Minutes for the Seminole County
LPA / P &Z Commission
January 7, 2004

Members present: Richard Harris, Chris Dorworth, Ben Tucker, Thomas Mahoney, Walt Eismann, and Dudley Bates.

Member absent: Alan Peltz

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Karen Consalo, Assistant County Attorney; Jim Potter, Engineer, Development Review; Dick Boyer, Senior Planner; Tina Deater, Senior Planner; Candace Lindlaw-Hudson, Senior Staff Assistant.

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

A quorum was established. Commissioner Tucker then reviews for the audience the procedures used in conducting the meeting.

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

Commissioner Bates seconded the motion.

The motion passed by unanimous consent.

Commissioner Dorworth made a motion to accept the minutes for the last meeting as submitted.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent.

OLD BUSINESS

Unscheduled item:

Bear Lake Subdivision (PSP); Harling Locklin and Associates - approximately 5.99 acres; Preliminary Plan Approval for 27 Lot, Single Family Zoned R-1B/R-1BB; located on Bear Lake Road (03-05500041)

Commissioner Van Der Weide – District 3
Mike Rumer, Planner

Hugh Harling brought forth an unscheduled item for the Commissioners to rule on. Mr. Harling submitted a revised preliminary subdivision plan for the Bear Lake Subdivision. This was being done in response to the recent ruling of the Seminole County Board of County Commissioners on the zoning of the subdivision. The issue is the split zoning in the subdivision. There is both R-1B and R-1BB zoning. He is checking to see if the Commissioners gave all R-1B zoning as requested by the applicant, or if it gave split zoning as recommended by LPA /P&Z Commission. The Chairman signed a split zoning development order. If there is only R-1B zoning, 2 lots will be lost.

Matt West stated that the Development Order will say a maximum of 27 lots will be included, pending clarification by the Board of County Commissioners. If the Commission goes with the mixed zoning, the number of lots will be 25. No exterior lines will be changed, only internal lot division lines.

Mr. Harling stated that he would move forward pending approval of the Commissioners of the Developer's Commitment Agreement.

Commissioner Tucker asked if this item could be heard.

Matt West stated that the shifting of the lot lines will not change other issues associated with the rezone. Access points and other engineering issues will not change. The fencing issues will remain as reviewed previously and agreed upon.

Karen Consalo stated that if the zoning is in place that does not allow for this site plan, then the Commission cannot hear this.

Mr. West stated that what was approved will allow 25 lots. The LPA could condition the approval on the clarification of the BCC. There has been some vacating since the original approval.

Commissioner Mahoney stated that what the LPA/P&Z Commission approved was for 25 lots. The Board of County Commissioners approved the split zoning. We cannot move on this. If Mr. Harling wants to change it later, he can. This is an "add on" item. This should be automatic. This is clearly not an "add on" type item.

Mr. Harling stated that this was supposed to be ironed out and will be in the final engineering process. There was a DRC meeting in December. Almost every PSP that is approved is changed in final engineering for various reasons. He will set the lot sizes later. He wants to move the project forward without changing the maximum density. If the LPA wants to approve the PSP without setting the lot sizes until later, that is all right. His plans are scheduled to be in front of the Water Management District. He is not trying to circumvent anything. He is working toward the maximum density that was set.

Bob Hattaway stated that he owns adjacent lots 6, 7, and 12 on the north side of the road. He stated that if the Board changes this, he will be forced to buffer against his own property. He has made concessions to the house size. These homes will be in excess of $175,000.00.

Commissioner Tucker stated that it was his understanding that the Commission had approved 27 lots.

Mr. Hattaway stated that Commissioner Van Der Weide believed the BCC had approved the 27 lots.

Commissioner Tucker was concerned about the procedure on this.

Mr. West stated that a Development Order could be attached to this project that stipulates that the applicant is seeking clarification on this from the BCC. In the event that the ordinance as recorded stands, there will have to be a shift in the lot sizes for the 2 lots on the north side of the entrance road. It will not come back to the LPA.

Commissioner Mahoney made a motion to recommend approval of the PSP providing that it meets all codes and regulations; if the County Commission amends its motion, they could approve an amended plat.

Commissioner Harris seconded the motion.

The motion passed unanimously.

Commissioner Mahoney asked the Chairman to give staff direction that the Board not hear any "add on" items that are not automatic. This last was not an "add on" item. It took 20 minutes.

Chairman Tucker informed the audience that items C and D – Hawthorne Glen and Rockwell were asking for continuance and would not be heard.

A man rose from the audience and stated that he was present for the Hawthorne Glen item and that he would like to go forth with it in spite of the request sent in earlier.

