

**LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**
COUNTY SERVICES BUILDING
ROOM 1028
OCTOBER 2, 2002
7:00 P.M.
MINUTES

Board Present:

Ben Tucker, Chairman
Tom Mahoney, Vice Chairman
Dick Harris
Allan Peltz
Beth Hattaway
Dudley Bates

Board Absent

Paul Tremel

Staff Present:

Matt West, Planning Division Manager
Tony Matthews, Planning Division
Kathy Fall, Planning Division
Tony Walter, Planning Division
John Thomson, Development Review 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 Mahoney to approve proof of publication. Second by Commissioner Bates.

Motion passed unanimously. (6-0)

IV. APPROVAL OF MINUTES

Approval of minutes carried over until the next scheduled meeting.

Administrative Business:

Item VI. B, Zelman Tract, a memo was submitted into record requesting a continuance until the next scheduled meeting.

Motion by Commissioner Mahoney to amend the agenda to continue Item VI. B, Zelman Tract, until the November meeting. Second by Commissioner Peltz.

Motion passed unanimously. (6-0)

Motion by Commissioner Mahoney to amend the agenda to reverse items VI. C and VI. D. Second by Commissioner Bates.

Motion Passed unanimously. (6-0)

V. OLD BUSINESS

DEVELOPMENT AGREEMENT – HEATHROW INTERNATIONAL BUSINESS CENTER – Ken Wright of Shutts & Bowen LLP representing Colonial Grande; amendment to the development agreement with the County relating to the International Parkway and Recreational Trail within the Heathrow International Corporate Business Center.
Commissioner McLain – District 5 John Thomson, Principal Coordinator

This is the first of two public hearings that is required to amend these types of agreements. This item was continued from the Planning and Zoning Commission public hearing of September 4, 2002, at the request of the applicant. Section 163.3225 requires that the day, time, and place of the second public hearing be announced at this first public hearing.

The second public hearing to consider this amendment by the Board of County Commissioners was continued from October 10, 2002, to October 22, 2002, at 1:30 p.m. or shortly thereafter in the Commissioner's Chambers at the County Services Building at 1101 East First Street, Sanford, FL.

The County and the HIBC Development Company entered into a Development Agreement in September 1996 to address the timing for the completion and dedication of the International Parkway within the HIBC. The purpose of this request to amend the agreement is to allow the new developer additional time to meet this requirement. Colonial Realty Limited Partnership recently purchased the HIBC from the HIBC Development Company and has now assumed the obligations of the agreement.

The International Parkway has not been accepted by the County for dedication because the segment between Bridgewater Dr. and the specialty pavement to the north of the entrance of HIBC on Lake Mary Blvd. has not been realigned and reconstructed to County standards as stipulated by the agreement. The amendment allows the International Parkway to remain private until the Developer wishes to dedicate the rights-of-way to the County. The amendment requires that the road meet the County's construction standards before it may be dedicated. In the interim, until

such time as the right-of-way is dedicated, the amendment provides that the International Parkway will be maintained by the new developer and that the public may continue to use the road.

Staff recommends approval of the amendment to the HIBC Development Agreement.

Meredith Harper, Shutts & Bowen LLP, represented the applicant, Colonial Properties. The original agreement back in 1996 provided 3 or 4 criteria that the developer must meet in design and constructing International Parkway, the whole segment from Lake Mary Boulevard to 46A. Three out of those four criteria have been met. The only one that has not been met is the realignment or straightening out the very southern segment which is right north of Lake Mary Boulevard. It is very curvy and serves as a nice entry feature. It has beautiful landscaping, old trees and it serves as a traffic-calming device. Eventually, if and when Colonial is ready to dedicate that to the County as a public roadway, that southern segment needs to be realigned and straightened out which would cause the destruction of those trees. She doesn't believe the County or Colonial wants to do that at this point.

As staff mentioned, the road would remain under this amendment to the agreement. The intent is for the road to remain a private road, which Colonial will maintain, repave, repair and take care of until such time as it is dedicated to the County.

The amendment before you tonight is actually to clarify a little bit of ambiguity from the 1996 agreement and provide for a little more certainly as to what will happen and states that Colonial must upgrade the roadway to current County standards.

Commissioner Harris said the original agreement bundled the Parkway and the recreational trail. Is there any change in the amendment? Does it stay bundled so that the maintenance of the recreational trail stays with the developer?

Mr. Thomson said the agreement does not change the responsibility of the developer to ultimately dedicate the right-of-way for that recreational trail which is now known as the Seminole-Wekiva Trail. One of reasons staff asked for the continuance was that there was a subsequent agreement in 2000 that dealt with the construction of the trail. It basically provided that the developer would design and build a trail, among other things. Staff purposefully did not want to have the amendment address the trail for that reason. There is another agreement that deals ultimately with the County accepting the completed construction of that trail and also the connection over I-4 which is an add-on to what was previously contemplated in that 1966 agreement.

The answer to the question is that staff purposefully moved the dedication of the trail off the table because there is another agreement that deals with the trail.

Motion by Commissioner Mahoney to recommend approval of this amendment to the development agreement regarding Heathrow International Business Center to the Board of County Commissioners. Second by Commissioner Peltz.

