

1 **SPECIAL MEETING OF THE**
2 **LAND PLANNING AGENCY/**
3 **PLANNING AND ZONING COMMISSION**
4 **COUNTY SERVICES BUILDING**
5 **ROOM 1028**
6 **September 18, 2002 - 7:00 P.M.**
7 **MINUTES**
8
9

10 **Board Present:**

11 Ben Tucker, Chairman
12 Tom Mahoney, Vice Chairman
13 Dick Harris
14 Allan Peltz
15 Beth Hattaway
16 Dudley Bates

17
18 **Board Absent**

19 Paul Tremel
20

21 **Staff Present:**

22 Matt West, Planning Division Manager
23 Amanda Smith, Planning Division
24 Kathy Fall, Planning Division
25 Karen Consalo, Assistant County Attorney
26

27 **I. CALL TO ORDER**

28 Chairman Tucker convened the meeting to order at 7:00 p.m. This is a special meeting
29 being held by this Board and is the second meeting this month.

30 Chairman Tucker requested that the agenda be amended to take Item B (Celery
31 Avenue, Section 1 and Section 2) first.

32 **Motion by Commissioner Mahoney to amend the agenda as presented and**
33 **present Item C first.**

34 **Motion passed by consensus.**

35 **II. ROLL CALL**

36 Quorum was established.

37 **III. ACCEPTANCE OF PROOF OF PUBLICATION**

38 **Motion by Commissioner Peltz to approve proof of publication. Second by**
39 **Commissioner Hattaway.**

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

41 **IV. APPROVAL OF MINUTES**

42 **Motion to approve the minutes of the September 4, 2002, meeting passed by**
43 **consensus.**

44 **V. OLD BUSINESS**

45 **No Old Business was presented.**

46 **VI. NEW BUSINESS**

47 **C. Celery Avenue Administrative Large Scale Comprehensive Plan**
48 **Amendment, Seminole County;** *Administrative Large Scale*
49 *Comprehensive Plan Amendment From Suburban Estates (SE) to Low*
50 *Density Residential (LDR); Located on the north and south sides of Celery*
51 *Avenue from the Sanford City limits on the west to a point west of*
52 *Cameron Avenue.*

53 *Commissioner McLain - District 5* *Amanda Smith, Senior Planner*

54 **(SECTION TWO)**

55 **Celery Avenue Administrative Large Scale Comprehensive Plan**
56 **Amendment, Seminole County;** *Administrative Large Scale*
57 *Comprehensive Plan Amendment From Suburban Estates (SE) to Mixed*
58 *Development (MXD); Located south of Celery Avenue, between Chickasaw*
59 *Drive and approximately 1,373' west of Cameron Avenue.*

60 *Commissioner McLain - District 5* *Amanda Smith, Senior Planner*

61
62 Amanda Smith, Senior Planner presented the Celery Avenue Administrative Large Scale
63 Land Use Amendment.

64 Planning Staff was directed by the BCC to process two administrative land use
65 amendments in the Celery Avenue Corridor area. The first, Section One, is an
66 amendment request from Suburban Estates (SE) to Low Density Residential (LDR). The
67 second, Section Two, is an amendment request from Suburban Estates (SE) to Mixed
68 Land use (MXD). Planning Staff recommends approval of the two administrative land
69 use amendments.

70 The area consists of primarily large acre agricultural tracts interspersed with homes on
71 large lots greater than one acre used as ranchettes or estate homes. Both land use
72 amendment areas are included in the 1991 Joint Planning Agreement between Seminole
73 County and the City of Sanford. In particular, the Celery Avenue Corridor Area was
74 identified as developing as intensely as the City's Low Density Residential classification
75 of six (6) dwelling units per acre.

76 Within the past year, the City approved two single family subdivisions in the vicinity,
77 which will permit the construction of up to 600 new homes. It should be noted that the
78 Planning Staffs for both the County and the City are negotiating a revision to the Joint
79 Planning Agreement, which incorporates a zoning overlay district and will cap the
80 density at 3 dwelling units per acre for those properties designated as Low Density
81 Residential along the Celery Avenue Corridor. The Florida Turnpike Authority is
82 conducting a feasibility study for an extension of the Central Florida Greenway to I-95 in
83 Volusia County, which could affect the study area. With the increased marketability and
84 proposed expansion of the Orlando Sanford International Airport, the Celery Avenue
85 Corridor area will become more attractive for potential housing options for the airport
86 employees.

87 It is Planning Staff's opinion that the proposed land use amendment will provide a logical
88 expansion of residential and mixed development to the east, the progression of the
89 expansion, however, is hindered due to the substandard roadways within the area.
90 Currently, since there are no capacity issues along the Celery Avenue corridor, new
91 residential subdivisions would be permitted to develop although the road is considered
92 substandard in terms of roadway width and inadequate structure base. With the
93 exception of the minor drainage improvements along the Celery Avenue Corridor, the
94 County and the City of Sanford do not have any other roadway or drainage improvements
95 planned for the area. Engineering Staff have expressed the concern that if the proposed
96 administrative land use amendments are adopted, the existing roadways may not be able
97 to support the traffic from a safety, operational, and structural basis.

98 With an interlocal agreement with the City of Sanford capping the residential development
99 density within Section One at 3 dwelling units per acre will reduce the burden on Celery
100 Avenue as opposed to a development scenario whereby the City would develop the
101 Corridor area with 6 dwelling units per acre. Essentially, the interlocal agreement would
102 be cutting the potential impact of new residential development along the Celery Avenue
103 Corridor by 50%. Thus, lessening some of the traffic impacts along Celery Avenue.

104 Planning Staff recommends the approval of the administrative land use amendment
105 from Suburban Estates to Low Density Residential and Mixed Development. However,
106 Planning Staff does not recommend adoption of the two land use amendments until an
107 interlocal agreement with the City of Sanford is approved by both jurisdictions, as
108 detailed below, with findings that the Low Density Residential and Mixed Development
109 land uses, as proposed would be:

- 110 1. Consistent with Vision 2020 Plan policies related to the Low Density Residential and
111 Mixed Development land use designations; and
- 112 2. Consistent with adjacent Suburban Estates, LDR, and Industrial land uses; and
- 113 3. Appropriate transitional use at this location; and
- 114 4. Consistent with the development trends for the development of single family
115 residential subdivisions along the Celery Avenue Corridor within the City of Sanford;
116 and

117 5. The proposed Low Density Residential land use represents an orderly progression
118 from developed areas in the west to the east; and

119 6. Consistent with Vision 2020 Plan policies identified at this time.

120 Furthermore, Planning Staff recommends that prior to the adoption of the
121 administrative land use amendments, the County, in conjunction with the City of
122 Sanford, adopt an interlocal agreement with the following conditions:

123
124 1. A zoning overlay for the Celery Avenue Corridor is created and caps the residential
125 density within Section One at 3 dwelling units per net buildable acre;

126 2. Require central water and sewer services for developments with an intensity greater
127 than one dwelling unit/ acre; and

128 3. The City of Sanford will assume the maintenance of Celery Avenue through the
129 adoption of a separate interlocal agreement that will address the time and method
130 of transfer.

