

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

JANUARY 5, 2005

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

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Earnest McDonald, Principal Coordinator; Rebecca Hammock, Principal Coordinator; Tina Deater, Senior Planner; Jeffrey Hopper, Senior Planner; April Boswell, Senior Planner; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7 P.M. and reviewed the manner in which the meeting is to be conducted.

Commissioner Dorworth made a motion to accept proof of publication.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

Commissioner Dorworth made a motion to accept the minutes from the last meeting with the notation of his entering the meeting and a check of the vote count of the first item.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

TECHNICAL REVIEW ITEM:

- A. Maitland Oaks Professional Office; Bishop and Bertot Dev. LLC., applicant;** revised site plan approval for a proposed medical office on 1.98 acres zoned OP (Office Professional District) and RP (Residential Professional); located on the east side of Maitland Avenue, south of Florida Haven Drive and north of Lake Shore Drive.

Commissioner Henley – District 4 Rebecca Hammock, Principal Planner

Rebecca Hammock reviewed the location of the site and stated that the west 250 feet and .62 acres to the north were previously zoned OP (Office Professional District) on August 8, 2000. Now a 13,000 square foot, one story professional office building is

planned with a shared access from Maitland Avenue with the dental office next door. Staff recommendation was for approval.

Mitch Collins was present to answer questions on behalf of the applicant. He concurred with Ms. Hammock's recommendations.

Commissioner Tucker made a motion to recommend approval as per the staff recommendations.

Commissioner Hattaway seconded the motion.

The motion passed unanimously.

PUBLIC HEARING ITEMS:

- B. Woods At Casselberry Preliminary Site Plan; Francisco Rojo / Landmark Companies, applicant;** Request for Preliminary Site Plan approval for 180 apartments on 10.72 acres in the R-4 (Multi-Family Dwelling District); located on the west side of Jergo Road, approximately 800 feet south of the intersection of Howell Branch Road and Jergo Road; (Z2004-064).

Commissioner Dallari – District 1

Francisco Torregrosa, Planner

Mr. Torregrosa stated that the property has a HDR (High Density Residential) future land use which allows densities of greater than 10 units per acre. The applicant is proposing 16.8 units per acre.

Mr. Torregrosa stated that the property was rezoned from R-3 to R-4 in 1969, and should have been approved with a site plan. Based on the minutes of the meeting, staff believes that no such plan was submitted. A development plan was submitted in 1981 depicting 1 and 2 story apartments on 13.5 acres with a density of 8.9 units per acre. Staff now believes that this plan was never presented to the Board of County Commissioners for approval. The development plan presented this evening should be reviewed on its own merits, since no density has been previously set on this parcel. Mr. Torregrosa said that staff recommends approval of the plan for 180 apartment units with the following recommendations:

1. Construction of a six-foot brick or masonry wall along the entire eastern property boundary as required in the active passive buffer standards of the Land Development Code.
2. Construction of a pedestrian sidewalk/trail around the retention pond.
3. Upgrade of Jergo Road to County standards from Howell Branch Road to the entrance of the apartment complex.

Mr. Torregrosa stated that he had received numerous calls and letters in opposition to this project.

Commissioner Harris asked that the School Board comments on this item be read.

Matt West stated that there were no School Board comments concerning this item.

There were no questions from the board at this time.

Rob Gebaide spoke next. He said the main goal tonight was to set the density on the project. Final site plan approval will follow. R-4 is the County's traditional multi-family zoning. He concurred with staff recommendation. The property is surrounded by multi-family zoning except for 4 lots of single family residential.

Commissioner Dorworth asked to see the pictures of similar projects done by the applicant.

Francisco Rojo showed rendering of the proposed project and pictures of other projects executed by the Landmark Company.

Public comment:

1. Jerry Grupa, Chairman of Save Slovak Garden Committee, stated that this action is illegal. On November 22, 2004 the President of Slovak Garden gave permission to Landmark Company to apply for the placement of the apartments without obtaining authorization from the property owner-members of Slovak Garden. Slovak Garden is member owned. This is an illegal action. Mr. Grupa asked that the commissioners defer this decision until after the March 7, 2005 membership meeting.
2. Mr. Bobek stated that he has lived at Slovak Garden for 9 years. He feels the area is too congested now.
3. Maria Rehorchezk has lived there for 2 years and requested that the commissioners not consider this request until after the March 7 Slovak Garden Homeowners Association meeting.
4. Charlotte Smith has lived on Jergo Road for 30 years. She feels that the road is very unsafe at the intersection of Howell Branch Road and Jergo Road.
5. Phil DeLuca was concerned about the potential of another 360 cars going into the area. He wanted to know if the Department of Transportation had been contacted about this request.
6. A Slovak Village resident stated that she was concerned that the 53 year lease was illegal. She did not see how a 6-foot wall could hide a 3-story building.
7. Olga Morvay has lived in Slovak Garden for 14 years. She is opposed to this request. She stated that the president of the Slovak Gardens was not authorized by homeowners to deal with this.