Matt West stated that no one knew of this and that the man had just arrived. Mr. Hopper, the planner on the case was not present.

Chairman Tucker said that the Commission would hear the Hawthorne item as scheduled, since no notice of continuance had been put out to the public. Rockwell would be continued.

Technical Review Items:

A. Water Supply Facilities Work Plan; proposed amendments to the Capital Improvements, Conservation, Intergovernmental, and Potable Water Elements of the County Comprehensive Plan.

Countywide
Dick Boyer, Senior Planner

Mr. Boyer explained that the County must adopt a 10 year plan pertaining to water supply by January 1, 2005. In 2002, the Legislature expanded the local government comprehensive plan (Plan) requirements to strengthen coordination of water supply planning and local land use planning. This was done in response to concerns that the limits of groundwater are being approached in many areas of the State and that alternative supplies must be identified, quantified and developed in addition to the implementation of local water conservation strategies and Federal Department of Environmental Protection permitted water reuse programs.

The most significant requirement is completion of a 10-year Water Supply Facilities Work Plan (Work Plan) by all counties and cities within a "priority water resource caution area". These are areas where existing and reasonably anticipated sources of water and conservation efforts may not be adequate to 1) supply water for all existing legal uses and reasonably anticipated future needs and 2) sustain the water resources and related natural systems. This must be accomplished by Jan 1, 2005.

Next month Mr. Boyer will be presenting a full briefing.

Commissioner Mahoney stated that the water supply issue will become a concurrency item in the future.

Commissioner Tucker mentioned the Volusia County system establishing an authority for their water supply issues.

Mr. Boyer said that the St. Johns River Water Management Authority favors the creation of an authority. The State Legislature has asked water districts to do a needs and supply study. There will be a 10 year plan built from this.

Commissioner Tucker asked about desalinization elements to the plan. Orange County has a desalinization element.

Mr. Boyer stated that alternate water sources will be addressed. There are 6 such projects going on in the area. Among things being looked at are brackish water treatment and river draw off with osmosis treatment.

Commissioner Tucker asked if the issue of our facilities being in line with other towns and cities will be addressed.

Following Commissioner Tucker's reference to the City of Casselberry's proposed purchase of a new system, Mr. Boyer stated that methodology will not be addressed, but rather the needs of the County.

1700 Maitland Avenue; **Mike Dipasqua, applicant**; 0.58 acres; rezone from RP (Residential Professional) to OP for an office; located on the southeast corner of the intersection of Maitland Avenue and Florida Haven Drive. (Z2003-045)

Commissioner Henley – District 4
Tina Deater, Senior Planner

Tina Deater stated that the property is currently zoned RP (Residential Professional) and that the applicant is proposing an addition of approximately 2, 430 square foot second story addition to the existing office building which requires a change in zoning to OP (Office Professional). The future land use designation for the site is Office. The original site plan had a one story building addition and the removal of several trees for the expanded parking lot. The Development Review Committee suggested the addition be made in the form of a second story, thus saving trees on the south side of the property. In order to accommodate this proposal, several waivers are being proposed:

OP Zoning District Requirement	Requested Waiver
Rear yard building setback of 100 feet (east side)	Reduce rear yard building setback to 52 feet (existing condition on east side)
Rear yard active buffer of 50 feet (east side)	Reduce rear yard active buffer to 10 feet
Drainage can encroach into a required buffer by no more than 50%	Allow a 6 foot drainage swale in the 10 foot rear yard buffer provided that it is dry within 24 hours after a rainfall event (swale is existing on east side)
Side yard setback of 100 feet (south side)	Reduce side yard setback to 85 feet (existing condition on south side)
Side yard active buffer of 50 feet (south side)	Reduce side yard active buffer to 5 feet (existing condition on south side)

Staff recommends approval of the requested OP zoning classification with the following condition: a geotechnical evaluation must be submitted that demonstrates that the site has Type A soils, a very deep water table, and exceptional infiltration rates, to permit an exfiltration drainage system.

Commissioner Tucker asked for verification of the address for advertising purposes.

Ms. Deater stated that the address was correct.

Commissioner Mahoney asked if the waivers to code were entirely necessary. He was particularly concerned about the tree being checked to see if it were worthy of preservation.

Ms. Deater stated that an arborist had checked the tree and that it was worth preserving.

John Reynolds of American Civil Engineering Company representing the applicant stated that the address was correct.

Matt West also verified to Commissioner Tucker that the building address was correct.

