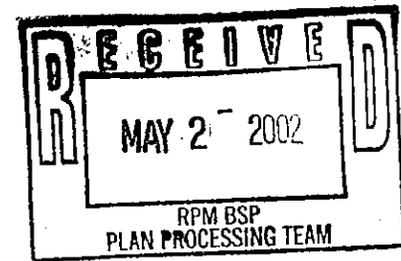
Telephone: 407-330-1072

Additional

Comments: My wife + our three children live on 12 1/2 acres directly across Myrtle from the Wetland area proposed as the Lake Jessup Woods Development, and the recently developed Autumn Chase subdivision. Most all of the land here in our area is low. After the completion of Autumn Chase and which was raised approx. 4 ft. higher than the existing home sites around it, I noted a tremendous increase in standing water on my property after only moderate rains + much slower drainage. The ground becomes saturated and their retention ponds do not keep my property from catching the run off + flooding. I have talked with other neighbors + they have similar problems with water retention after Autumn Chase. The public road side drainage ditches which run in front of my property as well as in front of the proposed site on both sides of Myrtle st remain full of rain water during moderate to normal rains and in fact ^{sometimes} flow onto my property. To sum up: The area is low, the ground gets saturated combined with a high water table + the rain water just has no place to go. We live in fear of the flooding that will take place on our property in the rainy season with continued heavy rains if this proposed site is allowed to be developed.

Alternatives may be in 2 1/2 to 5 acre home sites for our area which would allow the area to develop along the course which it has been following, this would help curb the overcrowding of our schools, the over use of our small secondary roads with limited exit routes, lessen the amount of rain water run off that subdivisions always bring in low lying areas there by preventing more flooding onto existing properties, provide revenue for the county and provide a better than fair market price for the seller of these proposed subdivision sites as 2 1/2 + 5 acre home sites are in high demand in this area.

60W
5-20



Thankyou for your prompt attention in this matter.

Printed Name GISELE GOOD

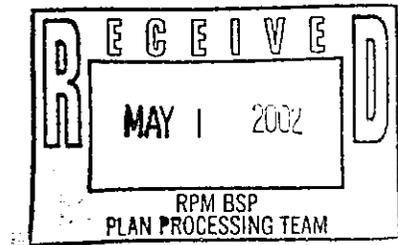
Signature: *G. Good*

Address: 5160 PLATO COVE
Phone: 407-688-9896

Additional
Comments: I do not adopt the proposal of
amendment # 01F. FLU01,
Lake Jessup Woods
Haulia Locklin & Assoc
Agenda #68 4/9/02
Public Hearing "Lake Jessup Woods"

6 Bll
5-2-02

Mr. Ray Eubanks, Community Program Administrator
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Printed Name William K Elliott

Signature William K Elliott

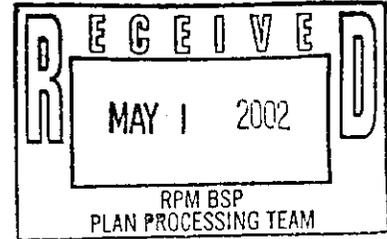
Address: 5151 PLATO LOVE, SANFORD, FL.

Telephone: 407-324-1030

Additional
Comments: I have lived in this Area for over 10 years
and came here because of the Rural atmosphere and
slower pace. I have raised 3 kids in my homes
and helped build 4 or 5 houses in this same
area. It is unfortunately already unsafe to walk
at night on the road roads because of the heavier
traffic, in fact my wife was almost hit just 2 weeks
ago as we walked on Myrtle Street. I can not
imagine another 200 homes in the area!

68W
5-2-02

Mr. Ray Eubanks, Community Program Administrator
c/o Plan Processing Team, Seminole County
Florida Department of Community Affairs
Division of Resource Planning Management
Bureau of Local Planning
2555 Shumard Oak Blvd
Tallahassee, Fla. 32399-2100



Re: Transmittal Letter dated April 17, 2002

Proposed Spring 2002 Large Scale Future Land Use Amendments to The Seminole County Comprehensive Plan

Amendment #01F.FLU01, Lake Jesup Woods; Harling Locklin & Assoc.

