

**Minutes for the Seminole County
Land Planning Agency / Planning & Zoning Commission
Special Meeting
Wednesday, February 18, 2004
7:00 P.M.**

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

Members absent: Alan Peltz and Thomas K. Mahoney.

Also present: Matt West, Planning Manager, Tony Walter, Assistant Planning Manager, Karen Consalo, Assistant County Attorney, Jeffrey Hopper, Senior Planner, Tony Matthews, Principal Planner, Michael Rumer, Planner, and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order and explained the manner in which the meeting was to be conducted.

**Commissioner Bates made a motion to accept the proof of publication.
Commissioner Eismann seconded the motion.
The motion passed unanimously (5 –0).**

Technical Review Items:

A. Alaqua Lakes Unit 8 PSP; Donald W. McIntosh Associates, applicant; approximately 10.3 acres more or less; preliminary subdivision plan for 3 lot, single family residence, zoned PUD; Markham Woods Road and Alaqua Drive. (03-05500038)

Commissioner McLain – District 5
Mike Rumer, Planner

Michael Rumer, Planner, introduced the application for a 3 lot subdivision with typical lot size of 1.5 acres and an internal private road. No waivers have been requested on this site. Staff recommendation is for approval.

There were no questions for Mr. Rumer.

Commissioner Dorworth made a motion to recommend approval of the application.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 –0).

B. Digital Future Land Use Maps; Seminole County, Applicant; Amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) designating the digital Future Land Use Maps, as depicted in the FLU Exhibits of the Vision 2020 Plan, as the Official Future Land Use Maps for Seminole County. (04S.TXT04.1 – 04S.TXT04.4).

Countywide
Tony Matthews, Principal Planner.

Tony Matthews stated that the Board of County Commissioners had directed that the land use maps be amended to digital format to replace paper maps.

There were no questions for the staff.

There were no questions from the audience.

Commissioner Dorworth made a motion to recommend approval as requested in the Staff report.

Commissioner Eismann seconded the motion.

The motion passed unanimously (5-0).

C. General Hutchinson Parkway Canopy Designation; Seminole County, applicant; Amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) designating General Hutchinson Parkway as a canopy roadway (04S.TXT02.1-04S.TXT02.5).

Commissioner Morris – District 2 and Commissioner Henley – District 4
Tony Matthews, Principal Planner

Mr. Mathews asked that this item be continued to the March 3, 2004 meeting in order to give more time for notification and input from the public. Most of the abutting property is owned by the State or the County.

Commissioner Dorworth made a motion to continue this item to the March 3, 2004 meeting.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent (5 – 0).

D. Myrtle Street Conservation Village; Seminole County, Applicant; Amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) Policy FLU 9.3 Myrtle Street Study Area Conservation Village

Development Concept (04S.TXT05.1) and add Exhibit FLU: Myrtle Street Conservation Village Area (04S.TXT05.2)

Commissioner McLain – District 5
Tony Walter, Assistant Planning Manager

Tony Walter stated that Commission had recommended the creation of a text amendment and maps for the Conservation Village Concept implementation in the Myrtle Street area. Mr. Walters stated that he will be returning to the Board of County Commissioners on February 24 for transmittal and adoption in June.

Mr. Walter identified the 620 acres of the study using a map in a PowerPoint presentation. Mr. Walter identified changes made to language of the proposed text amendment. Item F had significant changes with the addition of one additional dwelling unit per net buildable acre (not to exceed 2). To qualify for the density, at least 50 percent of the site will have to be preserved as common open space. The applicant will also have to connect to central water and sewer and provide for an enhanced storm water volume reduction system and water quality treatment system. Also, a restoration and management plan should be developed for the open space. There must be identification of this language as pertaining only to the Myrtle Street area. The word “restoration” must also be defined. Each site will be treated separately, with separate plans developed for the site individually.

Mr. Walter stated that Staff is recommending transmittal.

Commissioner Tucker asked if the concept is only being applied to this area.

Mr. Walter stated that at this time, the conservation village concept would only be applied in this area for now. Any future applications will be carried forth with the text amendment process.

Commissioner Tucker stated that there had been problems with the application of this concept in Orange County.

Mr. Walter stated that when the new concept is applied, it takes an educational process to bring sales along with the public.

Anne Esterson, a resident of Myrtle Street, wanted to know about possible language changes for the amendment. She stated that the study has been going on for two years. She is disturbed about the 50 percent retention of green space. She does not want small lots resulting from this. She would like to see 60 foot lots and 40 percent open space. She wanted to remove the word “restoration” and use “a management plan” for the green spaces.

Robert Jasmine of 1153 Myrtle Street stated that they have worked for two years and seven different matrixes for this study. He stated that the density bonuses will double density, which he is totally opposed to. One unit per acre is quite adequate. Retention ponds should be allowed in open space. Make it a true conservation village; otherwise we had a PUD with more open space. We are supposed to be thinking "outside the box." He is still concerned about drainage problems. Parcels are rural parcels with varying sizes. We are experiencing uncontrolled growth with the population dictating the infrastructure, not the infrastructure dictating the population. He stated that the roadway system is inadequate. The costs of the roadway improvements must be born by the developers and taxpayers. If the houses are not there, the improvements will not be needed. He was deeply concerned with the density bonus issue, to keep density down. He wanted the word "urban" removed and the word restoration changed to "hammock renewal."