131 Antonia Gerli, Senior Planner, City of Sanford, presented her comments. She said the
132 City of Sanford just received the County's staff report on Monday and they are
133 somewhat concerned about some of the conditions that the County is requesting in the
134 joint planning agreement, specifically the City assumes maintenance of the road. In the
135 staff report it states that the cost of improving the road and bringing it up to a normal
136 standard is \$11.7m and the County is willing to give the City \$2.5m from the local sales
137 tax.

138 This is really a policy decision that the City Commission would have to make and the
139 only information we have is what is contained in the staff report. We would have to ask
140 staff whether they have done any modeling or studies on the roadway and what it
141 would entail to improve it. Also, there has been a lot of discussion about cul-de-sacing
142 the end of Celery Avenue and moving the intersection with CR 415 over to another
143 location. We don't know whether they have done any studies in respect to that, what
144 that would entail, where it would be, or how we would do it under this condition.

145 At this time, we aren't prepared to move forward on any of these conditions. That is
146 the status of the City of Sanford at this time.

147 **Chairman Tucker asked if the City of Sanford has taken a position on**
148 **annexation of this property?**

149 Ms. Gerli said that as this staff reports says, and we concur with it, that it is a logical
150 progression that we would annex in properties as they become adjacent to the city
151 limits along Celery Avenue.

152 **Chairman Tucker asked if that was a yes or no?**

153 Ms. Gerli said that was a yes.

154 **Commissioner Mahoney asked if the point of this drill is that if we were to**
155 **adopt a land use amendment and change the policies so that all of this would**
156 **be developed in the City of Sanford, why are going through this drill?**

157 Mr. West said that the original request for the County to consider making an
158 administrative land use change along Celery Avenue did come from the City of Sanford.
159 We have had meetings with Mayor Lesard and Tony VanDerworp and it was about a
160 year ago when some of these discussions started. The main reason that Sanford was
161 interested in making this request is that when they do annex property, for them to
162 rezone the property to allow their 3/units per acre, they have to go through a large
163 scale land use amendment process with the State. This process can take 8 to 10
164 months and delays any further action from development on the property until the land
165 use amendment is adopted and then Sanford's codes can become effective. The
166 request was that if the County went ahead and amended the land use now and made it
167 Low Density Residential by the old local interlocal agreement and the new interlocal
168 agreement, they could immediately, upon annexation, rezone to a City zoning category
169 that was equivalent. Then in the upcoming amendment cycle they could go back,
170 administratively clean up their land use map, and not have to wait on the land use
171 amendment up-front. So this was a matter of convenience for the City of Sanford and
172 one of the reasons they requested it was because 10 years ago we already agreed this
173 could be LDR and every time we have to annex property, it takes us longer to get
174 through the process.

175 **Commissioner Mahoney asked that 10 years ago we agreed this could be**
176 **LDR?**

177 Mr. West said yes and in that interlocal agreement there is an equivalency chart of
178 County uses versus City uses. Our County LDR land use, which is 4/du per acre, was
179 equated, in that agreement, to the City's LDR land use which is 6/du per acre. Further,
180 Sanford's method of calculating density is different than the County's method. The
181 County lesses out roads, rights-of-way and big power line easements and several other
182 things and we get to a more net buildable acreage. Sanford only typically lesses out
183 existing rights-of-way that may be running through the property, wetlands and
184 floodplanes. So their 3/du per acre will probably have a little higher lot yield than the
185 County's typical 3/du per acre.

186 **Commissioner Mahoney asked, this area of the County has a land use**
187 **designation of Suburban Estates but in the interlocal planning agreement**
188 **negotiated 10 years ago with the City of Sanford, we agreed that when they**
189 **annexed it into the City we would approve LDR?**

190 Mr. West said the County would not oppose it.

191 **Commissioner Mahoney asked how this agreement was memorialized?**

192 Mr. West said it is an interlocal agreement that was signed by the County's Chairman
193 and the Mayor of Sanford at the time and we've been abiding by it ever since. We are
194 trying to update it to be more global because there are all kinds of issues around the
195 City that need to be addressed that we did not anticipate 10 years ago.

196 **Commissioner Mahoney asked how does that interlocal agreement relate to**
197 **our Comprehensive Plan?**

198 Mr. West said that because we've agreed, by the interlocal, on equivalencies and that
199 Sanford could annex this property and allow it to go LDR, the County basically has said
200 in effect that this SE land use is technically a "holding" land use category. Therefore,
201 when and if property owners want to voluntarily annex into the City of Sanford and
202 develop at LDR standards, that would be acceptable.

203 **Commissioner Mahoney asked if the Comprehensive Plan knows this**
204 **agreement exists, is it referred to in any way?**

205 Ms. Smith said that we have, in our Comprehensive Plan, a policy that states we will
206 enter into interlocal agreements with the cities.

207 Mr. West said that in Chapter 163, Florida Statutes, the State wants the cities and
208 counties to have interlocal agreements to address areas for territorial annexation and
209 agree on uses so there are not so many disputes and this seems to be fulfilling that
210 direction.

211 **Chairman Tucker said at one of the community meetings, the question came**
212 **up as to whether the City's codes for annexing are compatible with the**
213 **County's codes?**

214 Mr. West said that those densities would be considered equivalent for comparison
215 standards.

216 **Chairman Tucker asked how 6 could equal 4 and be equivalent? The net**
217 **difference that comes out is substantially different when you lay out the**
218 **plans.**

219 Mr. West said the original interlocal stated that the County would not oppose Sanford
220 annexing those properties and designating them at their 6/du per acre.

221 **Chairman Tucker asked, the County would not oppose the City using their**
222 **code when they annexed and that is the gist of the interlocal?**

223 Mr. West said that was correct.

224 **Chairman Tucker asked if we were looking at LDR developed under the City's**
225 **code, what would that equ** buildable acreage, when we less out the roads and any
226 major power lines and things like that, it could take an additional 10%-15% of the
227 buildable acreage out of the equation. If we allowed 60 lots at 4/du per acre, their
228 4/du per acre might allow 66 or 70 lots.

229 **Chairman Tucker asked that under their definition of net buildable and their**
230 **allowance of 6, would we be looking at something like 5? Under the County's**
231 **"net buildable" of 4, you are looking at something closer to 2½.**

232 Mr. West said that was correct.

233 **Chairman Tucker said that under Sanford's Code versus Seminole County's**
234 **Code , you are looking at double.**

235 Mr. West said that he guessed that as correct without actually sitting down and figuring
236 it out. Obviously, under Sanford's Code, which is a city and is urban in its makeup, they
237 are going to have a higher density.

238 **Chairman Tucker said that when we hear all of this we are really talking**
239 **about 2 city apples for every 1 County apple.**

240 Mr. West said yes. He can understand the City's position because our staff has wrestled
241 with the condition of Celery Avenue through this whole thing. Obviously, Celery Avenue
242 is a substandard roadway. Some areas do not have enough right-of-way, shoulder on
243 the edges of the road, and some of the base needs to be replaced which would entail
244 parts of the road needing to be reconstructed.

