SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM

SUBJECT: Celery Avenue Administrative Large Scale Land Use Amendment

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Matthew West **EXT.** 7373

Agenda Date 7/16/03 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION

1. Recommend approval to the Board of County Commissioners of an administrative comprehensive plan amendment from Suburban Estates to Low Density Residential and Mixed Development for approximately 618 acres, located on the north and south sides of Celery Avenue; or
2. Recommend denial to the Board of County Commissioners of an administrative comprehensive plan amendment from Suburban Estates to Low Density Residential and Mixed Development for approximately 618 acres, located on the north and south side of Celery Avenue;
3. Recommend a continuance until a date certain.

District 5, McLain Matthew West, Planning Manager

BACKGROUND

The Board of County Commissioners directed planning staff to process two administrative land use amendments for the Celery Avenue corridor area. The first area, known as Section One, comprising approximately 516 acres, is an administrative land use amendment request from Suburban Estates to Low Density Residential. The remaining 94 acres, known as Section Two, is an administrative land use amendment request from Suburban Estates to Mixed Development.

Reviewed by:
Co Atty: KZC
DFS:
OTHER: MW
DCM:
CM:

File No. Z2002-017
02F.ADM01

You will recall that this matter was presented to the Planning and Zoning Commission at a special meeting on September 18, 2002. There was considerable discussion and a motion to

approve with conditions failed due to a lack of majority vote (see attached meeting minutes). Since then, the related Joint Planning Agreement (JPA) with the City of Sanford has been revised and approved by the Sanford City Commission at its meeting of April 28, 2003. The JPA is scheduled for County Commission action on August 26, 2003. The Joint Planning Agreement, which is listed earlier on this same agenda, includes language that caps all residential development density in Section 1 to no more than 3 dwelling units per acre as calculated by Seminole County Comprehensive Plan. Also, the agreement includes a statement that the City will take maintenance and responsibility for Celery Avenue by the end of 2013. The agreement also caps the residential density of section 2 at no more than 6 dwelling units per acre according to the Seminole County Comprehensive Plan.

Since the amendments were first proposed, the City of Sanford has approved two single family residential subdivisions which will permit up to 600 new homes in the area. Additionally, the City of Sanford has planned over $45 million in sewer and potable water upgrades and improvements and anticipates installing a new lift station to expand capacity in the Celery Avenue Corridor area.

PLANNING STAFF RECOMMENDATION

Planning staff recommends the transmittal to the Florida Department of Community Affairs of the administrative land use amendment from Suburban Estates to Low Density Residential for review. However, planning staff does not recommend adoption of the Low Density Residential land use until an interlocal agreement with the City of Sanford is approved by both jurisdictions, as detailed below, with findings that the Low Density Residential land use, as proposed, would be:

1. Consistent with Vision 2020 Plan policies, including policies related to the Low Density Residential land use designation; and
2. Compatible with adjacent Suburban Estates land use; and
3. An appropriate transitional use at this location; and
4. Consistent with the trends for the development of single family residential subdivisions along the Celery Avenue Corridor within the City of Sanford; and
5. The proposed Low Density Residential land use represents an orderly progression from developed areas from the west to the east.

Planning staff recommends the transmittal to the Florida Department of Community Affairs of the administrative land use amendment from Suburban Estates to Mixed Development for review. However, Planning Staff does not recommend adoption of the Mixed Use Development land use until an interlocal agreement with the City of Sanford is approved by both jurisdictions as detailed below with findings that the Mixed Use Development, as proposed, would be:

1. Consistent with Vision 2020 Plan policies, including policies related to the Mixed Use Development land use designation; and
2. Compatible with adjacent Suburban Estates, Low Density Residential, and Industrial land uses; and
3. An appropriate transitional use at this location.

Planning staff also recommends that the County and the City of Sanford adopt an interlocal agreement with the following conditions prior to the adoption of the administrative land use amendments:

1. A zoning overlay for the Celery Avenue Corridor is created and caps the residential density within Section One at 3 dwelling units per net buildable acre;
2. Require central water and sewer services for developments with an intensity greater than one dwelling unit per net buildable acre; and
3. The City of Sanford will assume the maintenance of Celery Avenue through the adoption of a separate interlocal agreement that will address the time and method of transfer.