Danny DeCiryran of 1581 Silk Tree Circle, Sanford, President of the North Lake Jesup Community, Inc., stated that drainage is a great concern to his members. He is also in support of educating the development community in the area of conservation village techniques.

No one had further comment from the audience.

Commissioner Harris asked Mr. Walter to comment on the amendment of the language suggested by Ms. Esterson and Mr. Jasmine.

Mr. Walter asked for input from the Board. He stated that this is a guidance document, a policy. The phrases "hammock renewal" and "management plan" work well. As far as adding the word "urban" to the title, it will be conflicting and confusing. He is comfortable with the title as it is, which is specific to the Myrtle Street area individually. Other areas of the county would have to have separately developed policies and regulations as each area has specific issues different from Myrtle Street.

Commissioner Harris asked to use "conservation and management" plan.

Mr. Walter stated that those words were good suggestions.

Commissioner Tucker asked about the smaller sized parcel that this would be applied to.

Mr. Walter said that 20 acres would be about the minimum size in this area.

Commissioner Tucker said it could be 40 to 50 acres reasonably. He asked what the inventory of such 40 – 50 acre parcels would be in the county.

Mr. Walter said that there were few areas outside the northwest corner and the eastern part of the urban area which is suburban estates of the county that would have parcels large enough.

Commissioner Bates asked about stormwater and open space.

Mr. Walter stated that the PUD restrictions would be 35 to 40 percent open space anyway, so that 50 percent open space in this plan is reasonable.

Commissioner Dorworth asked about when the draft language would be brought back for the Land Development Code.

Mr. Walter said that the LDC language will be finished later, prior to adoption of the policy in June.

Commissioner Dorworth said that this is a pilot project.

Commissioner Dorworth made a motion to recommend that the Board of County Commissioners transmit this item to the Department of Community Affairs.

Commissioner Bates seconded the motion. He asked about the 50 percent open space topic, and the removal of the word "restoration."

Commissioner Harris stated that he favored the words "conservation" and "management plan" there instead.

Commissioner Tucker said that the private entities should manage their own land.

The motion passed unanimously (5 – 0).

E. Celery Avenue Administrative Large Scale Comprehensive Plan Amendment Seminole County; Administrative Large Scale Comprehensive Plan Amendment from Suburban Estates (SE) to Low Density Residential (LDR); located on the north and south sides of Celery Avenue from the Sanford city limits on the west to a point west of Cameron Avenue. (02F.ADM01 and Z2002-017)

Commissioner McLain - District 5
Matthew West, Planning Manager

(SECTION TWO)

F. Celery Avenue Administrative Large Scale Comprehensive Plan Amendment Seminole County; Administrative Large Scale Comprehensive

Plan Amendment from Suburban Estates (SE) to Mixed Development (MXD); located south of Celery Avenue, between SR 415 and approximately 1373 feet west of Cameron Avenue (02F.ADM01 and Z2002-017)

Commissioner McLain - District 5
Matthew West, Planning Manager

Matt West stated that he would like to cover items E, F, and G together. He stated that over 3 years ago the City of Sanford was looking at the Celery Avenue corridor as an area for future annexation. The City looked to the County to make comprehensive land use changes to assist in the task, perfecting an overlay and a new Joint Planning Agreement.

There are questions concerning density in this area. Mr. West then drew a line on a diagram of the Celery Area corridor, north to south on an easterly border of the old agriculture test station site. He said that the density to the west of the line was capped at 4 units per acre and to the east of the line at

Mr. West then reviewed the area of the Celery Area corridor, stating that the majority of the parcels are agricultural zoning and Suburban Estates future land use designation. Community meetings have brought out many citizens to discuss the Celery Area concerns. Mr. West stated that the BCC had directed the Public Works department to pursue the placement of an elementary school on a parcel in this district. There is some decontamination needed for the site, and storm water funding is missing at this time.

Mr. West stated that Russ Gibson, Planning Manager for Sanford, has sent an e-mail on behalf of the City of Sanford which was just received by the Planning Department today. He expressed concerns about who would be assuming the responsibility for the maintenance of Celery Avenue roadway.

There are concerns about the growing density of Celery Avenue. Traffic patterns in the study conducted by the Department of Public Works indicate that four lanes are not necessary now. Traffic projections in the report are based on the projections without the addition of the newly planned elementary school. Taking into consideration the location of the proposed school, traffic could be routed to another road as well as Celery Avenue. Sanford is concerned with the cost of upgrading the area roads. Mr. West stated that the County has 2.5 million dollars slated for improvements to the area. The Public Works study has found no improvements are needed to the foundations of the existing roadway, so no portions will have to be ripped up to upgrade the road. Mr. West stated that it was only fair that if the majority of properties along the road were annexed into the City of Sanford, then the City should assume maintenance of the road. There is a trend, that cities are annexing properties along county maintained roadways, cutting into the County's tax base, but not assuming maintenance of the road

thereafter. This is a clear-cut case where such a transfer of responsibilities is appropriate.