8. Robert Miller is a past director of the Slovak Gardens. He stated that the president is acting without authority.

Commissioner Dorworth asked the County Attorney if the county has a legal standing to act here on this matter.

Kimberly Romano stated that this is a private matter which did not touch this item.

9. Dick Wells, Community Development Director of Casselberry stated that he had not received notice of this meeting. He has issues of utility and fire service. These need to be worked out.

10. Thomas Laney has lived in the area for 12 years. He was concerned about increased traffic in the area. Also, there are the Wentworth Square buildings, which are all one story dwellings.

Commissioner Dorworth stated that in 1981 the Board of County Commissioners approved a density for the site of 8.9 units per acre.

Francisco Torregrosa stated that in 1981 there was no site plan submitted. The zoning was done in 1969.

Commissioner Dorworth asked if the application has legal standing.

Commissioner Harris said it did.

Rob Gebaide stated that the density was never established. Tonight he wanted to establish the density of the site.

Commissioner Tucker stated that the maximum for R-4 zoning was 10 units per acre.

Matt West stated that the applicant has no approved development plan. They need an approved development plan before they have a site plan approved.

Commissioner Tucker asked for a delineation of the property owned by Slovak Garden.

Commissioner Tucker asked Mr. Torregrosa about the legal requirements for public notice for this application.

Mr. Torregrosa stated that posting of the property and notice in the newspaper was necessary and had been done.

Commissioner Tucker stated that he had visited the site the previous day and that he had difficulty in making a left turn onto Howell Branch Road. He asked about the capacity on Howell Branch Road.

Mr. Torregrosa stated that there was adequate capacity on Howell Branch Road.

Commissioner Tucker asked about the time frame for the project.

Matt West stated that we do not know what happened in 1981, but in the 1990's we started recording development orders. We will have a final master plan within 5 years. In 1969 the County rezoned by motion, not by ordinance. We do not have a recorded development order for the project.

Commissioner Brown asked the developer if a two story project was planned.

The applicant stated that the buildings would be 2 stories with a middle section of 3 stories.

Commissioner Bates asked if the County has standing.

Commissioner Harris stated that based on what is before us, it is all right.

Commissioner Bates asked about the service issue with Casselberry and the interlocal agreement.

Mr. Torregrosa stated that the County had contacted Casselberry and asked about density.

Commissioner Hattaway expressed concern about the interlocal agreement.

Tony Walter said that details are to be worked out at the time of final site plan approval.

Commissioner Tucker stated it was premature to do it now.

Commissioner Bates asked what the benchmark on density was now.

Commissioner Brown stated that we start at zero.

Commissioner Harris stated that it is a mismatch between past and present.

Commissioner Tucker asked about the maximum height allowed in R-4 zoning.

Mr. Torregrosa stated that it was 60 feet.

Commissioner Tucker stated that traffic, light, and building height along Jergo Road were issues. As for density, the board could pick a number between 80 to 180.

Commissioner Harris stated that very little had changed with the zoning since 1969.

Commissioner Brown stated that we must recognize that the land will be developed. He agreed with Commissioner Tucker that a density should be assigned.

Commissioner Dorworth stated that we are an advisory board. The BCC will assign density.

Commissioner Tucker stated that this board should assign density.

Commissioner Dorworth made a motion to recommend approval as per staff recommendation.

The motion died for lack of a second.

Commissioner Bates made a motion to approve density at 13 units per acre.

Commissioner Tucker offered an amendment of no two story buildings along Jergo Road, and staff recommendations 1, 2, and 3 be included, and the addition of acceleration and deceleration lanes and light to be included.

There was no second. The amendment died.

The motion passed 5 - 2. Commissioners Tucker and Dorworth voted "no."