Mr. Reynolds stated that the site is residential in character. No sign is needed. The applicant has been in the current location for the past 12 years. If the tree is to be preserved, the project must build up, not out. The OP zoning is necessary for the second story addition. These waivers were given to the original building also. No one is opposed to this project. The applicant is keeping a 6-foot brick wall in the rear.

No one spoke from the audience on this item.

Commissioner Harris made a motion to recommend approval of the requested zoning according to the conditions and waivers in the staff report.

Commissioner Mahoney seconded the motion.

The motion passed by a vote of 6 – 0.

Hawthorne Estates, LLC. / Deborah Hagen, applicant; approximately 15.92 acres; rezone from A-1 (Agriculture) to R-1 (Single Family Residential); located on the northeast corner of Majestic Forest Run and Orange Boulevard. (Z2003-046)

Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Matt West presented the background on the application. The applicant had earlier in the day requested a continuance and was present at the meeting tonight to be heard without staff being notified of the change in status.

Matt West reviewed the conditions requested in the staff report, including a minimum lot size of 8,400 square feet. Mr. West explained that the County Comprehensive Plan required a lot compatibility analysis be run on the request. Based on the analysis, Staff is recommending denial of the requested R-1 zoning and staff is recommending R-1AA zoning.

The lot compatibility analysis goes out 660 feet from the location of the request and looks at what is there and what could be placed on surrounding parcels in the future. Lake Forest has larger lots. On the west side of Orange Avenue there are one acre lots sizes. R-1 zoning would be too much of a transition from the larger lots. Also, there is an existing communication tower in the area. Homes can be put in the area without influencing the tower.

John Herbert of American Civil Engineering Company spoke on behalf of the applicant, stating that the applicant decided to proceed at the last minute. The application is being amended to ask for R-1A zoning with 75 foot lots. Lake Forest property has minimum 75 foot wide lots. Some lots are pie shaped in Lake Forest, and there will be some lots like these in Hawthorne Estates also. Several of the lots would be greater than 75 feet wide. Mr. Herbert stated that he concurred with all of the staff recommendations. He will provide for 100 year flood retention and put in turning lanes on Orange Boulevard for safe entry to the subdivision. The minimum house size will be 2,000 square feet of living area.

Commissioner Harris asked about the variable width lots in Lake Forest. Wouldn't Hawthorne Glen be held to a higher standard than Lake Forest?

Mr. Herbert said the lots there are variable width. Staff had wanted 90 foot lots. This would be a higher standard and match Lake Forest.

Commissioner Eismann asked if anyone knew how many lots in Lake Forest met the 75 foot size standard.

Mr. Harris and staff members present did not know this.

Mr. West stated that R-1A zoning is a 9,000 square foot lot. The R-1 zoning had been 8,100 square feet lots. Lake Forest lots are 170 feet deep, which increases the area.

Mr. Harris showed the site on the area map. To the south is West Lake Estates with 90 foot lots. Next to that is Forest Glen with 75 foot wide lots. Hawthorne will fit in with these. The large lots across the road are not in alignment with this trend.

Speaking from the audience was Richard Bavec, developer and President of the Home Owner's Association of Lake Forest. He had received a copy of the plan

for Hawthorne Glen from the applicant. Mr. Bavec stated that he agrees with the recommendation for R-1AA zoning. He would prefer that Hawthorne be a PUD. Houses in Lake Forest are $350,000.00 to $500,000.00. He asked that the property not be less than R-1AA zoning. The 100 year flood pond meets his expectations. He is concerned with water run off from this site into his subdivision.

No one else spoke from the floor.

The public hearing was now closed.

Commissioner Mahoney stated that in subdivisions like Lake Forest, part of the consideration of the PUD would have had clustering. The compatibility index is a useful tool. R-1AA zoning is the correct transitional size for the lots.

Commissioner Mahoney made a motion to deny the request for R-1A zoning, and to recommend R-1AA zoning.

Commissioner Eismann seconded the motion.

Commissioner Tucker asked Mr. West about the predominant lot size in Astor Farms.
Mr. West said that some are 7,000 to 8,000 square feet. Some are larger. There is a large buffer and landscaping.

Commissioner Tucker asked about the lot sizes from the rezone from last month, adjacent to the Wekiva Reserve.

Mr. West said that they were 50 – 70 foot lots. When you do a PUD a lot analysis is not done.

Commissioner Mahoney stated that there is a 30 percent open space requirement under those circumstances.

Commissioner Tucker asked if the communication tower's presence should be worked into the motion.

Mr. West stated that the communication tower will have a hardship created by the presence of the new subdivision. That could be administratively handled in the future.

The vote was 6 – 0 in favor of the motion.