This item is going to the BCC on March 9. The road does not need to be widened at this time, and there is 2.5 million dollars allotted for drainage issues. One concern Mr. West had was that a trail had been delineated for the area, but no funds had been allotted for the development of the trail.

Using the color zoning map from the packet, Mr. West showed that area two had been re-aligned since the original meeting presentation. In focusing on the Celery Avenue corridor, any property abutting Celery Avenue would be held to the standards of the Celery Avenue overlay standards in the future. At this time, we do not know where the right of way line is going to be. If Celery Avenue is realigned and expanded, the overlay standards would be extended to those applicable parcels as well.

Mr. West stated that Staff is recommending transmittal of the land use amendment for Area One. We are not recommending adoption of the large scale land use amendment until such time as a Joint Planning Agreement is approved and adopted by the Board of County Commissioners and the City of Sanford. Also a zoning overlay should be adopted by the City of Sanford as stipulated in Mr. West's staff report, prior to the adoption of the large scale land use amendment. He is recommending the smaller version of Area 2 and the larger version of Area 1 for the change.

Also, Staff is recommending the transmittal of Area 2, but not recommending adoption until the JPA and overlay standards are agreed upon and passed by the Seminole County BCC and the City of Sanford.

Commissioner Tucker asked about the issue of pedestrian traffic in light of the new elementary school that is now proposed.

Matt West stated that the preliminary engineering report did not anticipate the school being placed where it will be.

Commissioner Tucker was concerned about the placement of sidewalks.

Mr. West stated that each subdivision is required to place sidewalks within the right of way at the time that they develop.

Commissioner Tucker asked if there would be room for sidewalks if the County puts in three lanes and drainage.

Mr. West stated that the development has to contribute the right of way to make the improvements fit. Now the right of way is only about 40 feet wide. The usual need is approximately 80 feet for a modern road.

Commissioner Tucker asked if there would be interior connections within the subdivisions to keep people from having to go out and walk along Celery Avenue to pass between neighborhoods.

Mr. West stated that from a planning standpoint, interior connections are good, but a lot of the communities develop as private, gated communities that do not want to be connected to the outside.

Commissioner Tucker cited the example of Wekiva and Wekiva Cove as two private communities which have an agreement. This would be creating a pedestrian hazard having a 40 foot right of way.

Mr. West stated that such changes can be put in the overlay. He is looking for such suggestions.

Commissioner Bates stated that he was troubled by the hour glass roadway effect. Roads widening and then narrowing are very bad. He realizes that the cost of 4 laning the road is great, but it appears that the County would be creating a modified monster by doing things as suggested.

Commissioner Tucker said that it is hard to imagine things developing with just turn lanes with traffic being only at current level, no less with future growth.

Commissioner Harris asked, "What road have we ever built that did not grow as anticipated?" Perhaps the long range plans need to indicate it being 4-laned at some future point, particularly in light of the new school there. The school, pedestrian traffic, increased auto traffic all add up to the necessity of 4 laning the road.

Commissioner Eismann asked if the County could put in the condition that once 51 percent of the road is annexed by the City, that the City would then assume maintenance of the roadway.

Mr. West said that it was possible, and that the BCC had suggested the 5 years deadline as a road adoption deadline.

Commissioner Tucker asked when the new JPA would expire.

Mr. West said that it would expire after 5 years, and be self-renewing. Mr. McIntosh had cited that as a problem at a previous public meeting and language had been changed to make things consistent.

Commissioner Harris commended Mr. West and his staff for their work on this project.

Mr. West acknowledged the input of Mr. McIntosh and the City of Sanford officials.

Ken McIntosh of 951 Powhatan Drive stated that he is representing 20 homeowners in this area. He had been working on the project for 42 months and had attended 21 meetings. He desired to recommend transmittal, but the phrasing "2008 or later" in the letter from the City of Sanford indicated to him that the City was not willing to take the road at any time.

Key issues of concern to Mr. McIntosh included density, the new delineation of Zone 2, density is not worked out, roads and traffic, and the drainage problem.

As far as the density issues, west of the experimental station site are 4 units per net buildable acre. Zone 1 has 2.5 units per acre, and Zone 2 should have 3 units per net buildable acre.

Mr. McIntosh stated that his group opposes the new, smaller delineation of Zone 2. The Andres Flower Farm should be in Zone 1. It is near residential uses. The Sanford Boat Works should be included in Zone 2. The zone should be extended along SR 415 to the medical facility. Looking at SR 415, there will be a traffic light near the exit off of the new bridge, heading toward SR 46. The loop would be removed so that the road should be run perpendicular line near the rear line of the Andres parcel, the First Pentecostal Church, the Sanford Boat Works, the Wilke family property. This is a matter that has yet to be worked out. His citizen's group recommends this realignment. If the Andres parcel is included in Zone 1, and SR 415 is re-aligned, this would be beneficial.

