

ITEM # _____

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

(CONTINUED FROM JUNE 16, 2003)

SUBJECT: Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) –
Lake Jesup Woods (Hugh Harling – applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Matthew West CONTACT: Tony Walter EXT. 7375

Agenda Date July 23, 2003 Regular Work Session Briefing
Special Hearing – 6:00 Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. Recommend enactment of an ordinance for a rezoning from Agriculture (A-1) to Planned Unit Development (PUD) for 81 acres located on the south side of Myrtle Street west of Hester Avenue at the requested 2 ½ units per net buildable acre density; or
2. Recommend enactment of an ordinance for a rezoning from Agriculture (A-1) to Planned Unit Development (PUD) for 81 acres located on the south side of Myrtle Street west of Hester Avenue at an alternative density; or
3. Recommend denial of a rezoning from Agriculture (A-1) to Planned Unit Development (PUD); or
4. Recommend continuation to the Fall 2003 Amendment.

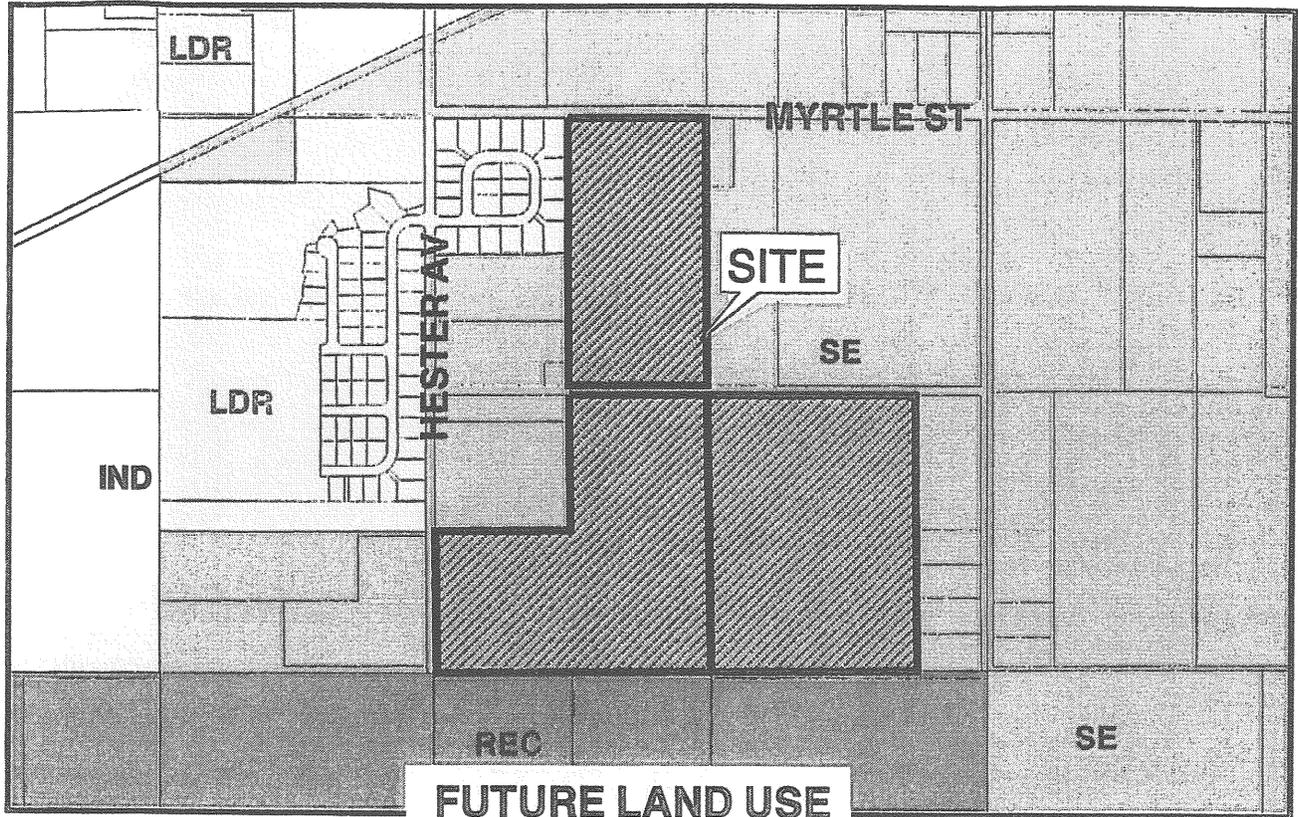
(District – 5, McLain) (Tony Walter, Principal Planner)

BACKGROUND:

The applicant requests a rezoning of approximately 81 acres from A-1 (Agriculture) to PUD (Planned Unit Development) for the development of a single-family residential subdivision on a site located south of Myrtle Street and east of Hester Avenue. The applicant is proposing up to 133 dwellings in a clustered concept at a net density of 2 ½ du/acre.

At the February 20, 2002 meeting the LPA/P&Z considered the applicants request to change the land use from Suburban Estates to Low Density Residential and rezoning from

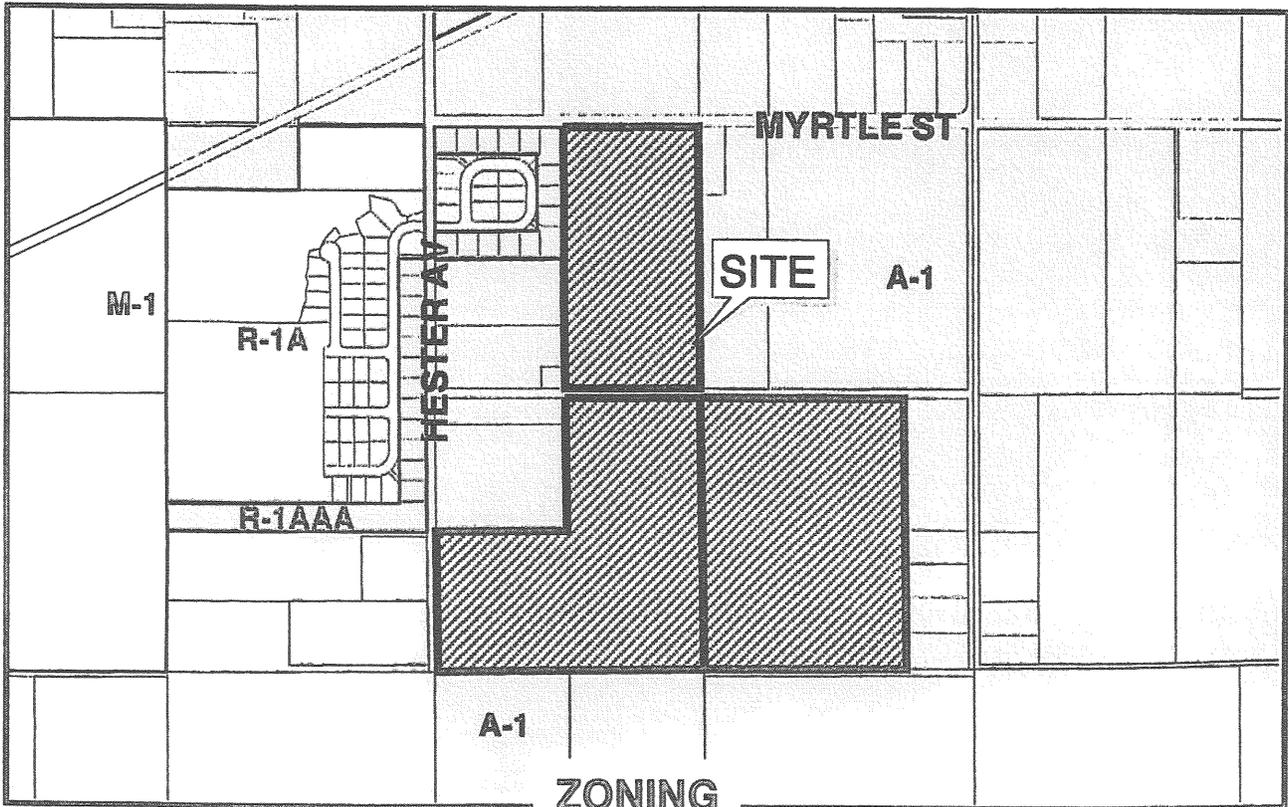
Reviewed by: ATC
Co Atty: _____
DFS: _____
OTHER: MW
DCM: _____
CM: _____
File No. Z2001-009 /
01F.FLU01



Site
 Municipality
 SE
 LDR
 REC
 IND

Applicant: Lake Jessup Woods
 Physical STR: 23-20-03-5AQ-0000-1090,1030, &1150
 Gross Acres: +/- 81 BCC District: 5
 Existing Use: Vacant Residential & Vacant Acreage
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	01F.FLU1	SE	LDR
Zoning	Z2001-009	A-1	PUD



A-1
 M-1
 R-1A
 R-1AAA

A-1 (Agriculture) to R-1AA (Single Family Dwelling). Subsequently the applicant's request was changed to a rezoning from A-1 (Agricultural) to PUD (Planned Unit Development).

On April 9, 2002, the Board of County Commissioners voted unanimously to transmit the large scale land use amendment from Suburban Estates to Low Density Residential to the Florida Department of Community Affairs (DCA) for review, with the 9 conditions, one being the rezoning of the property to PUD (Planned Unit Development), detailed in the Executive Summary. On June 28, 2002, the Florida Department of Community Affairs issued an Objections, Recommendations, and Comments Report (ORC) regarding this particular land use amendment recommending the proposed amendment not be adopted prior to the applicant addressing the comments detailed in the Executive Summary and the Myrtle Street Special Area Study being completed.

To date, the wetlands delineation has not been completed and certified by SJRWMD. The applicant has not addressed the Florida Department of Community Affairs ORC Report comments specifically as it refers to the suitability for development considering natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains and wetlands. The preliminary master plan does not include the analysis of impacts to roads, utilities and other public services, minimum lot size and minimum lot width and transitioning to half acre lots on the east boundary. The preliminary master plan does not demonstrate how the plan implements conservation village concepts and the preservation of sensitive lands to support the requested increase in density.