<u>Rockwell</u>; **John F. Rinehart / Glatting, Jackson, et al, applicant**; 51.4 acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); and Rezone from A-1 (Agriculture) to PUD (Planned Unit

Development); located on Long Pond Road, 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (03F.FLU02 and Z2003-011).

Commissioner McLain - District 5
Jeff Hopper, Senior Planner

Commissioner Tucker announced that this item had been requested for continuance. It was observed that this item had been advertised and continued before. Commissioners were concerned about public notice.

Matt West stated that the site would be replacarded, and new notices would be sent out to the public.

Commissioner Mahoney made a motion to continue this item to the February 4, 2004 meeting.

Commissioner Eismann seconded the motion.

The motion passed unanimously (6 – 0).

Commissioner Mahoney observed that the Rockwell item should not be heard under "Old Business" on the next agenda. It should appear along with the regular items under "New Business."

E. <u>Myrtle Street Phase III - Conservation Village Concept Implementation</u>; approximately 620 acres abutting Myrtle Street east of Hester Avenue also described as Sub Area - I in the Myrtle Street Special Area Study. Review and comment on Phase III of the study and recommend proposed implementation language for the Seminole County Land Development Code.

Commissioner McLain - District 5
Tony Walter, Assistant Planning Manager

Mr. Walter reviewed the character of the area involved in the study. The area is varied, with wetlands, conservation areas, and agricultural fields, Autumn Chase subdivision, and light industrial areas. Currently land use is Low Density Residential (LDR) north and west of the railroad. Zoning is consistent with the future land use. The majority is zoned A-1.

The study was conducted in three phases. After an overview was taken, it was determined to concentrate on what was called sub area one, because it is more developable. This is at the corner of Hester and Myrtle Streets. Roads in the area are at "Level A." The adopted level of service is "E." With a build out level of an estimated 2 units per acre, roads in the area would remain at Level of Service "C" or better. The County is conducting a structural analysis of the area roads. The substratum of the road is being examined. This section is rural, with 24 foot

rights of way and drainage swales. Probable total costs of drainage improvements are estimated to be 1.7 million dollars, with $67,000.00 attributable to sub area one. Public Works has removed a 70 acre pond.

The concept of density bonuses has not been resolved at this time. All of the other concepts have been addressed.

Project goals include protecting the residential villages, keeping the rural character of the area, including the ability to raise animals. Commercial livestock is not feasible there, but recreational livestock would be. Another goal is protecting and utilizing wetlands, providing open spaces, trails, and providing wildlife corridors. Minimizing water consumption by clustering homes and having smaller lots, while developing amenities to keep quality of life for the residents, and maintaining property values also were target goals. Infrastructure costs will be limited, with narrower rights of way and pavement.

Mr. Walter stated that incentive bonuses to developers can be approached. There will be additional costs with enhanced stormwater treatment and retention. With clustering and with smaller lot sizes costs can be contained.

The recommendation on the amount of greenway and open space is at 50 percent.

Density and open space, buffers and setbacks with incentive bonuses are the key issues.

Mr. Walter said that he will come back with a recommendation which will incorporate LPA/P&Z comments.

Commissioner Tucker stated that this concept will apply specifically to this area alone, not as a general zoning category for the County.

Mr. Walter agreed. He said that this process is being watched by other groups elsewhere. Here there are significant drainage issues due to the rural character of the area. Elsewhere in the County there are other issues.

Commissioner Tucker stated that the underlying concept is suburban estates in this area.

Mr. Walter stated that the concept would build around amenities and conservation areas. This may become an overlay district for this area only. The option will be to develop as originally intentioned, as suburban estates. 50 percent open space could work here.

Danny DeCiryan of 1581 Silk Tree Circle, Sanford, is the President of the North Lake Jesup Community, Inc. He has participated in the study from the beginning. He stated that he appreciated the patience with the staff. Density

and incentive bonuses are complicated by drainage issues. Also, builders should not be penalized for building in this area.

Mr. DeCiryan reviewed the overall concepts for the study previously presented by Mr. Walter. He stated that in researching for the study, he found that the concepts discussed are not new ones. There are several approaches to this, each seeking to conserve and minimize impacts to the environment, with good economic sense.

Mr. Deciryan cited several studies which were outlined on his slides which showed enhancements such as parks and protected lands bringing up property values. These studies also looked at infrastructure costs in providing conservation village patterns rather than traditional street pattern layouts. The environment was protected by clustering and providing favorably for filtration and minimal stormwater runoff into lakes and streams. Trees and natural vegetation are better preserved.

Mr. Deciryan stated that the County needs to put together some training and development programs for architects and builders in the area to provide solutions to questions they may have in doing their local and regional development.