Attachments: Site Maps, Staff Analysis, P&Z Minutes from 9/18/2002

Celery Avenue

Suburban Estates to Low Density Residential (Section One) and Suburban Estates to Mixed Development (Section Two)	Amendment 02F.ADM01

REQUEST	
APPLICANT	Seminole County
PLAN AMENDMENT	Section One: Suburban Estates to Low Density Residential (max. 3 du/ac) Section Two: Suburban Estates to Mixed Development
REZONING	Not requesting rezoning at this time
APPROXIMATE GROSS ACRES	640
LOCATION	North and south sides of Celery Avenue
SPECIAL ISSUES	In Fall 2001, the County Planning Staff presented a similar administrative land use request to the Board for approval. However, the Board voted not to transmit the proposed amendments to the Department of Community Affairs.
BOARD DISTRICT	#5 – Commissioner McLain

RECOMMENDATIONS AND ACTIONS

STAFF RECOMMENDATION July 16, 2003	Planning staff recommends the transmittal to the Florida Department of Community Affairs of the administrative land use amendment from Suburban Estates to Low Density Residential for review. However, planning staff does not recommend adoption of the Low Density Residential land use until an interlocal agreement with the City of Sanford is approved by both jurisdictions, as detailed below, with findings that the Low Density Residential land use, as proposed, would be: 1. Consistent with Vision 2020 Plan policies, including policies related to the Low Density Residential land use designation; and 2. Compatible with adjacent Suburban Estates land use; and 3. An appropriate transitional use at this location; and 4. Consistent with the trends for the development of single family residential subdivisions along the Celery Avenue Corridor within the City of Sanford; and 5. The proposed Low Density Residential land use represents an orderly progression from developed areas from the west to the east. Planning staff recommends the transmittal to the Florida Department of Community Affairs of the administrative land use amendment from Suburban Estates to Mixed Development for review. However, Planning Staff does not recommend adoption of the Mixed Use Development land use until an interlocal agreement with the City of Sanford is approved by both jurisdictions as detailed below with findings that the Mixed Use Development, as proposed, would be: 1. Consistent with Vision 2020 Plan policies, including policies related to the Mixed Use Development land use designation; and 2. Compatible with adjacent Suburban Estates, Low Density Residential, and Industrial land uses; and 3. An appropriate transitional use at this location. Planning staff also recommends that the County and the City of Sanford adopt an interlocal agreement with the following conditions prior to the adoption of the administrative land use amendments: 1. A zoning overlay for the Celery Avenue Corridor is created and caps the residential density within

	Section One at 3 dwelling units per net buildable acre; 2. Require central water and sewer services for developments with an intensity greater than one dwelling unit per net buildable acre; and 3. The City of Sanford will assume the maintenance of Celery Avenue through the adoption of a separate interlocal agreement that will address the time and method of transfer.

STAFF ANALYSIS

Suburban Estates to Low Density Residential (Section One) And Suburban Estates to Mixed Development (Section Two)	Amendment 02F.ADM01

1. **Property Owner(s):** Various (please see attached property owners listing for detailed information)

2. **Tax Parcel Number(s):** Various (please see attached property owners listing for detailed information)

Development Trends: The area consists of primarily large acre agricultural tracts interspersed with homes on large lots greater than one acre used as ranchettes or estate homes. Both land use amendment areas are included in the 1991 Joint Planning Agreement between Seminole County and the City of Sanford. In particular, the Celery Avenue Corridor Area was identified as developing as intensely as the City's Low Density Residential classification of six (6) dwelling units per acre. Within the past two years, the City approved two single family subdivisions in the vicinity, which will permit the construction of up to 600 new homes. It should be noted that a Joint Planning Agreement (JPA) has been negoitiated between the City of Sanford and Seminole County which incorporates a zoning overlay district and will cap the density at 3 dwelling units per acre for those properties designated as Low Density Residential along the Celery Avenue Corridor. The Sanford City Commission approved the JPA on April 28, 2003, and the BCC will consider the JPA on August 26, 2003.

The Florida Turnpike Authority is conducting a feasibility study for an extension of the Central Florida Greeneway to I-95 in Volusia County, which could affect the study area. In addition, with the increased marketability and proposed expansion of the Orlando Sanford International Airport, the Celery Avenue Corridor area will become more attractive for potential housing options for the airport employees.

