

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
WEDNESDAY, FEBRUARY 19, 2003  
7:00 P.M.**

**Members present:** Alan Peltz, Dick Harris, Chris Dorworth, Thomas Mahoney, Ben Tucker, Beth Hattaway, and Dudley Bates

**Also present:** Matt West, Planning Manager, Mahmoud Najda, Development Review Manager, Kent Cichon, Financial Manager, Jeff Hopper, Senior Planner, Rob Walsh, Principal Coordinator, Cynthia Sweet, Planner, Candace Lindlaw-Hudson, Sr. Staff Assistant.

**I. CALL TO ORDER**

The meeting was called to order by Chairman Tucker at 7:00 P.M.

**II. ROLL CALL**

A quorum was established.

**III. ACCEPTANCE OF PROOF OF PUBLICATION**

Commissioner Peltz made a motion to accept the proof of publication.

Commissioner Harris seconded the motion.

The proof of publication was accepted by unanimous approval.

**IV. APPROVAL OF MINUTES**

Chairman Tucker postponed approval of the minutes until the next regular meeting.

**V. OLD BUSINESS**

**VI. NEW BUSINESS**

**Commissioner Mahoney made a motion to draft a statement of appreciation to recognize the service of outgoing Commissioner Paul Tremel to the Board and to the community to be considered at a future meeting and forwarded to the BCC.**

**Commissioner Hattaway seconded.**

**The motion met with unanimous passage.**

**A. Lockwood-McCulloch Retail PUD Final Master Plan Amendment / Avid Engineering, Kimberley Hall, P.E., applicant; 8.47 acres; major amendment to Carillon PUD Final Master Plan for Office/Retail/Restaurant; located on the northwest corner of McCulloch and Lockwood Roads. (Z2003-007)**

Commissioner. Maloy - District 1

Rob Walsh, Principal Coordinator

Rob Walsh stated that the applicant is proposing a 7 lot subdivision. The first variation from C-1 standards on the conceptual site plan is the elimination of the 5 foot buffers along both sides of the lot lines. Buffering will be provided along the periphery of the property. The applicant is proposing to apply the area of the retention pond to the 25 percent open space requirement. C-1 would normally have a 25 percent open space requirement for each lot, but the proposal. Staff recommendation was for approval, with an amendment to condition 5, which would limit the number of free standing ground signs to 2 ground signs. Ed Entreken of 1060 Kane Road, Duneden, Florida, asked the Board to approve his request.

There were no comments from the audience.

**Commissioner Mahoney made the motion to approve the request according to the staff report as presented and amended at this meeting.**

**Commissioner Hattaway seconded the motion.**

**The motion passed by a vote of 7 – 0.**

**B. Lockwood-McCulloch Retail Preliminary Subdivision Plan; Olympia Development Group, Inc. / Eddie Entreken;** approximately 8.47 acres; preliminary subdivision approval for a 7 lot Preliminary Subdivision Plan PUD; on Tracts 201/401 of the Carillon PUD located at the northwest corner of Lockwood Boulevard and McCulloch Road.

Commissioner Maloy – District 1  
Cynthia Sweet, Planner

Cynthia Sweet stated that staff recommendation was for approval.  
There were no comments or questions from the audience.

**Commissioner Harris made the motion to approve the request, according to the conditions found in the staff report.**

**Commissioner Peltz seconded the motion.**

**The motion passed by a vote of 7 – 0.**

**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 3,400 feet south of CR-46A (Z2001-044)

Commissioner McLain - District 5

Kent Cichon, Financial Manager

Kent Cichon outlined the main points of the request and stated that there had been two public meetings on this issue with Staff this past month. The applicant is requesting to develop up to 43 lots at a net density of 6.05 dwelling units per acre. He noted that the conceptual site plan reflects this formula, but the staff report contains a previously used figure of 5.7 dwelling units per acre. Future Land Use designation for the subject property is suburban estates. Access to the site will be from Banana Lake Road on the east, which the developer will improve to County standards. Mr. Cichon stated that Staff recommendation was for transmittal of the development order, but does not recommend adoption until the applicant demonstrates the existence of sufficient right of way to improve the length of Banana Lake Road to County standards. Mr. Cichon said that the applicant had held two public meetings during the past month which were attended by County staff.

