MINUTES FOR
THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, JANUARY 8, 2003

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028

Members present: Alan Peltz, Thomas Mahoney, Ben Tucker, Dudley Bates, and Beth Hattaway
Also present: Rob Walsh, Planning Division, Earnest McDonald, Planning Division, Kent Cichon, Administration, Matthew West, Planning Manager, Karen Consalo, Deputy County Attorney, and Candace Lindlaw-Hudson, Planning Division

I. CALL TO ORDER

Commissioner Tucker called the meeting to order at 7:00 P.M.

II. ROLL CALL

A quorum was established.

III. ACCEPTANCE OF PROOF OF PUBLICATION

The proof of publication was accepted.

IV. APPROVAL OF MINUTES

The minutes were accepted as submitted.

V. OLD BUSINESS

There was no old business presented.

VI. NEW BUSINESS

A. REQUEST TO SCHEDULE SPECIAL MEETING FOR FEBRUARY 19, 2003.

Chairman Tucker announced that Staff had requested a special meeting of the Board for February 19, 2003 at 7:00 P.M.

Commissioner Mahoney made a motion to have a special meeting of the Board on February 19, 2003 at 7:00 P.M.

Commissioner Peltz seconded the motion.

In discussion, the Chairman requested that Staff make an effort to avoid necessity of special meetings.

The motion passed 5 –0.

CONTINUANCE IS REQUESTED ON THE FOLLOWING ITEMS:

B. **Seminole County And The City Of Sanford;** A proposed joint planning agreement between Seminole County and the City of Sanford for the purpose and intent of adopting standards and procedures to ensure that coordinated and cooperative planning activities are accomplished to guide urban expansion in a spirit of harmony and cooperation in matters relating to, but not limited to, planning, future development approvals, annexations, and land development regulations.

Commissioners Morris and McLain - BCC Districts 2 and 5 –

Rob Walsh, Principal Coordinator

Matt West introduced Rob Walsh of the Planning Division. Mr. West explained that the Joint Planning Agreement with the City of Sanford is not ready to be considered by the Board at this time. He requested that the item be continued to February 5th, at which time it will be presented along with the Celery Avenue item.

Commissioner Mahoney made a motion that this item be continued to the February 5, 2003 agenda.

Commissioner Bates seconded the motion to continue the item.

The vote was 5–0 to continue this item until the February 5, 2003 meeting.

C. **Banana Lake PD; James H. Fant, applicant**; approximately 25.05 acres; Large Scale Plan Amendment from Suburban Estates to Planned Development; 02S.FIU04; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); west of Banana Lake Road, approximately 3400 feet south of CR-46A .*(Z2001-044)*

Commissioner McLain - District 5

Kent Cichon, Financial Manager

Matt West introduced Kent Cichon to the Board. Mr. Cichon stated that this item is being requested for continuance because the applicant needs time to establish a new access road. Mr. West recommended that the item be continued to the Februaryi 19, 2003 meeting of the Board.

Commissioner Tucker asked members of the audience if any of them wanted to address this item tonight.

Cindy Crane stated that she was willing to wait.

Commissioner Mahoney made a motion to continue this item until the

February 19, 2003 meeting.

Commissioner Bates seconded the motion.
The votes was 5 – 0 to move this item to the February 19, 2003 meeting.

D. **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). *(Z2002-023)*
Commissioner Henley - BCC District 4

Kathy Fall, Senior Planner

Matt West stated that the applicant is acquiring a rear adjacent property to add to the size of the small tract. The applicant plans to have this action finalized for the second meeting in February.

Commissioner Mahoney made the motion to continue this item to the February 19, 2003 meeting.

Commissioner Peltz seconded the motion.
This item was continued to the February 19, 2003 meeting by a vote of 5 – 0.