Finally, the County has brokered a lease with the State of Florida for approximately 60 acres located on the north and south sides of Celery Avenue, known as the IFAS property, for the development of a regional stormwater retention facility, as well as a trailhead, several recreational ball fields, and a Public Works facility.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:**

   a. The existing Suburban Estates land use would permit the development of agricultural or residential uses (at a maximum net density of 1 dwelling unit/acre) on the site.

   b. The proposed land use (LDR) could potentially permit the development of 1600 single family residential dwelling units.

   c. The proposed land use (MXD) could potentially permit the development of mixed use developments that have both residential and non-residential components. Within the Mixed Development land use classification, multi-family residential projects may develop with densities up to 6 dwelling units per net buildable acre, potentially developing 564 dwelling units.

Section One

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	Vacant/Agriculture Uses/Large lot homes
North	Suburban Estates and Conservation	A-1	Vacant/Agriculture Uses/Large lot homes/Conservation
South	Low Density Residential and Industrial	A-1, M-1, and R-AH	Vacant/Agriculture Uses/Single Family Residential
East	Suburban Estates and Low Density Residential	A-1 and R-1AA	Vacant/Agriculture Uses/Single Family Residential
West*	Low Density Residential and the City of Sanford	R-1AA and the City of Sanford	Single Family Residential and Conservation

Section Two

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	Vacant/Agriculture Uses/Large lot homes
North	Suburban Estates and Low Density Residential	A-1	Vacant/Agriculture Uses/Single Family Residential
South	Suburban Estates	A-1	Vacant/Agriculture Uses/Large lot homes
East	Suburban Estates	A-1	Vacant/Agriculture Uses/Large lot homes
West	Suburban Estates	A-1	Vacant/Agriculture Uses/Large lot homes

* See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts:

A. **Traffic Circulation - Consistency with Future Land Use Element:**
In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element, Design Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element and adopted Design Element. (Transportation Element Policy 2.1)

Access to the subject area is primarily along Celery Avenue. The road is substandard concerning pavement width, shoulders, drainage, and intersection improvements, and would need to be improved to County standards prior to accommodating additional development. Access may also be gained to individual parcels within the subject area via Beardall, Sipes, Brisson, and Cameron Avenues, all of which are substandard old farm roads with a roadway width of 18 to 20 feet, inadequate drainage, and in many cases an inadequate structural base. Policy FLU 6.3 of the Vision 2020 Plan states that the County shall require that all development provide services and facilities or phase development as a condition of approval if development needs precede adopted service and facility plans.

A traffic analysis for the Celery Avenue area was prepared. Celery Avenue is currently operating at a LOS "A". Celery Avenue between Sanford Avenue and Mellonville Avenue will operate at LOS "F" in 2020. The other links will operate at a LOS "E" or better. SR 46 between Mellonville Avenue and SR 415 is currently failing as a two-lane road with a LOS of "F". This segment of the SR 46 corridor has been identified for roadway expansion and improvements in the Florida Department of Transportation Long Range Transportation Plan by the year 2020.

The Engineering Division conducted a preliminary review of the Midway area roadways and concluded that in order to provide the necessary safety improvements as required by current codes, an estimated $11.7 million would have to be allocated collectively to Brisson, Sipes, Beardall, and North Cameron Avenues to upgrade them to County Standards. Through the approval of the second generation 1¢ Sales Tax, the Celery Avenue corridor will receive some drainage improvements, but no monies are allocated for correcting pavement deficiencies. By the stipulations of the JPA negotiated by the City and the County, Sanford will assume ownership and maintenance responsibility of Celery Avenue by the end of 2013.

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

County Staff believes that an interlocal agreement with the City of Sanford capping the residential development density within Section One at 3 dwelling units per acre will reduce the burden on Celery Avenue as opposed to a development scenario whereby the City would develop the Corridor area with 6 dwelling units per acre. Essentially, the interlocal agreement would be cutting the potential impact of new residential development along the Celery Avenue Corridor by 50%.

Lastly, the County's Trails program plans to construct a trail along the north side of Celery Avenue with a major trailhead located on the IFAS property. This trail is in the planning stages at this time.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps**:

Figure 11.1 and Figure 14.1 display the water and sewer service area maps for Seminole County. The subject properties are within the Seminole County water and sewer service areas.