Mr. McIntosh was concerned because the City of Sanford has not agreed as of this time to assume the road and traffic responsibility.

Drainage issues in several key areas were delineated. Areas of particular concern were west of Brissom and between Sipes Avenue and Beardall and between Beardall and Cameron. Mr. McIntosh pointed out 5 areas that need to be targeted for retention or drainage ditches.

Mr. McIntosh stated that he had created a draft of the Joint Planning Agreement with the City of Sanford, had it reviewed by the County Attorney, and many of its

points have been incorporated into Mr. West's document. Unfortunately, The City of Sanford has not followed through on the planning agreement. Mr. West gave a copy of the JPA to the City of Sanford on January 30. The letter submitted today from the City indicates that they had just gotten it. On November 18, the Board of County Commissioners made an official position on this issue. Mr. McIntosh was disturbed that the City is not ready. He stated that the staff is readily available for consultation. He does not want to transmit this anywhere without the problems being worked out with the City of Sanford. It has been 42 months and 21 meetings since this process started. He does not want this to be continued, but there is no alternative until we hear from the City of Sanford. Mr. McIntosh stated that his district commissioner advocated that the density should be held to 4 units per net buildable acre west of the experiment station. We thought that this issue had been worked out.

We think that the Andres parcel should be in Zone 1, as LDR. We think that everything east of there, on SR 415 south to the medical center should be a transitional zone. Further, he stated that Exhibit C should be 3 units per net buildable acre.

Commissioner Harris asked if the new, proposed roadway alignment would be in boundary for density.

Mr. McIntosh stated that the alignment would be a logical extension of the lower part of the reduced Zone 2 diagram. He stated that this is not adding anything. The First Pentecostal Church is already mixed use. The road could be realigned and a light put in for traffic coming off of the new bridge. This has not been worked out to the satisfaction of his citizen's group.

Mr. McIntosh cited several areas of concern pertaining to drainage issues in the area west of Brissom and Sipes Avenue and Sipes Avenue and Beardall Avenue. Retention ponds were needed on Sipes Avenue and water in the area of Sipes and Beardall should be diverted toward the St. Johns River.

Mr. McIntosh also suggested that a recreation agreement be worked out with the School Board pertaining to the use of the amenities at the new school in the area.

Pertaining to the Joint Planning Agreement with the City of Sanford, Mr. McIntosh stated that the County staff has always been available for meetings. However, after 42 months and 21 meetings, the City has still not come to the table.

Commissioner Harris stated that the realignment of Celery Avenue and CR 415 would be under consideration.

Cecelia Bonifay, representing 4 clients in Zone 1, stated that her clients want the issue moved forward. Her clients have property in the Meriwether Trust. She stated that it takes 2 parties here. The Board could ignore the City and move forward or lower density. She would like to see a recommendation tonight or have the Board move on without the City.

There were no further comments from the audience.

Commissioner Harris asked Mr. West about the timing of this item. Was continuance an option, considering the absence of a Joint Planning Agreement being in place with the City of Sanford?

Mr. West stated that the item could be continued to the March 3rd meeting, but that the item must be considered at the March 9 BCC meeting in order for it to be transmitted.

Commissioner Bates wondered if the County would be getting a response in time for the meeting.

Mr. West said that the March 9th meeting was a moment of truth. Other properties are being annexed at higher densities than proposed. Staff will work on this, but we do not know if the City will take responsibility for Celery Avenue.

Commissioner Tucker asked if the County could stop annexations.

Mr. West said that the City cannot create enclaves. If annexations are compact and continuous, the County cannot stop annexation. He further stated that in terms of the JPA, the City has agreed to density caps.

Commissioner Tucker stated that the County has given as much as it should on this issue.

Commissioner Harris agreed.

Mr. West pointed out that no impact fees go to the maintenance or improvement of Celery Avenue.

Commissioner Dorworth stated that once the JPA expires, if the agreement is not executed, the County should consider withdrawal.

Mr. West stated that the County has nothing now, and the result is 5 units per acre in the area of concern.

Karen Consalo stated that the transmission of Celery Avenue to the City of Sanford would have to be handled separately, no matter what is done with the Joint Planning Agreement. The BCC wants the transfer sooner than 2013.

Commissioner Tucker asked Mr. West what timing would be the best for him concerning continuance of this item.

Mr. West recommended finishing tonight, with caveats, pertaining to the road, sidewalks, and realignment of Section 2.

Commissioner Tucker made a motion to recommend transmittal with the 3 conditions listed by Mr. West and inclusion of language stating that the City not be allowed further annexations.

Commissioner Bates seconded the motion.

Commissioner Harris stated that it is prudent to move ahead.

Commissioner Dorworth stated that he was hesitant to vote for this without assurance of Sanford participation, but he will vote for it to expedite matters.

Commissioner Harris asked Karen Consalo if two motions were necessary.

Ms. Consalo said yes, two motions, one on each request, would be in order.

Commissioner Tucker's motion to recommend transmittal of the request for an administrative comprehensive plan amendment from Suburban Estates to Low Density Residential and Mixed Development for approximately 549 acres to the Florida Department of Community Affairs for review and comment, located on the north and south sides of Celery Avenue was restated for Parcel 1.