Agenda #68, 4/9/02 Public Hearing: "Lake Jesup Woods"

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Printed Name EARL E. + FRANCES A. Lord

Signature: Earl E Lord Frances a Lord

Address: 4835 HESTER AVE., SANFORD, FL 32773

Telephone: 407-330-2276

Additional

Comments: _____

April 9, 2002

EUREKA HAMMOCK, SEMINOLE COUNTY, FLORIDA

Figures below are from Seminole County Appraisal Office:

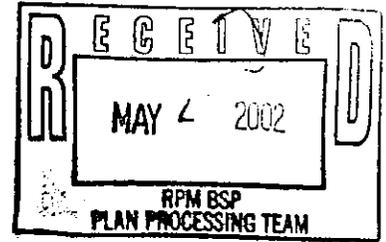
This rezoning request is for 78 acres.

61 of these acres have a taxable value of \$20.00 per acre.

17 of these acres have a taxable value of approx. \$7,000.00 per acre.

Now why is this underwater land (a true wetlands area) suddenly so valuable that a huge subdivision of over 150 homes can be built here?

Mr. Ray Eubanks, Community Program Administrator
c/o Plan Processing Team, Seminole County
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Printed Name Ronald C. Jasmin

Signature: Ronald C. Jasmin

Address: 1153 Myrtle St. Sanford, FL 32773

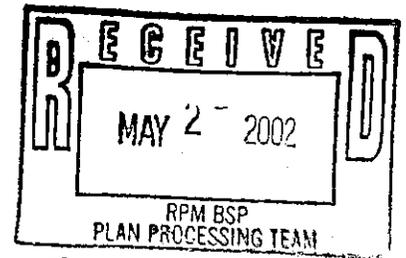
Telephone: (407) 314-1047

Additional

Comments: The above represents an accurate synopsis of our situation. I can add that Autumn Chase is an abomination... a result of bad politics, power, and greed. The County and/or State should never have let it happen. I'm confident that an honest study will tell government what we already know... further development of this area is ludicrous.

Thank you
Ronald C. Jasmin

Mr. Ray Eubanks, Community Program Administrator
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Printed Name CYNTHIA CASPER

Signature: Cynthia Casper

Address: 5920 Nolan Rd Sanford 32773

Telephone: 407 324-0943

Additional Comments: I am a homeowner whose property backs up to proposed development. My property is considerably lower and I do have flooding problems as well as standing water which does not drain. If this development is allowed, my home will be flooded which can not be allowed. It's bad enough my land floods at this point, without any development here. I also understand the developer has already given Seminole County a permit in trade for the land they will develop as wetlands. The land given to Seminole County is one acre away from the other side of my property. All of this land is approx. 1/4 mile from Lake Jesup.

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Printed Name Lois J. Dickison

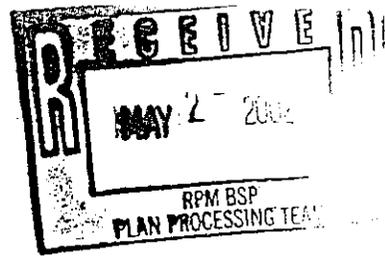
Signature: Lois J. Dickison

Address: 4851 Hester Avenue
Sanford, FL 32773

Telephone: 407-322-6589

Additional Comments:

My son had a friend who lived next to this property. They would play in the swamp and the woods. This was twenty years ago. He knows that area well. The majority of the land is wet swamp. To build the necessary roads and utilities would destroy these wetlands and their natural functions.



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I. Environmental Considerations: The proposed development, "Lake Jesup Woods", is located in an 81(+/-) acre mature Hydric Hammock located less than ½ mile north of **Lake Jesup**. These woods are known locally as "Eureka Hammock", and play a critical role in all wetland and habitat functions for the north drainage basin/watershed area of Lake Jesup. Florida House Bill 2365 (2000) designates the Lake Jesup basin as a *separate and distinct basin* requiring special management of wetland areas. The extent and type of wetlands in the proposed area are as yet **undetermined** at this time pending recent soil evaluations performed **less than a week** prior to the 4/9/02 BCC Public Hearing (and subsequent approval for transmittal to DCA). Current maps and common knowledge indicate it is very wet, up to 80% wetlands, with areas of standing water 12 months per year, regardless of drought conditions. Since the development of the adjacent parcel to the west, "Autumn Chase", properties in the region have experienced increased saturation, standing water and runoff problems. *Autumn Chase* itself has had numerous water and drainage issues during and after construction, and is only 75% built at this time. *Autumn Chase* is the development of this intensity that is closest to the north shore of L. Jesup; impacts to the lake are undetermined but certainly are counter-productive to the massive restoration project in progress on the lake.