The subject area is within the City of Sanford water and sewer service area. The City of Sanford has planned over $45 million in sewer and potable water upgrades and improvements and anticipates installing a new lift station to expand capacity in that area. In addition, the new sewage treatment plant south of the Airport will be completed in about two years. At that time Celery Avenue will be accommodated by the new treatment facility. In the meantime, the new lift station will allow adequate sewage treatment for existing and currently proposed development on Celery Avenue. The City of Sanford further states that the existing water lines are adequate for the existing and proposed development on Celery Avenue. Development beyond what is currently proposed may warrant additional water capacity and future needs would be assessed concurrent with future development proposals.

Policy FLU 6.4 of the Vision 2020 Plan states that the County shall not approve any residential subdivisions or non-residential development without connecting to urban services. Therefore, any proposed development that exceeds one dwelling unit/net buildable acre will be required to connect to water and sewer services.

C. **Public Safety – Adopted Level of Service**: *The County shall maintain adopted levels of service for fire protection and rescue…as an average response time of five minutes (Public Safety Policy 12.2.2)*

The property is served by the Seminole County EMS/Fire Rescue Fire Station (Station # 41) and by the City of Sanford EMS/Fire Rescue Fire Station (Station #31). Response time to the site is less than 5 minutes, which meets the County's average response time standard.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan, but are not applied in detail at this stage.

A. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection**: *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1)*

and Wetlands (W-1) Overlay Zoning classifications….(Future Land Use Policies 1.1, 1.2, 1.3).

According to the County's Geographic Information Systems (GIS) data approximately 179 acres or twenty-eight percent (28%) of the subject area is considered wetlands and/or floodprone. The subject area is located within the County's urban service boundary, which may permit the development and mitigation of the wetlands, as long as the ability of the urban wetlands are able to retain their pre-development hydrology/hydro-period shall be maintained and not compromised by development activities. (Policy Con 7.7).

B. **Protection of Endangered and Threatened Wildlife**: *The County shall continue to require, as part of the Development Review Process, that prior to development approval, proposed development to coordinate with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife. (Conservation Policy 3.13)*

Prior to submission of final engineering plans for development within the subject area, a survey of threatened and endangered and species of special concern will be required to determine the presence of any endangered or threatened wildlife. If any listed species are found to be potentially impacted by proposed development, permits from the appropriate agencies will be required.

4. DEVELOPMENT POLICIES – Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location and timing of the proposed amendment.

A. **Compatibility**: When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Seminole County Comprehensive Plan , known as Vision 2020 Plan, (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property, no creation of new strip commercial developments through plan amendments, etc.)

1. **Transitional Land Uses:** *The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and*

non-residential uses, between varying intensities of residential…Exhibit Future Land Use: Appropriate Transitional Land Uses is to be used in determining appropriate transitional uses.

FLU Exhibit 2 of the Future Land Use Element indicates that Low Density Residential is an appropriate transitional land use adjacent to the Suburban Estates land use to the north and east. To the south of section one, there is some Industrial and Low Density Residential land uses. In 2000, the County revised the active/passive buffer requirements of the Land Development Code (Ordinance 2000-13). The revised Code states that the active/passive buffer requirements shall not be applied to a parcel if (1) the parcel has existed adjacent to a parcel that would not have required active/passive buffers, and (2) the adjacent parcel has received a residential land use designation after March 1, 2000, that would otherwise require the enforcement of the buffer requirements, thus, shifting the burden for any buffering from the industrial land uses upon the residential developer.

FLU Exhibit 2 is silent to the appropriateness of Mixed Development adjacent to other land use classifications. Through the rezoning of said properties from A-1 (Agriculture) to PUD (Planned Unit Development) or PCD (Planned Commercial Development), will ensure that sensitive site design, buffering and transitioning of uses will appropriately determine the compatibility of the proposed development adjacent to the Low Density Residential, Industrial, and Suburban Estates land uses.

2. **MIXED DEVELOPMENT (MXD):** *This land use provides for a mix of uses within a development site or within a multiple parcel area to encourage flexible and creative design, to protect established residential neighborhoods from adverse impacts from nonresidential development and to reduce the cost of public infrastructure. The Mixed Development designation allows for a transition of uses from parcel to parcel to protect residential uses from adverse impacts of nonresidential uses. (Vision 2020 Comprehensive Plan – Definition of Mixed Development)*

During the 2000-2001 SR 415/Celery Avenue Study, it was identified that as development intensities increase in the area, there may be a need for additional neighborhood commercial uses to support the community. Therefore, Planning Staff identified those properties adjacent to Cameron Avenue and Celery Avenue, Section Two (2), as an area that could support some neighborhood commercial uses. Planning Staff believes that through sensitive site design, limitation of uses and the area's close proximity to SR 415, a minor arterial road, and Celery Avenue, a collector road, some commercialization at these intersections would not set a precedent for strip development.