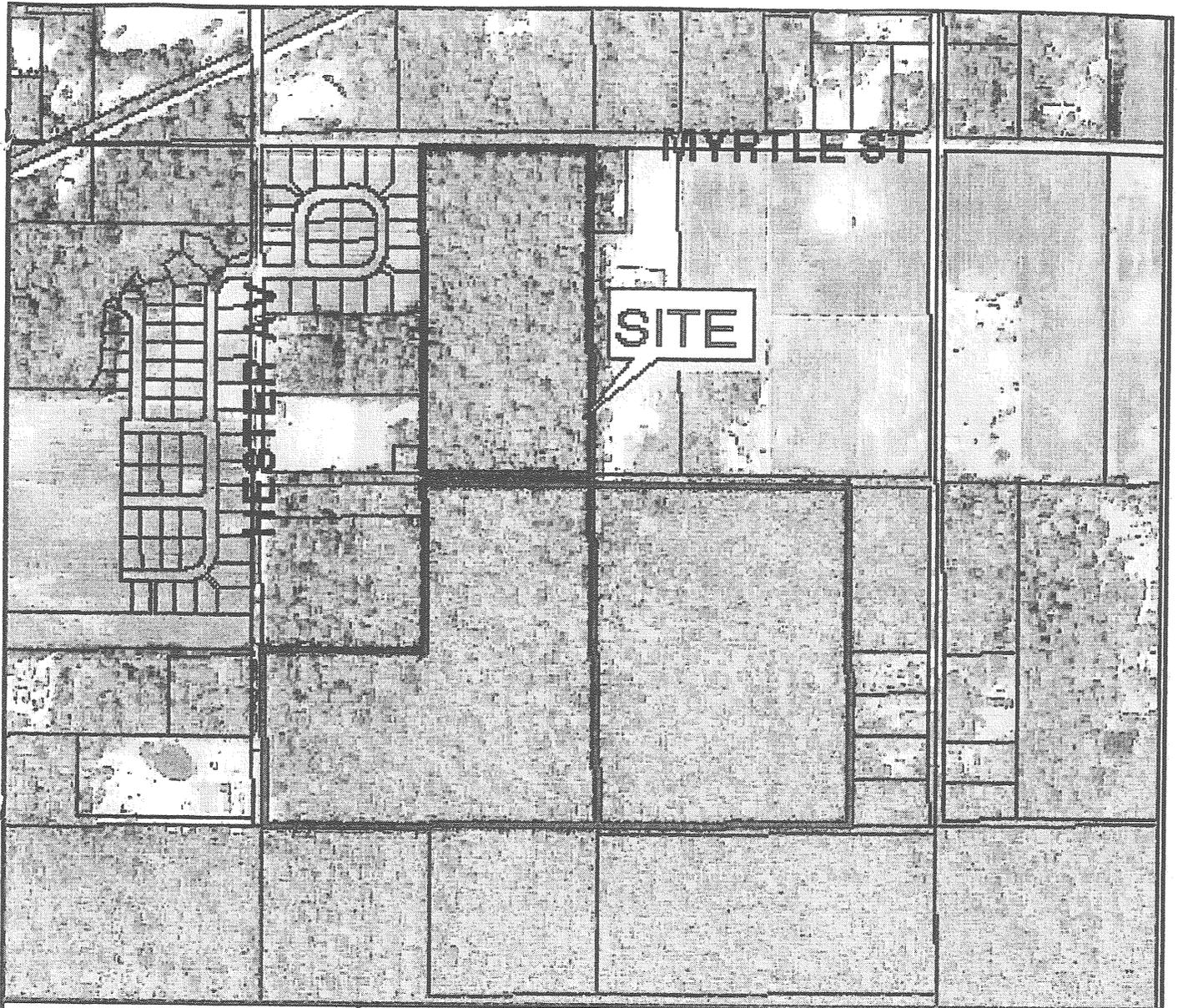
STAFF RECOMMENDATION:

Planning Staff recommends denial of the requested rezoning or continuation until all the required documentation is provided and can be analyzed. If the P&Z opts to recommend continuation, the Fall 2003 Large Scale Land Use Amendment Cycle is the earliest this request could be reconsidered.

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If the Board of County Commissioners approves the requested rezoning, staff will prepare an ordinance reflecting this change. If the requested future land use amendment is approved it will be enacted by the Spring Cycle Amendment Ordinance along with the Energy Element text amendment and the Banana Lake future land use amendment.

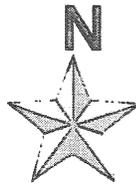
Attachments:

Future Land Use and Zoning Map
Executive Summary
Preliminary Master Plan
Staff Analysis
Objections, Recommendations and Comments Report
BCC Minutes – September 24, 2001 & April 9, 2002
LPA/P&Z Minutes – August 1, 2001 & February 20, 2002



Rezone No. Z2001-009
From: A-1 To: R-1AA

-  Subject Property
-  Parcelbase



February 1999 Color Aerials

EXECUTIVE SUMMARY
for
**Lake Jesup Woods Large Scale Land Use
Amendment Staff Analysis**

Suburban Estates to Low Density Residential		Amendment O1F.FLU01 & PZ01-09
REQUEST		
APPLICANT	Hugh W. Harling, P. E. (Harling Locklin & Associates, Inc.)	
PLAN AMENDMENT	Suburban Estates to Low Density Residential	
REZONING	A-1 (Agriculture) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	81	
LOCATION	South of Myrtle Street, east of Hester Avenue	
BOARD DISTRICT	#5 – McLain	
RECOMMENDATIONS AND ACTIONS		
Land Planning Agency/Planning and Zoning Commission August 1, 2001 and February 20, 2002	At the August 1, 2001, and the February 20, 2002, LPA/P&Z public hearings, the LPA/P&Z unanimously recommended denial of the Large Scale Land Use Amendment from Suburban Estates to Low Density Residential and rezoning from A-1 (Agriculture) to R-1AA (Single Family Dwelling).	
Board of County Commissioners April 9, 2002	<p>PLAN AMENDMENT: The Board of County Commissioners voted 5 to 0 to transmit a large scale comprehensive plan amendment from Suburban Estates to Low Density Residential to the Department of Community Affairs for review.</p> <p>REZONING: The Board of County Commissioners will consider the proposed PUD (Planned Unit Development) at the adoption hearing with the following commitments volunteered by the applicant which will be addressed prior to the adoption of the land use amendment:</p> <ol style="list-style-type: none"> 1. The developer shall submit a PUD zoning plan that will be evaluated by the LPA and staff. 2. The wetlands shall be delineated in order to ensure adequate buffering and a means to transition lot sizes from the west to the east to 	

	<p>ensure the compatibility of the rural like character of the area.</p> <ol style="list-style-type: none"> 3. There shall be a transitioning of lot sizes within the proposed subdivision with an overall density of 2.5 units/net buildable acre and a maximum density of 2.0 units/net buildable acre along the eastern property line. 4. There shall be a 100' natural buffer along the northern property line, excluding the ingress/egress easement. 5. The applicant pays his prorata share for County water and sewer facilities to service the Lake Jesup Woods property. 6. The applicant pays his prorata share for signalization at the intersection of Hester Avenue and CR 427 and improvements to the railroad crossing on Hester Avenue, which may include signalization. 7. There shall be no net loss of wetlands within the Lake Jesup Basin. 8. The applicant commits to paying his prorata share of improving Myrtle Street to County Standards and paying their prorata share of offsite improvements to Hester Avenue to bring this road up to County Standards to include but not limited to road pavement, right of way, drainage and sidewalk standards. Improvements to be determined at the time of PUD final master site plan approval.
<p>Florida Department of Community Affairs June 28, 2002</p>	<p>On June 28, 2002, the Florida Department of Community Affairs issued an Objections, Recommendations, and Comments Report (ORC) regarding this particular land use amendment. The State recommends that the County should not adopt the proposed land use amendment until the Myrtle Street Special Area Study is concluded and the applicant has addressed the State's comments pertaining to the suitability for development considering the following: natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains, and wetlands</p>
<p>Myrtle Street Special Area Study</p>	<p>At the direction of the Board of County Commissioners (BCC) Phase I and II of the Myrtle Street Special Area Study have been completed. At their March 11, 2003 meeting the BCC accepted the study and selected the Conservation Village Concept as the preferred development pattern for the Myrtle Street Area. The BCC instructed the staff to conduct a Phase III study for their consideration to determine the</p>

	feasibility and benefits of the Conservation Village Concept to the property owners, development community and the County and develop comprehensive plan policies, land development code changes and incentives to encourage implementation of the concept. Phase III is scheduled to be completed by the end of the summer.
Board of County Commissioners August 13, 2002 and September 10, 2002	This item was continued at the request of the owner's representative.
Staff Recommendation July 16, 2003	<p>To date, the following items have not been addressed by the applicant:</p> <ol style="list-style-type: none"> 1. the wetlands delineation from SJRWMD has not be provided; 2. the preliminary master plan does not address the following; <ol style="list-style-type: none"> a. minimum lot size and minimum lot width, b. transitioning of lot sizes to half acre lots on the east; c. demonstrate what is being proposed to further the Conservation Village Concept and support increased density and preservation of sensitive lands; 3. the response to the ORC Report has not been submitted. <p>Planning staff recommends denial of the requested rezoning or continuation until all the required documentation is provided and can be analyzed. If the P&Z opts to recommend continuation, the Fall 2003 Large Scale Land Use Amendment Cycle is the earliest this request could be reconsidered.</p>

Lake Jessup Woods Large Scale Land Use Amendment Staff Analysis

**Suburban Estates to Low Density
Residential**

**Amendment
O1F.FLU01
& PZ01-09**

1. **Property Owner(s):** Lake Jessup Woods
2. **Tax Parcel Number(s):** 23-20-30-5AQ-0000-1090, 23-20-30-5AQ-0000-1030, and 23-20-30-5AQ-0000-1150
3. **Applicant's Statement:** Amendment of the Seminole County Vision 2020 Comprehensive Plan to re-designate the 81.3+/- acre subject site from Suburban Estates (SE) to Low Density Residential (LDR). Based upon the proposed development program, the project will consist of an estimated 130 ± single-family residences. The subject site is in an area that is a logical expansion of low density residential to the southeast from the growing areas surrounding the City of Sanford. Urban services are available and the proposed land use (LDR) is a compatible use with the existing and proposed development pattern.

The applicant states that the proposed project is consistent with the following Comprehensive Plan policies: 2.2.1 Subdivision Standards, 11.3.6 – Adopted Potable Water Services Area Map, 11.4.5 – Extension of Service to New Development, 11.3.6, Adopted Sanitary Sewer Service Area Map, and 14.4.4 – Extension of Service to New Development.

4. **Development Trends:** The area primarily consists of large acre tracts developed with single family residential dwelling units with some agricultural uses along Myrtle Street. Immediately to the east of the property is a horse stable with a lighted area for night riding. The Autumn Chase subdivision to the west of the subject property consists of both R-1A and R-1AAA sized lots and contains approximately 144 single-family lots. To the south of the subject property are state and county owned public/natural lands.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

- a. The existing zoning A-1 (Agriculture) and Suburban Estates land use would permit the development of agricultural, residential, and non-residential uses, such as churches (at a maximum net density of 1 dwelling unit/acre) on the site.
- b. The requested zoning (PUD) would permit the development of single family residential consistent with the maximum and average gross and net residential densities on the approved preliminary master plan.