II. Infrastructure: Hester Ave. and Myrtle Ave. cannot safely support the now increasing loads of traffic with narrow, substandard, ditched roads and only 2 practical, but substandard exit routes out of the entire area north from Lake Jesup. The 90 degree corner of Hester and Myrtle Ave. is a poorly drained, tight corner with no shoulders. This is a school bus stop and is a three-way corner poised for a disaster. When two school buses or large trucks pass on Myrtle or Hester, one or both goes off the pavement onto soft, muddy shoulders or swales. The area for the entrance/exit to the proposed development will be about 300 feet from the aforementioned corner, heavily wooded on both sides of a narrow, ditched road. Area schools are already crowded, and children are not safe anywhere along Myrtle Ave. walking, bike riding or waiting for a bus.

III Rural Character and Citizen input: Through all 4 public hearings concerning this proposal, many citizens have spoken eloquently and appropriately about their desire to retain the rural and agricultural character of the area along Hester, Myrtle and Sanford Avenues which have been enjoyed by residents for generations. Nearly all area residents agree that *Autumn Chase*, an LDR development to the West of the proposal, should NEVER HAVE BEEN APPROVED, and is inappropriately being used as a means of leapfrogging development to the east along Myrtle Ave. Two to four units per acre is not compatible with anything in the area except *Autumn Chase* and cannot be sustained on the soil we have here, which does not drain. Many land owners are here because of the Agricultural Land Use, engaging in activities or businesses such as livestock, horse breeding, fish farming, nurseries, etc., and were made to believe that this was protected by the Future Land Use components of the Comprehensive Plan. **It is a breach of trust to drive a wedge of increased intensity of development eastward with this Plan Amendment which lacks adequate planning, appropriate preparation of the county's own staff, and is not consistent with Plan Policies.**

IV. Small Area Study to be started now. The Board of County Commissioners ordered that a small area study be done in view of the many concerns about future growth in the area. This was done because there are other land use and zoning changes being planned and proposed which are greater intensity than 1 unit per acre. **The study should be done before approving the "Lake Jesup Woods" proposal, as this is the land that may turn out to have the most impact on the area, both now and the future!** If this proposal is adopted now, the small area study will be just a formality, and not intended to "appropriately address the future development intensities and facilities needs for the community". (Quote from transmittal letter, April 19, "Rezoning", item 7) The way will be cleared for rampant leapfrog type sprawl without consideration of the smart planning policies and directives found in our own Comprehensive Plan.

For the summarized reasons above, the residents of the Eureka Hammock area have come together to request a thorough review by DCA of this Comprehensive Plan Amendment proposal, and consequently to NOT ADOPT it at this time, pending the reasonable small area study. We have our confidence in the DCA to provide wisdom in holding Seminole County government accountable to the people they serve. Without your intervention we are literally "sunk in the mud"!

Thank you for your prompt attention in this matter.

Printed Name: Alexander K. Dickison

Signature: Alexander K. Dickison

Address: 4851 Hester Avenue
Sanford, FL 32773

Telephone: 407-322-6589

Additional Comments:

Over the years I have seen questionable land developed in Seminole County. When we get into a wet cycle these places have big problems. Usually some unsuspecting newcomers buy this type of home and do not realize the problems they will eventually have. The vast majority of the land proposed for Lake Jesup Woods is the worst land for development I have ever seen. This development as proposed should not take place.

WBW
4-29-02

Mr. Ray Eubanks, Community Program Administrator
c/o Plan Processing Team, Seminole County
Florida Department of Community Affairs
Division of Resource Planning Management
Bureau of Local Planning
2555 Shumard Oak Blvd
Tallahassee, Fla. 32399-2100



Re: Transmittal Letter dated April 17, 2002

02-166
Proposed Spring 2002 Large Scale Future Land Use Amendments to The Seminole County Comprehensive Plan
Amendment #01F.FLU01, Lake Jesup Woods; Harling Locklin & Assoc.
Agenda #68, 4/9/02 Public Hearing: "Lake Jesup Woods"

Dear Mr. Eubanks,

Pursuant to Chapter 163.3184(6), Florida Statutes, and as a citizen of Seminole County who owns property and resides in the neighborhood containing the above proposed development, I hereby do urgently and sincerely request that the DCA conduct a review of the proposed Amendment listed above. I respectfully suggest that the proposal NOT be adopted at this time, pending a *small area study* that has been initiated by the Seminole County Board of County Commissioners at the request of their staff. It should be noted that all P&Z Commission and staff reports and recommendations **PRIOR** to the April 9 "Revised" recommendation are against the proposal and repeatedly begs further wetland evaluation, small area study and policy direction for this unique and sensitive area.