245 If we continue with our existing agreement, don't amend it, and don't go into this
246 interlocal and the County doesn't change the land use out here right now, it doesn't
247 solve the problem. When subsequent properties annex in and build at these higher
248 densities, the issue is still going to be, how are we going to deal with Celery Avenue.

249 **Chairman Tucker asked if the scenario is that it goes from County Codes to**
250 **Sanford Codes, which are double, can we roughly double the traffic impact?**

251 Mr. West said that he would guess yes, maybe a 50%-60% increase in traffic. The
252 County looked at it from the point that if we do nothing and we allow the existing
253 interlocal to stand, you are going to have an increased burden over what we are trying
254 to negotiate at this point which would lower the density out there.

255 **Chairman Tucker asked if that would carry through on the rest of the**
256 **infrastructure when we start calculating costs as far as sewer, water,**
257 **drainage, roads?**

258 Mr. West said that sewer and water is typically born by the developer to run out to their
259 property. One of the other things that is proactive in this recommendation by staff is
260 that we would at least in the future, even if a development came in that was one unit
261 per acre or even half acre lots, they would still have water and sewer. There are plenty
262 of subdivisions in the County that, under the State guidelines for availability of water
263 and sewer, if they build less than a 50 lot subdivision and they are a certain distance
264 from water and sewer they can go on septic. We want to avoid that. We want to make
265 it written in our agreement that urban services would be provided to any future
266 development.

267 We met with Tony VanDerworp on Monday and we discussed the issue of Celery
268 Avenue. Staff's position is that since this amendment started with the City of Sanford

269 and the issue of Celery is a primary issue, if Sanford wants to take over the
270 maintenance and responsibility for Celery and come up with a financially feasible plan
271 for improving it, then we would not object. If Sanford eventually annexed as far as
272 they can down both sides of Celery, technically there could be a transfer of
273 responsibility anyway when that occurs.

274 **Chairman Tucker asked staff to explain the general procedure for**
275 **annexation.**

276 Mr. West said that Sanford typically works under a voluntary annexation policy which
277 means that property owners that are adjacent to the existing city limits would file an
278 application with the City of Sanford and then the Sanford City Commission would annex
279 them in parcel by parcel.

280 **Chairman Tucker asked if you annex down the corridor of Celery, could you**
281 **skip over enclaves?**

282 Mr. West said by State statute you are not supposed to. One of the things that the
283 Florida legislature directed staff to do under Senate Bill 1906 is to evaluate the
284 annexation laws. By the State statute, your property is supposed to be compacting
285 contiguous to the existing city limits. So these ideas of where somebody annexed in a
286 right-of-way and that was the only thing in the city and it went down a mile down the
287 right-of-way and annexed something, is prohibited by State law. If your property is
288 only contiguous by one corner, that is really not supposed to be allowed to be annexed.
289 The other thing the State statutes frowns upon is creating enclaves where you annex all
290 around a property that didn't annex into the city so now it's completely surrounded by
291 city jurisdiction.

292 **Chairman Tucker asked if there was anything in the new interlocal**
293 **agreement that addresses contiguous annexations?**

294 Mr. West said he did not believe so. It just basically says that the City should annex in
295 accordance with Statute statutes. One of the things he did propose is getting the
296 existing enclaves assimilated into the City and agree on the land uses.

297 **Commissioner Bates asked what was proposed to Sanford on Monday?**

298 Mr. West said that staff scheduled this in the Fall Cycle of Amendments based on the
299 County Commission's direction earlier this year and we have had meetings with the City
300 of Sanford over that time. The thing we have agreed substantially on is the overlay
301 zoning. The City and the County want Celery to maintain a rural-like appearance from
302 the roadway with larger setbacks, landscaping, brick walls and things of that nature so
303 when it does develop it's not so urban in appearance from the street side. We've also
304 agreed on the density cap. The only thing that County staff wrestled with is, what do
305 you do with the road? This is an idea that we proposed to the City of Sanford. As we
306 stated in our staff report, we don't recommend adopting this land use amendment
307 unless and until we can work out an agreement. Our latest idea with the City of
308 Sanford was that if the City would take over control the roadway. Our logic was that
309 the development annexes in, they already have to go to the City of Sanford for water

310 and sewer, to rezone and get their site plan approved, then there's an extra step that
311 they also have to go to the County to get a right-of-way permit. They get to deal with
312 the City of Sanford with everything but one issue. If the City controlled the road, then
313 the development does all their approvals through the City and it streamlines things.

314 **Commissioner Harris said if the recommended 3/du per acre was applied to**
315 **Sanford's definition of net buildable acres, you may come up with 4½. So**
316 **the translation is almost directly back into our LDR.**

317 Mr. West said it might be a little more than our 4 but it would be close. It would be
318 much closer to 4 than 6.

319 **Commissioner Hattaway said she is concerned that Sanford is saying they are**
320 **just now looking at it and we're approximately \$9m away from having**
321 **standardized roads out there. Is this premature?**

322 Mr. West said that adopting the land use amendment is premature. The things we can
323 do with the transmittal is to get DCA's comments and input so we have that to consider.
324 If we can't work something out by December 10th, which would be the adoption hearing
325 for the BCC if this moved forward, we could always continue it to the next cycle and still
326 work out all the details. The one thing you can do by transmitting it is find out what
327 the State's input is on this and then the City and County can deal with those issues at
328 the same time.

329 **Commissioner Harris asked if that was taking a proactive approach because**
330 **by doing nothing we might end up with a patchwork anyway?**

331 Mr. West said that was correct.

332 PUBLIC COMMENT

333 Kenneth McIntosh, 951 Powhatan Drive, spoke in opposition to the request. His
334 property is 15' easterly across from the eastern boundary in a community known as
335 Indian Mound. He owns a 10 acre parcel in Zone 2 on Cameron Avenue which is
336 effected by the new designation in that specific area. This problem began on August
337 17, 2000, when a similar proposal was submitted at the Midway Elementary School. At
338 that time there were 376 in opposition and 1 Lake Mary developer in favor of it. The
339 next time we met was on August 1, 2001, before the LPA when there was a total review
340 of this entire program. The relationship between the County and the City, the joint
341 participation agreement of November 1991, Vision 2020, the 1991 and the 1989
342 agreements were all reviewed and this Land Planning Agency on a 4-0 vote
343 recommended denial of any modifications. We appeared again on August 28, 2001,
344 just 386 days ago, and at that time the County Commission on a 5-0 vote denied this
345 land use amendment. The reason was because there was insufficient information with
346 reference to the relationship of the City and the County and they concluded by reason
347 of the proactive participation of citizens within the area, that this was not a needed
348 amendment. This remains a private development driven amendment. It is not an
349 Agency driven amendment. It is an amendment that has come about by reason of the
350 activities of the City of Sanford and its annexation program. We have buffeted

351 annexation activities by the City of Sanford since 1967 and we intend to continue to do
352 so.

