

**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.

ACCEPTANCE OF PROOF OF PUBLICATION

The proof of publication was accepted.

APPROVAL OF MINUTES

The minutes were accepted as submitted.

V. OLD BUSINESS

There was no old business presented.

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 February 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 Barnett, 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. Barnett to come back to the podium. He asked if Mr. Barnett would prefer larger houses with no wall or smaller houses with a wall.

Mr. Barnett 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. 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 developer.

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

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.

PLANNING MANAGER'S REPORT

OTHER BUSINESS

IX. ADJOURNMENT

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

**Minutes for the Seminole County
LPA/P&Z Board**

**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, and 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.

\ 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

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 deny 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

Kathy Fall stated that the previous rezone on this parcel had not been acted upon and therefore must be reapproved. Staff has no objection to this project. It is compatible with adjacent uses. She recommends approval.

She will make amendments to items F and G in her staff report to address landscaping buffers. A buffer with a width of 3 feet comprised of canopy trees every three feet, complying with the Code will be adequate.

Andrew Zelman requested not to have a 6 foot masonry wall on the southern border. The building will look like a house. A fence will be more consistent.

No one spoke from the audience on this item.

The public hearing was now closed.

Commissioner Mahoney asked where the wall would be.

Kathy Fall said that it would be on the western side. R-1A single family residences would be on the other side of the wall.

Commissioner Tucker asked if Roy dead ends.

Ms. Fall said that it did.

Commissioner Harris asked what area fences were like in style.

Ms. Fall stated that she had observed mostly chain link fences in the area, but she had not gone into people's yards to see what type fences they had.

Commissioner Harris asked about the acceptability of a PVC fence.

Ms. Fall stated that her recommendation was for a masonry wall.

Commissioner Tucker asked Matt West to relate this discussion to the one held at a previous meeting of the BCC on Wordwise where a masonry wall was required.

Mr. West stated that a PVC fence is questionable in life, whereas a masonry wall is lower maintenance.

Commissioner Tucker also pointed out the sound barrier and drainage concerns.

Commissioner Mahoney made a motion to approve according to the amended conditions to be in the revised agenda memo.

Commissioner Peltz seconded the motion.

The vote was 7 – 0 to pass the motion.

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

Jeff Hopper stated that the applicant has filed an application for Residential-Professional (RP) zoning to be considered at a later date. Staff recommendation was for approval.

Cyril Crusada stated that he lives in the area. Tuskawilla Road has gone from 2 to 6 lanes. No one wants to move to this location. He will be meeting with his district Commissioner to discuss compatible uses here.

Tom Philips of Tuskawilla Learning Center said that this lot is too small to be an office. Cars must back out onto the road. There is no place to put cars on this lot. People passing on sidewalks are blocked from passage now. They must walk in the street.

Patrick Begley of 4528 Old Carriage Trail said that the owner has a business there now. There is a sign on the property.

Commissioner Bates asked if this site is currently residential.

Mr. Crusada said that it was.

Matt West stated that the owner is running a mortgage company there. This use is too intense. It is currently a code enforcement issue.

**Commissioner Harris made a motion to deny the request.
Commission Peltz seconded the motion.**

Commissioner Dorworth asked Mr. Crusada if he will keep the same use of the land in the future.

Mr. Crusada said that he will remove the swimming pool and use the back yard for parking. He wants the highest and best use of his land.

The vote was 6 – 1 to deny the request. Commissioner Dorworth voted “no.”

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 marsh 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 assess \$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 homesites. 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 Deciryman 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

OTHER BUSINESS

IX. ADJOURNMENT

The meeting adjourned at 10:45 P.M.

Those in attendance may be heard and written comments may be filed with the Planning Division. Hearings may be continued from time to time as found necessary. Further details are available by calling 407-665-7433.

***Note:** Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of the meeting at 407-665-7941.*

Persons are advised that if they wish to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes.

**MINUTES FOR THE SEMINOLE COUNTY
LPA/P&Z COMMISSION
MARCH 5, 2003**

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

Also present: Matt West, Planning Manager, Rob Walsh, Principal Coordinator Planning Division, Jeff Hopper, Senior Planner, Cynthia Sweet, Planner, Tony Matthews, Principal Planner, Mahmoud Najda, Development Review Manager, Karen Consalo, Deputy County Attorney, and Candace Lindlaw-Hudson, Senior 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 Mahoney made a motion to accept the proof of publication.