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-1	Vacant
North	Suburban Estates	A-1	Vacant
South	Recreation	A-1	Vacant
East	Suburban Estates	A-1	Vacant, single-family residential and horse stables/farm
West	Suburban Estates and Low Density Residential	A-1, R-1A and R-1AAA	Single-family, retention pond and vacant

* 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 affect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Policy TRA 14.1).

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 and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Policies TRA 2.1, 5.1, and 8.1).

Access to the subject property is via Myrtle Street. The road is substandard in terms of pavement, storm drainage, and right-of-way width. The future developer would be responsible for bringing these roadways up to County standards.

B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps: *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County.*

The subject properties are within the Seminole County water and sewer service area. The applicant intends to utilize central water and sewer.

Potable Water Policy 11.4.5 and Sanitary Sewer Policy 14.4.4 both require that “new development fund the cost of extending water/sanitary sewer lines to serve their development. In the possible event of future development at urban densities greater than one dwelling unit per acre, urban services, such as potable water and sanitary sewer would be required.

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 Five Points Fire Station (Station # 35). 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 Vision 2020 Plan, but are not applied in detail at this stage.

A. Preliminary Development Orders: Capacity Determination: *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

Although the existing roadways are substandard, other public facilities to serve these properties would be adequate, and the proposed Plan amendment would create no adverse impacts on public facilities.

B. 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...(Policy FLU 1.2 and 1.3).*

On March 26, 2002, at the request of the applicant, the St. Johns River Water Management District (SJRWMD) and Seminole County staff met on-site to discuss the extent of the wetlands. Based on the site visit, there may be as much as 60 percent of the site impacted by wetlands. If these areas are classified as jurisdictional wetlands, they may not be counted towards the net acreage of each site. Per the Seminole County Land Development Code, the Wetlands Overlay Classification (W-1) shall apply to wetlands which are one half (1/2) acre in size or larger, have a direct hydrologic connection to a one half (1/2) acre or larger wetland, or their adjacent areas. The County typically requires that the post-development wetlands be protected by a conservation easement and A-1 portions of the site impacted by wetlands not be rezoned. Prior to a final determination on the rezoning boundaries, field verification by the SJRWMD will be required to determine if the wetlands are classified as jurisdictional.

C. Protection of Endangered and Threatened Wildlife: *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes 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 prior to development approval (CON Policy 3.13).*

The Natural Resources Officer has determined that there are two eagles' nests in the vicinity of the subject area, which may restrict any construction within 750 feet and loud noises within 1500 feet of the nests during the nesting season.

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

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describes 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 Vision 2020 Plan (e.g.,

appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, the proposed Low Density Residential land use would be consistent with Plan policies identified at this time and therefore is consistent with the Vision 2020 Plan.

Applicable Plan policies include, but not limited to, the following:

1. **Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

The applicant is proposing to change the future land use designation from Suburban Estates to Low Density Residential to develop a single-family residential subdivision with PUD zoning to construct approximately 130 ± houses on 81 acres. While the Low Density Residential land use designation is considered a compatible land use adjacent to Suburban Estates, the Vision 2020 Plan is silent on the appropriateness of transitioning LDR adjacent to Recreation. The intensity of the development as proposed does not provide any transitioning along the eastern boundary or buffering from the passive recreational and environmentally sensitive lands to the south.

2. **Determination of Compatibility in the Low Density Residential Future Land Use Designation:** *An objective procedure to ensure harmonious and appropriate transitional land uses relative to density, intensity, lot sizes, house sizes and setbacks among various residential zoning classification. (Policies FLU 2.10 and 12.7)*

In 1998, Seminole County adopted Ordinance 98-53, a procedure for determining the single-family residential zoning classification in a Low Density Residential land use. The procedure was applied to the proposed request and it was determined that the most appropriate zoning classification would be either to remain A-1 (Agriculture) or rezone to RC-1 (Country Homes District), both of which require a minimum of one net acre in size per lot.

Other applicable plan policies include:

Wetlands Protection: Policy FLU 1.3

Conservation Easements: Policy FLU 1.4

Relationship of Land Use to Zoning Classifications: Policy FLU 12.4

Consistency with Wetlands Management Program: Policy CON 3.3

Consistency with Wetlands Regulation: Policy CON 3.4

Consistency with the Flood Prone Overlay Zoning District: Policy CON 3.5

Consistency with Conservation Easements: Policy CON 3.9

Consistency with Agency Regulation Coordination: Policy CON 3.10

Alternate Land Development Proposals: Policy TRA 7.8
Review of Development Applications: Policy TRA 10.3
Dedication of Rights-of-Way: Policy TRA 11.2
Prohibit Use of Roadway Improvements as Sole Justification for Land Use Amendments:
Policy TRA 12.2

- C. **Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facility level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Policy CIE 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 only 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 by...as the County is now a charter County (Intergovernmental Coordination Policy 8.3.3).*

The Vision 2020 Plan fully complies with the State Comprehensive Plan adopted pursuant to Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council pursuant to Chapter 163, Florida Statutes. Consistency with the State Plan and the Regional Policy Plan will be evaluated by individual review agencies during the Plan amendment review process.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

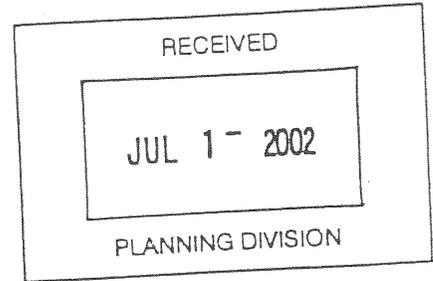
"Dedicated to making Florida a better place to call home"

JEB BUSH
 Governor

STEVEN M. SEIBERT
 Secretary

June 28, 2002

The Honorable Daryl McLain, Chairman
 Seminole County
 1101 East First Street
 Sanford, Florida 32771-1468



Dear Chairman McLain:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA No. 02-1ER), received on April 19, 2002. Copies of the proposed amendment have been distributed to the appropriate state, regional and local agencies for their review and their comments are enclosed.

I am enclosing the Department's Objections, Recommendations and Comments (ORC) Report, issued pursuant to Rule 9J-11.010, Florida Administrative Code (F.A.C.). The issues identified in this ORC Report include the need to provide a suitability analysis demonstrating that the development proposed is appropriate for the site.

Upon receipt of this letter, the County has 120 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendment. The process for adoption of local government comprehensive plan amendments is outlined in Section 163.3184, Florida Statutes, and Rule 9J-11.011, F.A.C.

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendments;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and,

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CRITICAL STATE CONCERN FIELD OFFICE
 2796 Overseas Highway, Suite 212
 Marathon, FL 33050-2227
 (305) 289-2402

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 2555 Shumard Oak Boulevard
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EMERGENCY MANAGEMENT
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HOUSING & COMMUNITY DEVELOPMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2100
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The Honorable Daryl McLain, Chairman
June 28, 2002
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A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

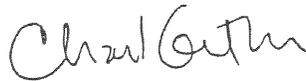
The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination, and issue the appropriate notice of intent.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), Florida Statutes, requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan or plan amendment. As discussed in our letter sent to you on May 25, 2001, outlining the changes to Section 163.3184(8)(b) which are effective July 1, 2001, and providing a model sign-in information sheet, please provide these required names and addresses to the Department when you transmit your adopted amendment package for compliance review. For efficiency, we suggest the information sheet be provided in electronic format.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to the Executive Director of the East Central Florida Regional Planning Council.

Please contact Dawn McDonald, Planning Consultant, at (850) 922-1816, if you require assistance.

Sincerely yours,



Charles Gauthier, AICP
Chief, Bureau of Local Planning

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council
Mr. Dick Boyer, Senior Planner, Seminole County
Ms. Cindy Kirkconnell, Attorney, Lowndes Drosdick, et.al.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

SEMINOLE COUNTY

Amendment 02-1ER

June 28, 2002
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed 02-1ER amendment to its comprehensive plan pursuant to Section 163.3184, Florida Statutes (F.S.).

Objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Codes (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The local government should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

OBJECTIONS, RECOMMENDATIONS, AND COMMENTS
SEMINOLE COUNTY
PROPOSED AMENDMENT 02-1ER

I. Consistency with Rule 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, Florida Statutes (F.S.)

A. The Department raises the following objections to Amendment #01F.FLU01 (Lake Jesup Woods):

1. Objection

The amendment site has not been demonstrated to be suitable for the proposed land uses and the allowable densities and intensities of use. Data and analysis have not been provided assessing the site's suitability for development considering the following: natural resources, vegetation, wildlife and wildlife habitat, water quality, floodplains, and wetlands. An analysis which assesses the appropriate level of development based upon the presence and protection of these resources, occurring both on- and off-site, has not been included. [Section 163.3177(6)(a), and 163.3177(6)(d), F.S. Rules 9J-5.005(2), 9J-5.006(2), 9J-5.006(3)(b)1., 9J-5.006(3)(b)4., 9J-5.006(3)(b)9., 9J-5.013(1), 9J-5.013(2), and 9J-5.013(3), F.A.C.]

Recommendation

Do not adopt the proposed amendment until a special study of the Lake Jesup area has been completed. Alternatively, provide analyses which identify and evaluate the suitability of the site for development considering the above cited natural resources. Wildlife and wildlife habitats should be identified, including, but not limited to, vegetative cover and potential for wildlife and wildlife habitats. Listed species occurring on-site or having potential to occur on-site should be identified. The importance of upland areas to the life cycle of wetland dependant species should be evaluated in order to ensure that the habitat value of wetland areas is protected. Identify potential impacts of development to water quality, floodplains, and wetlands. This analysis should address impacts attributable to increased run off and associated pollution. After undertaking an analysis assessing the suitability of the site for development, the County should assess which future land use is most appropriate for the site. The land use chosen should be consistent with and supported by the data and analysis and be compatible with the protection of natural resources and their functional values. Revise the amendment, as necessary, to be consistent with and supported by data and analyses.

B. The Department raises the following comment to Amendment #01F.FLU01 (Lake Jesup Woods):

1. Comment

Florida Department of State indicates that Amendment #01F.FLU01 includes a portion of archaeological site 8SE71, a general vicinity archeological site where the exact location has not been determined. FDOS recommends the County survey the amendment site prior to development to determine the precise location of the site and to determine if this is a significant archeological site.

C. The Department raises the following comments to the entire amendment package:

Intergovernmental Coordination Element

1. Comment

The County would benefit by including a policy or policies requiring independent special districts to provide a public facilities report as required by Section 189.415, F.S.