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Thankyou for your prompt attention in this matter.

Printed Name ^{Dr.} STUART P. & WANDA J. CULPEPPER

Signature: Stuart P. Culpepper — Wanda J. Culpepper

Address: 5157 Hercules Ct, Sanford, FL 32773
Telephone: 407-322-2564

Additional

Comments: We built one (Hercules of myrtle) in 1992 zone restriction was 1 house per acre & now the County Commission have changed this two times for myrtle since that time against all of our protest.

one family in particular was short 8 ft and the county would not let them build said it was one house per acre.

This is not a fair law, that one person can not build but a developer will be able to build 2.5 houses per acre.

370 Miller Road
Sanford, Florida 32773
April 15, 2002

Mr. Ray Eubanks
% Plan Processing Team (Seminole County)
Florida Department of Community Affairs
Division of Resource Planning and Management
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100



bbw
4-19-02

Re: Transmittal Letter of Proposed Spring 2002
Large Scale Plan Amendment
Adjenda #68 Lake Jessup Woods
Official Amendment #OIF.FLU.1
Meeting April 9, 2002
Dick Boyer, Senior Planner for Seminole County

02-188

Dear Mr. Eubanks:

I was not able to attend the meeting on the above date because of work, however, since my husband and our children have lived near the area in question for over twenty four years, I feel I am able to share some observations regarding the Proposal of Large Scale Planning Amendment Adjenda #68 Lake Jessup Woods.

Since this area is in a basin, the water table can get quite high. When it has not rained for awhile it could give the impression that most of the land could be developed, however, when it does rain, especially during the rainy season it doesn't take long for the ditches to fill and the ground to become saturated. Retention ponds that have been dug in the Autumn Chase subdivision in the same area as the proposed Lake Jessup Woods began to fill with ground water before many homes were built. When we get a hurricane, I really am very concerned about all this overdevelopment that has occurred in Seminole County.

I am enclosing a section of a seminole county map. I realize you have maps available to you, but since you are not familiar with this area, perhaps it will help to see the areas I am referring to. I have written on this map the area in question, I have also outlined in yellow marker the local roads that are able to be used for this area. To start, Hester Avenue is a dead end street that would eventually run into Lake Jessup, the other direction takes you to secondary road 427, this road is growing very rapidly and is in the process of being widened. Myrtle Street comes off of Hester and runs East to Sanford Avenue. Myrtle has a ditch that runs parallel to the area in question, however, the road is low and if the ditch is dug deeper the water table is still a problem. There is a road that parallels the other side of this area called Lanark St. It is not developed all the way through to Hester, and from what I have observed the soil is very soggy and we haven't started the rainy season yet. From Myrtle the road continues east to South Sanford Avenue. As South Sanford Avenue continues it eventually runs into East Lake Mary Boulevard. As you can see this area is in a "bottleneck" situation. Nolon road off Myrtle will take you out to 427 but not before you wonder through a few subdivisions, Pineway off Sanford Avenue will take you out eventually to Highway 46 after roaming around several smaller road; there is part of a housing development being built off Pineway and also homes in that area also. There are two housing developments on South Sanford Avenue and other individual homes. East Lake Mary Boulevard runs in front of South Sanford Avenue, on its way to the Orlando-Sanford Airport. East Lake Mary Boulevard is zoned for the most part commercial so between the airline passengers heading west on East Lake Mary Boulevard to get to I-4, the Greenway or to 17-92, the residence that use S. Sanford Avenue have to wait for the business traffic and also our neighbors in Volusia County use East Lake Mary Boulevard as a shortcut. I realize that growth is going to happen in our area, but I know that this Large Scale Amendment Plan needs to be looked at very carefully, so please take the entire picture into consideration before another section of Seminole County is overdeveloped and we lose more of our natural resources. Thank you.

Sincerely,

Jean Michels
Jean Michels

P.S. I am also enclosing a copy of local comments from the Seminole Herald.

Commission rezones land near Jesup

By Christopher Patton
Staff Writer

SANFORD — The muddy lands north of Lake Jesup should be protected argued residents.