Commissioner Bates seconded the motion.

The proof of publication was unanimously accepted.

IV. OLD BUSINESS

A. GAP HOUSING PHASE II; approximately 7.0 acres; rezone from A-1 (Agriculture) to R-3A (multiple-family dwelling district); ¼ mile north of Aloma Avenue on west side of Howell Branch Road (Z2002-110)

Commissioner Maloy – BCC District 1 Jeff Hopper, Senior Planner

Jeff Hopper stated that the item is withdrawn.

V. NEW BUSINESS

A. East Lake Brantley Townhomes PSP: Daly Design Group / Thomas Daly; preliminary subdivision of 74 lots on approximately 9.9 acres; intersection of East Lake Brantley Drive and Wekiva Springs Road (02-550005)

Commissioner Van Der Weide – District 3

Cynthia Sweet, Planner

Cynthia Sweet introduced the item and stated that Staff recommendation was for approval, subject to the terms presented in the Development Order. She stated that this preliminary subdivision plan is subject to all of the conditions set forth in the East Lake Brantley PUD Developer's Commitment Agreement. The proposed master plan must be approved by the Board of County Commissioners in order to be developed as proposed. Access to the subdivision is on Wekiva Springs Road.

Commissioner Mahoney made a motion to approve the preliminary subdivision plan as submitted subject to the BCC's approval of the master plan and the developer's commitment agreement.

Commissioner Peltz seconded the motion.

The motion passed unanimously.

B. Trotter Rezone and Land Use Amendment; Alexander & Pearlie Trotter, applicants; 2.794 acres; south side of Hughey Street, 400 feet east of Sipes Avenue; Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential); rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District); (01-03SS.01, Z2003-001).

Commissioner McLain - District 5

Jeff Hopper, Senior Planner

Mr. Hopper introduced the item and stated that MDR is not a good transition in this area according to the Vision 2020 Plan. Surrounding lands on three sides are classified Suburban Estates. Staff does not recommend approval.

Alexander Trotter, applicant, requested approval.

Emery Green, an area resident, stated that local residents in Midway had been trying to get new duplexes in the area to help upgrade housing in the area. Mr. Green stated that he had a 10 acre parcel on the corner of 21st. Street and Brinson Avenue that is zoned for duplex housing. He requested that the Board approve this request.

There was no further public comment.

The public hearing was closed.

Commissioner Peltz asked where the duplexes were located in the area.

Gladys Green stated that there was a duplex on the corner of Brinson and East 21st. Street, also on Jetway. The Greens also have a parcel of duplexes on Brinson for about 18 years.

Commissioner Peltz stated that he thought this was a reasonable request.

Commissioner Hattaway asked when this area was zoned Suburban Estates.

Matt West stated that the zoning classification was historic. It had come in with the zoning. This is a straight zoning request and the Board cannot impose conditions when rezoning.

Commissioner Mahoney made a motion that the Board recommend approval of the Small Scale Land Use Amendment from SE to MDR and the associated rezoning from A-1 to R-2 subject to the applicant entering into a voluntary agreement prior to going to the BCC which will limit the development of the site to one duplex structure.

Commissioner Hattaway seconded the motion.

There was no discussion.

The motion carried by a unanimous vote.

C. Hattaway Rezone and Land Use Amendment; James Hattaway, applicant; 1.12 Acres; Small Scale Land Use Amendment from LDR (Low Density Residential) and PUB (Public) to Industrial; and rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District); east side of CR 427, 0.2 mile south of Longwood – Lake Mary Road.

Commissioner Henley – District 4

Jeff Hopper, Senior Planner

Commissioner Hattaway declared a conflict of interest on this item and left the dais.

Mr. Mike Hattaway spoke on behalf of the applicant. He stated that he was there to answer questions from the Board.

Commissioner Mahoney stated that he concurred with the land use change, but the C-3 zoning is one that is not given out very often. There are limits that what can be developed on this site. He asked if Mr. Hattaway had any plans.

Mr. Hattaway stated that he did not have any plans. He was seeking to bring the property into compliance with other properties around it. Across the street is C-3 zoning. Behind that is industrial in the City of Longwood. He wants the same zoning as his neighbors.

Commissioner Peltz made a motion to approve the request.

Commissioner Harris seconded the motion.