Motion passed unanimously. (6-0)

VI. NEW BUSINESS

- A. SANFORD AUTO MALL – MCQ AUTOS, APPLICANT;** *Approximately 3.34 acres. Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for a car dealership/automotive repair; west side of Rinehart Road, ½ mile north of the intersection of Town Center Boulevard.*

Commissioner McLain - District 5

Kathy Fall, Senior Planner

The applicant is requesting to rezone 3.37 acres that is currently zoned A-1 (Agriculture) to PCD (Planned Commercial Development District). The property is located on the west side of Rinehart Road approximately ½ mile north of Town Center Boulevard. The proposed use of the property is for a car dealership and repair shop and other C-3 uses.

The subject property is zoned A-1 and is within the High Intensity Planned Development-Target Industry (HIP-TI) future land use. The HIP-TI required commercial development to be located on higher intensity roadways that can accommodate increased traffic due to short trip distances to major freeways. This proposed commercial development is located on Rinehart Road, which is a four-lane collector roadway. The intersection of the Greenway (417) is less than ¼ mile from the south entrance of the site. The property owner is proposing to have uses allowed in the C-3 zoning district consisting of a car dealership (5,000 square feet), body and paint shop (5,100 square feet) and a maintenance and repair building (6,000 square feet) which will have a combined square footage of 16,100 square feet.

The City of Sanford currently has approved three automotive dealerships on Rinehart Road and are currently processing an application for a dealership on the southwest corner of Seminole Towne Center Boulevard and Rinehart Road.

Staff recommends approval of the rezone from A-1 to PCD for a 3.37 acre parcel located on the west side of Rinehart Road approximately ½ mile north of Town Center Boulevard, based on staff findings.

STAFF FINDINGS

1. The proposed rezoning is consistent with the Vision 2020 Plan policies related to the High Intensity Planned Development-Target Industry land use designation.
2. The proposed rezoning is compatible with adjacent commercial and retail uses and the development trend along the Rinehart Road corridor.

STAFF RECOMMENDATION

Staff recommends approval of the request PCD zoning classification, based on the following conditions:

1. All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
2. Lighting on site shall be a maximum of 20' high with shoe-box cut off fixtures.
3. Owner shall provide left and right turn lanes on Rinehart Road.
4. Access to the site shall be right-in/right-out on both entrances.
5. No overhead doors will be located on the back of the maintenance and repair buildings.
6. Owner shall provide amenities to the retention pond for it to count toward the required open space requirement. This shall be determined at time of Final PCD Master Plan approval.
7. Mechanical units shall not be visible from Rinehart Road. Screening shall be determined at Final PCD Master Plan approval.
8. Screening of the automotive repair uses from the adjacent west side properties to be provided at Final Master Plan.
9. Elevations of buildings to be provided at Final Master Plan consisting of muted neutral colors.
10. Pedestrian connection shall be provided from the sidewalk in Rinehart right-of-way to the main dealership building. Location and design to be provided at Final PCD Master Plan.

Commissioner Mahoney asked if Condition #3 requires the owner to provide a left turn lane and a right turn lane on Rinehart and Condition #4 requires that the site only have right-ins/right-outs, isn't one mutually exclusive of the other?

Ms. Fall said Condition #3 shall be for deceleration only.

Commissioner Mahoney asked for deceleration into the property?

Ms. Fall said yes.

Commissioner Mahoney said if you are driving northbound of Rinehart Road, is there going to be a decel lane to allow for traffic to turn left into the property?

Mr. West said that they are obviously going to have to provide deceleration lanes for southbound movement to turn in right. If you're heading southbound on Rinehart, you're going to turn right into the site. So each of those two access points are going to need a deceleration lane.

If after Development Review looks at this and they realize that traffic will be making U-turns at the next median opening north of this, they may require them to put in a left turn lane there to accommodate a U-turn movement. That is up to Development Review.

Commissioner Mahoney said these zoning conditions appear to be conflicting. It appears that in #4 we are saying it can only be a right-in/right-out but in #3 we are telling them they have to provide a left turn.

Mark Stelly, representing the applicant, said the properties on the west side of Rinehart Road which is adjacent to the southbound lane, has a left turn lane for the northbound traffic. There is a median cut just north of the property that allows all northbound traffic to make that turn and come southbound into the property. When you're exiting the project site, you are exiting onto the southbound lane, which is only a right turn, so you cannot go left.

Commissioner Mahoney asked, so you won't leave the property and go northbound?

Mr. Stelly said that was correct.

Commissioner Mahoney said in Condition #9, staff is requiring muted, neutral colors and he is reluctant to impose that.

Ms. Fall said that the reason is that for our future land use of High Intensity Planned Development staff would like for there to be quality development along the Rinehart Road corridor. As you know, the development trend along that corridor is for car dealerships. Staff would like for there to be consistency and quality design of those car dealerships, not neon flashing signs but muted, neutral tones. That is why staff has also required an elevation at the time of Final Master Plan.

Commissioner Mahoney said he did not like telling people what color they had to paint their buildings in a zoning requirement.

Chairman Tucker agreed with Commissioner Mahoney.

Commissioner Mahoney asked the applicant if he had trouble with the muted color requirement?

Mr. Stelly said no. He is fine with all staff recommendations and conditions associated with this project.

Motion by Commissioner Mahoney to recommend approval to the Board of County Commissioners to adopt the proposed PCD zoning subject conditions #1 through #10. Second by Commissioner Harris.

Motion passed unanimously (6-0)

- B. ZELMAN TRACT** – Andrew Zelman, applicant; Approximately 0.24 acres; Rezone from RP (Residential Professional) to RP (Residential Professional); located on the southwest corner of Maitland Avenue and Roy Boulevard (800 Maitland Avenue).
Commissioner Henley - District 4 Amanda Smith, Senior Planner

This item has been continued to the November meeting.