E. **Ordinance** allowing P&D Director to grant lot size/width variance if within 3% of required size or width. This ordinance will implement Policy FLU 5.19 of the Future Land Use Element of the County's Comprehensive Plan as amended on 08/13/02.
Countywide

Dick Boyer, Senior Planner

Mr. West requested that this item be heard at the February 5, 2003 meeting.

Commissioner Mahoney made the motion to continue this item to the February 5, 2003 meeting.

Commissioner Peltz seconded the motion.
The motion passed 5 – 0.

F. **Kirtley Center**; William Kirtley, applicant; rezone from M-1 (Industrial) to PCD (Planned Commercial District); 1.63 acres; 500 feet north of intersection of CR 427 & Longwood - Lake Mary Road, west side of Longwood-Lake Mary Road. (Z2002-109).
Commissioner Henley – BCC District 4

Jeff Hopper, Senior Planner

Mr. West stated that the applicant has requested a continuance on this request until the February 5, 2003 meeting.

Commissioner Mahoney made the motion to continue this item to the February 5, 2003 meeting of the Board.

Commissioner Peltz seconded the motion.
The motion passed by a vote of 5 – 0. This item is continued to the February 5, 2003 meeting.

REGULAR ITEMS:

G. **Dike Road Subdivision;** Daly Design Group, Thomas Daly, applicant; 4429 & 4475 Dike Road; Rezone from A-1 (Agriculture) to R-1A (Single Family); Dike Road west of Tuskawilla Road. *(Z2002-028)*
Commissioner Maloy - BCC District 1

Rob Walsh, Principal Coordinator

Mr. Walsh stated that a compatibility analysis has determined that this request is not compatible with the area. R –1A zoning requires a minimum of 9,000 square foot lots. Staff recommendation is for R-1AA zoning, which requires 11,700 square foot lots.

Mr. Walsh read into the record an e-mail from Dianne Kramer which stated that the School Board requested that the applicant work closely with the School Board for the establishment of traffic patterns in conjunction with Lake Howell High School.

Mr. Walsh stated that right and left hand turn lanes are needed on Dike Road.

Tom Daly of Daly Design Group spoke next. He stated that R1-A zoning is appropriate. Adjacent to the parcel in question is R-1-AA and R1-AAA zoning. The development will contain 27 lots. The entry way is to be located between Tuskawilla Road and the high school entry way. Half of the proposed lots abut smaller lots.

No one spoke in favor of this item from the audience.

Mark Bartnett, resident of Willa Circle, presented a petition from the neighbors on Willa Circle (to the East and South) which requested that the zoning be made R1-AA and that a fence be put up to keep children from cutting through the construction and to keep debris out of their yards. He stated that he wanted the new development to be compatible with the homes in his neighborhood.

Phyliss Mc Keon spoke next. She stated that she lives by Lake Howell High School, directly across from the proposed subdivision. She was concerned about the size of the houses. Ms. McKeon has concerns also about the amount of traffic this development will generate on Dike Road. She said that Dike Road is used as a cut through to Tuskawilla Road. Also, there are frequent auto accidents in the area of the high school. Lastly, she has concerns about the

drainage problems on both sides of Dike Road in the area near her home.

Paul Schlecty of Balmy Circle spoke next. His property is adjacent to the northwest corner of the proposed site. He said that the R-1A zoning is not good for the area. R-1AA or R-1AAA is more compatible. He also wants the fence around the proposed development. He was opposed to two story homes being built. He questioned the school being able to serve all of the children that would live in the new homes.

Leslie McReady of 18 Willa Circle agreed with the previous speakers. She wanted a brick wall or fence around the subdivision. She also had concerns about overpopulation in local schools because of this.

Mr. Daly spoke in rebuttal. He stated that he was asking for straight R-1A zoning. His houses would be 2,500 to 3,000 square feet in size, costing in the area of $300,000.00. He was willing to make the larger house size part of the commitment. According to the property appraiser's web site, the adjacent properties are worth an average of $185,000. He will have a retention pond on the Dike Road side. To the north are 46 homes with the same zoning.