C. Shoppes at Tuskawilla Planned Commercial Development Major Amendment; Hugh Harling, applicant; approximately 1.82 acres; Major Amendment to PCD (Planned Commercial Development District) Preliminary Site Plan; located on the east side of Tuskawilla Road, approximately ¼ mile north of Red Bug Lake Road; (Z2004-063).

Commissioner Morris – District 2

Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant, Hugh Harling, is requesting a Major Amendment to a Planned Commercial Development on approximately 1.8 acres on the east side of Tuskawilla Road, ¼ mile north of Red Bug Lake Road.

Mr. Hopper said that this property received PCD (Planned Commercial Development) approval in 2003 for a 150-seat seafood restaurant in a 6,000 square foot building. A condition of that approval was that any significant change in use would require a major amendment to the PCD. The use now being proposed is a small retail shopping facility with 12,400 square feet of building area. Specific tenants have not been identified as yet, but the east end of the building would be designed as a drive-thru bank.

The existing PCD approval includes conditions intended to minimize incompatibility with nearby properties to the north and west, particularly the Tuskawilla Animal Hospital and the Tuska Ridge Subdivision across Tuskawilla Road. These conditions included:

- A 6-foot brick or masonry wall along the north property line
- Architectural style of the building compatible with residential uses

- No parking located on the frontage road at the west end of the site
- A buffer area on the west property line with landscaping equivalent to landscaping in the public R/W along Tuskawilla Road.

Mr. Hopper said that the last approval allowed C-1 uses on the site, and the new proposal is consistent with that. However, the new site plan does not fully address these compatibility conditions. It provides the required 7-foot buffer along the north property line, but does not show the 6-foot wall adjacent to the animal hospital. Also, the applicant proposes 11 parking spaces on the west side of the frontage road, in an area that was to have been a buffer adjacent to Tuskawilla Road.

Mr. Hopper stated that staff has no objections to the new proposed use of the site. However, the compatibility issues raised in the last approval have not been adequately addressed. Therefore staff recommends continuance pending appropriate revisions to the site plan.

Commissioner Bates asked what date should be set for continuance.

Mr. Hopper stated that it normally would be to the next regular meeting day. The applicant has not requested a date certain. It should be to the February 2 meeting.

Hugh Harling stated that he has addressed the issues adequately. The old plan was for a restaurant. That had some compatibility issues. Mr. Harling then showed pictures of the area. Picture 1 showed the driveway to the south. Picture 2 was the Arby's lot across the street, showing no hedge and no planted trees. Picture 3 was to the north toward the veterinary clinic. He will extend the driveway with landscaping of a hedge and trees on the west. Mr. Harling committed to a wall, berm and hedge and tree between the parking and the sidewalk along Tuskawilla Road. The site plan shows a 6-foot masonry wall extending along the back. There is a residence to the south. The wall is to be for them. His development will be compatible with the Veterinary Clinic. Internal uses will be low intensity C-1 uses such as a sub shop, martial arts school and bank. The bank is 2 stories.

Commissioner Brown asked for the location of the residence.

Mr. Harling stated that the wall would protect the house. They are across the retention pond, 300 feet away.

No one had any public input.

The public hearing was closed.

Commissioner Tucker stated that the issues brought up when the restaurant was approved here were lights and sound. They have been adequately addressed here. The neighboring vet clinic was constructed with soundproofing.

Commissioner Hattaway stated that the clinic had just gotten permission to expand. She asked Commissioner Alan Rozon of the Board of Adjustment how many more kennels were allowed to be put there.

Commissioner Rozon stated that 24 soundproofed kennels would go in.

Commissioner Tucker stated that the parking should be allowed if it is adequately buffered.

Mr. Hopper stated that staff would recommend approval at this time.

Commissioner Tucker made a motion to recommend approval according to staff recommendations.

Commissioner Hattaway seconded the motion.

Commissioner Dorworth asked Mr. Harling if he had any concerns on the staff recommendations.

Mr. Harling stated that he concurred with staff recommendations. His only concerns had been for parking and the amount of wall to be provided in the northeast corner. He would like his site plan approved as submitted. He wants parking in front.

Commissioner Tucker amended his motion to recommend approval according to the site plan submitted.

Commissioner Hattaway seconded the amendment.

Commissioner Brown asked Mr. Harling about the elevation of the parking.

Mr. Harling stated that there was an inverted crown in the lot and that the sidewalk will be 6 inches to a foot above the west end of the parking spaces.

There was no further discussion.