County commissioners did not agree Tuesday approving a comprehensive plan amendment from suburban estates to low density residential for 81 acres located on the south side of Myrtle Street and east of Hester Avenue.

"We're very much oppose the rezoning of this property," said resident Earl Lord. "We really should preserve this."

The subdivision project, labeled Lake Jesup Woods, initially was to be considered by commissioners Sept. 24, 2001. Commissioners voted unanimously then to continue the project and allow the applicant to amend the rezoning request.

County staff had recommended denial of the project in September and continued to hold

See Land, Page 7A

Sunday, April 14, 2002 Page 7A

Land

Continued from Page 1A

that opinion until Tuesday's meeting. Staff decided to support the project after the applicant agreed to several concessions including limiting the project to 2.5 homes per acre. The project still must be reviewed by the state and approved by commissioners again this summer.

Residents are concerned about

flooding that would result if the subdivision is built. They describe the Myrtle Street area as extremely marshy and believe the recent addition of the Hester Avenue subdivision Autumn Chase only compounded the problem.

The applicant considers the property to be 30 to 50 percent wetlands. Neighbors disagreed

estimating the property was 80 percent wetlands. After visiting the site, county staff also disagreed stating in their report to commissioners that "there may be as much as 60 percent" wetlands. A final wetlands count will come from the St. Johns Water Management District.

"Autumn Chase should have never been able to be developed,"

said Myrtle Street resident Nancy Jasmin. "It's lowlands and it always will be."

BJ Simons, who lives across Myrtle Street from the proposed Lake Jesup Woods project, said he fears water run-off will only increase if the subdivision is approved. He said he noticed a "tremendous increase" in standing water on his 12.5-acre proper-