- D. CROSS SEMINOLE TRAIL CORRIDOR EASEMENT CROSSING FOR NEW ELEMENTARY SCHOOL "I"** - Letter of consistency with the Seminole County Comprehensive Plan (Vision 2020) for an easement over the Cross Seminole Trail Corridor for New Elementary School "I", to be located on the north side of SR 419, west of the intersection of SR 434 and SR 419.
Commissioner Morris – District 2 Tony Matthews, Principal Planner

The Seminole County Public School District is proposing to construct a new elementary school (New Elementary School "I") to be located on the north side of SR 419, west of the intersection of SR 434 and SR 419. The proposed access to this site from SR 419, will require an approximate 150 foot easement over the former CSX Railroad right-of-way. This right-of-way is vested to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIIFT), subleased to Seminole County for management, and is proposed as the future path of the Cross Seminole Trail.

The TIIFT easement application, being prepared by the School District, requires a letter of confirmation (**Attachment #1**) from the County's Land Planning Agency that the easement is consistent with the Seminole County Comprehensive Plan (Vision 2020 Plan).

STAFF RECOMMENDATIONS AND FINDINGS

Staff recommends the Chairman to execute the attached letter confirming the subject trail crossing easement consistent with the Seminole County Comprehensive Plan (Vision 2020) with staff findings that:

1. The subject easement is consistent with, but not limited to, the following policies of the Vision 2020 Plan.

- a. Policy FLU 7.4 School Sites

The County shall continue coordination and interaction with the School District with regard to locating future school sites, in the acquisition of sites during the development approval process and as to all related matters...

- b. Policy IGC 2.9 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.

c. Policy REC 5.2 Recreational Trail Development

The County shall continue to develop and implement the showcase trails, which include the Seminole Wekiva Trail, the Cross-Seminole Trail, and the Flagler Trail, as well as those others identified in the Countywide Greenways and Trails Master Plan...

d. Policy TRA 3.7 Consideration of Intermodal Connections in Transportation Improvements

In the planning, design and construction of transportation improvements, the County shall consider the safety and efficiency of features at intermodal connections, such as: bus stops, bus shelters, signage, pedestrian and bicycle/trail access, handicapped access and park-and-ride lots...

e. Policy TRA 3.10 Bicycle and Recreational Trail Planning and Coordination

The County shall continue to fund and construct a countywide network of pedestrian, bicycle, recreational and equestrian trails. The County shall continue to coordinate with the Metropolitan Planning Organization, Florida Department of Transportation, municipalities and other appropriate agencies to study and implement options for coordinated provision of a pedestrian and bicycle/trail networks.

f. Policy TRA 14.15 Encourage Coordination with Educational Training Institutions

The County shall continue to coordinate with the School Board in providing safe access to existing and future school sites through the proper design of future roadway, pedestrian, and bicycle improvements and by requiring access control and sidewalks for new developments.

2. The subject easement conforms to the Cross Seminole Land Management Plan and Operational Report (see attached email dated September 26, 2002).
3. The School Board is willing to provide the necessary easement to allow for the reconfiguration of the trail in exchange for this vehicular access easement across the current trail corridor.
4. The Seminole County Greenways and Trails Advisory Committee has stated its support of the proposed easement (see attached memo dated June 4, 2002).

Scott Stegall, Director of Capital Programs for Seminole County Public Schools, agreed with staff conditions and recommendations.

He said the actual easement occurs overlying where the railroad right-of-way was. The easement is actually about 100' deep or wide crossing the railroad or the trail by 150'.

Commissioner Mahoney asked what is the realignment that was mentioned?

Mr. Stegall said the current trail corridor stops a little bit east of Wade Street. So the thought was that there was a natural element feature, a Gee Creek, that flows north and south. In working with the Greenways and Trail office, the preference would be to try and relocate that trail so it takes advantage of the creek and the natural features. As it winds along behind what will be the school, it will actually go west. They are currently in the process of trying to develop it and have it ultimately go through Spring Hammock. There are some power line rights-of-way that will also follow along, ultimately winding up in the Spring Hammock Park.

Commissioner Mahoney asked if the trail will come from the east and then up the east property line along the creek line around the top of the school site and off to the west?

Mr. Stegall said that was correct.

Motion by Commissioner Mahoney to direct the Chairman of the Land Planning Agency/Planning and Zoning Board to execute the attached letter. Second by Commissioner Harris.

Motion passed unanimously. (6-0)

- C. MYRTLE STREET SPECIAL AREA STUDY – County Staff conducted a special area study consisting of approximately 1,619 acres to evaluate the land use patterns and provision of urban services within the general area of Myrtle Street north of Lake Jesup. Review of the study and provide for public comment.*

Commissioner McLain – District 5

Tony Walter, Principal Planner

Mr. Walter gave an overview slide presentation of this item. **(Attachment #2)**

The Seminole County Board of County Commissioners (BCC) received two applications in the general area of Myrtle Street, one in the Fall of 2001 and the other in the Spring of 2002, to change the land use from Suburban Estates to Low Density Residential. The requested changes comprise more than 160 acres of the 1,628 acres with-in the study area.

The BCC directed County Staff to conduct a Special Area Planning Study to evaluate the existing land use patterns and provision of urban services within the study area, and also to make a determination if the area should continue to develop at a maximum density of one dwelling unit per acre under the Suburban Estates Land Use Category or whether the area could sustain the establishment of a higher density single family land use with a corresponding density of no greater than 4.0 dwelling units per acre.