353 The Brisson Avenue line of demarcation is that area which is in the eastern quadrant of
354 those activities of the City of Sanford. The City of Sanford has recently annexed a 153
355 acre parcel north of Celery Avenue and at the intersection of Brisson Avenue and Celery
356 Avenue there is large infrastructure that is now being constructed which is a low density
357 residential development. I speak on behalf of all the individuals that live east of that
358 area. There has been nothing that has happened since the last time we appeared
359 before you to bring about this matter coming before the Board again. The joint
360 participation agreement of November 1991 with the City of Sanford is still in force. It
361 has not been modified. There is no agreement in force at this time or any
362 contemplated with reference to the control of density within the area proposed as Zone
363 #1. Geographically, ecologically, environmentally, developmentally, traffic wise,
364 drainage wise, utility wise, public safety wise and especially school impact wise,
365 everything is exactly the same as it has been. Mr. Hattaway suggested that we meet
366 with staff, County representatives, the City of Sanford and citizen input with reference
367 to these matters. We have never heard from anybody. The way we are notified is by a
368 green and orange plaque that we find on the telephone pole.

369 We are in opposition to any major modification in this area because there are too many
370 questions to be answered. We are objecting to any modification in Zone #2, which has
371 been categorized as an area from Suburban Estates to Mixed Development. Mixed
372 Development has already occurred in Zone #2. We have a church, a marina, an
373 aluminum extrusion company, the new County medical center on CR 415, farms and
374 residential farms. We desire for this property to remain Suburban Estates. We appear
375 before you a fourth time indicating that.

376 The traffic situation on Celery Avenue is an atrocity. The condition of the experimental
377 station is better than it was the last time. It has been mowed once in the last 386
378 days. Nothing has happened with reference to draining. A drainage crew came out
379 and did a survey 8 months ago and nothing has happened in this regard. Our area is a
380 Suburban Estates area.

381 There is a new Suburban home at Bit and Bridle, which is Sanford Trails Estates, just
382 east of the areas that Mr. West has been introducing you to. There's another beautiful
383 home known as Oakdale on the Rositer parcel that has just been completed.
384 Immediately to the east is another beautiful home that is being constructed by a District
385 Commissioner. All the development that has happened is Suburban Estates.

386 We have said that this is premature since August 2000. Mr. McIntosh said he
387 conducted an independent traffic study. The inbound traffic problem times are
388 between 5:30 and 8:45. The low traffic density is 6 per minute, the high is 23. These
389 traffic inquiries were made on September 3, 4 and 5. The outbound time is between
390 4:15 and 6:00. The low traffic is 7, the high traffic is 16. If there is ever an
391 impediment on I-4, traffic backs up on SR 46 from CR 415 all the way to Sanford
392 Avenue. It backs up on Celery Avenue from Sanford Avenue to CR 415. The time

393 necessary to negotiate in a vehicle that distance is 47 minutes. This is factual and
394 information that we developed and announced to the Board on repeated occasions.

395 There has not been a modification of the joint participation agreement between the
396 County and the City. That which you have heard from the City representative is
397 correct. We just got it last Monday. There are a lot of questions that have to be
398 answered. He appreciated Commissioner Mahoney asking questions with regard to
399 density. Commissioner Mahoney is not happy with their math, Mr. McInosh is not
400 happy with their math because we may look across the street someday and see a
401 density of 6/du per acre. Cities, as you know, are guilty of serpentine annexations. We
402 are very concerned about that and have been since 1967.

403 There is nothing different today from that which has occurred in the past on 3 other
404 separate occasions. We know that this matter is not Agency driven because if it was
405 we would have received constant and continuous communication from Mr. West and his
406 staff to try to solve problems that we have in our 2 zones.

407 This particular large comprehensive plan amendment should be recommended to the
408 County Commission for denial again.

409 William Jawter, 2201 Celery Avenue, spoke in opposition to the request. He is being
410 impacted by the development that is going on. They have built the dirt up around his
411 property within 1' of the top of his privacy fence. His property floods every time it
412 rains. He has been to the City 4 times to report this and nothing has happened. They
413 put up black mesh, but the black mesh is down again. The way the privacy fence is
414 now won't do any good. Yesterday a neighbor stopped to turn into his driveway across
415 the street and the person behind him swerved around him up into Mr. Jawter's yard.
416 He cannot see approving any higher density because he is being impacted with the way
417 it is now. His property is going to be devalued. He has spent 8 years rebuilding his
418 home and he is not sure whether he will even get his money back out of it. They are
419 not putting up a brick wall around his house to buffer off the development because he
420 was told it was residential backing up onto residential.

421 Iris Hunt, 901 Powhatan Drive, spoke in opposition to the request. She said this is the
422 fourth time the residents have met and at all times they have stood together in
423 opposition to this request. We know that Seminole County is growing and that Sanford
424 is growing. We welcome that but not for it to take us in with it.

425 Celery Avenue is a two-lane country road that has deep ditches on both sides and if you
426 have an accident there is no where to pull off. If you pull off and the grass is not
427 mowed, you would not know that the ditch could cover your car. She said that the dirt
428 is piled higher than her car and it goes on for blocks. She never knew you could buy
429 property and drain your water off on other people. She thought that was against the
430 law.

431 She cannot see putting 4 to 6 houses on one acre of land. Her house sits on an acre
432 and she doesn't have room for herself much less 5 other neighbors.

433 She does not want this and she is opposed to it.

434 Sam Kendall, 510 Hermits Trail, spoke in opposition to the request. He said that staff
435 has said this is in compliance with the all the Comprehensive Plan policies and they
436 have done traffic analysis and wetland analysis. However, there is another section in
437 the Comprehensive Plan that might be being ignored. It does not have to do with
438 infrastructure to carry water to the development, but there's another Comprehensive
439 Plan amendment that asks you to examine if there is going to be enough water in the
440 aquifer to deliver water to the development. That is policy CON 1.15. "The County
441 shall minimize the withdrawal or transport of water to future developments which would
442 adversely impact existing water production." He did not see any analysis in staff's
443 report stating which well would be used to provide water to an additional 2,000 or more
444 homes, which this amendment could allow. There are sections in the County now
445 where the County is withdrawing more water than the St. Johns River Water
446 Management permit allows. He is asking staff to provide an analysis of which well
447 would be used to supply water for this future development and an analysis of how the
448 withdrawals from that particular well would effect the aquifer level and the ability of the
449 well to provide water to the existing residents.

450 Mary Scheuering, 1500 Sipes Avenue, spoke in opposition to the request. She bought
451 1.34 acres in 1993. She has fixed up her house, put up a greenhouse, privacy fence,
452 chain link fence and she considers her house a little estate. She can't imagine the field
453 across from her being all houses. She has 1.34 acres and she can't see 4 houses on
454 that. She has a garage bigger than her house and a green house intended for an
455 agricultural business. She raises pigs, chickens and boxers and she doesn't know how
456 this will effect her when they move all that residential in. Will she be able to have all of
457 this?

458 She has been against this from the beginning and no one in the area wants 4 to 6
459 houses per acre. We want to keep it a small country setting.

460 Daniel Reeves, 2200 Celery Avenue, is opposed to the request. He asked that if the
461 density went from 4 to 6 homes would the homes go from 1600 square feet to 1200
462 square feet? He feels that Sanford looks pretty good on their side of town and would
463 like it continue for it to stay that way. People love what they have and don't want to
464 lose that. He would like to have a brick wall around his property to keep that urban
465 look. He said speedbumps could be put on the street and perhaps some nice bike
466 paths. He also heard they are talking about putting a park in there somewhere. He is
467 not against these things but he can't speak for everybody. He is concerned about the
468 impact the development would have on the schools and the traffic.