Commissioner Tucker asked if Mr. Daly was planning to build two story houses.

Mr. Daly stated that he was.

Commissioner Hattaway asked about plans for a fence or wall.

Mr. Daly stated that the cost estimates for building a 27 lot subdivision would not support the building of a wall or fence. There will be a silt barrier during construction as required. There will be a wall by Lots 1 and 27, but no gate is planned.

Commissioner Tucker asked Mr. West if the County had a definition for single family dwellings.

Mr. West stated that the definition for a family is changing, and that there was no limit on the number of people in a dwelling.

Commissioner Mahoney asked Mr. Bartnett to come back to the podium. He asked if Mr. Bartnett would prefer larger houses with no wall or smaller houses with a wall.

Mr. Bartnett stated that he wanted larger houses and a wall.

Commissioner Mahoney pointed out that the County could not require a wall.

Commissioner Peltz asked Mr. Daly if Centex would commit to a fence.

Mr. Daly stated that Centex will build a 6 foot fence with R-1A zoning. He cannot commit to a brick wall. He could commit to a minimum 1,800 square foot house.

Commissioner Mahoney made a motion to deny R-1A zoning.

Commissioner Peltz seconded the motion.

The vote was 5 – 0 in favor of the motion. The application was denied.

Chairman Tucker directed Staff to communicate to the Board of County Commissioners that this request might have been approved if the applicant committed to a wall and a minimum of 1,800 square foot house size.

H. **The Sanctuary At Lake Ann**, Regol Associates, Inc./ Robert Goll; 3.19 Acres; Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); south side of Howell Branch Road. *(Z2002-030)*
Commissioner Maloy – BCC District 1

Earnest McDonald, Principal Coordinator

Earnest McDonald distributed a revised staff report which contained a recommendation based on the lot compatability study. Mr. McDonald stated that this request is compatable with surrounding uses. He then introduced the application.

Mr. McDonald stated that the applicant, Robert A. Goll of Regol Associates, Inc., requests a rezoning of a 3.19 acre tract located on the north side of Howell Branch Road, from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District). The site has a Future Land Use (FLU) designation of Low Density Residential. If rezoned to the requested R-1A category, the applicant intends to develop the site for an eight (8) lot subdivision.

Mr. McDonald stated that the R-1A zoning requested is compatible with adjacent zonings. The proposed development would generate approximately 76 to 80 vehicle trips per day on area roads. This is within the capacity on the adjoining (Level C service) roads. Water and sewer would be provided by the city of Casselberry. An on site storm water system would be required at the time of future subdivision approval. No identified flood prone areas exist.

The Staff recommendation is for approval.

Mr. Tucker asked to have the city limits of Casselberry identified on the area map. The site was not immediately adjacent to the city.

Mr. McDonald read into the record the comments of Mrs. Beryl Cogburn of 207 Branch Road. She stated that she was not in favor of R-1A zoning with 8 lots. She stated that she preferred zoning which would allow 3 to 4 lots on the site.

Bob Goll, the applicant, stated that he wanted to develop the area of single family homes.

No one spoke from the floor in favor of the application.

David Cameron of 2759 Howell Branch Road spoke next. He was concerned with the number of residences that were proposed. He was concerned with the spring

on the property that feeds Lake Anne. He wanted an environmentalist to examine the site.

Mr. Mahoney asked Mr. Goll what sized homes he intended to build on the site. Mr. Goll said that the homes would be between 3,000 and 4,000 square feet in size.

Mr. Mahoney asked Mr. Goll if he would be willing to make a commitment to the house size. Mr. Goll answered that he was not going to build on the lots, but sell them.

Mr. Mahoney asked Mr. McDonald what the minimum house size was for R-1AAA zoning. Mr. McDonald stated that the minimum house size was 1,600 square feet for that zoning.