In June 2002 the County secured the services of Wilbur Smith Associates to assist County Staff to conduct the Special Area Planning Study in the general area of Myrtle Street. The consultant was tasked to address the development potential and growth impacts based on three development patterns:

1. 1.0 dwelling unit / acre (Suburban Estates)
2. 2.5 dwelling units / acre (Low Density Residential)
3. 4.0 dwelling units / acre (Low Density Residential)

Provided in the attached report, in both narrative and spreadsheet form, is a summary of the following information:

- Development potential (ie., buildable acreage/number of potential buildable parcels) of each build-out scenario;
- Costs of urban services and facilities to support each build-out scenario;
- Environmental conditions restricting the ability of one or more of the build-out scenarios to occur; and

Residential livability impacts (if any) associated with the expansion of the Orlando Sanford International Airport and the City of Sanford.

Two public meetings were held with the residents, property owners, and other interested parties to discuss the potential future land use and growth in the area. The first community meeting held July 15, 2002 focused on the purpose for the study, the study process and provided for public input. Approximately 100 people attended the meeting and more than 70 gave verbal or written comments.

The second community meeting held September 16, 2002 focused on the draft results of the study and again provided for public input. Approximately 90 persons attended the meeting and more than 50 gave verbal or written comments. Attached are highlights of the public comments from both meetings, copies of the minutes, and the written comments received by the Planning Division.

The majority of the people that participated in the public meetings voiced their desire to maintain the suburban estates land use (1 du/acre) citing the following primary reasons:

- ? The desire to maintain the rural-like character of the area,
- ? The existing flooding and drainage problems,
- ? Condition of the roadways,
- ? The potential of negative impacts on the environment, wildlife and wetlands, and
- ? School crowding.

There were also several people that were in favor of higher residential densities citing increased property values, property rights and the logical progression of higher density development occurring within 5-minutes of the area. Everyone agreed that quality of life should be the paramount factor in any consideration of change in the area.

It is evident from the study that the two scenarios greater than 1 du/acre will change the character of the area. It should be noted that to maintain acceptable safety and levels of service standards on the roadways Sanford Avenue, Myrtle Street, Nolan Road, Hester Avenue and two signals added to SR 427 are needed to build out any of the three scenarios at an estimated cost of \$6.8 million.

To support the 2.5 du/ acre and 4.0 du/acre an estimated \$3.0 million is needed for water and sewer lines. The study assumed at 1.0 du/acre, wells and septic systems would be adequate.

A significant financial impact that needs to be addressed regardless of which development scenario may occur is the \$14.0 million stormwater improvement costs identified in the "Lake Jesup Basin Engineering Study and Drainage Inventory Report" completed in December 2001.

There is no pressure from the City of Sanford or an existing interlocal agreement to increase the density in this area. Annexation by the City of Sanford and the runway expansion at the Orlando Sanford International Airport do not appear to affect this area at this time.

The study excluded all wetlands from the developable calculations. This assumes that no wetland will be filled or disturbed. It is the County's experience that urban wetlands are of the nature that in actuality 3 to 5 percent of the wetland is lost when development occurs. This most likely will be the case in sub-area 2 because of the fragmented nature of most of the wetlands. In sub-areas 1 & 3 the wetlands are much more concentrated and pristine in nature facilitating a greater opportunity for preservation in total. Similar statements can be made regarding impacts on wildlife in the study area because of their relationship to the wooded wetland area.

Staff recognizes that for build out at the existing densities the character of the area will become more urban-like and there are infrastructure improvements needed that could exceed \$20.0 million.

Large areas of agricultural land primarily in Sub-Area 1 are currently unused or underutilized and are conducive to development at a density greater than 1 du/acre. Staff recognizes that there is a greater potential for higher residential densities in this portion of the study area than in Sub-Areas 2 and 3 and that a transition from Low Density Residential abutting the study area to the west may be warranted.

Therefore staff is recommending acceptance of the study and that if the desire is to increase residential densities in the study area that further study be conducted subject to the following:

1. That access between Sub-Area 1 and Sub-Areas 2 and 3 be restricted to limit any negative impacts to the lower density areas and that access provisions, public rights-of-way and rights-of-way widths, private access easements, and traffic patterns be identified and documented,
2. That any recommendation to pursue a Large Scale Future Land Use Amendment to Vision 2020 include a financially feasible plan to support the infrastructure needs of that area,
3. That a new land use category be created to accommodate 2.5 du/acre, that further analysis of impacts on environmental considerations such as wetlands, creeks, and wildlife corridors be factored into the goals, objectives, and policies of the new category, and that said category would stress environmental, design and sensitivity issues,

4. That development patterns typically associated with Planned Unit Development be considered to minimize impacts to the area, and,
5. That the density allowed in Sub-Areas 2 and 3 remain at 1 du/acre and that the density allowed in Sub-Area 1 be increased to 2.5 du/acre.

PUBLIC COMMENT

Eric Esterson, 1235 Myrtle Street, spoke in favor of the request. He and his wife own property in all three areas, #1, #2 and #3. They are asking for 2.5/du per acre. We see that the density complies with the Vision 2020. We have access from Hester, Myrtle, Nolan and Sanford Avenue and there are no wetlands that he has found in the area. He requested Board approval for this item.