Commissioner Bates seconded the motion.

The motion passed unanimously (5 – 0).

Pertaining to Section two, Commissioner Tucker made a motion to recommend transmittal of the request for an administrative comprehensive plan amendment from Suburban Estates to Low Density Residential and Mixed Development to the Florida Department of Community Affairs for review and comment with amendments as requested in the first motion above.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.

G. Seminole County and the City of Sanford Joint Planning Agreement;

A proposed joint planning agreement between Seminole County and the City of Sanford for the purpose and intent of adopting standards and procedures to ensure that coordinated and cooperative planning activities are accomplished to guide urban expansion in a spirit of harmony and cooperation in matters relating to, but not limited to, planning, future development approvals, annexations, and land development regulations.

Commissioner Morris – District 2 and Commissioner McLain – District 5
Matt West, Planning Manager

Mr. West stated that the JPA will not need a motion. It will be re-advertised later.

Commissioner Harris thanked Mr. McIntosh for his efforts and participation in the Celery Avenue items.

Matt West stated that the next regular meeting will be on March 3, with a full agenda planned for presentation.

There being no further business, the meeting adjourned at 9:10 P.M.

**Minutes for the Seminole County
Land Planning Agency/Planning and Zoning Commission
March 3, 2004
7:00 P.M.**

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

Member absent: Thomas Mahoney

Also present: Tony Walter, Assistant Planning Manager, Cindy Matheny, Principal Coordinator, Tina Deater, Senior Planner, Jeffrey Hopper, Senior Planner, Tony Matthews, Principal Planner, Cynthia Sweet, Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

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

A quorum was established.

The Chairman reviewed the method by which the meeting was to be conducted and the voting procedure.

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

Commissioner Dorworth seconded the motion.

The motion passed 6 – 0.

Commissioner Eismann made a motion to accept the minutes as submitted.

Commissioner Peltz seconded the motion.

The motion passed 6 – 0.

Technical Review Items:

A. Spaceport USA, Inc; Preliminary Subdivision Plan for Spaceport USA for 9 industrial lots on 24.04 acres zoned M-1A (Very Light Industrial District) located on the west side of Elder Road, approximately ¾ mile north of SR 46, and east side of I-4. (03-05500005)

Commissioner McLain – District 5
Cynthia Sweet, Planner

Ms. Sweet stated that the subdivision will consist of 9 lots on 24.04 acres zoned M-1A (Very Light Industrial). The subdivision meets all standards in the Land Development Code. Staff recommendation is for recommendation of approval.

There were no questions from the Board.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Peltz seconded the motion.

The motion passed 6 – 0.

B. Orange Blvd PSP; M/I Homes, Eric Wills, applicant; Preliminary subdivision plan approval for 37 lots on 9.5 acres, zoned PUD; located north side of Orange Blvd., 300 feet west of N. Oregon Street. (#04-05500003).

Commissioner McLain - District 5
Cynthia Sweet, Planner

Cynthia Sweet stated that the PSP from MI Homes is for 37 homes with a minimum lot size of 5,500 square feet. The PSP meets all of the standards of the approved development order and the Land Development Code.

Commissioner Tucker asked what the front setback will be.

Ms. Sweet stated that the front setback is 20 feet.

Commissioner Tucker pointed out that it was discussed by the Board previously that with a sidewalk, a 20 foot setback makes cars overhang the sidewalk when parked in the driveway. This subdivision has no place for the children to play. Sidewalks become very important. With front loading garages, a 25 foot setback is best. Another way is to have side loading garages. A 20 foot setback puts the houses too close to the property line.

Jeffrey Hopper, who handled the zoning of the property, stated that in the Developer's Commitment Agreement, it is stipulated that a 20 foot setback from the edge of the sidewalk to the house be required.

There were no further questions.

Commissioner Tucker made a motion to approve the request.

Commissioner Bates seconded the motion.

The motion passed 6 – 0.

C. General Hutchison Parkway Canopy Roadway Designation; Seminole County, applicant; Amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) designating General Hutchison Parkway as a canopy roadway. These amendments will create a 150 foot wide corridor (measured from the roadway centerline) (see shading on map below) for the purpose of ensuring preservation of the natural canopy and scenic character of this roadway and permanently constraining this roadway to 2 lanes (04S.TXT02.1-04S.TXT02.5).

Commissioner Morris–District 2 and Commissioner Henley–District 4.
Tony Matthews, Principal Planner

Mr. Matthews stated that this item is part of the Spring 2004 Large Scale Land Use Amendment cycle. The BCC directed staff to draw up text amendments for the purpose of designating General Hutchison Parkway a canopy roadway. It is a two lane existing roadway with a 50 foot right of way. Staff is recommending the creation of a 150 foot corridor, extending from the centerline of the road to protect the trees and create the corridor. This will also allow for the development of a previously designated county trail along the south side of the corridor. The proposed corridor shall apply only to those vacant, undeveloped properties, rights of way, and publicly owned properties. There are no plans to improve this road. The adjacent lands have primarily a recreational use. The majority of the road traverses wetlands. The corridor is mostly undisturbed except for the development on the corner of CR427 and the Parkway. There are 9 developed properties within the corridor. This item does not call for the acquisition of any properties; it simply establishes the canopy roadway designation. This is consistent with the County Comprehensive Plan and Staff recommends approval.