469 Dr. Robert Rosemond, 941 Powhatan Drive, spoke in opposition to the request. He
470 lives in Indian Mound Village. He is concerned about changing the density of the only
471 real pristine property we have left in Seminole County. He was Chairman of the Airport
472 Authority, owned an airplane and used to fly all over Seminole County and this is the
473 only beautiful spot left. He read and submitted into record a letter written by Mr. Jen
474 Paulucci opposing this amendment.

475 **Commissioner Harris asked staff to explain Zone #1 and Zone #2 on the**
476 **map.**

477 Mr. West pointed to the map and explained Zone #1 and Zone #2 to the Board. There
478 are 3 small enclaves where single property owners did not incorporate into the two
479 developments that are taking place in Sanford. So when the property to the north was
480 annexed in it did create a couple of small enclaves.

481 **Commissioner Harris asked if those parcels are now being developed at 6**
482 **units per acre?**

483 Mr. West said the subdivision to the north, according to their calculations, is about
484 2.4/du per acre.

485 **Chairman Tucker asked what the County's calculation was.**

486 Mr. West said he never got a copy of their plan to do our calculation.

487 **Commissioner Harris asked if it would be closer to 4 according to our**
488 **calculations?**

489 Mr. West said yes.

490 **Chairman Tucker asked staff to address the question stated by Mr. Kendall.**

491 Mr. West said there is two things to address. When we met with the City of Sanford
492 and discussed these issues including the new developments that they approved, this
493 area served through our interlocal for utilities by the City of Sanford so their water plant
494 is the one that serves this area. They obviously, in our discussions with them, have
495 designed their plant and received consumptive use permits for their plants and their
496 well fields to support the future annexation of this area. They have indicated that they
497 have capacity by their consumptive use permitting for their water plants to serve this
498 area.

499 A second step in any development of this property, is when they come in from
500 concurrency test. A developer has to ensure that there is adequate capacity in the
501 water plant, they do traffic studies, and they have to make sure the sewer lines can
502 handle the sewer flows. So there is second step as you get closer to the project design
503 and you actually know the lot yield.

504 Sanford annexed this property in and went through a large scale land use amendment
505 and there were no objections from DCA concerning environmental impacts. They have
506 gone through all their approval processes and checkpoints with St. Johns and
507 whomever and regardless of what we do tonight, that subdivision and probably future
508 ones will go through that same process. Mr. West doesn't see why if that wasn't a
509 problem, why the lot next to it would be a problem.

510 **Commissioner Mahoney said the net effect is only positive even though it's**
511 **not popular. If we do nothing, the City can annex property as it is contiguous**
512 **to its present lines on a case-by-case basis until over the years they might**
513 **possibly fill up the whole area or we can pass this proposal with the**

514 conditions attached to it and the same thing has to happen. Parcel by parcel
515 they can be annexed into the City and developed as they come along. The
516 difference seems to be that when they annex parcels each individual
517 application has to undergo a Comprehensive Plan Amendment. That is a time
518 consuming process but doesn't stop anything from happening. By doing
519 nothing and by following the agreement we already have with the City, we
520 won't oppose any of that, the whole area can converted into Low Density
521 Residential by the City of Sanford. When they get all done, they could have a
522 Celery Avenue that's a big problem. What we ask ourselves all the time is
523 why don't we plan an area and do it right up front and this is what this is an
524 opportunity to do. The obvious answer to Celery Avenue is to create some
525 sort of Municipal Benefits District that would special tax and fix it and do it
526 right. Four-lane it if that is what is necessary or just two full lanes with
527 appropriate drainage and not have 10' ditches. Maybe create an extra
528 impact fee that only applies to that area or we do nothing and it's going to
529 happen anyway. Isn't that the net result, it will happen anyway?

530 Mr. West said yes and then they will still have to figure out how to widen the road and
531 bring it up to code.

532 **Chairman Tucker asked Ms. Gerli if the City of Sanford anticipated annexing**
533 **piece by piece these next pieces?**

534 Ms. Gerli said the City of Sanford only annexes when people request it. If the adjacent
535 property requested it, we would consider it and probably annex it.

536 **Chairman Tucker asked if the City has had any such requests?**

537 Ms. Gerli said not since the last one, which was the big tract to the north side of Celery
538 Avenue.

539 **Chairman Tucker asked if there were any presently in-house?**

540 Ms. Gerli said no.

541 **Chairman Tucker asked if he was safe in assuming that the City had no plans**
542 **for this area?**

543 Ms. Gerli said that the plans that the City has are the ones they are trying to work out
544 with Seminole County. We don't have any specific plans. We don't go out and
545 aggressive annex, if that's what you mean.

546 **Chairman Tucker asked if we could look at the City doing this under their**
547 **maximum code or under our maximum code. What he is uncomfortable with**
548 **is the proverbial "pig in a poke".**

549 Ms. Gerli said the City is hoping to negotiate this joint planning agreement where we
550 will both abide by the same regulations.

551 **Commissioner Bates asked that if this progressive annexation under the**
552 **auspices of the City and they march out to the east down Celery Avenue on**
553 **this piece by piece basis, at what point is the fix triggered for the road and**
554 **the other issues that are brought to bear here? When, where and how is the**
555 **fix triggered?**

556 Mr. West said at this rate, it will be worked on in a piece meal fashion. As each
557 property comes in, they will fix the portion of the road in front of their property as best
558 they can. From a standpoint of right-of-way issue, if a property on the north side
559 annexes in but the property on the south side didn't and the property on the north side
560 wants to develop, they can contribute right-of-way on their side of the road but there
561 may be a need for right-of-way on the south side that they can't get. So they will put
562 the road in and any turns lanes or whatever that they can fit within the existing right-
563 of-way and the right-of-way they can donate to keep the road centered. Once again, it
564 will be built piece meal, section by section, and not as comprehensively as you could
565 have done in one fell swoop.

566 This is not an standard roadway where you have 12' of lane going in each direction,
567 shoulders in case you need to pull off the side of the road and draining problems. At
568 this rate since we have no Municipal Benefits Program, an Impact Fee program or any
569 other dedicated funding source to fix the road at one time, it would be done
570 development by development in a piece meal fashion.

571 **Chairman Tucker asked if the County could come in and tighten up what they**
572 **are recommending in putting some levels of density less than the City's**
573 **levels of density and make that recommendation prior to annexation?**

574 Mr. West said that is part of this discussion. We went from 6 to 3 under the current
575 interlocal. It would be according to the way Sanford calculates density. They are going
576 to annex it in and they are going to follow their rules and what we got them negotiated
577 to is, rather than 6 it would be half that.