Ann Esterson, 1235 Myrtle Street, spoke in favor of the request. Our family has farmed this land for 60 years until the late 1980s when we could no longer farm it. The two parcels that they own that are relative to the land use change on are fields that have been agriculturally farmed. There are no wetlands, trees or environmentally sensitive areas on our parcels. This requested land use change does fulfill the goals of the Future Land Use Plan of Seminole County that is in place now. It states that Low Density Residential is compatible with Suburban Estates and it always has been even though we're looking at an entire change of the area. A lot of the people don't realize that perhaps there are only maybe two or three parcels that would be effected by this land use change. The other parcels are of such sizes that it would not be conducive to bring in infrastructure into a 10 acre or 5 acre parcel and try to develop it because of the expense of water and sewer. So, we are not looking at an entire area being changed to 2.5/du per acre, we're only looking at certain parcels. We have a 25 acre parcel and a 35 acre parcel, one on the north and one on the south of Hester. These would be similar developments to Autumn Chase, which is in place now, but they would probably be larger lots. Autumn Chase is quite nice and people who live there seem to enjoy the lifestyle. There are some people who live there and choose not to have any more of those developments but she believes that the Autumn Chase development has not injured anybody in the area. It really has added to the area in giving many people nice housing in a close location where they can get to their jobs in a relatively quick manner. She requested Board approval and felt that this land use change would be an asset to the community.

Robert Kelly, 5010 Hester Avenue, was in favor of the request. His written comments were entered into the record.

Robert Jasmin, 1153 Myrtle Street, spoke in opposition to the request. He lives directly across the street from one of the parcels that the Estersons would like to develop. We have been mandated 1/du per buildable acre since 1987, before that it was zoned strictly Agriculture. He doesn't know who put in the request to change it to Suburban Estates but was sure the Esterson and Schumakers had something to do with it as they have a number of plots right next to the area they are wanting to develop.

When we bought into the property back in 1989, we were told by Seminole County that this area would not be developed and never be developed more than 1/du per acre. We are very, very rural. Autumn Chase was an Esterson/Schumaker property that they developed. Staff has admitted that Autumn Chase is an abomination and the County Commissioners have admitted it was a mistake. Autumn Chase is having drainage and water problems and those folks out there are walking in 3"-4" of water all the time. Some of the Jacuzzis and pools have popped up because of the drainage issue out there. The roads are starting to crack because it is so wet out there. It may be a nice looking neighborhood but there are serious problems out there and they are having problems because that land was not developed properly. There was too many houses put on and it's not able to sustain what they have.

In our area we would like to have this area kept at 1/du per buildable acre. The expense of building up the roads is quite heavy. The schools obviously will have a problem with overcrowding. Each one of the schools mentioned tonight is already admittedly overcrowded. The people in the area have recommended and asked many times for the Estersons to reconsider and maybe put in some mini-ranches and do some things with their property that would make them the same amount of money and also keep within the ambience of the area.

He asked the Board to keep this area at Suburban Estates. This is a nice rural area and he would like it to stay at 1/du per acre.

Kathy Landzon, 565 North Carolina Road, spoke in opposition to the request. She is in area #1 but area #2 runs directly behind her property. She moved from Middleton Oaks to get out of a subdivision and into the country, which a lot of her neighbors have done as well. She is concerned about the new subdivision being built right behind her property. It will border her property line. She is concerned about all the children living there coming over into their property and all of the other things that are going to impact our community.

We have heard many times from the opposing side that traffic is not an issue. If you drive down Hester on a Wednesday night when that little church on the corner gets out, there is a major, major traffic jam there. In the mornings coming in and out any of those streets, going onto 427 you're taking your life in your hands trying to get out onto the road. She understands those roads are going to be improved but unless there is a light at every cross street, it is very dangerous.

She lives in Bedford Estates and that is actually 1/du per 5 acres. So they are going to have 5 acre lots that could possibly be butted up areas or subdivisions that have 2.5/du per acre. That is a major change for our area.

She is also concerned about the environment. She can sit in her yard and see four eagles at the same time. She has a lot of concerns as to whether she will have the same enjoyments after this area is developed.

She said if she had a choice, she wouldn't care if they never improved anything else out there. She doesn't care if the water is improved, if the roads are improved. She

prefers to live where she lives, drive down her two-lane road with the water problems she currently has and not have any further development in that area.

Jean Michels, 370 Miller Road, spoke in opposition to the request. She owns $\frac{1}{4}$ acre on Miller Road. Miller road is a very country road that all the residents chip together and maintain themselves. Her main concern is the \$14m they spoke of to do the drainage. Six Mile Creek goes right across Miller Road. When we have the hurricanes and heavy rain all this water comes channeling down Six Mile Creek, runs down Sanford Avenue into Lake Jesup. They have put retention ponds and they have helped. She doesn't know if widening the ditch is going to help because all this water goes into Lake Jesup and all the water from Lake Jesup comes up Sanford Avenue and up Six Mile Creek. The Estersons do have a right to sell their property. They have worked hard on it. She doesn't have a lot of land but she enjoys the country life. She is very concerned that if the land is overdeveloped, all this water is going to come down Six Mile Creek or if they do the \$14m drainage some of the home on Miller Road will be taken away. Seminole County is growing so fast that there has to be somewhere that people can just ride down the road and say this is a tree community.

She thanked the Planning Division for all the time and research they have put into this request. She asked the Board to make their decision wisely and honestly and hoped that it would benefit everyone in the area.