Potable Water Element

2. Comment

The St. Johns River Water Management District recommends the City include policies in the plan to incorporate water use reduction standards, such as limiting pervious surfaces, encouraging the planting of drought tolerant plants, such as native vegetation, and adopting water conservation measures. The SJRWMD suggests the City include policies in the plan relating to the amount of water resources available for future growth, noting the amount of water permitted for use under the consumptive use permit. According to the SJRWMD, the City should calculate its future water needs on the City's potable water demand and on the amount of water made available in the City's consumptive use permit. In addition, the District recommends that the City include policies in its Intergovernmental Coordination Element to indicate that the City will participate in regional water planning initiatives. Furthermore, the District recommends the County revise Potable Water Element Policy 1.6 to indicate that the County will cooperate in a regional reuse system with nearby municipalities that already are connected to a reuse system. In addition, the District recommends the County revise Potable Water Element Policy 3.2 to include the date of the existing plan and the completion date for the first update, and indicate that the County's plan will be consistent with the District's latest Water Supply Plan and other reports and data available at the time the County's plan is updated.

II. Consistency with the State Comprehensive Plan

The proposed amendment is inconsistent with the following goals and policies of the State Comprehensive Plan (Chapter 187.201, Florida Statutes):

Goal 8 (Water Resources), Policy 10.;
Goal 10 (Natural Systems and Recreational Lands), Policies 1., 3., and 7.; and,
Goal 20 (Transportation), Policies 3., and 13.

These State Comprehensive Plan issues can be resolved by addressing the objections in this Report.

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PUBLIC HEARINGS

Chairman McLain changed the order of the Agenda to begin with Item #68, followed by Item #73, as they are related. He advised that Item #67 was advertised for 7:00 p.m. and, therefore, will be heard at that time or as soon as possible thereafter.

PLAN AMENDMENT AND REZONE
HUGH HARLING, Continued

Continuation from September 24, 2001, of a public hearing to consider the Comprehensive Plan Amendment from Suburban Estates to Low Density Residential; and Rezone from A-1 (Agriculture) to R-1AA (Single Family Residential); property described as Lake Jesup Woods located on the south side of Myrtle Street and west of Hester Avenue; as described in the proof of publication, as shown on page 2131, Hugh Harling.

Amanda Smith, Senior Planner, addressed the Board to state as of today she received a notice from the applicant indicating he would like to amend his rezoning request from R-1AA to PUD in order to properly address any transitioning from lot sizes as well as buffering for the environmental concerns for the property. She stated the District Commissioner and the LPA have recommended that a special area study be conducted in this area to appropriately address the future development intensity and facility needs prior to the adoption of the Spring Large Scale Amendment Cycle in July. Staff is now recommending to transmit to the Department of Community Affairs the land use amendment with the following conditions: (1) Developer shall submit a PUD zoning plan that will be evaluated by the LPA and staff; (2) The wetlands shall be delineated in order to ensure adequate buffering and a means to transition lot sizes from the west to the east to ensure the compatibility of the rural-like character

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of the area; (3) There shall be a transitioning of lot sizes with the proposed subdivision with an overall density of 2.5 units per net buildable acre with a maximum density of 2.0 units per net buildable acre along the eastern property line; (4) The applicant shall pay the pro rata share for County water and sewer facilities to service the Lake Jesup Woods property; (5) The applicant shall pay the pro rata share for signalization at the intersection of Hester Avenue and CR 427 and any improvements to the railroad crossing on Hester Avenue, which may include signalization; (6) The applicant commits to paying their pro rata share of improving Myrtle Street to County standards and paying their pro rata share of off-site improvements to Hester Avenue to bring this road up to County standards, to include but not limited to road pavement, right-of-way, drainage, and sidewalks standards. Improvements will be determined at the time of PUD final master plan approval.

Ms. Smith reported that J.V. Torregrosa, the County's Natural Resource Officer, has met with the applicant, his environmental consultant, and the St. Johns River Water Management staff on site to discuss the extent of the wetlands. She understands that the wetlands will not be able to be field verified by the State until April 15 at the earliest.

Chairman McLain clarified with Matt West, Planning Manager, that the staff's recommendation is for no more than 2.5 units per net buildable acre with half-acre lots on the eastern perimeter.

Commissioner Maloy questioned Ms. Smith on when the change in the staff's recommendation from denial to approval occurred. He stated on these last-minute major changes, it would help the Board to have the staff comments provided so they can review

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them while listening to testimony. Ms. Smith provided copies of her comments (copy received and filed) to the Board for review.

Chairman McLain further clarified with Mr. West that the staff's recommendation is to forward the land use amendment to DCA for their comments and when this comes back with the PUD, site plan, and all wetlands delineation clearly identified, staff will make a final recommendation on any approval at the time of the zoning change.

Commissioner Morris discussed the buffering with staff.

Hugh Harling, Harling Locklin and Associates, representing Ernie Rapp, owner of the property, addressed the Board to state Mr. Rapp has given them permission to move forward under the conditions as stated. They are in agreement with staff and appreciate the work staff did with them. He explained he thinks the change took place when the Water Management District personnel went on the site for a wetlands analysis. He explained how this process was done. He advised the Soils Scientist for the Water Management District made the determination that there is a significant amount of uplands on the property. He said his consultant has not had the opportunity to go back and verify the wetlands line but that will be done before the adoption hearing. Mr. Harling said they could commit to a 100' natural buffer along Myrtle. They are also committed to bringing the water line along Myrtle, which would bring water service into the area, and committed to improving the roadway and bringing the drainage up to code.

Mr. Harling discussed with Commissioner Morris the differences in the current request and the earlier one. He stated staff requested they leave the land use designation as Low Density Residential and restrict the project in the zoning.

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He has entered a letter into the Record (not received and filed) that would cap the project at 2.5 units per acre and they are willing to abide by that.

Upon inquiry by Commissioner Henley, Mr. West said before they consider additional changes or land use amendments, they would prefer to do an area study for the Lake Jesup Woods area. He said he does not foresee any complications for compatibility in the area.

Mary Ann Baker, 651 Myrtle Street, addressed the Board to state once they get rid of the trees, there will be no putting them back. She asked the Board to judge wisely how they decide to do this project. She said there are a lot of beautiful trees and a lot of wildlife on the property. The more people brought in, the more traffic and more kids will come also. If they get a lot of subdivisions in this area, the whole character of the neighborhood is going to change and not necessarily for the better.

Robert Jasmin, 1153 Myrtle Street, addressed the Board to state for everything that has been brought up, staff has recommended denial and every time Mr. Harling has gotten an extension. He said the Web site this morning still stated this as a denial and now this afternoon all of a sudden it is turned around. He wants to know by whose authority and how was this done after all the time of denial recommendations. He asked why hasn't a comprehensive impact study been done on this whole area; why was this not done when Autumn Chase was proposed, and why not now. He asked staff to define what the impact will be on their homes and their way of life, the impact of traffic and so on. He said this need to be done before any decision is made and should be done before transmittal to DCA. He recommended

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the Board consider this and make that their recommendation. He said the current homeowners were mandated for one house per buildable acre and were told this from day one. He quoted from the transcript of the BCC meeting of January 23, 1996, stating the compatibility of Suburban Estates would be maintained. He asked the Board to do the study and do this right so they don't make another Autumn Chase.

Mr. West responded to Mr. Jasmin that it was under his authority that the staff's recommendation changed. He said it was changed today because he received in writing today from the applicant his request to change to PUD and additional commitments.

Commissioner Morris explained that Autumn Chase was going to be an affordable housing project and they worked on it to have it upscaled. He said the Board is now looking at a much different project than six months ago. This has not been continued to allow the applicant to move it forward but to change the proposal. He explained this is a transmittal hearing and at the PUD hearing, the ultimate density of the project will be reflected. This is going to be an extremely less dense project than Autumn Chase.

Lois DeCiryan and Danny DeCiryan, 1581 Silk Tree Circle, addressed the Board. Mrs. DeCiryan stated she opposes the change of land use at this time to any density above one dwelling unit per acre. She said it did not come as a surprise to her about the change tonight. She thinks it's a common thing to come in with a density and then come in with a lower density to make it go through. She thinks they do need a special area study. She lives in Autumn Chase and it is clear to them that this density of housing should have never been allowed. Many of

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the yards have to be drained as the ditches and swales do not drain. The swimming pool companies have to fill in the pools, and the retention ponds are full all the time. She said low density residential was an abomination and should not be used for further allowance of the density. Mrs. DeCiryan showed pictures (received and filed) of flooding in the area. She said she has been looking into the State of Florida naming Lake Jesup Basin as one of the three sensitive areas along with the Wekiva and the Little Econ. There is abundant wildlife in the area and she showed pictures (received and filed) of the gopher tortoises. She also showed an aerial photo (received and filed) demonstrating the connection of Lake Jesup with the Eureka Hammock and Autumn Chase developments. Mrs. DeCiryan submitted a letter from Carolyn Christlieb and a Petition in opposition, as shown on page 2137, done in September for the hearing that was continued.

Frances Lord, 4835 Hester Avenue, addressed the Board to state the figures she just submitted to the Board (copy received and filed) are from the Seminole County Appraiser's Office. This zoning request is for 78 acres and 61 of those have no taxable value, which means they are wetlands. Only 17 acres are above the water line. She said the County should consider buying this piece of land and preserving it to use for a catchall for the water that is going into Lake Jesup, and do not concrete over it and destroy it. She said she very much opposes the rezoning of this piece of property because it should be preserved.

Chairman McLain responded that if Mrs. Lord's figures are correct and only 17 acres of the property is not wetlands, then

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that is all the St. Johns District would allow to be developed. He said the Board agrees the lake needs to be protected.

Nancy Jasmin, 1153 Myrtle Street, addressed the Board to state Autumn Chase was approved because of the property on the other side of the railroad track, but it should never have been allowed to develop. This property is still low lands and is all wetlands, and it should be saved.

Linda Short, 5150 Plato Cove, addressed the Board to state her biggest issue is the impact this will have on just getting around from day to day. They all bought where they are and were willing to abide by the rules of one house per acre. She said the rule should apply to everyone, if you are an owner or developer. She stated she wants to have a big piece of acreage and have her neighbors do the same because she likes that way of life. She can already see the impact of traffic on her neighborhood. She has seen a number of dead animals hit by cars. She doesn't think anyone would oppose the project if it were one house per buildable acre.

B.J. Simons, 1550 Myrtle Street, addressed the Board to state one of the issues that affect him is the water runoff. The subject property is directly across the street from him, and he is already feeling an impact from the tremendous increase of water standing on his property from Autumn Chase. Before that development, he never had that situation. He said the water stands for weeks and weeks after moderate rain. Also, the ditches remain full now after the rains and they were not as bad before the Autumn Chase development. He asked the Board to consider what the impact is going to be on the neighbors. He said another concern is with the traffic, if the roads are not set up for these subdivisions coming in. This one will come,

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then another one, and another until Myrtle Street is built out. Another consideration is the school children. Unless there is money appropriated immediately as the subdivisions are built, it is going to take awhile to build the schools needed. He said this project will destroy the way of life in this area. They all moved there to enjoy the lifestyle out in the country. He knows everybody is entitled to make a profit off their property, but he feels people have a moral obligation to look after their neighbors as well when it comes to making an undue hardship on them.