578 **Commissioner Harris said that in the absence of an agreement, which is what**
579 **staff is trying to get, we could have all of this marching along with a density**
580 **higher than your proposed 3. It appears that your plan is trying to put**
581 **uniformity as to what could possibly happen, not necessarily what will**
582 **happen, and put some limits on it with a plan rather than allow it to go piece**
583 **meal with all the problems that are already on that road.**

584 Mr. West said that was correct. The City of Sanford annexes in a "packman" fashion.

585 **Commissioner Harris asked if it was fair to say that the County has no**
586 **water/sewer service and that is in Sanford's area?**

587 Mr. West said that the County and City agree that this is Sanford's area.

588 Commissioner Harris said that whenever and however that develops, it is
589 going to be annexed in according to their criteria. By recommending that we
590 not take any action on this, we didn't do any of these people out there in the
591 County at the time any favor. Now these can all develop at higher densities
592 rather than the lower. By doing nothing we did less than we could have done
593 to reduce the amount of traffic that is generated in that area.

594 Mr. West said that was correct.

595 **Motion by Commissioner Mahoney to recommend to the Board of County**
596 **Commissioners approval of the land use amendment from Suburban Estates**
597 **to Mixed Development with the four staff findings subject to the three staff**
598 **conditions listed. However, clarify condition #1, that the 3/du per net**
599 **buildable acre is as defined by the County Land Development Code. Also, add**
600 **a fourth condition that a funding mechanism be in place up front to pay for**
601 **the improvements required to Celery Avenue so it could be handled in a**
602 **comprehensive fashion.**

603 Commissioner Harris said there are two parcels and one parcel is to Low
604 Density Residential. That is Section #1. Only the Section #2 is Mixed Use.

605 Commissioner Mahoney said this motion would be for Section #2.

606 Second by Commissioner Harris.

607 Chairman Tucker said that he disagrees with the philosophy that those are
608 our only options. He feels there is another option that the County could take
609 the position of changing their interlocal which to some degree is being said
610 in the motion. However, it doesn't go far enough. Approval of this would put
611 the people in this area in a situation of having the County pass it off and the
612 City receiving it and no one being responsible for it and the people having to
613 no place to go. He can't support it without more specific definitions.

614 Commissioner Mahoney said that in the past he has been opposed to the
615 Board changing land use amendments so that it made it easier for cities to
616 annex. They are already going to annex it and we're already obligated not to
617 oppose. The piece meal approach in this quadrant can result in a slip-shod
618 approach with roads being built half way on one side and half way on
619 another side. A comprehensive approach is a better solution.

620 Chairman Tucker said he did not disagree with that but somehow he doesn't
621 feel this is going to slip through as easily as annexation have in the past.

622 Commissioner Mahoney said the County couldn't oppose the annexation.

623 Chairman Tucker said the County can't but those people out there can talk to
624 their City representatives.

625 Commissioner Mahoney said they are in the County and not the City.

626 Chairman Tucker still feels that something can be done.

627 Commission Bates asked if this land use amendment would make piece meal
628 development more difficult?

629 Commissioner Mahoney said it doesn't make it more difficult. Adopting this
630 proposal would not make it more difficult for annexations to happen in
631 Sanford. It would build Celery Avenue out so that it was done completely
632 and correctly at one time or at least in a phased approach that makes sense.

633 Commissioner Bates asked how does this large scale land use amendment
634 benefit continued negotiations between the City and the County as to the
635 future of that area?

636 Commissioner Mahoney said one of the conditions that he put in was that the
637 density limitation is at 3/du per acre as defined by the County's Land
638 Development Code not by the City. We are adding a restriction that it puts a
639 limit that is not presently in place. Presently there is no limitation. They can
640 come in at 6 although its pretty physically difficult to get 6 single family lots
641 on an acre but you could get 4 or 5. With our definition of 3, that ends up far
642 less dense.

643 Commissioner Harris said the recommendation is not to push this through for
644 adoption but to take the final step to full adoption only if this interlocal
645 agreement is fully worked out and all of the macroscopic detail that is
646 needed are in place.

647 Commissioner Hattaway said this is a huge piece of land and it is
648 inconceivable that it is an either/or situation. There has to be other, more
649 creative solutions. She has been a part of a community trying to tax itself for
650 improvements and it is extraordinarily hard to get these kinds of measures
651 passed in an area like this, or any area, even though they know it's for their
652 good. She cannot support this being an either/or situation.

653 Chairman Tucker said he agreed with Commissioner Hattaway. He feels it is
654 incumbent upon the County Commission to direct staff to other options that
655 are more conducive to the City area with specific requirements based on our
656 Code.

657 Motion fails due to the lack of a majority vote. (3-3)

658 Commissioners Mahoney, Harris and Pelt voted for the motion. Chairman
659 Tucker and Commissioners Hattaway and Bates voted against the motion.

660 Motion by Commissioner Mahoney to recommend approval of the land use
661 amendment from Suburban Estates to Low Density Residential with the four
662 staff findings subject to the three staff conditions listed. However, clarify
663 condition #1, that the 3/du per net buildable acre is as defined by the County
664 Land Development Code. Also, add a fourth condition that a funding
665 mechanism be in place up front to pay for the improvements required to
666 Celery Avenue so it could be handled in a comprehensive fashion.

667 **Second by Commissioner Harris.**

668 **Motion fails due to the lack of a majority vote. (3-3)**

669 **Commissioners Mahoney, Harris and Pelt voted for the motion. Chairman**
670 **Tucker and Commissioners Hattaway and Bates voted against the motion.**

671 **A. *Heathrow Elementary; Seminole County School Board Dianne***
672 ***Kramer; approximately 45 acres; rezone from A-1 (Agriculture) to PLI***
673 ***(Public Lands and Institutions); 5715 Markham Woods Road.***

674 *Commissioner McLain -District 5* *Kathy Fall, Senior Planner*

675 The applicant, Seminole County School Board, is requesting a rezoning from A-1
676 (Agriculture) to PLI (Public Lands and Institutions) in order to construct a middle school
677 adjacent to the existing elementary school site. The site consists of 45 acres designated
678 as Suburban Estates land use.

679 In 1989, the developers of the Heathrow PUD donated a 45 acre site to the Seminole
680 County School Board for an elementary and middle school. A site plan was approved in
681 1991 for an elementary school. The PLI zoning classification permits both elementary
682 and middle schools. The site is located on Markham Woods Road, which is a policy
683 constrained roadway. Public Works currently has funding allocated for improvements
684 needed for access and safety issues for the elementary school site to resolve the
685 "stacking" of parents' vehicles on Markham Woods Road.

686 In 1999 the Vision 2020 Plan was amended to address school siting issues. The Vision
687 2020 Plan policy FLU 1.7 was amended to state that public middle schools and high
688 schools shall not be permitted on property located within the Wekiva River Protection
689 Area. Staff coordinated the amendments with the School Board. At that time neither
690 County staff nor School Board staff realized that the north 300 feet (8.7 acres) of the
691 Heathrow school site was included in the WRPA.

692 The school site for Heathrow elementary and middle school has been planned since the
693 donation of the site to the Seminole County School Board in 1989. Although the
694 requested zoning is consistent with the Future Land Use designation, a middle school is
695 not currently permitted in the north 300 feet of the site. Either the middle school must
696 be constructed without using the north 300 feet or the Vision 2020 Plan must be
697 amended to allow middle schools in the WRPA. Staff is exploring options to address this
698 issue.