John McCann, 353 Miller Road, spoke in opposition to the request. He has lived in Sanford for over 40 years and doesn't know anything else but the rural life. He knows that development is inevitable but we can use some sense at the point we are right now. Originally they wanted to put 6/du acre, which the Planning Board in their wisdom, decided not to do. Then it went to 4/du acre.

He understands that the Schumakers want to capitalize on their land but we need to put a little bit of logic in all of our thinking instead of just considering the bottom line which is the buck. He thinks that 1/du per acre is a little bit and he would like to keep it that way but he believes that 2.5/du is acceptable. The environmental issues will have to be addressed if we are going to have drinking water. The experts say that in 5 years we are not going to have drinking water and the aquifer is going to run out. If we keep over-developing we are going to run into problems. The St. Johns knows this also.

He feels that a happy medium can be reached and perhaps the 2.5/du acres can be done. He lives in Area #3 and from Myrtle to Lake Jesup it is just too sensitive to develop and the numbers support what he is saying. It is not worth developing because there is not enough money in it and not enough acreage to use. If you leave area #3 alone and use good sense in the development of the other areas that would be great. Autumn Chase is a good example of a mistake. Anything south of Myrtle should not be developed.

Lois DeCciryan, 1581 Silk Tree Circle, spoke in opposition to the request. She had a question about the school situation. She did a little quick math and in the elementary

school we are assuming that there is less than one child per dwelling unit because that's is how it comes out, .9 children per dwelling. She doesn't think this is realistic.

She has been talking about the drainage problems at all the meetings. There is water coming up through the pavements around the neighborhood. We have had a couple of little small sinkholes and some pools popping up. It is extremely wet everywhere.

Autumn Chase is the only development in this area that is more than 1/du (sub-area #1). We have almost 150 or so homes and it is almost built out now. The types of people that are here tonight all know about the issues that are going on here. However, there are people that have come in from out of state and all sorts of situations and they don't have a clue of what is going on back here. They water their lawns constantly and she wonders what the water consumption is in Autumn Chase as a whole and how much that has impacted the already overtaxed Seminole County's water problem. She has asked about but has not heard of any water quality testing that is going on in Autumn Chase. She feels there needs to be another phase of this study to look into hydrology and she would like to see a hydrologist look at some of the water drainage issues and the quality of water.

She said that under option three staff stated that Sub-area #1 would be in option D (2.5 du/per acre) after E is satisfied. That needs to be clarified. She guesses they are saying that they would go to 2.5/du per after infrastructure is clean up.

Under Sub-area #1 it states that there were two proposed land uses. She thought that this point there were three proposed land uses changes; Lake Jesup Woods, and the two Esterson properties. She wanted to clarify that there are 3 land uses change requests and not two.

She said that in Sub-area #1 that connects to the green area on the map really needs to be look at closely because there is a tremendous wildlife habitat out there. It is also connected to a lake we are spending millions of dollars to clean up.

Debra Rogers, 465 North Carolina Run, spoke in opposition to the request. She feels that before the County goes on and develops more property they need to finish some old business. In Bedford Estates there is currently a very serious access problem. She understands that back in the 1980s for 5 acre developments to be approved if there were no road rights-of-way, there had to have two points of access and you used the property to get to and from the main access points. She was told at the last meeting that the County Attorney was to get in touch with her. She has a suit going on right now against her title company because of the access problem. The County allowed a development where there is no access. The roads are not proper and there is not proper drainage. The reason why we have the County and the Planning and Zoning Board and all these special people we have to go through to build is so that they can ensure the public safety and welfare when they are wanting to build houses. Here we have a development where we don't have proper access or proper roads. This is going to be an issue that will continue until it is resolved.

The second issue is the road drainage. She has a problem with driving home and having to drive through a lake to get to her house. She illegally travels over Bedford and Wynn (CSX railroad crossing) to get to her property. For the most part she travels illegally down a road that is adjacent to the railroad tracks to get to her property when she was told she could come in off of Sanford Avenue and Old Western Trail or off of Lake Road. Lake Road has not been completed, Old Western Trail was started but never completed. She would like to see that resolved before the County moves forward with more developments.

In 1999, in the area that is considered Sub-area #2, the future land use is supposed to be Suburban Estates (1/du per acre). She feels that it should not get any lower than that. She is against Low Density and wants to see no less than 1/du and in some cases no more than 1/du per 2 or 2.5 acres because of the wetlands and the whole sensitivity of soils out there. There has not been a soil test. Her area has a lot of wetlands and it is going to create more problems. She disagrees with Ms. Esterson that Low Density Residential is compatible with this area.

Alexander Dickison, 4851 Hester Avenue, spoke in opposition to the request. He said that whenever he talks to anybody about the possibility of this area being developed the first question is where is the water going to go? He believes that has not been answered. The Study was okay but not in depth enough to know what the answers are going to be.

The land that the Estersons farmed was cleared but we don't know what is there now that it has been cleared. It was cleared and the drainage now all goes down into Lake Jesup. It is a peaceable drainage now because it is not developed but once it is developed, there will be a lot more water running off. He wonders where this is going to go and he doesn't think anybody knows. The water is so high there can't be retention ponds there. There can be development there but we need to look at this find out where things are going to go. If it is going to go into Lake Jesup, we're spending a lot of money trying to fix up Lake Jesup. Are we going to spend a lot of money cleaning up Lake Jesup and then on the other hand development this land that is marginal and screw it up? He thinks the Study was good and tried to show the different options. He would encourage the Board to ask staff for a more in-depth study to determine exactly what should happen to this area not just lay out some options that don't show where the drainage is going to be or what the roads are going to be. He is sure that they are not 4-laning Hester Avenue is because they don't want to buy the right-of-way. Then cost would go up astronomically. They will probably leave it 2-lane and put in some gutters and sidewalks and say that is good enough but if that is developed that won't be good enough.