Commissioner Mahoney expressed concern that some uses of the C-3 zoning may not be appropriate for the 427 corridor. He will vote in favor of the land use and the motion.

Commissioner Tucker stated that there is C-3 zoning in the area and that much of it had been owned or developed by the Hattaway family. The Commissioner expressed faith applicant to develop the land appropriately for the area. He will be in favor of the motion.

The motion was unanimously approved. Commissioner Beth Hattaway did not vote.

Commissioner Hattaway now returned to the dais.

D. Sanlando Springs Animal Hospital; Sanlando Partners / James L. Brockman, applicant; 0.125 acres; Small Scale Land Use Amendment from Medium Density Residential (MDR) to Planned Development (PD); and Rezone from RM1 to PCD; west side of Manor Avenue, 300 feet south of State Road 434 (12.02SS.01 and Z2002-111).

Commissioner Maloy - District 1

Jeff Hopper, Senior Planner

Mr. Hopper introduced the request and location of the application. The purpose of the application is to provide additional parking for the existing animal hospital. The lot is approximately 55 by 100 feet and would be incorporated into the

existing site. No new structures would be placed on the site. Staff recommends approval of the request, subject to the eight (8) conditions stated in the staff report, the access to the lot will be from the existing entrances on Manor Avenue with no new curb cuts permitted, limitation on the site to landscape buffers and parking only, property shall be subject to the active buffer requirements of the Land Development including a 25 foot buffer and a 6 foot brick or masonry wall, and no outdoor lighting fixtures are to be installed on the subject property.

Commissioner Tucker asked about accessibility on pavement.
Mr. Hopper said the access was paved.

Commissioner Hattaway inquired about the width of the parking spaces on the site now.

Mr. Hopper stated that they were 10 feet by 20 feet.

Dr. Jim Brockman stated that he has been in practice there since 1982, and when he had the opportunity to expand the parking for the facility, he took it.

There were no questions from the Board and the public hearing was closed.

Commissioner Peltz made a motion to approve the request incorporating the terms of the staff report.

Commissioner Harris seconded the motion.

There was no discussion.

The motion passed by unanimous vote.

E. Old Lockwood Road; Shutts & Bowen, LLP, applicant; 13 acres; Rezone from A-1 (Agriculture) to R-1AA (Single Family Residential) for single family subdivision; east side of Old Lockwood Road approximately 1/2 mile north of McCulloch Road (Z2002-114)

Commissioner Maloy – District 1 Rob Walsh, Principal Coordinator

Mr. Walsh introduced the application and stated that site was surrounded in all directions by large lot single family homes. The site fronts on Old Lockwood Road which is a paved road. The site is serviced by a 12 inch water main located approximately 1250 feet north of Old Lockwood Road which is scheduled to be extended to the south. There is also an 8 inch forced sewer main approximately 1150 feet north on Old Lockwood Road. As required by the Land Development Code, Staff ran a Lot Size Compatibility Analysis which determined that R-1AAA would be most compatible with the development trends in the area, rather than the requested R-1AA zoning. Both the R-1AA and R-1AAA are consistent with the Future Land Use designation. We recommend approval of the R-1AAA zoning based on the conditions found in the Staff report. Mr. Walsh

stated that he had received an e-mail from Linda Rossel which asked for R-1AAAA zoning.

Representing the applicant was Ken Wright of the law firm of Shutts and Bowen. He stated that he supports the staff report and the findings except for one. He stated that he supported staff recommendation #2, for the R-1AA zoning. With regard to the straight zoning request, he found that the lot compatibility finding with a difference in zoning accounting for 2 lots more or less. The table on page 3 of the staff report shows the differences between the requirements for a 100 foot lot and a 90 foot lot. The difference in the loss of 2 lots would create a significant economic loss for his clients. The house size, which is most important to the neighbors, for R-1AA is 1,300 square feet and for R-1AAA is 1,600 square feet. Mr. Wright stated that these homes will be a minimum of 2,100 square feet. He is willing to make a commitment to the house size.

Mr. Wright said that on the Fawn Run side the lot sizes will not be reduced due to the way they are configured in the plan. There will be 7 lots on the Fawn Run side not matter what is planned due to storm water retention.