Chairman McLain read the Written Comment Forms (received and filed) in opposition from the following: Chuck Bailey; Lolly DeHaven; Stuart Culpepper; Michael Burkhart; Kathy Lanzon; Wanda Culpepper; Diane Morton; Roseanne Prickel; and Cynthia Casper.

Ms. Smith advised she submitted e-mails (received and filed) to the Board to be entered into the Record.

Sam Kendall, Altamonte Springs, addressed the Board to state if the Board sends this project forward to the DCA and they approve it, then the developer will have the opportunity to go to the St. Johns District with his plan. The St. Johns District has a policy of allowing wetlands to be filled as long as you buy mitigation property somewhere else. Whereupon, Chairman McLain affirmed with Ms. Smith that the applicant has committed to not invade any wetlands on this property. She said if the Board wishes, staff can have the developer provide that commitment in a written statement.

Commissioner Morris stated the commitment is in the Record and becomes a part of the PUD application.

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Mr. Harling responded to comments by the residents. He advised that on the wetlands, they have agreed to maintain the same wetland density and number of wetland acres on the site that will be determined by the St. Johns River Water Management District. They have further agreed that if they cross a wetland to get from an upland to another upland, they would create an equal amount of wetlands. He explained there are a couple of ditches that have to be crossed that would be classified as wetlands. He reviewed the issues of water, sewer, drainage, and traffic that were discussed by the residents. He stated they will be improving Myrtle Street drainage and sewer and will provide sidewalks. He advised Commissioner Maloy that the estimated amount of wetlands is between 30% and 50%, and there are basically three areas of wetlands.

No one else spoke in support or in opposition.

Speaker Request and Written Comment Forms were received and filed.

Ms. Smith clarified that the Comprehensive Plan states that no loss of wetlands in the Lake Jesup Basin is appropriate, so staff would closely monitor when the project comes back in. She affirmed with Chairman McLain that any wetlands in Lake Jesup would have to be mitigated inside the Basin.

Upon inquiry by Commissioner Maloy, Ms. Smith advised that the recommendation is to transmit and at the same time a small area study will be done for this area. She said at the time of adoption, the staff would revisit the adoption of the land use amendment and the PUD zoning classification to see if it is compatible with the adjacent land use.

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Upon inquiry by Chairman McLain, Mr. Fisher advised what his recommendation would be as it relates to the small area study affecting this land use change.

District Commissioner McLain asked for a motion in support of the staff recommendation.

Motion by Commissioner Morris, seconded by Commissioner Henley, to support the staff recommendation to transmit the land use amendment from Suburban Estates to Low Density Residential; property described as Lake Jesup Woods located on the south side of Myrtle Street and west of Hester Avenue; as described in the proof of publication, Hugh Harling, with commitments made by the applicant tonight and the comments by the Planning Manager relative to the Small Area Study.

Districts 1, 2, 3, 4, and 5 voted AYE.

LAND USE AMENDMENT
ESTERSON/SCHUMACHER

Proof of publication, as shown on page 2131, calling for a public hearing to consider a Large Scale Land Use Amendment from Suburban Estates to Low Density Residential; property described as two tracts of land, one north of Myrtle Street approximately 1200 feet east of Nolan Road and the second, south of Myrtle Street and west of Nolan Road, Esterson/Schumacher, received and filed.

Alice Gilmartin, Planning, addressed the Board to state she would like to amend the staff recommendation to consider continuing this item until after the Small Area Study is completed.

Mr. West stated at no additional cost to the applicant, staff would bring this item back, possibly during the fall cycle, and this item would be considered in conjunction with the Small Area Study.

BCC Minutes
September 24, 2001

PLAN AMENDMENT AND REZONE
HARLING LOCKLIN & ASSOCIATES

Continuation from August 28, 2001 and September 11, 2001 of a public hearing to consider the Lake Jesup Woods Large Scale Comprehensive Plan Amendment from Suburban Estates to Low Density Residential; and Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling District); property located south of Myrtle Street and east of Hester Avenue, Harling Locklin & Associates.

Matt West, Planning Manager, addressed the Board to state that if the Commission votes to transmit this amendment to the Department of Community Affairs (DCA), the adoption hearing would be held on December 11, 2001, in conjunction with the associated rezoning request. He advised the Local Planning Agency voted 4 to 0 to recommend denial with the staff's findings.

He reviewed the surrounding zonings and showed an aerial map (copy received and filed) of the pastureland, agricultural lands, and areas with housing already constructed in Autumn Chase.

Mr. Grace left the meeting at this time.

Mr. West also showed a planning map (copy received and filed) of the wetlands showing an approximate boundary of the wetlands as provided by the St. Johns River Water Management District. He said there was a lot of contention and debate at the Local Planning Agency meeting concerning what this map meant. He pointed out it is a planning tool and not ground truth.

Mr. West stated if the Commission desires to transmit the amendment and approves some type of development, Myrtle Street would have to be brought up to County standard. Also, if this property goes to LDR, staff recommends that central water and sewer be provided to this project and that would be a condition of approval. He said the response times are consistent with the Public Safety element. The concurrency aspect has been deferred until later at preliminary subdivision or final subdivision.

Mr. West discussed the wetlands and floodplain issues. He said staff estimates that 75% to 80% of the property is some type of wetland. He explained why this information is significant to know at this time. He stated that the St. Johns District has designated the Lake Jesup Basin as significant and the wetlands in it are very significant, and special attention is given to the impacts to the wetland basin. He read that Objective 7 (copy received and filed) of the Conservation Element of the Comprehensive Plan states, "the County shall protect the functions provided by wetlands." He read that based upon the applicant's proposed development program, the project will consist of an estimated 180 to 200 single-family residences on this 80-acre piece, which means there is intent to significantly impact the wetlands on this property. He referred to Conservation Policy 3.6, Wetlands/Floodprone Regulations (copy received and filed), stating that "impacts to wetlands/floodplains beyond what is otherwise allowed in the land development regulations and Comprehensive Plan is prohibited, unless the project has a special reason or need to locate within wetlands (or wetland protection areas), and there is a clear demonstration of overriding public interest, and there is no feasible alternative. In such cases, impacts to wetlands shall be kept to the minimum feasible alteration, while preserving the functional viability to wetland to the maximum extent feasible. All

impacts to the wetlands shall be mitigated in accordance with the applicable provisions in the Comprehensive Plan and land development regulations.”

Mr. West read from Conservation Policy 7.10, Wetland Regulation-Intergovernmental Coordination (copy received and filed), that “Seminole County shall coordinate efforts with St. Johns River Water Management District and U. S. Army Corps of Engineers to maximize the benefits of mitigation in the Wekiva, Jesup, and Econlockhatchee River basins, and in the rural areas of the County.” He further read Conservation Policy 3.4 (copy received and filed) that “in order to protect and sustain the functions and values provided by wetlands, the County shall by July, 2001, make all appropriate changes to the W-1 and FP-1 Zoning Overlay Classifications to accomplish the following, which shall serve as general guidelines for regulation of wetlands: modify the Land Development Code to establish areas where no loss of wetlands is appropriate and to require the conservation of wetland systems . . .”

Mr. Grace reentered the meeting at this time.

Mr. West said staff is concerned with the big disparity with the applicant about how much of this property is wetlands and how many homes could be put on the property.

Commissioner Morris stated he thought between the P&Z hearing and tonight’s hearing, some work was to be done by St. Johns to flag the property and let the Board know what is going on.

Mr. West also advised that two eagles nests have been identified in close proximity to this property, and if there is development on the property, the timing of the construction may have to vary around the nesting habits of the eagles.

J. V. Torregrosa, Natural Resources Officer, addressed the Board to discuss the wetlands issue. He noted that his assessment was based on some of the areas and not the entire parcel. His focus was on whether or not there were wetlands outside those identified. He reported his investigation revealed there were areas outside the jurisdictional wetlands delineated by Breedlove, Dennis (applicant's consultant) that met the criteria for classification as jurisdictional wetlands. He said the St. Johns District was contacted to conduct their own assessment of the site, and the District stipulated that a permission letter from the owner was necessary. The District has not yet received that letter from the property owner.

Mr. West advised the staff's findings are that the applicant's request is premature due to the policies listed until they can come to a better understanding of where the wetlands are, and the request is inconsistent with the Plan policies identified. He thinks if this is transmitted to the State, he believes the State will have the same objections. Upon inquiry by Commissioner Morris, Mr. West said he is still opposed to R-1AAA. He explained this request could become a small scale amendment instead of a large scale, depending upon where the wetlands are.

Hugh Harling, Harling Locklin, representing the property owner Ernie Rapp, addressed the Board to state he will review the information (Exhibit package received and filed) he submitted and the maps that more accurately depict the entire area. He said

this property has significant drainage implications for the entire basin on Myrtle Avenue and Hester Road. There is a ditch that runs north and south through the property that carries a tremendous amount of water away from the residents and the development and other properties that exist in this area. Additionally, at the northeast corner, there is another section that takes water into the property. He said these are agricultural ditches placed years ago and they have changed the hydrology and hydric nature of the soils in this area. He referred to the FEMA panel (copy in the exhibit package) and he showed the areas in gray depicting the 100-year flood elevations and said there are no 100-year flood elevations on this particular site, so, therefore, there is not a FEMA map or need for a FEMA alteration on this site. He showed the Soils Conservation Service map and said hydric soils are shown on the site and they acknowledge those as definitely wetlands.

Mr. Harling advised when their consultant visited the site, he said it was very thick and there had been a tornado that knocked down a wide swath of trees that made it very difficult to accomplish a wetlands flagging. If the Board allows them to transmit this amendment, they will cut lines on a 100-foot grid on the property and then the wetlands consultant can walk the line and flag the wetlands where identified and survey those lines to get a ground-truth wetland line.

Mr. Harling submitted in the exhibit package two letters from residents who agree this project is compatible and consistent with Seminole County policies on density. He said they have agreed to the R-1AAA zoning, which means the minimum house-selling price would be in the area of \$185,000 and would add to the tax rolls. Also, they would comply with all the wetland policies, all the local, State, and federal laws regarding endangered species. Mr. Harling further stated if the Board chooses to transmit the

amendment and wish them to come back with a PUD zoning request, they would be willing to do that.