Mr. Matthews said that this item will go to the Board of County Commissioners on March 9, and will be in the Spring cycle of large scale plan amendments.

There are two amendments regarding the corridor and what is in it, pertaining to rights of way and publicly owned properties. Privately owned properties have been excluded from this corridor.

Mr. Matthews introduced two amendments to the text submitted to the Board:

Revisions for LPA/P&Z Hearing–03/03/04

General Hutchison Parkway Canopy Road Designation (04S.TXT02)

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There are nine (9) properties within the corridor that are privately owned. Of these, all nine (9) are developed. The balance of the properties within the proposed corridor are in County/State ownership (see attached Ownership Map

and Table). The proposed 150 foot corridor shall apply only to those vacant, undeveloped properties, rights-of-way ~~both privately~~ and publicly owned properties.

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C. General Hutchison Parkway, between US 17-92 and County Road 427 (Ronald Reagan Boulevard) is designated as a canopy roadway. The roadway corridor extends 150 feet from the centerline of the roadway. To ensure the preservation of the natural canopy and scenic character of this roadway, the following standards shall only apply to vacant, undeveloped properties, rights-of-way and publicly owned properties within the 150 foot corridor ~~both privately and publicly owned~~:

Commissioner Tucker voiced concerns about preserving native trees, not exotic trees growing there. He is in favor of the canopy tree concept.

Mr. Matthews stated that there is alternate language for item C.

Commissioner Tucker stated that a lot of trees in the corridor are not spreading, canopy type trees.

Mr. Matthews said that he would add to Item C: "Selective clearing according to Best Management Practices for the purposes of stimulating canopy growth..."

Mr. Matthews stated that there is only one other designated canopy corridor road in the county at this time: Florida Avenue.

Commissioner Tucker observed that there are other canopy type roads in the cities. There are canopy roads in Sanford on 8th Street and on Mellonville Road. The Commissioner asked about the presence of above ground utilities in the area. Will this prohibit the above ground utilities from running through the area?

Mr. Matthews said that any clearing in the area would have to be approved by the Board of County Commissioners.

Commissioner Tucker asked if the Board could specify that the utilities be regulated in the area pertaining to trimming the trees and that lines be put underground.

Mr. Matthews said that he knew that the Board could not regulate power lines, but he will check on other types of utilities that have rights of way in the area before going to the Board of County Commissioners with this item.

There were no comments from the audience on this item.

Commissioner Harris followed up on Commissioner Tucker's concern about exotic or non-native species. He said that language in the ordinance should clarify that nothing is prohibiting the removal of non-native species from the canopy area.

Commissioner Tucker made a motion to approve with the optional language for Item C and to include language on the prohibition of overhead utilities in the corridor.

Commissioner Peltz seconded the motion.

The motion passed 6 – 0.

D. NW Oregon PUD; Ken Wright/ Shutts & Bowen, applicants;
72.90 acres zoned PUD; Major Revision to PUD Master Plan; north side of SR 46, west of N. Oregon Avenue (Z2004-001)

Commissioner McLain – District 5
Tina Deater, Senior Planner

Tina Deater stated that the subject property is located on the northwest corner of the intersection of SR 46, and N. Oregon Street, and contains approximately 72.9 acres.

The property currently has a Planned Unit Development zoning designation and a Planned Development future land use designation. (Put up Master Plan) The proposed PUD amendment consists of converting the approved shopping center to an automobile dealership, which includes auto repair/service and a collision center, and an additional 154 townhouses. The existing approved uses and the proposed amendments are summarized in the staff report.

We have received several letters from concerned homeowners in Lake Forest. Copies of those letters were provided to you before the meeting tonight. The applicants met with the Lake Forest Homeowner's Association to address those concerns and the applicants and the HOA have agreed to the following conditions:

- (i) No outdoor amplification of sound, including audible paging or speaker systems, shall be permitted.
- (ii) Other than (a) a term commencing two (2) weeks prior to the grand opening of the dealership and continuing until one (1) month after the grand opening (a total of six (6) weeks), and (b) special promotions occurring once per year for no more than seven (7) consecutive days (which special promotions shall, in any event, be subject to all limitations set forth in the Seminole County Land

Development Code), the dealership shall not feature or permit any tethered balloons, inflatables, flags or banners. Any tethered balloons, inflatables, flags or banners used during the permitted time periods shall not exceed a height of thirty (30) feet above ground level.

- (iii) No searchlights or beacons shall be permitted.
- (iv) The dealership shall install only shoe box-type lighting. No lighting shall spill over onto the Lake Forest property.
- (v) The dealership will meet or exceed the Land Development Code for landscaping its perimeter areas.
- (vi) S.R. 46 identification signage shall be limited to a monument type sign with a maximum height of fifteen (15) feet. The exact materials shall be determined at the time of final engineering, but the pedestal of the sign shall be constructed of brick, stone, split face block or similar materials.