Mr. Wright showed rough configurations for a 27 lot and a 25 lot plan. Mr. Wright stated that the difference was on the southern edge there would be an extra house in the 27 house configuration, along with an interior addition of an extra house. Mr. Wright suggested that the analysis of compatibility is a presumptive one which goes along with his request.

Mr. Wright said that Fawn Run is a dirt unimproved road. He said that with proper engineering on his project, some of the storm water problems that are on Fawn Run may be alleviated.

In closing, the staff report recommends right of way donation. This is a straight zoning, not a PUD. There can be a rational nexus between the request and a donation of the right of way. Also the wetland buffer will be dealt with at site plan review and permitting. Mr. Wright requested that the Board adopt number 2 from the staff report that grants the R-1AA zoning, with deletion of the language dealing with the right of way and the wetlands issue.

Commissioner Mahoney made the clarification that double fronted lots (backing up to Fawn Run) require a brick or masonry wall.

Mr. Wright said yes, he was aware of that condition.

Commissioner Mahoney read the memo from Dianne Kramer of the School Board concerning school capacity and projected conditions and changes in the schools in the area.

Linda Rossel of 2476 Fawn Run spoke next. She had sent the e-mail referred to by Mr. Walsh. She lives on Fawn Run. She stated that this is a low density area,

generally one home per 5 acres. The lot in yellow has one house on it at this time. To turn the 2 lots into the proposed density is incompatible with the area. She showed a proposed density for 13 acres based on R-1AA zoning. She stated that she is retracting the statement she made to Mr. Walsh in her e-mail about R-1AAAA zoning being a minimum requirement for consideration. She now wants one home per acre. Run off is a problem in this area. This kind of intensity will not work. There is a lot of wildlife and wetland area there. No sidewalks from the area exist for children to get to schools safely. The residents of Woodlands Estates urge one house per acre.

Commissioner Peltz stated that Ms. Rossel's conceptual drawing had 40 homes on it for R-1AA zoning.

Ms. Rossel agreed.

Larry Tanney of 2471 Fawn Run read a letter from his neighbors. A number of years ago Mr. Roy asked to divide this property, taking the rear 4.5 acres for a second home and was denied. Now the Board is looking to permit 15 homes on the same property. The County has since purchased land in the area to create a nature preserve. Properties on Fawn Run and Scrub Oak have standing water on all lots. Water was not there until Orange County paved nearby. This proposal will cause flooding and diminish property values. The applicants will not live there. We want a country like setting. He requested denial.

Chairman Tucker stated that Mrs. Cynthia Tanney had turned in a speakers form stating that she is opposed to this application, but that she does not want to speak.

William Sloan of 3535 Old Lockwood Road said that his concern is that this is a mature area of 5 acre lots. He lives immediately south of the site. He said that 75 to 80 percent of the area is built out. This is in the middle of an established community. It is spot zoning and will open the window for further spot zoning in the area. He said that immediately south of his home is the Econ Wilderness, not heavily developed, and to the east is the nature preserve. This development will separate him from his neighbors.

Mike Kolb of 2516 Fawn Run, Woodland Estates, said that he agrees with previous speakers. He wanted to emphasize the investment the County has in the wilderness area. This development will effect this area. The house size in the area is 3,000 square foot homes.

Roger Ausburn of 3173 Scrub Oak Trail at the end of Fawn Run has 3 acres of his land as wetlands. He has a 4,500 square foot house. His concern was for drainage and impact on the Seminole County Park. He is also concerned with the lack of sidewalks and the impact on traffic in the area. He requested denial.

Bruce Atwater of 3149 Scrub Oak Trail said that he moved there to be isolated. He has a 6 acre parcel. The presence of the nature preserve attracted him to the area. This application could start a development trend. He requested denial.

Charlie Ziezel of 2447 Fawn Run stated that he had lived there for 20 years and that he objects to the request.

Susan S. Tzareff of 3201 Old Lockwood Road said that she has lived there since 1979. She lives on the other side of the wall from the Carillon development with 5 acres. She has previously been told that no sidewalks will be done in the area. There are no streetlights. 27 homes on 13 acres is not rural. There is a large wetlands area and the Big Econ is down there. She does not understand how this can be compatible. The Carillon area is behind a wall. Traffic is bad. The left onto Old Lockwood from McCulloch is very bad. She is strongly opposed.