699 Staff findings on this request are:

- 700 1. The proposed rezoning is consistent with the Vision 2020 Plan policies related to
701 the Suburban Estates future land use designation in the Wekiva River Protection
702 Area and the East Lake Sylvan Transitional Area.
- 703 2. The proposed rezoning is compatible with adjacent residential uses.

704 Staff recommends approval of the rezone from A-1 to PLI, for the 45-acre parcel
705 located on the east side of Markham Woods Road 1/2 mile south of Markham Road,
706 based on staff findings.

707 Dianne Kramer, Deputy Supervisor, Seminole County Schools, wanted to clarify a couple
708 of issues. The two issues are probably going to be a little confusing because they
709 depend on each other and involve a lot of things that have nothing to do with changing
710 the zoning from A-1 to PLI.

711 By approving PLI, you are not saying that this is okay for a middle school. PLI is the
712 appropriate zoning for public property. A few years ago the County administratively
713 rezoned most of our property, even our land banked property because A-1, even
714 though an elementary school is permitted in A-1, it's not the appropriate zoning for an
715 elementary school. PLI is the appropriate zoning. PLI is the appropriate zoning for any
716 property we own whether we develop it as an elementary school, a primary learning
717 center or a middle school.

718 In conjunction with that, the middle school has been planned there for 10 years. It is
719 important to remember that this was a joint decision from the Board of County
720 Commissioners and the School Board. It was the County who saw that we needed
721 school sites in that area and asked the developer to donate that property for these
722 schools. It was determined more than 10 years ago that these were appropriate sites
723 for an elementary and a middle school. The plans have been based on that. This has
724 been the basis of all the growth management changes over the last few years. Local
725 governments and school boards have been working together to identify early on where
726 schools should go so that we could make the appropriate protections and plans for
727 those schools when they get ready to be built.

728 This middle school is also part of our sales tax list of project. So the fact that this
729 school would go in this site has been discussed and promoted throughout the County
730 for many years.

731 A petition signed by the residents of Heathrow supporting the rezoning request was
732 entered into the record.

733 PUBLIC COMMENT

734 Irene Gonzalez, 908 Kersfield Circle, spoke in favor of the request. She is the parent of
735 a 4 and 5 year old and feels very strongly about having the school built. She bought in
736 Heathrow anticipating that there would be a school built there and Heathrow donated
737 the land for school use. As the area continues to grow, the need for a middle school
738 becomes very necessary. If this land is not rezoned, we are all back to square one.
739 The voter of Seminole County passed the sales tax supporting the school.

740 Terry Wattham, 960 Ridgemont Place, spoke in favor of the request. There are many
741 parents that are in support of this request. She feels there is a great need because
742 Millenium is close to capacity and Greenwood Lakes is already at capacity.

743 Tony Leonard, 1822 Oakbrook Drive, spoke in favor of the request. He used to live in
744 the Dr. Phillips Bayhill area, and the schools there are so overcrowded the children had
745 to go to lunch at 10:15 in the morning. If we don't build another school, we are going
746 to have that same situation here.

747 Joe Nunziata, 1581 Cherry Ridge Drive, spoke in favor of the request. The land was
748 donated to the County for the purpose of building the proposed school. We are in dire
749 need of a new school in our area.

750 David Cruz, 1585 Cherry Ridge Drive, spoke in favor of the request. The number of
751 students that live in Heathrow area and surrounding areas support the building of a
752 new middle school. He doesn't think the school will greatly impact the traffic along
753 Markham Woods Road. He feels we should just focus on the rezoning tonight from A-1
754 to PLI and take it further later.

755 John Blonsick, 1593 Cherry Lane Way, spoke in favor of the request but was concerned
756 about the impact of the proposed Heathrow middle school on the depth of the wooded
757 buffer zone. He paid a premium for a wooded lot and does not want to lose the
758 ambience and noise reduction qualities the existing woods provide. He is also
759 concerned about security issues with older students and the potential noise and/or light
760 pollution should the wooded buffer zone be reduced. He welcomes the addition of the
761 Heathrow middle school but wants to minimize the impact of its construction on his
762 property value and quality of life due to school activities and facilities. He asked that
763 maximum consideration be given in the design and construction of the Heathrow middle
764 school to ensure minimal negative impacts on the adjacent properties, particularly in
765 regard to the scale of the facilities and the wooded buffer zone.

766 Fred Webster, 1582 Cherry Blossom Terrace, said he has not received enough
767 information of where the school is going to be. He asked what the line was that
768 separated the parcel?

769 Ms. Kramer said the school board property actually consists of two different parcels.
770 The reason why it is outlined is because there is a portion of the site that is located in
771 the Wekiva River Protection Area. She pointed on the map to where the proposed
772 middle school would be located.

773 Dany MacDonald, 879 Kersfield Circle, was in favor of the request but did not speak.

774 Lane Wright, 1795 Redwood Grove Terrace, was in favor of the request but did not
775 speak.

776 Dawn Ball, 1780 Oakbrook Drive, was in favor of the request but did not speak.

777 David Stacy, 1562 Cherry Blossom Terrance, spoke in favor of the request. He would
778 like to see a buffer provided to the properties adjacent to the school site to provide
779 some sort of isolation to the school.

780 Streve Martwell, 1537 Cherry Ridge Drive, spoke in favor of the request. He moved into
781 Heathrow five years ago because of the elementary school. He expected to have a
782 middle school by now. He is hoping that this will move forward and be approved.

783 Sharon and Daniel Bott, 6000 Markham Woods Road, entered a letter into record
784 strongly opposing the rezoning of the property north of Heathrow Elementary School for
785 use as a middle school site.

786 Nancy Prine, 655 Terrace Boulevard, spoke in opposition to the request. She is
787 representing Friends of the Wekiva. She said it is hard to talk about this issue and not
788 have mixed emotions about how you approach this. Friends of the Wekiva have been
789 in this area longer than this site has been designated as a school site. The Wekiva
790 River Protection Act was in 1988 and Seminole County addressed the Act in 1989 with
791 their Comprehensive Plan. As time has gone along we have seen various activities
792 within this particular area that have, in part, delighted us and, in part, disappointed us.

793 When this issue came up recently we were excited about the fact that there might be
794 an opportunity to move the school itself to another location, perhaps adjacent with
795 other elementary schools. The reason we were concerned was because of the activity
796 on Markham Woods Road. In the last few years we've been talking about what
797 happens in that area and there has been a lot of concern expressed about Markham
798 Woods Road. What the roadway looks like, how it feels in the community, the impact
799 that it has on the community and the character of the community. Every time we shut
800 down I-4 we are very much aware of what would happen to Markham Woods Road
801 when the construction starts to take place on I-4.

802 This road is constrained to 2 lanes except for turn lanes. Can you imagine a turn lane
803 that would allow you to turn right out of the school and left into the school? That
804 makes 4 lanes on Markham Woods Road with all the activity in the area. We raise that
805 concern.

806 We also are concerned because of the one area that is in the Wekiva River Protection
807 Area. A-1 seems to be an appropriate classification. All the residential lots in the area
808 are Suburban Estates but we also agree that Public Lands/Institutional Lands should
809 carry that classification.