He feels that this land should be developed but that staff should do a more in-depth study.

John Chimber, 525 North Carolina Run, spoke in opposition to the request. He is in favor of the option that staff offered to do nothing to this area and let this request die. He would like to see nothing happen to this area. The couple that got up and said they

lived here for 35 years, lived in an undeveloped area for 35 years. That must have been very nice to live in that environment for 35 years. He would like to have a chance at living part of his years in an undeveloped area. He moved from a highly dense area in Miami and he feels they want to make the same thing happen here. Why, just for more tax money? If a higher density is created, there will be more traffic, more crime and more trespassing and vandalism. All the things that come with high density. We searched for a year to find an area that was all rural with no neighbors nearby and now they are going to develop it. Our neighbor maybe 300' away but he is closer with his neighbors now than he was in Miami. They have dinner together and take care of each other. He asked the Board to please do nothing and leave this area the way it is.

Terry Robinson, Sanford, asked why her land was being taken away.

Aido DeJesus, 905 Michigan Street, is opposed to the request and submitted written comments into the record.

Nancy Jasmin, 1152 Myrtle Street, is opposed to the request and submitted written comments into the record.

Lorenzo Malcolm, 5647 Autumn Chase Circle, is opposed to the request and submitted written comments into the record.

Eric and Laura McCarty, Sanford, are opposed to the request and submitted written comments into the record.

Lois Dickison, 4851 Hester Avenue, is opposed to the request and submitted written comments into the record.

Raymond and Vicky Cogburn, 4900 Nolan Road, are opposed to the request and submitted written comments into the record.

Celeste Shepherd, 409 Surey Run, is opposed to the request and submitted written comments into the record.

John and Diane Morton, 5871 Autumn Chase Circle, are opposed to the request and submitted written comments into the record.

Jim Crane, 5150 Plato Cove, is opposed to the request and submitted written comments into the record.

Chuck Bailey, 5921 Nolan Road, is opposed to the request and submitted written comments into the record.

Lolly Dehaven, 5921 Nolan Road, is opposed to the request and submitted written comments into the record.

Naples Oliveine, 4680 Sanford Avenue, is opposed to the request and submitted written comments into the record.

Chairman Tucker asked staff to address the Bedford Estates access question.

Mr. Walter said when the development order was done back in the early 1980s, the County Commission said there was not any legal access that they were required to

provide but that the developers and the property owners were required to do that. Staff has gone through the file and he called Ms. Rogers. Staff is in the process of scheduling a meeting with her, her attorney and the County Attorney to discuss the issue. Basically the stumbling block is access across the CSX.

Chairman Tucker said that as he understands the issue, the 5 acre lots were originally exempted from any Development Orders by the County except for what was required by the developer.

Mr. Walter said yes, as far as providing their own access.

Mr. West said when you read the actual resolution the Board adopted for Bedford Estates, the County Commission stated there are access problems. It was a notice that all the roads will be private and all the drainage will be handled by the owners of the 5 acre parcels. The Board put them on notice in the resolution that anyone who wants to buy in Bedford Estates are going to have issues to be resolved.

The key sticking point is that the CSX Railroad has basically said that they are not authorizing anybody to cross the railroad and if somebody does want to utilize that for access they will have to get a license specifically through CSX. At least one property owner has obtained a license to get access to one of the 5 acre lots so they could get their building permit. He spoke to another property owner that is having the same issue. It is a big problem out there that they don't have legal access and CSX is only granting a license to each individual property owner.

Commissioner Tucker asked what the School Board used to project the student population?

Mr. Walter said the School Board has a formula that they use to project the student population. It is a formula that is used statewide. Obviously as communities developed, then the demographics of that community are younger and that formula would be on the short side. As the demographics get older, the formula would be on the high side. It is a planning tool, an estimating tool. Without census data, it would be hard to be definite.

Commissioner Mahoney said that from the beginning the road, water and sewer and drainage deficiencies were addressed for the entire area. Did the study break it out by sub-zone?

Mr. Walter said he did not have those figures with him now but staff can develop that. He can ask the consultant to provide that.

Commissioner Mahoney said that part of his concern is recommending an increase in development for the entire area. For example, in Sub-area #1, there would be a whole lot of money spent and very little development. Since we are going to cause the development to pay for the improvements, he is hard pressed to see in Zone #3 how that could work. There is also a similar situation in Zone #2. You reported that the real estate is a lot of small parcels and would make it difficult for a developer to assemble and unlikely to bring forth much development. So it makes it difficult financially

and feasible to fix the roads and put in the water and sewer and then not have much development. In Zone #1 there are some larger tracts of land where a developer could assemble sufficient tracts that there could be some development. We could focus on Sub-area #1 and the cost of making the improvements to support it and then see if the impact fees paid by that development would financially justify making those improvements. If it comes short, then maybe we add a special assessment on top of it to cover the cost because we wouldn't recommend changing the land use and increasing the density if it was substandard to infrastructure. The whole thing would have to pay for itself.

Mr. Walter said that some of the infrastructure and cost for the roads would probably be borne by the developer. In Item E it was one of our recommendations that if there was any increased density, there would have to be a financially feasible plan brought forward. That could be done if we go to phase 2 of this study and look at it more detailed by zone and develop a financially feasible plan.