Diane Fraser of 2416 Fawn Run lives across from the proposed homes. The road is an easement through her land and she is concerned about speeders on the paved roads. She has been flooded out since the road was paved. This housing is not welcome. She gave up 1.11 acres for wetlands and easements to Roy's property. Please deny.

Cindy Moscato of 2452 Fawn Run wants to live in the country. Please keep it that way. This area has wetlands and she wants to protect nature. She has concerns with the private road. She is highly opposed to this request.

Mr. Ken Wright stated in rebuttal that the area is LDR, which allows R-1 and 70 foot lots, R-1A and 75 foot lots, R-1AAA and 100 foot lots, and R-1AAAA with 100 foot lots. Staff is recommending one of these uses. You cannot be punitive. The difference is 2 lots. These are not zero lot line homes. We will agree to a minimum house size of 2,100 square foot homes. The configuration shown by the previous speaker is 10 lots more that we are proposing. All plans will be reviewed by St. John's River Water Management and Development Review at the time of permitting. There would be a different presentation if the land were not already LDR. Issues made by the public are either already decided by the LDR designation or will be addressed later in the process.

The public hearing was closed.

Commissioner Harris stated that this is a difficult issue. We must follow the Comprehensive Plan. The Staff report shows that the request is compatible. The problem is a drainage one. Code has certain requirements which address these concerns. The issue comes down to 25 lots or 27 lots. Legal precedent says that the applicant has a right to the zoning.

Commissioner Mahoney stated that the designated land use is LDR, and that such land use designation gives the property owner limitations and rights as well. The Board is bound by the Code. The question is which of the last 3

designations is the choice. It is not a pleasant choice, but we are bound to make one. The applicant has a request and we must respond to it.

Commissioner Mahoney made the motion to deny the request to rezone to R-1AA. He wanted to make the recommendation to the BCC that the lot compatibility determination of R-1AAA would be appropriate.

The motion died for lack of a second.

Commissioner Tucker then asked Mr. West to address the issue of sidewalks and a wall on the north side and how drainage could be done.

Mr. West stated that the sidewalks and right of way issues are addressed at the Development Review stage. Typically "weep" holes are put in the bottom of a wall to allow drainage to pass through.

Mahmoud Najda stated that existing drainage patterns on these two parcels mainly drain to the east. The water flows to the wetlands and then to the north on Fawn Run. The applicants will have to meet code, with no negative impact to the land.

Commissioner Tucker asked how the water would be handled.

Mr. Najda stated that water would be held in a retention pond and drain to the wetlands.

Commissioner Tucker expressed concern for the property to the east and flooding potential.

Commissioner Peltz stated that he was not happy with the zoning change and that he wanted to keep things as they are in the area.

Comm. Harris made a motion to approve the R-1AA zoning as requested by the applicant with the stipulation for a minimum house size of 2,100 square feet as committed to by the developer at the meeting.

Commissioner Hattaway seconded.

The motion passed 5 -2. Commissioner Peltz and Commissioner Mahoney were dissenting.

F. Lake Hayes Road; Shutts & Bowen, LLP, applicant; approximately 7.98 acres; rezone from A-1 (Agriculture) to R-1AA (single family residential district); north side of Lake Hayes Road, approximately ½ mile east of Alafaya Trail. (Z2002-113)

Commissioner Maloy – BCC - District 1

Rob Walsh, Principal Coordinator

Rob Walsh introduced the site of the application for a rezone of approximately 8 acres from A-1 (agriculture) to R-1AA (single family residential) zoning. Mr. Walsh described the zoning of adjacent land as follows: to the north, A-1 (agriculture), to the south is R-1AA (single family residential), to the east is A-1 (agriculture) and to the west is R-1AA (single family residential). Mr. Walsh said that the site fronts on Lake Hayes Road which has no identified traffic problems. However, Mr. Walsh noted that he had received numerous calls from the public complaining about traffic volume problems on intersections at major arterial streets.

The area is served by Seminole County utilities and is served by a 12 inch water main located approximately 1050 feet west on Lake Hayes Road and a 16 inch forced sewer main approximately 950 feet west on Lake Hayes Road. A lot size compatibility study made a determination that the requested zoning is compatible with the surrounding area. Staff is making the recommendation for approval, with the conditions stated in the staff report.