Other applicable plan policies include:

Conservation Easements Policy FLU 1.4
Historic and Archaeological Resources Policy FLU 1.9

Wetlands Protection Policy FLU 1.3
Transitional Land Uses Policy FLU 2.5
Water and Sewer Service Expansion Policy FLU 5.5
Mixed Use Developments Policy FLU 5.16
Infrastructure and Phasing Requirements Policy LFU 6.3
Relationship of Land Use to Zoning Classifications Policy FLU 12.4
Wetlands Regulation Policy CON 3.4
Flood Prone Overlay Zoning District: Policy CON 3.5
Conservation Easements: Conservation Element Policy CON 3.9
Agency Regulation Coordination: Conservation Element Policy CON 3.10
Promote Mixed Use Centers Policy TRA 5.2
Criteria for Designation of New Mixed Use Centers Policy TRA 5.10
Municipal Participation Policy TRA 14.13
Multi-Jurisdictional Review Policy TRA 14.14

B. **Concurrency Review - Application to New Development**: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety level of service standards and schedules of capital improvements…shall be applied and evaluated…consistent with policies of the Implementation Element…(Capital Improvements Policy 3.2)*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

5. COORDINATION – Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

A. **Plan Coordination:** *The County shall continue to coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land (Intergovernmental Coordination Policy 8.2.12). Seminole County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies …as the County is now a charter County (Intergovernmental Coordination Policy 8.3.3)*

SPECIAL MEETING OF THE
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
September 18, 2002 - 7:00 P.M.
MINUTES

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

Board Absent
Paul Tremel

Staff Present:
Matt West, Planning Division Manager
Amanda Smith, Planning Division
Kathy Fall, Planning Division
Karen Consalo, Assistant County Attorney

I. CALL TO ORDER

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

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

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

Motion passed by consensus.

II. ROLL CALL

Quorum was established.

III. ACCEPTANCE OF PROOF OF PUBLICATION

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

Motion passed unanimously. (7-0)

IV. APPROVAL OF MINUTES

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

V. OLD BUSINESS

No Old Business was presented.

VI. NEW BUSINESS

C. Celery Avenue Administrative Large Scale Comprehensive Plan Amendment, Seminole County; *Administrative Large Scale Comprehensive Plan Amendment From Suburban Estates (SE) to Low Density Residential (LDR); Located on the north and south sides of Celery Avenue from the Sanford City limits on the west to a point west of Cameron Avenue.*
Commissioner McLain - District 5 *Amanda Smith, Senior Planner*

(SECTION TWO)

Celery Avenue Administrative Large Scale Comprehensive Plan Amendment, Seminole County; *Administrative Large Scale Comprehensive Plan Amendment From Suburban Estates (SE) to Mixed Development (MXD); Located south of Celery Avenue, between Chickasaw Drive and approximately 1,373' west of Cameron Avenue.*
Commissioner McLain - District 5 *Amanda Smith, Senior Planner*

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

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

The area consists of primarily large acre agricultural tracts interspersed with homes on large lots greater than one acre used as ranchettes or estate homes. Both land use amendment areas are included in the 1991 Joint Planning Agreement between Seminole County and the City of Sanford. In particular, the Celery Avenue Corridor Area was

identified as developing as intensely as the City's Low Density Residential classification of six (6) dwelling units per acre.

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

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

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

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

1. Consistent with Vision 2020 Plan policies related to the Low Density Residential and Mixed Development land use designations; and
2. Consistent with adjacent Suburban Estates, LDR, and Industrial land uses; and
3. Appropriate transitional use at this location; and

4. Consistent with the development trends for the development of single family residential subdivisions along the Celery Avenue Corridor within the City of Sanford; and

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

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

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

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

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

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

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

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

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

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

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

Chairman Tucker asked if that was a yes or no?

Ms. Gerli said that was a yes.

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

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

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

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

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

Mr. West said the County would not oppose it.

Commissioner Mahoney asked how this agreement was memorialized?