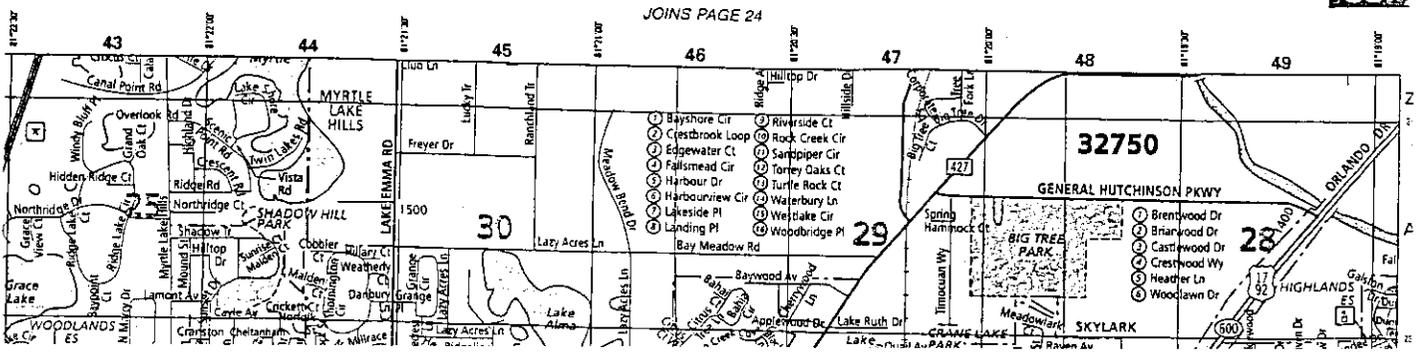
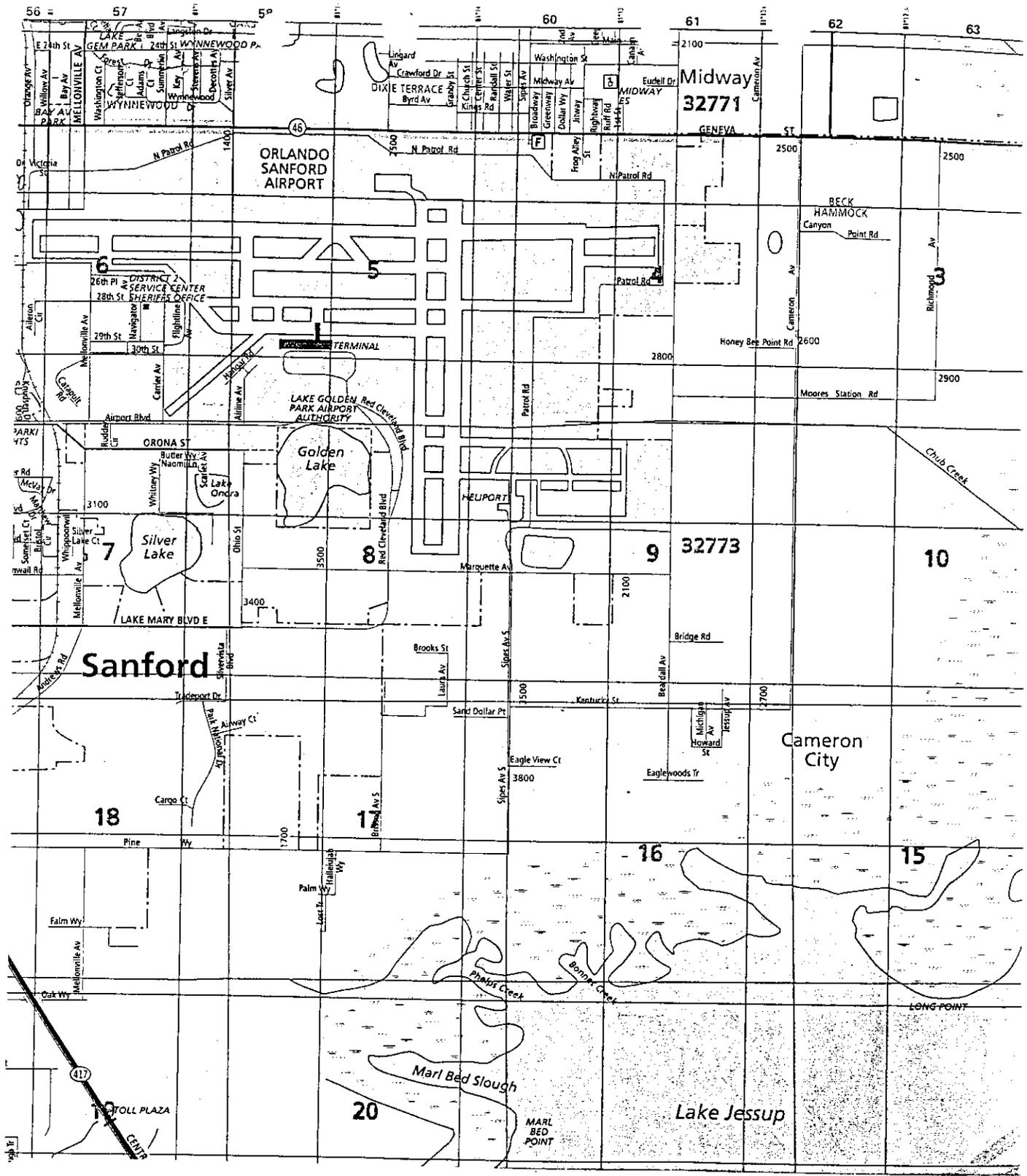
ty after Autumn Chase was constructed.

"I ask all of you to consider how this is going to effect the neighbors," Simons said to commissioners.

Commissioner Grant Maloy said he would vote in favor of the project, but when it returns for another approval "it needs to have the wetland deviation" plan

completed.

Although commissioners approved the Lake Jesup Woods comprehensive plan amendment, they delayed rezoning actions on two other Myrtle Street parcels farther east. Commissioners agreed a comprehensive study of the area is needed before any more developments are considered in the area.



Rezoning Ordinance

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATION OF CERTAIN REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY; PROVIDING FOR LEGISLATIVE FINDINGS; ASSIGNING CERTAIN DESCRIBED PROPERTIES CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; ASSIGNING CERTAIN DESCRIBED PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE), R-1A (SINGLE-FAMILY DWELLING) AND R-1AA (SINGLE FAMILY DWELLING) ZONING CLASSIFICATIONS THE PUD (PLANNED UNIT DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS ON CERTAIN DESCRIBED PROPERTIES BY MEANS OF DEVELOPMENT ORDERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Jewish Senior Housing Council", "Loma Vista", "Forest Lake Academy PUD", and "Lake Jesup Woods".

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS.