Commissioner Mahoney asked what a second phase of this study would entail?

Mr. Walter said staff would look at the parcels, the potential of accumulating parcels and developing them. We would have the consultant look at it from the developer's viewpoint. Staff would then look at the issues as far as what improvements and infrastructure would be needed if we did stay with just Sub-area #1. Staff would look at what roadways would be needed to be addressed and what issues would need to be addressed as far as interaction between the higher and lower density areas. Staff would determine whether all of Myrtle street needed to be improved or just a portion of it. We would have to consider signalization on SR 427. All those things would be taken into consideration. Staff would also look at the wetlands and the soils that were mentioned earlier to see if we could identify some of the issues that would come up in a specific development. We would actually try to do a concept plan and lay it out on parcels and see how it would develop. We could look at clustering to save the wetlands and the wildlife and other environmental issues.

Mr. West said the first part of the study was more of a mathematical thing. How many homes can you "shoehorn" in the study area. The idea here is to look at what we can do from a conceptual standpoint rather than just a cookie cutter subdivision like Autumn Chase. We are trying to look at a more efficient and environmentally sensitive design if we wanted to pursue higher densities in the area as opposed to just allowing cookie cutter subdivisions to go in.

Commissioner Hattaway said that in the study it states that all road improvements are would need to meet County standards regardless of the build-out scenario. Does that mean the roads will be addressed whether or any decision is made or not? If we decide to make this go away, will the road conditions be addressed anyway?

Mr. Walter said there is nothing in the County's Plan now to address the substandard roads. As far development goes whether it is 1/du per acre or higher, at some point there needs to be decision made if they want to upgrade those roads. That would go back into the financially feasible plan to determine when it would be feasible to do that since they are not impact fee roads and there is nothing in the CIP (Capital Improvements Program) to improve them.

Commissioner Hattaway said she could not make heads or tails of the legends on the exhibit on those maps in the back of the Board package. She requested having better maps.

Commissioner Harris said staff is saying if this area is built at 1/du per acre the same set of requirements would be levied on the roads and the infrastructure. So that \$14m would be there no matter whether it built out with no changes or with some changes.

Mr. Walter said if the desire is to address the drainage problem areas. That is the deficiency that is already there. The roads are already substandard. There would need to be a decision made to bring the roads up to standard or not and also a decision made to address the drainage problems and then a financial plan to pay for that.

Motion by Commissioner Mahoney to recommend to the Board of County Commissioners that they move onto a second step study, Phase 2 Study, as it relates only to Sub-area #1 and with the recommendation from our Board that the density would be capped at 2.5 du/per acre. Second by Commissioner Hattaway.

Commissioner Mahoney said that we asked for this study. Many of us have been on this Board for many years and we have seen other requests for this area. It can be done right only if we take an area-wide approach. He is pleased that staff has done that. The area-wide approach indicates that Sub-areas #2 and #3 are probably not appropriate. We should narrow our focus down to this Sub-area #1 and study it further. That doesn't mean that we are going to rezone the property but it should be studied further. He likes that staff is going to get down and evaluate existing property and where it can likely be consolidated and then draw plans that show how it could look. This means the drainage should be considered since currently that is a problem. If it can't be addressed, then there is not point in adding more houses to it. These small area studies are a great way to go and the right way to go. Hopefully in a couple of months when staff has a chance to do the study, we'll know whether this is a good idea.

Commissioner Hattaway requested that included in that should be some sort of study to pinpoint financial resources.

Commissioner Mahoney said absolutely. The deficiencies are all there today whether another house gets built or not. The roads or inappropriate, the drainage is bad and he doesn't know how we share that burden among the

new development, the people that are already there and the taxpayers at large.

Commissioner Harris agreed with Commissioner Mahoney that Sub-area #2 and Sub-area #3 are not appropriate for changes. If Sub-area #3 is developed that way it is you get a total of 44 more dwelling units. There is so much flood plane down there that it makes no economic sense to spend additional time or effort to change that. Also if you look at Sub-area #2, most all of those parcels have been subdivided to the point where it is unlikely to be economically feasible for development beyond what is there or what is what is conceivably contemplated.

There are parts of the western part of Area #1 which are decidedly different than the other part. He would like to see a detailed plan for Area #1 with densities no more than 2.5/du per acre that would address costs, drainage and all of the things that would help balance the options on an economic basis and on a potential basis so we would have a basis to decide whether or not we wanted to do anything with it. Lacking that data, we will need more information before we make any final recommendation.

Commissioner Peltz requested that staff look at Nolan Road in Area #1 and split it in half. Look at the west side and east side as two separate sub-areas; sub-area 1A and sub-area #1B and evaluate that. There are a lot of flood planes on the west side and the east side is more buildable.

Commissioner Bates agreed with the other Board members as far as Sub-areas #2 and #3 being off-limits. On Sub-area #1, he doesn't see anything that justifies more than 1 du/acre. Perhaps this study that we are talking about doing will bring new light to the subject but he wanted to go on the record as stating that he will be supporting this motion only from the perspective of further study and further information. He is not endorsing the next step of 2.5/du per acre.

Chairman Tucker said that echoed his thoughts and he also supported the motion for more study.

Motion passed unanimously. (6-0)

VII. Planning Manager's Report

No Planning Manager's Report was given.

VIII. OTHER BUSINESS

There was no Other Business.

IX. ADJOURNMENT

Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Fran Newborg, Recording Secretary

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