Commissioner Tucker asked if the right of way issues involved a third party.

Mr. Cichon stated that there was a third party involved with the right of way.

Commissioner Tucker pointed out that Mr. Cichon was making a recommendation contingent on a third party involvement.

Larry Ray of 3347 Edge Cliff Drive, Orlando, representing the owner, stated that there were issues with the right of way. Plats were not clear on the right of way. In the next 90 days he will conduct a title search to research the right of way prior to going to the BCC. He introduced a letter from Colonial Properties, the property owner to the south and the east which states that they approve of the request. Mr. Ray stated that there are 7 things that the owners have agreed to do in addition to the development order, once the property has been rezoned.

1) All boat access to Island Lake will be restricted to the adjacent future property owners. A common gazebo will be permitted on the lake.

2) No gas motors will be allowed on Island Lake.

3) A private wall will be built between the Heathrow property and the Edwards property. (property to the north)

4) Only single story homes will be allowed to be built on the lakeside line near Heathrow.

5) A privacy wall will be built between the wetlands and the lake along the property

line between Mr. Springfield's property and Edward's property. This wall will separate the Edward's property from the subdivision.

6) Lake access to Banana Lake will be restricted to adjacent property owners to the lake.

7) No motor boats will be allowed on Banana Lake.

No one else spoke in favor of the request.

Mr. Sims spoke for the Homeowner's Advisory Board for Heathrow. Mr. Sims was representing 80 homes between Island Lake and Banana Lake. He stated that the area on the isthmus was zoned for a rural setting. If the applicant meets the tests to get the request granted Mr. Sims asked that the privacy wall be a brick wall of at least 8 feet in height. Further, Mr. Sims requested that the buffer of 50 feet be kept as a natural, vegetative buffer. The reason for this was the presence of wildlife. The retention pond will destroy the character of the neighborhood. It will cause flooding. We are opposed to the retention pond. If the proposal is amended to have a natural, vegetative buffer and 8 foot privacy wall, the objections would be significantly reduced.

Wendell Springfield of 770 Banana Lake Road, north of the proposed project said that he agrees with the wall proposed. His lot is 360 feet deep. He stated that his land is approximately 10 feet lower than the subject property. He is concerned about drainage and overflow coming from the lots and proposed buildings. The number of proposed houses (43) is too large. 25 houses would be more in line with the transition between Colonial Apartments and Heathrow Complex. He is zoned suburban estates/A-1 Agriculture. He has a concern for the congestion that 43 homes will cause on Banana Lake Road. Mr. Springfield requested that the number of houses be limited to 25. There is a wetland on the property which has been a retention area. He would like to see a culvert to carry water from Banana Lake to Island Lake. In conclusion Mr. Springfield stated that the area has been a haven for wild life and a key recharge area through the wetlands. He would like to see a 100 foot buffer provided from the water. Also, Banana Lake Road will not stand up to any more traffic. He would like to see this project postponed until the Board can see what is being done with Banana Lake Road.

Janice Real Springfield stated she has owned land on Banana Lake for 40 years. Banana Lake is 41 acres, and her house is 10 feet from the lake. When Heathrow was approved the County agreed that access to Banana Lake was to be kept to one acre per house. She requested the buffer continue to the Edwards property to the south. She also would like the number of houses to be limited to 25 houses. She also stated that sidewalks are needed on the east side of the road. Ms. Springfield also noted that there had been flooding in the area and pointed out the importance of the culvert which feeds into Banana Lake.

Mark Brewer of 800 Banana Lake Road stated that he lives next to Wendall Springfield. Mr. Brewer said that there is supposed to be a 100 foot buffer around the lake. He stated that 43 homes are too many. He thought 25 homes were also too many for the area allotted. Another concern for Mr. Brewer was access to Banana Lake Road. His lot had also been flooded recently.