Upon inquiry by Commissioner Maloy, Mr. Harling explained the difference between the map by Breedlove, Dennis and the map by staff is that staff is saying the entire area is hydric and the applicant is saying some of the soils are not hydric, but the condition is due to agricultural ditching. He said if development occurs, they would be placing easements over the ditches to give Seminole County access, and would place easements adjacent to the ditches that give the County the ability to maintain the ditches.

Upon inquiry by Commissioner Morris on the road infrastructure and network not being compatible, Mr. Harling stated they would be required to upgrade the road system in front of the project and through Hester Road. They would also be required to continue to provide drainage flow into the ditch system. Further, he explained their consultant has indicated there are a lot of uplands on this site that can be developed successfully. He described the methods that could be used to avoid taking out all the existing trees.

Upon inquiry by Commissioner McLain, Mr. West discussed the similarities with the Wekiva project and the possibility of developing a PUD. Mr. West said this project is a perfect candidate for a PUD. He explained what the process would be to move forward with a PUD and delineate the actual wetlands. He said to have an adoption this calendar year, December 11 is the last target date. Another consideration would be a small scale amendment for a certain phase and follow with a large scale amendment on the balance of the property.

During discussion with Commissioner McLain, Mr. Harling said if it is the Board's desire for them to come back with a PD land use and continue to the next cycle to have the answers lacking at this time, and come back with a PUD rezoning, they would support doing that. Additional discussion ensued.

Commissioner McLain stated with the uncertainty and knowing the Board wants to develop a site that is compatible with Suburban Estates, he thinks it is appropriate to continue this to the spring cycle.

Motion by Commissioner McLain, seconded by Commissioner Morris, to continue to the spring cycle the Lake Jesup Woods Large Scale Comprehensive Plan Amendment from Suburban Estates to Low Density Residential; and Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling District); property located south of Myrtle Street and east of Hester Avenue; as described in the proof of publication, Harling Locklin & Associates; and the applicant is to come back with delineated wetlands lines and a PUD request so they can work out a suitable site plan, if development is possible, that would be compatible with Suburban Estates.

Under discussion, Chairman Van Der Weide called for those who would like to speak for or against the continuance of this request.

Danny DeCiryman, 1581 Silk Tree Circle, addressed the Board to state this is the last piece of woods that goes into the Eureka Hammock/Lake Jesup area and with the discussion on the wetlands, he is asking the Board to reconsider building on this property.

Jean Michels, 370 Miller Road, addressed the Board to state she is glad the Board is continuing the hearing as she thinks it is too important to make a quick decision. She

submitted pictures (received and filed) of the area taken during a rainstorm on September 14, 2001, for the Board to review. She said the land is now a sponge.

Wanda Culpepper, 5157 Hercules Court, stated she would wait until the next meeting to make comments. The Written Comment Form from Stuart Culpepper was received and filed.

Robert S. Jasmin, 1153 Myrtle Street, stated he would defer his comments until later.

No one else spoke in support or in opposition.

Speaker Request Form for Earl and Frances Lord was received and filed.

The Written Comment Form for Nancy Jasmin was received and filed.

Districts 1, 2, 3, and 5 voted AYE.

LPA Minutes

August 1, 2001
and
February 20, 2002

SPECIAL MEETING OF THE
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
February 20, 2002 – 7:00 P.M.
MINUTES

Board Present:

Ben Tucker, Chairman
Tom Mahoney, Vice Chairman
Don Nicholas
Beth Hattaway
Alan Peltz
Dick Harris
Paul Tremel

Staff Present:

Matt West, Planning Division
Cindy Matheny, Planning Division
Amanda Smith, Planning Division
Alice Gilmartin, Planning Division
Dick Boyer, Planning Division
Craig Shadrix, Planning Division
Tony Matthews, Planning Division
Karen Consalo, Assistant County Attorney

I. CALL TO ORDER

Chairman Tucker convened the meeting to order at 7:00 p.m.

II. ROLL CALL

Quorum was established.

III. ACCEPTANCE OF PROOF OF PUBLICATION

Motion by Commissioner Peltz to accept proof of publication. Second by Commissioner Mahoney.

Motion passed unanimously. (7-0)

VII. **OLD BUSINESS** (*this item taken out of order*)

- A. LAKE JESUP WOODS HARLING LOCKLIN & ASSOC./HUGH HARLING;** APPROXIMATELY 81 ACRES MORE OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM SUBURBAN ESTATES (SE) TO LOW DENSITY RESIDENTIAL (LDR); REZONE FROM AGRICULTURE (A-1) TO SINGLE-FAMILY RESIDENTIAL (R-1AA); SOUTH OF MYRTLE STREET, NORTH OF CADILLAC STREET AND EAST OF HESTER AVENUE.
- COMMISSIONER MCLAIN - DISTRICT 5** **AMANDA SMITH**

The applicant is requesting to amend the Future Land Use designation of Suburban Estates to Low Density Residential and to rezone approximately 81 acres from A-1 (Agriculture) to R-1AA (Single-Family Residential) for the development of a single-family residential subdivision, on a site located south of Myrtle Street and east of Hester Avenue. This item is part of the Seminole County Large Scale Land Use Amendment Spring Cycle.

On September 24, 2001, the Board of County Commissioners voted unanimously to continue this item until the 2002 Spring Large Scale Land Amendment cycle, so that the applicant could amend the rezoning request to PUD (Planned Unit Development), delineate the on-site wetlands, and develop a PUD plan that would provide for compatibility with adjacent Suburban Estates and Low Density Residential land uses.

On August 1, 2001, the LPA unanimously recommended denial of the proposed requests citing staff's findings.

To date, the applicant has not amended the rezoning request, nor provided staff with any new information regarding the on-site wetlands delineation. Therefore, the applicant's original request is still applicable.

Planning Staff recommends denial of the Low Density Residential use with findings that Low Density Residential land use, as proposed, would be:

1. Inconsistent with Plan policies related to the Low Density Residential land use designation; and
2. Inconsistent with adjacent Suburban Estates land use; and
3. Inappropriate transitional use at this location; and
4. Inconsistent with Plan policies identified at this time.

Staff also recommends denial of the rezoning from A-1 (Agriculture) to R-1AA (Single Family Dwelling) since the request, as proposed:

1. Is not in compliance with the applicable provisions of the Seminole County Comprehensive Plan and the Seminole County Land Development Code related to R-1AA zoning; and
2. And would be incompatible with surrounding development.

Mr. Harling, representing the applicant, said that when he was here before, denial was recommended. There was significant discussion about staff's report. Staff's report said that this property was 100% in the 100 year floodplane. He presented the FEMA map floodplane map that the entire State of Florida recognizes as to what areas have 100 year floodplanes on them. This site has no floodplane on it. The 100 year floodplane on Lake Jessup is at elevation 10 and the south end of this property is at elevation 12 or higher. As you move back towards Myrtle Street, it is even higher than that.

One of the concerns of the residents of the Ryland project adjacent to this, is that we were requesting R-1A and we were requesting 4 units to the acre as a comp plan. Low Density residential is a comp plan that we're requesting. What we are willing to do on a voluntary basis is restrict that density to 2.5 units per acre and willing to amend the rezoning request from R-1AA to R-1AAA which more accurately representing the 2.5 unit per acre density that we have been willing to cap.

Regarding the land uses of the property, we are immediately adjacent to Low Density Residential and has been almost completely developed and being built out at this time. To the east of the property and down on Lake Jessup there is another piece of Low Density Residential property that has been developed. There are water and sewer services that are being provided to the existing development that can be extended to this development. This is an indicator that there is a need for residential units to support the development and jobs that are coming into this particular area.

Hester Avenue is about 1.1 miles from the Greenway intersection with 427. The Airport is just north of that which is an employment center. A little bit to the east of that there's a site which is where the new courthouse will be located.

He feels there is a demand for a quality residential housing in this particular area and this project is a logical extension of the urban services that are already provided in that area.

Commissioner Tremel asked about new information regarding the on-site wetlands.

Mr. Harling said a wetland consultant has gone out and flagged the wetlands. He finds that there is about 3.5 acres of wetlands in the northwest corner of this property. Upon taking the St. Johns Water Management District out there and also a County staff person, they could not come to an agreement on that. We have paid a \$1,500 fee and have requested that Department of Environmental Protection (DEP), who is basically the overseers the wetlands determination in the State of Florida, come in with their team of experts and set that wetland line for us. He expects they will be here within the next 30 days. This hearing will be in front of the Board of County Commissioners on April 9th and it our hope that we will have that information then and it will determine exactly where the wetlands line is.

When we went through this before, Rick Cantrell who wrote the book for DEP, came down and made a finding that this site had no wetlands on it. That was prior to the Warren-Henderson Act which added a lot of vegetative indicators into the law which changed where the wetland line would exist. The particular site is a mixture of oaks, pines and red

maples and from a biological standpoint it is very difficult to make a determination on that basis. The soils analysis should give us the information we need. He apologized to the Board for not having the information tonight for their review.

PUBLIC COMMENT

B. J. Simons, 1550 Myrtle Street, is opposed to the request. He has lived on the 12½ acres directly across from the proposed site. He is opposed to any more development in this area; either high or low density. Since the development of Autumn Chase, run off water in the area is terrible. Ditches are on either side of Myrtle Street from Hester Street to Nolan remain full of water run off weeks if not months after normal rains. Water stands on his property 2 to 3 times longer since Autumn Chase was developed. If Lake Jessup Woods is allowed to be developed, water run off would be too much.

He is also concerned about the wildlife. It just isn't here since Autumn Chase and further development will make it worse.

Schools are overcrowded from elementary through high school. After Autumn Chase there was not enough seating on school buses until more buses were added to the route.

Earl and Frances Lord, 4835 Hester Avenue, are opposed to the request. They presented figures from the Seminole County Appraiser's Office. This rezoning request is for 78 acres. Sixty-one of the acres in question are valued at \$20.00 per acre. (under water). Seventeen of this land has a taxable value of \$123,169.00 (\$7,000.00 per acre). Now why is this underwater land (a true wetlands area) suddenly so valuable that a huge subdivision of over 150 homes can be built here?

When Mr. Schumacher came to this area many years ago and began clearing all the surrounding lands to begin farming, he never touched this area in question. He recognized it as a true wetland area and left it as such. This rezoning is not compatible with our rural area.

Mary Ann Baker, 651 Myrtle Street, is opposed to the request. She is presenting comments for items V. A. and also VI. C. She has two concerns. One is the effect that even the reduced 2½ units per acre will cause on the environment in this area. On our land, the ground is our water filtration system and the more concrete and the more houses that are put up the less area there is for water filter. They can put drains in and move it here and move it there but it will only stress on the retention ponds. Our trees are our air filters and because we are cutting down the trees our air is getting hotter and not as pure.

There is too much traffic for this area. With all the added traffic after all the development, it is going to be ten times worse.