810 This area is a wonderful area because of the surroundings and because of the character
811 of the area. The expression tonight of having a buffer backs up what we're saying, that
812 it is important that the residential community feel that they are protected and continue
813 to have the character of the area that they moved to. Schools are important and
814 lifestyle is also important. She asked the Board to take all these concerns into
815 consideration.

816 **Motion by Commissioner Harris to approve the zoning request from A-1 to**
817 **PLI with staff recommendation. Second by Commissioner Peltz.**

818 **Motion passed unanimously. (6-0)**

819

860 schools within the entire Wekiva River Protection Area. Middle schools function in
861 a similar manner to elementary schools and, thus, shall be permitted only in the
862 East Lake Sylvan Transitional Area;

863 Staff recommends approval of the proposed ordinance to amend the Seminole County
864 Vision 2020 FLU Policy 1.7 with the proposed language:

865 **Chairman Tucker asked if the elementary school was originally built on the**
866 **northern section of this total tract, would we be here tonight?**

867 Ms. Fall said no, we would not.

868 **Commissioner Harris asked if it was correct that the water from this parcel**
869 **drains directly to the St. Johns and not the Wekiva?**

870 Mr. West said it is his understanding that Heathrow is keeping their drainage within
871 their own development.

872 **Chairman Tucker asked if this parcel was part of their development?**

873 Mr. West said no, it is not in the PUD or the DRI.

874 **Commissioner Harris said it occurred to him that some years back when we**
875 **zoned property at the north end of Heathrow, the basin there essentially**
876 **flows to the St. Johns rather than to the Wekiva anyway.**

877 Ms. Dianne Kramer said that the transitional area that is part of the Wekiva Protection
878 Zone has different development restrictions. It's not as restricted as the main part of
879 the Wekiva Protection Area. As you can see on the aerial, everything around this 300
880 foot strip is a higher density, more intense than what you have in the area west of this.
881 Back when that one sentence was added to the Comprehensive Plan, it was added at a
882 hearing and not part of the early review material. When we first saw that, the first
883 thing we did was contacted staff that that was going to be a problem because we have
884 a middle school site there. We were assured that it was outside the Wekiva Protection
885 Area.

886 She did not have a problem with the recommended change and does not feel that a
887 high school is appropriate in the Wekiva Protection Area and probably not in the
888 transitional area. However, she does have a big problem with the language that was in
889 the Comprehensive Plan as it stands to separate public middle and public high schools
890 from any other kind of middle school and high school. She feels that the word "public"
891 needs to come out of there. If we can change this language, it gives us a lot more site
892 planning flexibility to be able to address the concerns that were heard from the
893 residents. It allows us to put the buffer on the east side and the north side and have it
894 blend in with the rest of the community.

895

896 PUBLIC COMMENT

897 Nancy Prine, 655 Terrace Boulevard, spoke in opposition to the request. The neighbors
898 have a very good argument to ask for consideration for some screening. She is
899 delighted that Ms. Kramer has agreed and that it will be a part of the consideration.

900 As we look at the site you can see that the elementary school has a very large retention
901 pond and that is a part of the retention for the middle school also. This retention pond
902 has begun to show the wear and tear of a drought. That, and a couple of more things
903 have great opportunities to continue the character of this rural area that relates to the
904 area to the west. She hopes that the two sinkholes that are on the site can be used in
905 a meaningful way. She thinks this is a good opportunity to re-vegetate the site that is
906 not school property. Also, it is a great opportunity to allow some movement of wildlife
907 through the site and with all the development that is around the property the wildlife
908 has been displaced. We are hearing constantly that wildlife is moving through the area
909 so those buffers will allow some passage and some corridors for them. It would be a
910 great opportunity to develop this site as a site that fits within the character by
911 restoration of tree canopy, preservation of the ponds, developing a curriculum that uses
912 that site and the adjacent part site across Markham Woods Road as a part of that
913 curriculum that begins to bring young people into direct contact with the surrounding
914 area. Friends of the Wekiva are working with the elementary school at the present time
915 in providing an outdoor classroom and we think that could be expanded for middle
916 school use also.

917 This is a good chance for Seminole County to develop a school that not only recognizes
918 the needs of all the students but also blends well with the surrounding area and shows
919 an effort to become a true part of the community.

920 Fred Webster, 1582 Cherry Blossom Terrace, wanted to know what will happen to the
921 spring-fed pond.

922 Ms. Kramer said that in the preliminary studies of this site, we needed to fill in the small
923 pond. That pond is not as large and does not have a lot of vegetation. We are
924 protecting and keeping the main pond, the large pond that Mr. Webster is inquiring
925 about.

926 **Motion by Commissioner Mahoney to recommend approval of an amendment**
927 **to Policy FLU 1.7, which reads:**

928 ***"Notwithstanding any other provision of this Plan, middle schools***
929 ***and high schools shall not be permitted on property within the***
930 ***Wekiva River Protection Area outside of the East Lake Sylvan***
931 ***Transitional Area."***

932 **Second by Commissioner Harris.**

933 **Motion passed unanimously. (6-0)**

934 Mr. West came back to the Board to ask for clarification on the vote for the Celery
935 Avenue request.

936 Mr. West said that he was hoping to get some official statement that the Board is
937 willing to adopt in the affirmative. Our attorney has been looking into this issue. When
938 we read some of the sections of the Code and of the statues it states that the Local
939 Planning Agency shall make a recommendation to the local governing body. We really
940 don't have one so what we were thinking of is to at least get a consensus that maybe
941 there is a motion that no consensus can be reached. Another words, either declare
942 yourselves a hung jury or maybe there is something you really could agree on.

943 **Chairman Tucker asked if staff was saying that a 3-3 vote isn't acceptable?**

944 **Commissioner Mahoney said it has to be. When the Chairman said the**
945 **motion fails for the lack of a majority, it fails.**

946 Mr. West said that means there is no recommendation.

947 **Commissioner Mahoney said there was a motion on the table and it tied so it**
948 **goes forward without a recommendation. He doesn't understand why that is**
949 **a problem.**

950 **Chairman Tucker said that staff is saying that the Board is supposed to**
951 **recommend a land use change.**

952 Mr. West said maybe there could be a motion to say that as a Board, you cannot reach
953 consensus.

954 **Chairman Tucker said in good conscience, we reviewed the facts and we**
955 **were split evenly on the issues.**

956 Commissioner Harris said you can go further and say that the consensus is that some
957 unified planning needs to be done, we're just not sure we have all of the correct
958 alternatives on the table at this point. The joint interlocal agreement with Sanford
959 needs to be further refined to stop the piece meal, high density development of that
960 area without regard to the infrastructure and we are not sure, as a Board, whether all
961 of the appropriate alternatives are on the table in what was presented to us tonight.

962 **VII. Planning Manager's Report**

963 No Planning Manager's Report was given.

964 **VIII. OTHER BUSINESS**

965 There was no Other Business.

966 **IX. ADJOURNMENT**

967 Meeting adjourned at 8:45 p.m.

968 Respectfully Submitted,

969

970

971

972

Fran Newborg, Recording Secretary

973

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

978