Tyrone Wilson of 910 Banana Lake Road has owned his home for 2 months. He has a sinkhole on his property. He was concerned about flooding. Would the

change in drainage bring waters to the sinkhole on his property? His septic system has been unusable due to water. He would like to see a consistent 100 foot setback. Mr. Wilson asked where the water draining off the road would go.

Elisa McIntosh of 864 Banana Lake Road stated that 43 homes would not be in keeping with the character of the rest of the neighborhood. She lives on a house that is close to the road and must back her car out onto Banana Lake Road. Safety was an issue to her, with the rural character to the road as it is now. Vibrations from the road can be felt in her home.

Lynn Shields of 552 Lakeworth Circle is a member of the Town Advisory Committee in Heathrow. She stated that the greenbelt/wetland area should be preserved for already existing homes and the Heathrow neighbors. She requested that if the property is rezoned it should include only single story homes. Also, a buffer of natural vegetation should be included within the plan and an 8 foot security wall. On the lake there should be a restriction on boat size and motors. She would also like this to be a gate restricted community.

Janice Farrell of 874 Banana Lake Road said that a gazebo on the lakefront would be a problem. She lives on the west side of the lake, below the grade of the road. There is a grade that slopes toward the lake. Water in the sinkhole is very high. If Banana Lake Road is to be widened, her drainage field is near the road. She has no other place on her property for her septic field. Also, she must back out onto the road as does her neighbor. She is concerned about traffic and congestion as well as road widening. Ms. Farrell asked that the 100 foot buffer be kept around the lake. Also, she has a stability problem with the sinkhole nearby. The density of the proposed development should be kept to 25.

Cindy Crane of 820 Banana Lake Road, Lake Mary, has lived in her home since 1963. The sinkhole near the road is on her property. She asked to have a density of 25 homes. This needs to be a secure, high quality project, limited to one story homes. An exit road on the east through HIBC to the business center driveway is a good alternate way to access this development which would eliminate the use of Banana Lake Road. Ms. Crane would like to see a brick wall on the north and south boundaries of the Edwards property.

Larry Ray spoke in rebuttal saying that his project is avoiding the wetlands. He is meeting all of the state and county requirements for drainage and protecting endangered species. He will deal with St. John's River Water Management District regulations. There has been an engineering analysis done on the road and they will work with Development Review. Widening will be on the east side of the road. Buffers with Heathrow will be 50 feet, which may be used for retention. They will not flood the Springfield home. As for density, we will have higher density on the south side and higher density to the north. A lot of issues need to be answered at the next step. Now he is concerned about adequate right of way.

Commissioner Mahoney read Dianne Kramer's memo into the record concerning the potential population and impact on area schools and this development.

Commissioner Harris stated that the area residents have been accommodating to this project. He cannot find a single element which is attractive. A retention pond is incompatible; and a great deal of work is required to make the isthmus liveable. There are drainage problems with this development. The development of Colonial Grand needed a 200 foot buffer to Mr. Edward's property.

**Commissioner Harris made a motion to deny this request.**

**Commissioner Mahoney seconded the motion.**

Commissioner Mahoney stated that this is a change in land use plan. There has not been enough discussion of the change to the character. 43 homes on 50 by 100 foot lots will give easily 400 trips on Banana Lake Road, which is incompatible with the lifestyle of the people in the area. Heathrow International Business Center has significant buffers to adjacent residential areas. We must preserve the current environment.

Commissioner Hattaway stated that the area is a fragile one.

Commissioner Bates concurred with the previous comments.

Commissioner Tucker agreed also. He stated that he was concerned about this matter being brought forth without the right of way issues being determined.

**The vote was 7 – 0 to recommend denial of the request.**

**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 – District 4  
Kathy Fall, Senior Planner

**E. Tuskawilla Administrative Land Use Amendment; Seminole County B.C.C., applicant;** 2.56 acres; Small Scale Land Use Amendment from Low Density Residential (LDR) to Office; northeast corner of Tuskawilla Road and Dike Road. (01-03SS.02, Z2003-002).