(a) The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED APPENDIX A

(b) The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED APPENDIX B

(c) The zoning classification assigned to the following described property is changed from A-1 (Agriculture), R-1A (Single Family Dwelling), and R-1AA (Single Family Dwelling) to PUD (Planned Unit Development):

SEE ATTACHED APPENDIX C

(d) The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

SEE ATTACHED APPENDIX D

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall be effective as follows:

- (a) Rezoning Z2001-045 shall be effective on the recording date of Development Order #01-23000006 in the Official Land Records of Seminole County.

ORDINANCE NO. 2002-

SEMINOLE COUNTY, FLORIDA

- (b) Rezoning Z2001-040 shall be effective on the recording date of Development Order #01-23000003 in the Official Land Records of Seminole County.
- (c) Rezoning Z2001-042 shall be effective on the recording date of Development Order #01-23000004 in the Official Land Records of Seminole County.
- (d) Rezoning Z2001-009 shall be effective on the recording date of Development Order #01-10000001 in the Official Land Records of Seminole County.

ENACTED this 23rd DAY of AUGUST, 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

ORDINANCE NO. 2002-

SEMINOLE COUNTY, FLORIDA

APPENDIX A

LEGAL DESCRIPTION Z2001-045

ORDINANCE NO. 2002-

SEMINOLE COUNTY, FLORIDA

APPENDIX B

LEGAL DESCRIPTION Z2001-040

SECTION 30, TOWNSHIP 21S, RANGE 31E, W ½ OF SE ¼ OF SE ¼, LYING SOUTHERLY OF EXPRESSWAY & NORTHERLY OF RAILROAD RIGHT-OF-WAY.

Containing 4.07 acres more or less.

APPENDIX C

LEGAL DESCRIPTION Z2001-042

A PART OF SECTIONS 8 AND 17, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 8; THENCE S 89°37'16" E, A DISTANCE OF 1291.62 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF LAKE BRANTLEY ROAD; THENCE S 00°23'39" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1318.31 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 17, TOWNSHIP 21 SOUTH, RANGE 29 EAST; THENCE N 89°46'00" W ALONG SAID LINE, A DISTANCE OF 180.00 FEET; THENCE S 00°32'20" E, A DISTANCE OF 500.00 FEET; THENCE N 89°46'00" W, A DISTANCE OF 300.00 FEET; THENCE S 00°32'20" W, A DISTANCE OF 138.49 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 436, SAID POINT LYING ON A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 2795.18 FEET, A CHORD BEARING OF N 66°32'06" W, AND A CHORD LENGTH OF 231.75 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 4°45'07", AND ARC DISTANCE OF 231.82 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 2807.68 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 12°54'33" TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE NORTHWEST, SAID CURVE HAVING A RADIUS OF 1694.52 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 2°47'02", AN ARC DISTANCE OF 82.33 FEET; THENCE N 00°21'24" E, A DISTANCE OF 23.26 FEET TO A POINT ON A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 1507.69 FEET, A CHORD BEARING OF N 56°35'41" W, AND A CHORD LENGTH OF 256.33 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 9°45'11", AN ARC DISTANCE OF 256.33 FEET; THENCE N 89°25'23" W, A DISTANCE OF 79.80 FEET TO A POINT ON A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 1539.22 FEET, A CHORD BEARING OF N 75°48'48" W AND A CHORD LENGTH OF 477.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 17°51'05", AN ARC DISTANCE OF 479.57 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 11,516.41 FEET; THENCE ALONG THE ARC OF SAID CURVE, PASSING THROUGH A CENTRAL ANGLE OF 4°41'14", AN ARC DISTANCE OF 942.13 FEET; THENCE, DEPARTING THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 436, N 26°38'29" W, A DISTANCE OF 401.03 FEET; THENCE N 00°47'14" E, A DISTANCE OF 348.05 FEET; THENCE N 31°18'41" E, A DISTANCE OF 591.51 FEET; THENCE N 26°13'40" W, A DISTANCE OF 367.19 FEET; THENCE N 20°07'11" E, A DISTANCE OF 597.75 FEET; THENCE S 79°39'52" E, A DISTANCE OF 1604.66 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 8, TOWNSHIP 21 SOUTH, RANGE 29 EAST; THENCE S

ORDINANCE NO. 2002-

SEMINOLE COUNTY, FLORIDA

00°36'41" W, ALONG SAID LINE A DISTANCE OF 659.72 FEET TO THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 8 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

ABOVE DESCRIBED CONTAINING 133.6 ACRES, MORE OR LESS.

APPENDIX D

LEGAL DESCRIPTION Z2001-009

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

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

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