Mr. Goll stated that he would have no problem with that house size. The lots will be 11,000 to 18,000 square feet for this subdivision. They will have septic tanks. There is public water from Casselberry.

Alan Peltz asked Mr. Goll about the spring on the property mentioned by the neighbor in his comments. Mr. Goll stated that he had two reports on the property and no spring was mentioned. He stated that the property has a portion fronting Lake Anne. The retention area will be in that area, with a homeowner common area near the retention.

Mr. Mahoney made the motion to approve the rezoning of the property to R-1A subject to the applicant's voluntary commitment to a minimum house size of 1,600 square feet. Alan Peltz seconded the motion for approval.

There was no discussion.

The motion was unanimously approved. (5 – 0).

BRIEFINGS:

I. **HOME OWNERSHIP INCENTIVES;** Promotion of home ownership among multi-family housing types through the provision of incentives. Countywide

Earnest McDonald, Principal Coordinator

This study came at the direction of the Board of County Commissioners last year.
The Commissioners had concerns about the rapid increase in multi-family rental units throughout the county. The BCC gave directives to develop incentives to encourage home ownership for multifamily housing.

Staff met with members of the development community and learned that a typical rental unit occupies 12 acres of land. After a study of the county, Staff identified developable parcels by future land use category. The number of parcels identified in the HIP category, was 16, none in HDR and 3 sites in MDR. Parcels that could be combined for such purposes in the HIP category number 137, 4 in HDR and 29 in MDR category.

Commissioner Tucker asked about the HIP category parcels that could be combined.

Mr. McDonald stated that there were 137 parcels that could be combined into 12 acre parcels. He did not have the exact number of parcels that could be combined to make 12 acres.

Commissioner Tucker asked about the volume of land in this category.

Matt West stated that a lot of the land that is in HIP in the NW part of the county or out by the airport is in 5 acre parcels.

Mr. West stated that a lot of the HIP land use is designated really for industry, not residential proliferation. The only reason you have residential uses in HIP is to buffer the industry from adjacent residential uses through transitional use of multifamily residential on the edges.

Mr. McDonald stated that since the HIP adoption, 53% of the land has been used for multi-family residential, far in excess of what was envisioned at the time of HIP inception. It was originally intended to maximize the economic potential of the land, not for residential uses. Staff feels that consideration should be given to the

As a result of meeting with the Development Community, Staff has formulated 3 categories of incentives that should target areas that can be developed for multi-family home ownership possibilities.

1) The first recommendation is for the possibility of the Land Development Code and Comprehensive Plan being revised for reduced setbacks.
2) Expedited permitting for development requests in this category of target development.
3) Provision of subsidies for impact fees for specified fee simple, condominium, planned unit development and cooperative type homes.
4) Amenities provided to multi-family developments could be similar to those found in single family areas, such as screen porches, garages and the like, with reduced setbacks.

Currently, the multi-family buffer is 15 feet. That could be reduced to 10

feet with amenities such as screen porches and other amenities commonly associated with single family development.

The expedited permitting would have a one-step PUD process that results in a combined preliminary and final master plan process.

Fast tracking of site plan processing in the HDR and MDR development review steps where possible should be considered.

The adoption of new future land use and zoning categories should be considered for these purposes.

Chairman Tucker asked how much time it takes now for such processing.

Mr. McDonald agreed that it usually takes 6 to 8 months now. Steps could be combined to reduce time. The PUD process could be changed to start with the final master plan criteria.

Chairman Tucker asked why that could not be done now.

Matt West stated that affordable housing projects have a one day turn around time with expedited review. The County has had a 4 month time from application to permitting for affordable housing apartments.

Chairman Tucker said this was cutting the time in half.

Matt West said that when one does the process in a linear process, it probably takes more than a year for the typical project to be done.

Commissioner Mahoney stated that the idea is for multi-family rental development to become multi-family owned sites.

Earnest McDonald stated that this is to be an attractive situation for developers.