Meredith Harper of Shutts and Bowen spoke for the applicant and opened by saying that the applicant has done other projects in the area, such as Wentworth Estates and Mayfair Oaks. She showed pictures of homes similar to what would be put on the project. The applicant saves trees. Ms. Harper said that she concurred with staff analysis. R-1AA is compatible with the zoning trends in the area. Stillwater to the south is R-1AA. The entire area is moving toward R-1AA zoning. To the west on Beverly Street are 10 lots of R-1AA zoning. Ms. Harper stated that the applicant can commit to a minimum house size of 2,100 square feet. The western side is the lower side, and retention will be located there, which will provide lots on Beverly Street with a buffer.

Dick Zimmerman of 2486 Paddock Way, Oviedo, said that he was opposed. Water on Paddock Way is a problem. He presented pictures of flooding and standing water in the area. He stated that when he bought his home 17 years ago his land was high and dry. Now it takes over 2 weeks for the water to subside after a rain. He stated that the subdivisions north of Chapman Road are causing the flooding. Lake Hayes Road is tarred and substandard. Traffic is a problem. He moved there for tranquility. He urged denial.

Lawrence J. Cass of 2358 Beverly Street, Oviedo said that the County is uninformed. There are no areas allotted for road water run off. The County had dug swales. There is now water standing on his property. A culvert was put across the street. This new development will bring more water onto Lake Hayes Road and further flood his property.

John I. Malcolm of 220 Pennsylvania Avenue, Oviedo, stated that everyone cuts through the area and speeds. He is opposed to the request.

Michelle Wynn of 245 Lake Hayes Road, Oviedo, said that the area is over developed. There is a trend to put R-1AA nearby. There are very bad traffic problems and speeding is an issue. She also is concerned about flooding. She is opposed to the application.

Vivian Luscuskie of 872 Lake Hayes Road stated that she was representing approximately 30 people in the audience who have 5 acre parcels. She is the adjacent property owner to the east. Most of the new homes would abut her land. There is a drainage problem from the road. Water flow is generally to the south toward the Econ River. Property in the area is sandy and flooding problems abound. She is opposed to the application.

Brenda Bardette of 726 Onslow Avenue stated that there is a serious flooding issue in the area.

John Offineer of 665 Onslow, Oviedo, was concerned about the serious traffic problems on Lake Hayes Road. He also referred to the water problems. He lives at the end of Onslow where flooding is coming into his property from the new subdivision. Beverly Street floods. The proposed development will be higher than his lands. His septic system is now under water. Steve Novack from Storm water proposed ditches for runoff. He was told by the County that Onslow is a private road. If the Board authorizes this, his property will be under water.

Bart Leskesky of 872 Lake Hayes Road lives east of the proposed site. He stated that there is not a normal road to the site. He would like to know about access.

Meredith Harper stated in rebuttal that neighbors had built their homes without storm water review. They are in a flood plain. This development will have to pass permitting with the St. John's River Water Management district. There will be no access to Beverly Street. Access is to Lake Hayes Road. If a traffic light is needed, a study could be done to determine this. A full median opening has been approved on 434 to Lake Hayes. The development will have to keep all of its water run off on the site.

The public hearing was closed.

Commissioner Tucker asked about the design of the median on 434.

Mr. Najda said that there is a full median cut on 434.

Commissioner Tucker asked about the northeast corner of Lake Hayes and 434. He inquired about the drainage retention pond. Was it a DOT project.

Mr. Najda said that it was.

Commissioner Tucker asked if Onslow is a County Road.

Mr. Najda stated that if the County is reluctant to work on Onslow, it may not be a public road.

Mr. West said that he would check the list of roads the County has agreed to maintain. Not every public right of way or easement has been accepted.

Commissioner Tucker said that as he remembered, there was a dedicated drainage ditch on the south side of Lake Hayes.

Mr. Najda stated that when this project comes in for final engineering, Staff will determine what needs to be done for the road right of way for Lake Hayes to meet County standards. The far eastern end of Lake Hayes appears to be substandard.

Mr. Najda said that there would be no flow of water from this project onto adjacent properties. Staff is looking into drainage problems and he will assist.

Commissioner Mahoney asked about the condition of Lake Hayes Road.

Mr. Najda stated that he did not know the level of service. There are drainage problems to the west. Staff will address this. With Bentley Cove and Winding Cove there are more problems with water.

Commissioner Tucker asked about the 30 foot drainage ditch.
Mr. Najda stated that the ditch went both directions.