She is not opposed to one house per acre and feels they can put in a nice and lucrative subdivision with one house per acre. The only reason they want to subdivide this land so much is to get more money out of the property. She asked the Board not to put the greed of a few over the need of the many.

Alex Dickison, 4851 Hester Avenue, is opposed to the request. He has lived there for over 20 years and a good portion of the Lake Jesep Woods area has been underwater for a long, long time. Some of it is underwater right now during the dry season. How can it be underwater during the dry season if it's not in the 100-year floodplane?

He is not against development of the area, he just wants it to be developed properly. This land is just not developable. It could be developed a little bit but it is not densely developable. He feels that the days of this type of land being sensitively developed should be passed us and not even considered.

Mack Thorne, 1416 Myrtle Street, is opposed to the request. He has lived there since 1984 and the Lake Jesup property has always had water standing on it. The width of Myrtle Street will in no way carry the amount of homes they are wanting to build. He has concerns for his children. Right now they can go out and play in the yards and he doesn't worry about them being outside. If a large amount of people are brought into the area, there may be security issues.

He feels the Lake Jesup area is not an area for this kind of development. It is too much for the area.

Robert Jasmin, 1153 Myrtle Street, is opposed to the request. This has been before this Board and the Board of County Commissioners. There was a 1999 study done by the St. Johns Water Management District that showed a majority of this property is wetlands and prone to flooding and there were only two small upland areas. Based on that study and the recommendation of staff, he feels this request should be denied.

Danny and Lois DeCiryán, 1581 Tree Circle, are opposed to the request. Their concern is that one piece of development is being used to justify another piece of development. This property is wetlands and is flooded all the time. Ms. DeCiryán said they have had a lot of problems with drainage in Autumn Chase and they continue to have a lot of problems. There have been problems with premature building settlement and mud and water in the back yards. There is a drainage ditch that is constantly filled with water and is breeding misquotes very quickly.

She has been told this land is not contiguous and does not provide connectivity to with other areas for wildlife. She vehemently opposes that statement. This area is the only piece of old woods that connects anything with Lake Jesup. There is a tremendous amount of biodiversity in this land called Lake Jesup Woods. There are gopher tortoises, sand hill cranes and woodpeckers in the area that all need homes.

Lenny Palombo, 5900 Nolan Road, is opposed to the request. He can't imagine the amount of fill that would have to be brought if they developed this area. It would flood his property since he is down at the tail end of both properties that they are looking at changing the zoning on. The amount of fill they brought into Autumn Chase has flooded the surrounding properties that back up to that now.

Mr. Harling said the requirement that the St. Johns River Water Management District has is that a 25 year/24 hours storm is to be retained on site. This is a design storm. That storm is then released at no greater rate than was released prior to development. What

you have to do in these particular locations, and in any location in the Water Management District area, is provide retention for flood attenuation and also pollution treatment for the stormwater before you can release it. So those things are both governed by Seminole County, the Water Management District and several other jurisdictions.

Seminole County has passed a natural lands referendum where money is collected to buy properties and to buy properties that are connected. They do this in joint participation with the CARL program at the State, with the Water Management District and wildlife corridors have been determined through and around Seminole County. The owner of this property has donated 90 acres south of the property into the State owned property which surround Lake Jesup at this time. There is a wildlife corridor that runs around Lake Jesup. It is already protected and much of it is already in State ownership.

The information that Mr. Jasmine got regarding 1999 Water Management District study was incorrect because those two areas being shown as uplands are the two areas that are wetlands. It is the exact reverse for this property.

On our site there is a major drainage ditch that traverses the site all the way through and collects water from Myrtle in both directions. It has never been cleaned by the County that he can recall. The County now has acquired a drainage cleaning equipment. When we finish our project, we will be required to put a drainage easement over that ditch and be required to give the County a maintenance easement on both sides of that ditch so they can maintain it. The flooding that does occur from a localized basis around Myrtle Avenue and locations close to that drainage ditch because it is so clogged will actually get better. The drainage in a lot of locations is based on how much maintenance occurs and the maintenance of ditches in those locations. Most of the ditches that are located here are ditches that have been used to service the previously dominate agricultural industry in Central Florida. Those ditches are then converted into ditches that are used for development and things of that nature. There will be improvement to the drainage in that area.

We will commit to an entrance into this gated community, provide a circular drive with a radius large enough for a school bus to pull in and turn around completely. A pick-up area that was cover the for the school children so they could be away from Myrtle Street and picked up in a secure fashion and drop the children off at school. We will also commit to sidewalks along Myrtle Avenue into the development that will allow the children who live in the area to come and utilize that same system.

There is a significant tree canopy that we intend to save on this particular development. If a piece of property is already totally cleared from a development standpoint of view, in a lot of cases it is cheaper to fill than it is to provide an underdrain system to protect the roads. One of the things that the County has that is a code requirement is that the water table be no higher than 1' below the base of the road. That is to keep the road from falling apart and being a maintenance problem that would affect the residence of the area from an economic standpoint and also affect the citizens who have to pay taxes for maintenance of roads and things of that nature. In this particular location, we would be utilizing more of an underdrain to protect the road base and less of a fill to get away from

the ground water table. We would accomplish that in such a manner that we are able to not fill around the tree cover and the tree canopy and the large trees that are located in this area because if you do fill around them, you kill them. That is our engineering solution to what many people feel is going to be another Autumn Chase. It is our intent to engineer it in such a way to allow the tree canopy to stay.

He requested Board approval for this request.

Commissioner Tremel pointed out that Autumn Chase was another "line in the sand". There wasn't going to be any development to the west of that. He has not heard anything tonight to change the Board's decision from August. This is just not an appropriate request.

Commissioner Harris said that there is no reason that at one acre a very high value development can't be done on this property. It can be done very profitably and very environmentally friendly. This is a prime piece of property for a high end, very high quality development that could save the trees, provide minimal impact to area in terms of runoff, number of homes, impact on roads, schools and all of those things and be done very profitably. After looking at Autumn Chase, he is sorry that he supported it.

Motion by Commissioner Tremel to deny the Large Scale Comprehensive Plan Amendment from Suburban Estates to Low Density Residential. Second by Commissioner Harris.

Commissioner Mahoney said that while it is possible from an engineering prospective to use underdrains and perhaps artfully use a PUD to cluster, it doesn't get past the first step which is density and the density set by the land use and the land use says 1/du per acre. The reason to support the motion to deny is strictly a compatibility issue. It is not compatible to have 2½ or 3 units per acre when the appropriate use in this case is 1/du per acre and it should stay that way.

Motion to deny this request for the Large Scale Comprehensive Plan Amendment passed unanimously. (7-0)

Motion by Commissioner Mahoney to deny the rezoning from Agriculture (A-1) to Single-Family Residential (R-1AA). Second by Commissioner Peltz.

Motion to deny the rezoning request passed unanimously (7-0)

*C. ESTERSON & SCHUMACHER (LSLUA); APPROXIMATELY 60 ACRES MORE OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM SE(SUBURBAN ESTATES) TO LDR (LOW DENSITY RESIDENTIAL); (1) NORTH OF MYRTLE STREET, APPROXIMATELY 1200' EAST OF NOLAN ROAD; (2) SOUTH OF MYRTLE STREET & WEST OF NOLAN ROAD.
COMMISSIONER MCLAIN - DISTRICT #5*

ALICE GILMARTIN

The request is for a change in land use from Suburban Estates to Low Density Residential. It is not accompanied with a rezoning request.

LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
August 1, 2001 – 7:00 P.M.
MINUTES

Board Present:

Paul Tremel, Acting Chairman

Alan Peltz

Grey Wilson

Ben Tucker

Board Absent

Dick Harris, Chairman

Tom Mahoney, Vice Chairman

Mark George

Staff Present:

Matt West, Planning Division

Alice Gilmartin, Planning Division

Dick Boyer, Planning Division

Tony Matthews, Planning Division

Cindy Matheny, Planning Division

Amanda Smith, Planning Division

Kathy Fall, Planning Division

Craig Shadrix, Planning Division

Steve Lee, Deputy County Attorney

- A. **LAKE JESSUP WOODS; HARLING LOCKLIN & ASSOC./HUGH HARLING; APPROXIMATELY 81 ACRES MORE OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM SE (SUBURBAN ESTATES) TO LDR (LOW DENSITY RESIDENTIAL); (01F.FLU01); REZONE FROM A-1 (AGRICULTURE) TO R-1AA (SINGLE-FAMILY RESIDENTIAL); SOUTH OF MYRTLE ST, NORTH OF CADILLAC STREET, AND EAST OF HESTER AVENUE APPROXIMATELY 81 ACRES MORE OR LESS; LARGE SCALE COMPREHENSIVE PLAN AMENDMENT FROM SE (SUBURBAN ESTATES) TO LDR (LOW DENSITY RESIDENTIAL); (01F.FLU01); REZONE FROM A-1 (AGRICULTURE) TO R-1AA (SINGLE-FAMILY RESIDENTIAL); SOUTH OF MYRTLE ST, NORTH OF CADILLAC ST, AND EAST OF HESTER AVENUE (PZ01-09) (Continued 07/11/2001 LPA/P&Z)**

District #3 | Amanda Smith

The applicant is requesting a Large Scale land use amendment from SE to LDR, and rezoning from A-1 to R-1AA for the development of approximately 180-200 single family residential lots. The subject property is 81 acres in size and located south of Myrtle Street and east of Hester Avenue.

The area primarily consists of large acre tracts developed with single family residential dwelling units with some agricultural uses along Myrtle Street. The Autumn Chase subdivision to the west of the subject property consists of both R-1A and R-1AAA sized lots and contains approximately 78 single-family lots. South of the subject property is State and County owned public/natural lands.

According to the County's Geographic Information Systems (GIS) data, approximately 75%-80% of the subject property is covered by wetlands and is considered flood prone. Based on a cursory review of the site and published data provided by the applicant and County information, Mr. Torregrosa, the Seminole County Natural Resources Officer and Craig Shadrix with the Planning Division, have determined that the wetlands may encompass up to 90% of the subject property. Prior to the approval of any rezoning actions for the area, field verification by the St. Johns River Water Management District will be required to determine if the wetlands are classified as jurisdictional or written verification that the jurisdictional wetland line, as established by the Department of Environmental Regulation in 1986 and submitted by the applicant, is still valid. If these areas are classified as jurisdictional wetlands, they may not be counted towards the net acreage of each site. Per the Seminole County Land Development Code the Wetlands Overlay Classification (W-1) shall apply to wetlands which are 1/2 acre in size or larger, have a direct hydrologic connection to a 1/2 acre or larger, or their adjacent areas.