Commissioner Maloy – District 1

Jeff Hopper, Senior Planner

Jeff Hopper stated that a November, 2002 BCC recommendation brings this forth. The Vision 2020 Comprehensive Plan suggests this use is compatible. Changes do not necessarily authorize development. They must first be rezoned and undergo site plan approval. Mr. Hopper said that staff recommendation was for approval.

George Yeh stated that this is incompatible with the area and asked for denial.

Patrick Bagley of 4528 Old Carriage Trail, spoke as President of the Stonehurst Homeowners Association. . Any change in use will impact our neighborhood. A natural boundary south of Howell Creek to Aloma exists. Only Churches and schools are there. This change indicates that they cannot be single family homes. These plots should continue to be single family homes. The Stonehurst development was required to have separation at the entrances. The area south of Howell Creek should be kept as single family residential.

Cliff Chelemy of 4565 Old Carriage Trail stated that he bought his house because of the potential development of the area south of Howell Creek. Recent developments are high end projects such as Stonehurst and Antiqua. He asked to keep the area the way it is now: single family homes.

Tom Phelps, owner of the Tuskawilla Learning Center stated that he was opposed to this. Lot 1 does not meet code requirements. 100 feet of road frontage is required, and this lot has 45 feet of frontage. Lot 2 does not meet minimum lot size and has a home on it. Lot 3 has a problem since the water retention requirements cannot be met. There is flooding in the area, with no room for retention from water off of the parking lots. Mark Flomerfield from the County said that Lot 4 may be needed for water retention. Water, arbor, and setbacks are all problems.

Nadine Jackson of 1164 Cardinal Creek Place was also opposed. She stated that the BCC had said in 2001 that Howell Creek to the south will be single family residential. She asked that the neighborhood be kept single family residential.

Don Nicely of Stonehurst on site sales said that Howell Creek is a dividing line. This is not a commercial area. The County has set a land use requirement. The development of Stonehurst requires that the character of the neighborhood be kept. Developers want to keep the character of the area residential.

Ben Esposito of 4561 Old Carriage Trail stated that his house is his biggest investment. He would like to see LDR or MDR uses here.

Matt West stated that the Madison Place townhome development is MDR zoning and there is a vet clinic to the north. As for Lot 1, there is no 100 foot street

frontage. Lot 2 could be RP zoning. In the Comprehensive Plan table of transitional uses such a use is deemed compatible. The BCC saw that these lots have access to a major arterial street. A low intensity professional use is compatible. Property owners have been contacted and agreed.

The public hearing was now closed.

Commissioner Mahoney stated that this item would make sense if a line were drawn at 2, 3, and 4. He cannot support the item as presented.

**Commissioner Mahoney made a motion to deny the application as written. Commissioner Peltz seconded the motion to deny.**

In discussion, Commissioner Mahoney stated that he could support the item if it included lots 2, 3, and 4 sitting opposite the church. He will vote “no.” Commissioner Peltz stated that he will vote “no.” The area needs to remain the same. Keep all lots as they are.

Commissioner Hattaway stated that she was also against this. All lots should be kept the same.

Commissioner Harris stated that in the past apartment buildings on the west side of Howell Creek were voted down because commercial and non-residential stopped at Howell Creek. He is not in favor of this request.

**The vote was 7 – 0 to deny the request.**

**F. Pacific Atlantic; Cayetano R. & Cristeta M. Cruzada, applicants;**  
approximately 0.27 acre; Small Scale Land Use Amendment from Low Density Residential to Office east side of Tuskawilla Road, 650 feet north of Dike Road; (Z2002 - 029)  
Commissioner Maloy - District 1  
Jeff Hopper, Senior Planner

**G. Myrtle Street Special Area Concept Study - Phase II ; County**  
Staff is conducting a planning study to prepare alternative Conceptual Land Use Plans and an illustrative plan for Sub-Area 1 located in the Myrtle Street Study Area. Sub - Area 1 consists of approximately 621 acres in the southwestern portion of the Myrtle Street Study Area.