These principals can be shown to be agents of change that can save money as well as the environment. Partnering with local universities will bring out the potential as well. These concepts may be applied to commercial development as well.

An extensive bibliography was provided.

Commissioner Tucker asked if Mr. DeCiryan if he concurred with the comments in the staff report.

Mr. DeCiryan said that he did not have a copy of the report, but he did state that one of the basic goals established by his study group was limiting density to 1.5 units per net buildable acre.

Commissioner Harris said that the area was a collection of many independent parcels. What was a good minimum parcel size to start with to implement this concept.

Mr. DeCiryan stated that it depends on the site. Depending on who you ask, the concept can be implemented on any size parcel if one knows how to do it. If builders are shown that the concept can lead the builders to save money, they would do it.

Commissioner Harris pointed out savings demonstrated in various studies from 12 to 66 percent, depending on the size of the parcel. Opportunities for creative alternatives rise with the size of the parcel. In the study area there is a mosaic of small parcels. This will be difficult to do this in area.

Mr. DeCiryan stated that this is not a cure-all for everything. What drove this study was looking for a way to allow developers to develop their properties without sacrificing stormwater priorities and other issues. He wants to find ways to say, "I can," rather than "I cannot."

Commissioner Tucker pointed out pg. 7, item 17 of the planning matrix. "Density (Bonuses) incentives are not required."

Mr. Walter stated that in some cases that may be true. Group A felt that a bonus of up to ½ unit per acre may be necessary to counteract the increased costs for developers.

Commissioner Tucker said that the entire study was based on the concept that there were going to be incentives provided in order to save the land.

Mr. DeCiryan said that the key issue was to provide alternative ways of doing things.

Robert Jasmine of 1153 Myrtle Street stated that the reason the study was conducted was to preserve the suburban estates area. The study shows ways to have savings, therefore profit for the developers. There should be an ethic of "Why can't I do this?" in terms of using new strategies in development. Mr. Jasmine cited water problems in Autumn Chase, Rose Hill, and Baker's Crossing. He asked if the County wanted to continue with more such problems.

Sandy Bierly of Acorn Development and CAC Development stated that she is working on the Esterson site. She has been unable to make a viable plan for the project with a 50 percent open space level. She stated that the plan has been put to paper and that CPH Engineering said that the approach will not work on a 25 to 30 acre parcel. She stated that she would like to use the Conservation Village approach, but 1.7 units per acre will not cover the cost of putting in water and sewer. Ms. Bierly stated that she does not have 100 acres to work with. A density of 2.5 units per acre would work on her project. This would cover the costs of water and sewer installation. One site is 55 acres and another is 20 acres. She did not want to run 50 foot lots.

Anne Esterson of 1235 Myrtle Street, Sanford, said that it is difficult being the social experiment of the County. Her land has been farmed for 60 years. She would like to see 2.5 units per acre developed on her land. Ms. Esterson stated that her land is in an urban service area. The developer must bring water and sewer service down Myrtle Street. Plans cannot eliminate sidewalks and curbs. Safety for children must be considered. 50 percent green space will not work.

Eric Esterson of 1235 Myrtle Street stated that roads in the area have been under built. He cited the Baker's Crossing road as an example of failed construction techniques. Without guidelines where are the incentives? We need logical thinking.

Commissioner Mahoney stated that lots of 10,000 square feet are not small. The County must allow development with details bringing density to 1.5 to 3 units per acre. Ms. Esterson has been waiting 8 years. There should be achievable standards with the greatest amount of flexibility. The Commissioner stated that neo-traditional subdivisions wind up looking like grids. The goal for developing an area would be to have varied home sizes.

Commissioner Harris agreed. The goal is to try something new. This area is less than 620 acres, close to urban amenities. The idea is to create a variety of lot sizes to avoid the cookie-cutter effect; to reduce stipulations to encourage creativity within the area; throw out the things we don't need.

Commissioner Mahoney made a motion to recommend approval with staff conditions #1,2,3, and 4, and to incorporate "minimizing standards."

Commissioner Harris seconded the motion.

The motion passed unanimously (5 – 0). Commissioner Dorworth was absent for the vote.

Planning Manager's Report:

Mr. West reviewed the list of projects scheduled to be heard in February. Due to the large number of cases, it was suggested that two meetings be held.

After a brief discussion, the Chairman stated that two meetings would be held, starting at 7:00 P.M.

Commissioner Mahoney stated that the meetings will be held on February 4 and 18.

There being no further business, the meeting was adjourned by unanimous consent at 9:55 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Secretary