Planning Staff believes that the proposed request is premature without determining the extent and impact to the wetlands. Under the new Comprehensive Plan, urban wetlands may be impacted provided that aggregate properties within the Lake Jesup Basin are acquired as conservation lands, so that wetland connectivity of a regional significance is achieved. The hydrologic and biochemical processes of these regionally significant wetlands should be retained and not compromised by development activities associated with a 180-lot subdivision.

Mr. Torregrosa, has also determined that there are two eagles' nests in the vicinity of the subject area, which may restrict any construction within 750 feet and loud noises within 1500 feet of the nests during the nesting season.

The Low Density Residential land use designation is considered a compatible land use adjacent to Suburban Estates, However, the Comprehensive Plan is silent to the appropriateness of transitioning LDR adjacent to Recreation. Planning Staff believes that the intensity of the proposed development is too dense and does not provide any transitioning or buffering from the passive recreational and environmentally sensitive lands to the south.

Staff utilized the Lot Compatibility Matrix ordinance to determine the compatibility of the proposed R-1AA zoning for the subject property. It was determined that the most appropriate zoning classification would be either to remain A-1 (Agriculture) or rezone to RC-1 (Country Homes District), both of which require a minimum of one net acre in size per lot. Therefore, Planning Staff believes that the R-1AA zoning classification and Low Density Residential land use are inappropriate transitional land uses relative to the density, intensity, and lot sizes for the character of surrounding area.

Planning Staff recommends denial of the Low Density Residential use with findings that Low Density Residential land use, as proposed, would be:

1. Inconsistent with Plan policies related to the Low Density Residential land use designation; and
2. Inconsistent with adjacent Suburban Estates land use; and
3. Inappropriate transitional use at this location; and
4. Inconsistent with Plan policies identified at this time.

Also, based on the above analysis, staff recommends that the subject request:

1. Is not in compliance with the applicable provisions of the Seminole County Comprehensive Plan and the Seminole County Land Development Code related to R-1AA zoning; and

2. The request, as proposed, would be incompatible with surrounding development.

Staff recommends denial of the rezoning from A-1 (Agriculture) to R-1AA (Single Family Dwelling).

The applicant, Hugh Harling, said in looking through staff's comments from a development standpoint we have an R-1A and R-1AA and a perimeter of R-1AAA lots immediately to the west that are adjacent to the property. To the north and west at the corner of Hester Road and Myrtle is a church. To the immediate east is a riding stable for commercial utilization. One of the things shown in the plan is a 25' perimeter around the entire tract. Also, the plan includes utilization of the equestrian nature to the east and allowing that 25' perimeter that comes down the east side to go all the way through and become a trail that would allow access into the County park area to the south. There is a railroad to the north that runs on an angle and at some point and time that railroad will be abandoned and once it is abandoned it will probably become a trail and that would allow a connection of a trail in this vicinity with other public lands.

There is a church across the street and a commercial stable next door which are all R-1AA and R-1AAA to the west and then staff won't have any way of evaluating this particular property adjacent to a publicly owned property. The applicant has worked very hard with the residents that are in the Aster Farms area and came up with a boundary along the public property that the County owns out there that included a 25' buffer and a chain link fence to keep the critters on their side. We do have a model to follow and the 25' buffer that we have proposed is appropriate adjacent to public lands which would make our request compatible.

Our total density has been revised downward from what was shown in our original request. Regarding traffic circulation, we realize that we would have to make some donations of right-of-way and some road improvements. Water and sewer services are immediately adjacent to our site and are provided by Seminole County, which would eliminate the use of septic tanks in this location. The response time from the nearest fire station is less than 5 minutes.

We are willing to modify our zoning request to allow R-1AAA on the eastern parameter, plus a 50' buffer that would be a trail and in addition to that, R-1AAA lots along that parameter.

Commission Wilson asked if the rail corridor passed through this property?

Mr. Harling said it did not pass through this property.

PUBLIC COMMENTS

Joan Coil, 207 Albert Street, spoke in opposition to this request. She said this is a natural area and no one takes into consideration that this one of the reasons that many residents chose to live there. She feels the wildlife should be protected.

Danny and Lois DeCiryian, 1581 Silk Tree Circle, spoke in opposition to the request. They are concerned about the environmental impact to the wetlands and traffic safety because of the curve at Myrtle/Hester Drive. Mr. DeCiryian is confused about the location of the wetlands since it appears to be different than what Mr. Harling showed in his request. Ms. DeCiryian feels that taking out the woods would lower the property value of the residents already there. She said that Autumn Chase is only about 1/3 developed and there are already drainage problems.

Robert King, 2211 Black Hammock, spoke in opposition to the request. He feels the proposed amendment is incompatible with the surrounding area and the natural environment. He said that Autumn Chase, the adjacent community, was a mistake and should never have been permitted and should not be used as compatible for taking out the next piece of property adjacent to it. If this project is approved it will degrade Lake Jessup. B.J. Simons, Jr., 1550 Myrtle Street, did not speak but is in opposition of the request. He said the wetlands are the main habitat for the wildlife in this area and no more housing should be permitted. He is also concerned that the roads are not suitable for more traffic which more housing would generate.

Viola Menefee, 5575 Hester Avenue, did not speak but is in opposition to the request.

Frances Lord, 4835 Hester Avenue, did not speak but is in opposition of the request. She feels the property should never be developed as it is water drainage for the area into Lake Jessup.

Robert Jasmine, 1153 Myrtle Street, spoke in opposition of the request. He read from the minutes of the January 23, 1996 meeting when the BCC decided to override Zoning and Planning recommendations and allow Autumn Chase to be built. Commissioner McLain was concerned at that time about the adjoining Suburban Estates property and stated that as development moves forward in this area it maintain the compatibility of Suburban Estates (1/du per acre).

Ken Wilder, 5850 Hester Avenue, spoke in opposition of the request. He feels the property should remain compatible with what is out there now.

Mary Ann Baker, 651 Myrtle Avenue, spoke in opposition to the request. She is concerned about the traffic problems that will be caused by more people moving into the area. There are already traffic problems resulting from the development of Autumn Chase.

Frances and Earl Lord, 4835 Hester Avenue, did not speak but are in opposition to the request. They feel the rezoning is not compatible with the area and the zoning now in place. Also this is a very heavily wooded and drainage area.

Mr. Harling said that CR 427 has 2 segments that remain to be completed. Both of those are funded programs and will be constructed from a signal standpoint on Hester Road. From the amount of traffic that is already there, a traffic signal will be warranted when these improvements are made.

Mr. Harling is very conscience of how valuable the trees are for the sale of real estate lots in this development and feels the ability to save them will actually drive the development.

Mr. Harling said that the drainage design parameters and rules are there to protect the resources and he will work with the St. Johns Water Management District and the County to protect the resources.

Mr. Harling said the buffer that is in the northeast corner would not be touched. He will provide the buffering that was presented and also upsize the zoning to match the zoning that adjacent to the property, which is R-1AAA.

Mr. Harling feels this is a compatible project and is consistent with the land use. All services are available to this site. He requested that the Board vote for approval of this project and move it forward to the Board of County Commissioners.

Chairman Tremel asked what the difference in the elevation is between Autumn Chase and this property?

Mr. Harling said there is approximately 2'-3' of fill over the Autumn Chase site and this site would be comparable in elevation before the 2'-3' were placed on the site.

Chairman Tremel said that one of the things that he has observed over the years is the concern that the homes that are going to be built are not going to be of a value comparable to surrounding areas which in most cases proves not to be true. The ironic part is that it has a reverse effect on preserving the natural area because you end up with very large homes on smaller lots and there is less and less that is capable of being preserved. He would like to see smaller homes built and more of the natural environment being preserved.

Mr. Harling said if you take a 2,000 square foot home and put it on 11,700' lot that is not a lot of coverage for the house itself. The average selling price of a home in central Florida today is \$87 a square foot and that includes the lot and equates out to a \$174,000 house in this particular subdivision which would be the beginning price for a 2,000 square foot home. His expectation would be that

the majority of the homes built here would be somewhere between 2,400 and 2,800 square feet which would put them right in the \$200,000-\$225,000 price range.

Motion by Commissioner Wilson to deny this request. Second by Commissioner Peltz.

Commissioner Wilson asked staff if they have had a chance to evaluate the wetland presentation that was given tonight?

Mr. Shadrix said he has had a chance to take a preliminary look at the conceptual aerial, which was a non-binding conceptual that has not been signed off by an agency. Staff feels there is a great bit of concern regarding where the actual line is. A wetland delineation is not done unless there is a particular dispute but certainly more investigation can be made into this site. The question is still open as to where the wetland line exist.

Ms. Smith said the map that was used was a floodplain and wetlands map that was generated by the County's GIS data. This particular map was utilized for the lot size compatibility study because of issues concerning adjacent wetlands and when doing lot size compatibility, all wetland issues have to be thrown out for adjacent parcels. This map shows everything the County has pertaining to that data.

Commissioner Peltz said with regards to developed area, this site is in a flood plane.

Ms. Smith said it is either floodplain or wetland.

Commissioner Tucker asked if that was a FEMA map?

Mr. Smith said no.

Commissioner Tucker asked if staff had a FEMA map?

Ms. Smith said this information is generated from FEMA and also the FIRMA maps and USGS as well.

Mr. Shadrix said in areas where there is some mapping discrepancies, staff will sometimes look at other data sources such as FEMA but the St. Johns Water Management District updates their information on a regular basis and that is the data that is used in the County's GIS database to construct the preliminaries.

Ms. Matheny said this map does not reflect the underlying soils on the property and that it is USGS and FEMA data and incorporated all the flood prone areas within the 100-year flood zone and wetlands. This map does show actual flood prone and wetland areas.

Chairman Tremel said the applicant mentioned that they didn't realize the wetlands determination had expired and that originally there was a binding wetland determination made on this site. Is that correct?

Mr. Shadrix said according to the information staff has available to them, there was some type of letter that existed showing jurisdiction of the wetland lines granted by a State agency in prior history. However, Seminole County has signed off on no such jurisdictional in the past.

Commissioner Tucker said he is voting in favor of the motion to deny because there are still too many unanswered questions and he doesn't have a good feeling about the drainage issues. Also, the density is too high for that area. He has problems with the compatibility questions that staff approaches regarding the compatibility of Suburban Estates to R-1AAA and how the residential property should be buffered from recreational property.

Ms. Smith said in regards to Suburban Estates adjacent to Recreation, Table 2.1 of the Seminole County Comprehensive Plan indicates that there are land uses that are appropriate adjacent to each other such as Suburban Estates adjacent to Low Density Residential. However, Recreation is not mentioned. Usually when requests like this come in, it is on a case-by-case basis and staff uses their professional judgement to determine the compatibility and buffering.

Chairman Tremel asked if the motion makers' intention was to deny the land use amendment land change and the rezoning?

Commissioner Wilson and Commission Peltz said yes.

Motion passed unanimously. (4-0)