Commissioner McLain - District 5  
Tony Walter, Principal Planner

Tony Walter presented a PowerPoint presentation which outlined all of his major points. (See printout of presentation in agenda item.)

Mr. Walter stated that Phase 1 had a potential of 620 acres. 110 lots, comprising 378 acres were empty at this time. 63 acres were industrial. Autumn Chase is adjacent to this area. There are intense wetlands in the area. There is good road access and water service is approaching the area. Necessary road improvement will cost an estimated \$3.8 million to \$7.9 million. This would also need \$660,000. in improvements for water service and \$500,000. for sewers. An estimated \$14 million would be needed for drainage improvements. At present, the County has no funding options in place. There is the possibility of using fees or taxes for this.

There were several main issues: protection of existing villages, keeping the character of the area, protect wetland and wildlife habitat, reduce pollution, limit infrastructure cost, develop amenities without effecting character of the area, and keep home values.

Planners envision 2 scenarios: 1 unit per acre and 2.5 per acre. There has been extensive public comment. A neighborhood task force helped. A final report will go to the BCC.

Alternate design solutions include: water focus community, coving of streets, a conservation subdivision design, taking important areas and designing around them.

The Conservation Village has 1, 1.5, and 2 units per acre, with 53 units having 1 unit per acre.

Area 2, the Nolan Street area has 1.5 units per acre and 3.6 units per acre. Special property is preserved. The Conservation Village works well on small areas; you can preserve 15 percent of the development due to intensity.

Mr. Walters stated that traffic calming mechanisms were considered. This way preserves the sensitive areas and saves areas of woodland and open spaces. Residential lots are smaller but spaced. Large open spaces can be used for retention. Pedestrian paths could be put in through natural areas. Wild life can be preserved. There are numerous retention ponds and there could be extensive mars lands left for filtration. This plan puts traffic on Myrtle Street. There would be collector road problems. There are several large property owners in this area whose property would have to be purchased and coordinated by a developer to accomplish this. Also, there may have to be changes in the code. The County would have to work with the developers.

The Coving Technique would involve 2.5 units per acre. 377 acres are available with 642 units.

Myrtle Street would snake around with all homes fronting on it. There would be unique street patterns. A pedestrian trail could accommodate rescue and fire vehicles.

Setbacks could be varied. Parks, green space, water treatment facilities would be included. This is a somewhat conservation driven approach with numerous retention ponds. Water would be filtered before it gets to Lake Jesup. This is not as limited as the Conservation Village. To accomplish this plan there will need to be coordination between 50 plus property owners. There would need to be a change in the Comprehensive Plan.

With these concepts one finds many small retention ponds. Some drainage issues are addressed.

These plans strive to preserve sensitive areas by designing around them. Preservation is accomplished by having conservation easements. Land trusts can be used, also development of common areas or conservation areas.

Density in the different areas can be determined later. Density is an issue. One unit per acre is thought to be too high by some people.

There is no difference in the impact on schools and fire department service.

Future actions on this can include:

1. Do nothing
2. Select a concept with current density
3. Select a concept and increase the density.

Commissioner Hattaway wondered if area residents understand they will have to pay for this change.

Commissioner Mahoney asked about the 70 acre lake.

Mr. Walters said that there was a 70 acre lake for retention in the area.

Commissioner Mahoney stated that the only way this could be done would be to access \$10,000.00 per unit for water. Currently \$7500.00 is paid, for schools, fire and the like. We are talking about \$10,000.00 extra on top of the \$7500.00 now paid. 700 new homes have a cost of \$7 million to add. How feasible is it to go forward with the costs involved?

Mr. Walters stated that the big issue was drainage. With multiple ponds, swales could be used.