Staff revised the Developer's Commitment Agreement based upon these conditions and this revised Agreement is what you received before the meeting tonight. I want to point out that condition (ii) relating to banners and inflatables and condition (v) relating to landscaping do not appear in the revised DCA. That is because the DCA states that: Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including the impact fee ordinance, of Seminole County. Conditions ii and v are already minimum standards in the Seminole County Land Development Code. The only time we include conditions in a DCA is when they differ from the requirements of the Land Development Code.

Under the original approved Developer's Commitment Agreement, there was a minimum 50 foot building setback on Lot 6 separating the multi-family development on Lot 6 from the commercial development on Lot 1. With this revision, the applicant is proposing to reduce the minimum building setback on Lot 1B (multi-family) to 15 foot from the Lot 1A (car dealership/collision center) boundary line. Staff believes that auto sales and a collision center equal the intensity of the originally proposed retail center; therefore the minimum 50 foot building setback should apply to the multi-family development on Lot 1B.

There has been some discussion with the applicant regarding revising the tree preservation calculations to allow the removal of additional trees on Lots 1A and 1B and mitigating them with replacement trees of a larger number and caliper than required. This revision does not affect the conservation area adjacent to the Lake Forest development. However, at this time we have not received a proposed tree

replacement schedule from the applicant, but if we receive one by March 23rd, it will be discussed at the Board of County Commissioners meeting.

Ms. Deater said that staff recommends approval of the requested major PUD amendment, subject to the Revised Master Plan and Revised and Restated Developer's Commitment Agreement with the condition that a 50 foot minimum building setback is applied on Lot 1B from the Lot 1A Boundary Line.

Ken Wright stated that Meredith Harper Pickens has worked with applicants and the Lake Forest community. This site was an old, ill fated Wal-Mart site. Mr. Wright stated that he agreed with the staff report. He will work on the language of the tree section. The only issue is the buffer between the townhomes and the car dealership. Originally this was to be a shopping center and later a Wal-Mart.

Mr. Wright pointed out an easement for the FDOT running through the property for drainage from SR 46. This buffer between the commercial element of the PUD and the townhomes will be 50 feet. Mr. Wright said that he is representing Pulte Homes (townhome developer) and the auto dealership owner. All parties are represented here. Differences at this point pertain to trees and the wall buffer. It is a dangerous precedent to intercede between 2 purchasers. These two properties will be developed together. This will be a state of the art Cadillac repair shop. It will be sound proofed and have no open bays. It will operate between 9 a.m. and 4:30 or 5:00 p.m. The two developers have agreed on what is needed to get the most out of the sites on both parts. Staff has been supportive throughout the process.

Bob Manual of 5336 Fawn Woods Court, Sanford, said that he does not oppose the application, as long as everything is held to the County LDC. He does have a problem with the Bill Heard dealership. It has an audible system which is an irritant. He is concerned with the position of the body shop. We have suggested that the service bay doors face east and west, so as not to face the townhomes.

Ken Wright stated that It is 1,800 feet through conservation to get to Lake Forest. The existing Seminole Ford is 2,200 feet from homes. The auto dealership site has been designed. If the body shop is turned, it is not efficient use of the property. It will be a state of the art building. It is in excess of minimum distances.

Commissioner Harris asked if Pulte Homes is comfortable with the car dealership plans.

Mr. Wright said that it was; he wants to reduce the building setback to 15 feet; The car dealership/ townhouse wall will be to the benefit of the residential use.

The public hearing was now closed.

Commissioner Tucker stated that he had made a tour of the area and saw three new body shops. The trend is for 24 hours of operation, 7 days per week open for business. This will be a 9 to 5 operation. We need to look at setbacks if it is more than 9 to 5. If we are including 9 – 5 and not night time use, then it is OK. Wal-Mart operations would have been more than that.

Commissioner Dorworth made a motion to recommend approval of the request for a major amendment to an existing PUD agreement, located on the northwest corner of the intersection of SR 46, and N. Oregon Street, subject to the amended and restated Developer’s Commitment Agreement with the following two conditions:

- 1. The hours of operation of the collision center shall be limited to 9:00 AM to 5:00 PM; and**
- 2. The minimum building setback on Lot 1B adjacent to the Lot 1A boundary line shall be 15 feet.**

Commissioner Tucker seconded the motion.

Commissioner Harris said that he agrees with the motion. If the developers are comfortable with the setbacks between their two parcels, the County should not interfere. In a PUD things can be done in a flexible manner with negotiation between parties.

Tina Deater asked for clarification; did it include the stipulation of the 9a.m. to 5 p.m. hours of operation for the collision center only?

Mr. Wright agreed that the collision center only would have the hours of 9 a.m. to 5 p.m.

The motion passed 6 – 0.

E. 419 / Chickonski Rezone; Mason Chickonski, applicant; Rezone of approximately 0.22 acres from R-3 to R2 for placement of a duplex, located on the west side of CR 419 between W. 8th Street and W. 10th Street (Z2004-003).