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

At this time Commissioner Harris expressed concern that the meeting was going to run beyond 11:00 P.M. With concern for the audience, he suggested that the commissioners might set a cut off point on the agenda in order to stop at about that time.

Commissioner Tucker suggested that the final two public hearing items were administrative and that they could possibly be heard on the next meeting in January rather than send them to February.

Tony Walter stated that the next hearing on January 19 had set aside 2.5 hours for comments on the Evaluation and Appraisal Report at 6:30 PM, to receive public input

on the Seminole County Comprehensive Plan. It was the board's decision as to what will be done.

Matt West said that those items are transmittal items that must be dealt with in January.

Commissioner Harris stated that items F, G, and J are substantial and to run past 11:00 P.M. does no one a service.

D. Isola Retail Center Rezoning; Robert E. Isola, applicant; approximately 3.25 acres; Rezoning from M-1 (Industrial District) and M-1A (Very Light Industrial District) to PCD (Planned Commercial Development District); located on the west side of Longwood Lake Mary Rd., approximately 300 feet north of CR 427; (22004-060).

Commissioner Henley – District 4
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting a Rezoning from M-1 (Industrial) to Planned Commercial Development on 3.25 acres on the west side of Longwood-Lake Mary Road 300 feet north of CR 427. The future land use is Industrial.

The applicant is proposing a PCD for 14,000 square feet of commercial floor space on property designated Industrial by the Vision 2020 Plan. The existing M-1 zoning on the property permits a wide variety of commercial uses, but excludes certain neighborhood-type commercial uses such as barbershops, ice cream shops and shoe repair. The purpose of the PCD request is to provide more flexibility in allowable uses. The proposed development would primarily consist of heavy commercial uses such as warehousing or contractors offices, but would also contain low intensity uses appealing to other tenants and surrounding residential neighborhoods as well.

Staff recommends approval subject to conditions listed in the staff report, including:

- allowable uses limited to C-3 uses
- prohibited uses would include service stations, convenience stores, and auto sales
- any outdoor storage on the site would require a major PCD amendment, which would be subject to approval by the Board of County Commissioners

Commissioner Tucker stated that item "B" pertaining to Communication Towers should be removed. Blanket prohibition is short-sighted. It sits next to a power right-of-way which contains towers.

Bob Isola stated that he concurs with staff.

There were no public comments.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Eismann seconded the motion.

The motion passed unanimously. (7-0)

The following item is being continued to an unspecified date and was not being heard:

E. Chase Groves Villas PUD Major Amendment; Centex Homes / Tom Daly, applicants; approximately 5.4 acres; Major Amendment to PUD (Planned Unit Development District) to permit townhouse development; located on the north side of Old Lake Mary Road between SR 417 and Casa Verde Boulevard; (Z2004-056).

Commissioner Carey – District 5
Jeff Hopper, Senior Planner

The meeting then proceeded to Item F:

F. NW 46 Planned Unit Development Large Scale Land Use Amendment and Rezone; Kenneth Wright / Shutts & Bowen LLP, applicant; approximately 55 acres; Large Scale Land Use Amendment from Commercial to MDR (Medium Density Residential); and rezone from PCD (Planned Commercial Development District) to PUD (Planned Unit Development District) for a 450 unit multifamily development; located on the east side of North Oregon Street, approximately ½ mile north of SR 46; (Z2004-053 / 05S.FLU05).

Commissioner Carey - District 5
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting a Large Scale Land Use Amendment from Commercial to Medium Density Residential (MDR) and Rezone from Planned Commercial Development (PCD) to Planned Unit Development (PUD) on approximately 55 acres on the east side of N. Oregon St. approximately ½ mile north of SR 46. The subject property currently has approval as a Planned Commercial Development for an office-warehouse facility.

The new proposal is a multi-family development consisting of a maximum of 450 dwelling units. These would be configured as apartments, condominiums, and/or townhouses. Compatibility with surrounding land uses is not really at issue, since the site is located adjacent to an auto dealer on the south, I-4 on the east, and a county retention facility and Medium Density Residential land use on the north.

Lake Forest subdivision lies to the west across N. Oregon St., but is extensively buffered and does not take access from that road.

The major issue to be considered is the development's impacts on the County's water use allocation as determined by the St. Johns River Water Management District. For purposes of the county's Consumptive Use Permit, water demand for this property was figured as commercial, while the proposed residential use will have a higher rate.