Commissioner Mahoney pointed to the problem of multiple owners. The Coving technique requires one developer to acquire all of the parcels. The Conservation

Village will work on smaller parcels of 30 to 40 acres with concentrated home sites. The Commissioner stated that two problems were: cost and assembling the lands.

Commissioner Mahoney stated that it is difficult to add 00 units to the environment with a cost of between \$7 - \$15 million. How could we pay for it?

During public input B.J. Simons of 1550 Myrtle Street spoke about the overcrowded schools and the water run off problem in the area. He stated that a layer of hardpan, 2 – 4 inches below the surface is found in this area. No absorption takes place. Most water evaporates. He requested denial. He asked that density be kept to 1 dwelling unit per acre, or 1 dwelling unit per 2.5 acres.

Randall Priest of 4500 S. Sanford Avenue stated that the conservation technique is fine, but consider the roads and drainage first. No more homes should be built until this issue is addressed.

Robert Jasmine of 1153 Myrtle Street, Sanford, said that Mr. Priest was correct. Commissioner McLain asked that we work with the County and consultants. I will support the Conservation Village concept, but first we need to fix existing problems. Soil and the infrastructure cannot support the changes. There is no funding for any of this. To push the Conservation Village, keep 1 unit per acre. For example, Rose Hill will put 3,075 cars onto roads in the area. In studies in Minneapolis, Rich Harris had good ideas. Keep suburban estates. There is no sewer system. Use a 6 home septic system technique. Use these as a buffer system to 6 Mile Creek. Address the sewer problems first. Deny ore building until funding is established.

John Climbor of 525 North Carolina Run, Sanford, wanted 1 house per 5 acres. He stated that this entire study came from one couple requesting a rezone. This issue has been blown up. He stated that citizens are opposed and unwilling to pay for this.

Alex Dickerson of 4851 Hester Avenue had questions on the roads, drainage, and costs. He stated that these have not been addressed. The Conservation Village technique is good.

Draconis Deciryran of 1581 Autumn Chase Circle said that a 1999 study identified areas for improvement. The public meetings were attended by between 125 and 175 people. Overwhelming opinion is for the area to remain rural, rather than suburban. Observe the character of the lands. This Board can show developers how to take initiatives to preserve the environment. We need long range techniques.

Ann Esterson of 1235 Myrtle Street said that she is worried by her request to develop 2 parcels. Will it cost \$7 million to develop her project? The system will

be filled with ditches for drainage. According to the Comprehensive Plan, LDR is compatible to Suburban Estates. To protect the environment, use less sod. The area could be developed at 1 unit per acre with septic. If we develop at 2 or 2.5 units per acre we could afford to do the water and sewer. A developer could do this. Storm drainage can be held on site. A ditch system did work, with the County maintaining the ditches. Some people have built in the wetlands. We can do 1 unit per acre. We want a density so we can afford to bring the utilities down. Increase the density to 2 or 2.5 units per acre. Most other people will approve of this.

The public hearing was now closed.

Commissioner Harris stated that we should look at the overall area potential for development. If we act on a single request, the rest of the pattern gets determined. For example, look at the area near UCF. The area is close to build out, with no area for apartments. We now have a clearer view of the area potential. Density does not address quality. Cost of infrastructure due to hardpan and drainage is unaffordable. There is little we can do to change the development pattern out there. Either the money is not there, or the ability to combine lots is not there.

Commissioner Mahoney stated that we had a good study, but the answer to the study is for an area wide basis change that is inappropriate for the area.

**Commissioner Mahoney made a motion to accept the study and recommend no further action. The Land Use will remain Suburban Estates.**

**Commissioner Peltz seconded the motion.**

Commissioner Hattaway asked what will be done in the future.

Commissioner Mahoney said that we will do an individual examination of each application.

Commissioner Tucker said that Suburban Estates land use will remain behind things.

Commissioner Dorworth said that the funding is an issue for the BCC.

**The vote was 7 – 0 to accept the report and recommend no further action.**

## **VII. PLANNING MANAGER'S REPORT**

## **VIII. OTHER BUSINESS**

## **IX. ADJOURNMENT**