Commissioner Maloy – District 1
Tina Deater, Senior Planner

Tina Deater stated that the request was consistent with the development in the area. It would have negligible impact on the neighborhood. Staff recommendation was for approval.

Commissioner Harris stated that down-zoning sometimes imposes stress on adjacent uses.

Ms. Deater pointed out that there is an unopened right of way between the site and adjacent commercial zoning. There had been no feedback received from owners of adjacent property following notification by the County of the rezone.

The applicant did not wish to comment on the application.

There were no speakers on this item from the audience.

Commissioner Tucker stated that he had visited the site and that the duplex unit is already sitting on the lot. He was concerned about the placement of the driveway and how the site would be accessed.

Ms. Deater stated that there would be one driveway on the site. This zoning request is not site plan specific; however, the applicant provided a site plan that shows a 39-foot rear yard setback.

Commissioner Tucker was concerned that the building be moved back to a 30 foot rear setback, in case CR 419 is widened.

The applicant said that he would use the 30 foot setback.

Commissioner Tucker made a motion to recommend approval, with a 30 foot rear yard setback.

Commissioner Peltz seconded the motion.

Commissioner Harris pointed out a mapping notation of HDR and commercial zoning.

Tony Walter stated that the Planning Department is aware of this and that it would be rectified.

The motion passed with a vote of 6 – 0, with the notation of a 30 foot setback.

F. Bear Lake Rezone; Hugh W. Harling, applicant; approximately 1.58 acres; rezone from R-1B (single family dwelling district) to R-1BB (single family dwelling district); located on the east side of Bear Lake Road, 1.8 miles south of SR 436. (Z2004-007)

Commissioner Van Der Weide - District 3
Jeff Hopper, Senior Planner

Mr. Hopper stated that in October of 2003 the Board of County Commissioners gave the subject property R-1B zoning, with 60 foot lot width. Mr. Harling is seeking a clarification. The zoning of R-1B had been given to provide a transition between the smaller lots adjacent to the railroad and the larger lots in R-1A and R-1AA to the north and west.

Commissioner Tucker stated that the issue was clear. What is needed for 27 lots?

Mr. Hopper said that the concept plan showed 300 feet of 50 foot lots. This request is for 27 lots. One of the 27 lots will be lost with the approved plan.

Commissioner Harris stated that there had been a concern about a proper transition from R-1BB to R-1A zoning. He asked if the County had ever asked a property owner to buffer a development against his own property.

Mr. Hopper stated that he was not aware of the same owner having adjacent properties.

Hugh Harling is representing Bob Hattaway. Mr. Harling stated that the buffering is to Mr. Hattaway's other properties. The discussion at the previous LPA/P&Z Commission meeting was toward R-1BB and 50 foot lots. Mr. Harling stated that he will lose 2 lots with R-1B zoning. Mr. Harling stated that he had previously committed to 2,200 square foot houses with prices starting at \$175,000.00 to \$225,00.00.

Steve Bell of 6084 Jessica Drive, Apopka, wanted to know what had changed with the application.

Commissioner Harris stated that there had been a clarification needed.

Danny Roberts of 6096 Jessica Drive stated that the 2,200 square feet had not included the garages.

The public hearing was now closed.

Commissioner Harris stated that this was in keeping with the trend of having higher valued houses on smaller lots. Compatibility is seen through the value of the property, rather than through lot sizes.

Commissioner Tucker stated that his recollection was for 2,100 square foot houses with 400 square foot garages.

Hugh Harling stated that he wanted to have a 2-car, 400 square foot garage, with an 1,800 square foot house (living area under roof).

Commissioner Tucker stated that an appropriate zoning was needed for the 27 lots.

Karen Consalo stated that a new zoning should be made at this time.

Commissioner Tucker made a motion to recommend approval of R-1BB zoning that would accommodate the 27 lots with the 4 conditions stated in the previous development order: minimum house size of 2,200 square feet, gross, with a minimum 1,800 square foot living area and a 400 square foot double garage; a maximum density of 4.5 units per acre, maximizing out at 27 lots; a wrought iron fence along Bear Lake Road adjacent to the retention pond and a masonry wall to run adjacent to residential lots. Also, a masonry wall is to run along the full length of the property line on lot 20.

Commissioner Dorworth seconded the motion.

The motion passed unanimously (6 – 0).

In reference to the Planning Manager's Report, Tony Walter stated that the Hawthorne Glen item had been continued to March 9 BCC meeting.

Commissioner Harris brought up the topic of compatibility issues. We are now beginning an era of infill projects. Secondly, Commissioner Harris expressed a desire to be sure that adequate provisions for schools be made in the re-write of the County Comprehensive Plan.

Commissioner Tucker stated that the Board has a School Board Liaison who has an opportunity for input at each meeting.

Karen Consalo stated that direction should be gotten from the BCC before seeking input. Consultants will be talking to the School Board.

Commissioner Harris stated that input from the School Board would be concerning statistical need.

There being no further business, the meeting adjourned at 8:40 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson, Secretary