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

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

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

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

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

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

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

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

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

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

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

Mr. West said that was correct.

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

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

Mr. West said that was correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Bates asked what was proposed to Sanford on Monday?

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

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

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

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

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

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

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

Mr. West said that was correct.

PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Tucker asked what the County's calculation was.

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

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

Mr. West said yes.

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Gerli said no.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. West said that was correct.

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

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

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

Second by Commissioner Harris.

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

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

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

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

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

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

Chairman Tucker still feels that something can be done.

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

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

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

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

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

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

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

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

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

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

Second by Commissioner Harris.

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

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

A. Heathrow Elementary; Seminole County School Board Dianne Kramer; *approximately 45 acres; rezone from A-1 (Agriculture) to PLI (Public Lands and Institutions); 5715 Markham Woods Road.*
Commissioner McLain -District 5 *Kathy Fall, Senior Planner*

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

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

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

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

Staff findings on this request are:

1. The proposed rezoning is consistent with the Vision 2020 Plan policies related to the Suburban Estates future land use designation in the Wekiva River Protection Area and the East Lake Sylvan Transitional Area.

2. The proposed rezoning is compatible with adjacent residential uses.

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

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

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

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

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

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

<u>PUBLIC COMMENT</u>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Motion passed unanimously. (6-0)

820 ***B. Seminole County School Board, Dianne Kramer*** *request an*
821 *ordinance revising Policy FLU 1.7 of the Future Land Use Element of the*
822 *County's Comprehensive Plan.*
823 *Countywide* *Kathy Fall, Senior Planner*

824 The Seminole County School Board is requesting to amend FLU Policy 1.7, Wekiva River
825 Protection. This was amended on October 26, 1999 to address the location of Public
826 Schools. These amendments included a revision to FLU Policy 1.7 to prohibit public
827 middle and high schools within the Wekiva River Protection Area.

828 The Seminole County School Board did not object to the 1999 amendment because it
829 was not apparent that land owned by the Board would be affected. Recently, it was
830 discovered that north 300 feet of the north portion of the School Board's property,
831 approximately 8 acres adjacent to Heathrow, is included in the Wekiva River Protection
832 Area. Furthermore, staff wishes to clarify that the said restriction should apply to public
833 and private middle and high schools. Therefore staff recommends that "public" be
834 struck from FLU Policy 1.7.

835 The text amendment as proposed by the Seminole County School Board is as follows:

836 Policy FLU 1.7

837 **Current:** Notwithstanding any other provision of this Plan, public middle schools
838 and public high schools shall not be permitted on property within the
839 Wekiva River Protection Area.

840 **Proposed:** Notwithstanding any other provision of this Plan, middle schools and high
841 schools shall not be permitted on property within the Wekiva River
842 Protection Area outside of the East Lake Sylvan Transitional Area.

843 The language, as proposed, would allow the placement of middle and high schools on
844 land within the East Lake Sylvan Transitional Area. This proposed text amendment
845 would lift restrictions on the northern portion of the School Board's property, as it is
846 located within the East Lake Sylvan Transitional Area.

847 Included in the agenda package is a letter from the Seminole County School Board,
848 which supports its reasons for the text amendment.

849 STAFF FINDINGS

850 1. It was not the intention of staff to restrict the use of property owned by the
851 Seminole County School Board, prior to October 26, 1999. It was intended to
852 prevent additional properties within the Wekiva River Protection Area from being
853 developed as middle or high schools; and

854 2. Elementary schools and middle schools are similar in respect to the type and the
855 intensity of impacts to the surrounding areas. High schools, on the other hand
856 have a much higher intensity and greater impacts to the surrounding area. This,
857 in part, is due to the larger student body, the amount of traffic generated; and
858 the greater demand for sports facilities and extracurricular activities; and,
859 nighttime and weekend events. Therefore, staff proposes prohibiting high

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

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

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

Ms. Fall said no, we would not.

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

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

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

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

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

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

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

PUBLIC COMMENT

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

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

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

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

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

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

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

Second by Commissioner Harris.

Motion passed unanimously. (6-0)

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

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

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

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

Mr. West said that means there is no recommendation.

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

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

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

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

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

VII. Planning Manager's Report

No Planning Manager's Report was given.

VIII. OTHER BUSINESS

There was no Other Business.

IX. ADJOURNMENT

Meeting adjourned at 8:45 p.m.