Commissioner Tucker was curious to see how HUD's success has been with conversions and new construction of owner-occupied units. If the prime directive is for home-ownership, we must control these units being owner-occupied.
Mr. West said that Staff is not recommending categories be re-invented, but a townhouse and condominium zoning could be created.

Impact fee relief could be made with a graduated scale of impact fees. A fund would have to be created to recover the lost revenues for the County.

Mr. Mahoney asked if the different land use classifications could have the designation for town homes inserted. Land use amendments take time. Incorporating town home designations in to as many land use categories as possible would expedite matters tremendously. It would turn projects into zonings, rather than land use amendments. Add "TH" town home designations to as many categories as possible. C-2 zonings which may never be developed could possibly become town home sites.

Mr. McDonald stated that he is trying to target areas for such development.

Chairman Tucker asked who the target buyers would be. First home buyers would have use of schools and pro-rating impact fees here is an issue. Retirees would not have this concern.

Mr. McDonald stated that he was looking for direction.

Commissioner Mahoney stated that impact fees are one thing, but school fees cannot be touched.

Commissioner Tucker said first time home buyers are likely to be school users, so that fees in that area cannot be touched.

Thomas Daly, a town home developer, spoke next. He stated that town homes are fillers. It takes 6 months to put condos and town homes on these areas. He would like to see it designated that town homes and condominiums are appropriate uses in HDR, and in commercial areas.

Commissioner Tucker stated that the cap on a FHA loan is $170 thousand dollars. This should be the target for the proposals for Mr. McDonald.

Mr. Daly stated that the projects he has been developing have been in the $180's. Some are from the $110's. The incentives for a developer are expedited processes and setbacks being reduced. There is a 75 foot setback for a town home on the passive side. This is not different from the apartment setbacks. These sites are not large and the setbacks hamper development. Setbacks are worked out with adjacent owners, and are often 40 or 50 foot setbacks to single family residential. Garages have reduced setbacks. He would encourage staff to look back and see what has been agreed to in recent developments. He stated that staff should not identify sites. Developers do that quite effectively.

Commissioner Hattaway asked about directed communities - such as retirement communities.

Mr. Daly said that it is difficult to identify target homeowners and separate them out.

Commissioner Hattaway asked where the fees that were not paid for by developers would come from.

Mr. West said that the challenge would be to determine where the money would come from.

Commissioner Mahoney stated that there should be quantified standards attached to these projects so that all of the details do not have to be negotiated each time.

Commissioner Hattaway expressed concern about having a fund for such development.

Commissioner Mahoney stated that in the City of Orlando, fees were paid up front, and then the buyer qualified and rebates were issued. It was incentivizing single family homeownership in a depressed area. The City had to take money out of the general fund for the rebates. For this situation in our county, get the land use categories updated with the zoning, get some buffer standards that are quantified, and the market will take care of the rest.

Commissioner Tucker said that if we are doing these things for one group, we should be doing them across the board. Homeownership is the American dream. We all agree on this. To what financial degree we are will to go to is a serious consideration.

Matt West said that there may be ways to convert office uses to this. We are concerned about buffering.

Commissioner Tucker stated that we do not get more affordable housing here, typically.

Matt West said the BCC has directed that fees can be collected at the time of certificate of occupancy.

Commissioner Tucker stated that this process knocks out the small developer.

Mr. McDonald stated that this item is going to the BCC on February 11.

Commissioner Peltz stated that he has a problem with reducing the buffer setback. If you keep what you have it is good.

Commissioner Mahoney disagreed. Having privately owned homes nearer you is better than rentals.

Mr. McDonald stated that amenities that are commonly provided in single-family areas, such as screen porches, could be put at closer set backs.

VII. PLANNING MANAGER'S REPORT

VIII. OTHER BUSINESS

IX. ADJOURNMENT

The meeting was adjourned at 9:12 P.M.