Mr. Cass stated that there is 9 inches of water on Lake Hayes Road.

After a short recess Commissioner Tucker stated that he had checked a 1926 plat and saw that there was not a 50 foot right of way dedicated for Onslow to be a regular County road. As for Lake Hayes, it is a County road.

Commissioner Harris stated that it is the intent of the Comprehensive Plan and our own tool for compatibility that the applicant's request is compatible.

Mr. Harris made the motion to approve the rezone request including the developer's commitment to have a minimum house size of 2,100 square feet and the non utilization of the 50 foot easement to Beverly Avenue with the recommendation that Staff examine the drainage issues in the area.

Mr. Mahoney seconded the motion.

The vote was 7 – 0 in favor of the motion.

G. BRIEFING: Interlocal Agreement for Public School Facility Planning

County Wide

Tony Matthews, Principal Planner

Mr. Matthews stated that Florida Law requires local governments to develop and execute an interlocal agreement for coordinated land use and public school facility planning. Mr. Matthews has been working with the Planning Technical Advisory Committee for a year to accomplish what is being presented in his staff report which is in its finalized form. The Committee is comprised of a representative from the School Board, a representative from Seminole County, and a representative from each of the seven cities in Seminole County. The strike through areas represent revisions to the agreement made since it was last presented to the Commission.

Mr. Matthews stated that he had sent the earlier staff report to the members of the Board in January and then had held a community meeting with the School Board to obtain input for this final report. Only two comments from the public had been received pertaining to the formulation of the final agreement. The first comment was that the committee should have incorporated more of the model agreement into the final agreement, and secondly, a comment was made that the School Board was involved with this agreement to the detriment of the local government.

Mr. Matthews requested input from the members of the Board. He had received input from all of the cities pertaining to the agreement. The committee believes that the agreement contained in the packet meets all of the Florida statutes. The Department of Community Affairs (DCA) has also reviewed the agreement. They have also stated that the agreement meets all of the Florida Statutes. The final executed agreement is due to the DCA by My 1, 2003.

Mr. Matthews concluded by saying that he would be taking the agreement to the Board of County Commissioners for approval on April 8. Failure of local government to develop this agreement may end up in local governments having sanctions toward them, as well as the School Board.

Staff is asking for support from the Board on the agreement so that he can forward it on to the Board of County Commissioners.

Commissioner Mahoney stated that he supported the agreement. It puts into writing three or four things that Seminole County has been doing for a number of years. There may be a number of counties that do not have a Council of Local Governments (CALNO) or a dispute resolution agreement like we do in Seminole County. We were probably in compliance, short of having it put into writing and having everyone sign off on an agreement.

Commissioner Hattaway asked Mr. Matthews who was intended to be the School Board representatives referred to on Page 7, Line 174C.

Mr. Matthews stated that the Legislature has required in 2002 that School Boards appoint a representative to serve on the local planning agencies.

Commissioner Hattaway asked who the people were that were supposed to serve on the Committee. Are they School Board Members, appointees from the general public, or from some other source?

Mr. Matthews said that these people could be from Staff or members of the community.

Commissioner Hattaway said that the Committee seemed to contain people from all areas except members of the public.

Commissioner Mahoney made a motion that the Board recommend approval to the Board of County Commissioners.

Commissioner Peltz seconded the motion.

The motion passed by unanimous vote.

PLANNING MANAGER'S REPORT

Matt West reported that in 1996 when the list of rights of way to be maintained by the County was compiled and approved, Onslow was not on the list.

In summarizing recent actions by the Board of County Commissioners, Mr. West stated that Kirtley Rezone was approved by the BCC, the Zelman Tract was approved, and that Celery Avenue was continued until an agreement with the City of Sanford on maintenance of Celery Avenue and the overlay agreement were in place.

OTHER BUSINESS

Commissioner Mahoney asked that the School Board reports be phrased to make them more relevant to the cases at hand.

Commissioner Mahoney also stated that he would like better maps. Maps should include at least 2 major roads and an intersection to help identify property location.

Also, the Commissioner questioned the staff making the judgment to take land as a condition of rezoning. Please make an investigation of this.

In closing, Commissioner Mahoney observed that in the past the lot compatibility analysis has been used as a tool, but tonight it was used as a presumption.

There was no further business.

ADJOURNMENT

The meeting was adjourned at 10:10 P.M.