Therefore, this development is not reflected in current projections approved by the District. In responding to this issue, the applicant should consult with the Environmental Services Dept. and provide a mitigation plan to minimize the additional demand on water supplies generated by this request.

As noted in the comments from the School Board, school capacity is an issue in this area. The applicant could address this by maximizing the number of units to be sold fee simple, such as townhouses.

Staff recommends approval subject to conditions listed in the staff report, including:

- prior to final adoption of the land use amendment, the applicant should provide a water use mitigation plan
- density not to exceed 10 units per net buildable acre
- maximum building height of 2 stories and 35 feet
- off-street visitor parking to be provided at a rate of 1 space per 3 units

Mr. Hopper read Dianne Kramer's comments from the School Board which opposed the application due to limited school capacities. There would be 102 students from this development. The School Board opposes all conversion of commercial uses to residential.

Commissioner Hattaway asked if the figures quoted were accurate.

Matt West stated that there had been a meeting with the School Board and the Board of County Commissioners on December 13, 2004. They tried to come up with new estimates based on a close evaluation of available statistical information depending on the type of dwelling. If these are townhouses, the study showed .13 students per dwelling.

Commissioner Hattaway indicated that she thought the figure might be closer to .25 per unit.

Commissioner Tucker asked if there had been consideration of a home ownership being more stable, versus transient use putting more stress on the schools.

Meredith Pickens spoke for the applicant, stating that she agreed with all of the conditions except for condition "R" which talks about visitor parking. It is not part of the Code, but a policy to have one visitor space per three units. This is a conceptual plan being presented. She would like to finalize this part of the design at the time of final master plan. She would like to provide on-street parking by increasing the width of interior roads.

She suggested the following language for item "R": "Visitor parking shall be provided at the rate of one space per three units" or as an alternative, "the developer shall demonstrate how the visitor parking shall be accommodated to the County's satisfaction at the time of final master plan."

She stated that this project is a good transition to adjacent uses. She will provide a water use mitigation plan at the time of final site plan approval.

Commissioner Bates asked how she would accommodate a 100 percent increase in water use over the existing designated uses.

Ms. Pickens stated that her firm disagreed with County estimates. They calculate a 60.8 percent increase based on their engineer's estimates. The PUD will use things like low-flow shower heads and toilets and conservation. It will connect to the reclaimed water line for irrigation. That should save about 20 percent of water. She will have to get the approval of the Environmental Services Department on this. She will present the plan after further study prior to the final adoption of the land use plan.

There were no verbal comments from the public. Commissioner Harris noted for the record the submission of negative comments on the application from Mr. Robert Bugnacki of 5352 Orange Blvd. He requested a recommendation of denial.

Commissioner Tucker stated that he opposes this application. The issues brought up by the School Board Chairman at the joint meeting of the BCC and the School Board are germane here, as are issues of noise. Noise abatement costs for residential areas adjacent to the interstate are tremendous. Changes from commercial, industrial, and office to residential are only a short-term gain. It is the wrong thing to do.

Commissioner Tucker made a motion to recommend denial.

Commissioner Hattaway seconded the motion.

Commissioner Dorworth asked Ms. Pickens what had happened to the plans for the proposed Planned Commercial Development.

Ms. Pickens stated that the developer had lost interest. This developer wants to go in now with high-end residential. The property has a strange configuration. It was not completely suitable for office-warehouse.

Commissioner Dorworth said that as Mr. Hopper had stated, there are no adjacent property issues, and schools and water concerns will be negotiated. This is a property rights issue.

Commissioner Brown agreed with Commissioner Dorworth. He stated that people tend to look at apartments as negative. This is a good place for apartments. He will vote against the motion.

Commissioner Bates stated that he supported the motion. Water, schools, traffic, and noise are all issues here. The bottom line is: "Is it good for the County and our citizens?"

Commissioner Hattaway stated that these conversions erode the tax base.

The vote was 4 – 3 in favor of the motion to deny. Commissioners Brown, Dorworth and Eismann voted “no.”

G. Cameron Heights Planned Unit Development Large Scale Land Use Amendment and Rezone; Robert Zlatkiss / American Land Development, applicant; approximately 261 acres; Large Scale Land Use Amendment from SE (Suburban Estates), Low Density Residential (LDR), Industrial, and Commercial to PD (Planned Development); and Rezone from A-1 (Agriculture District), M-1 (Industrial District), C-1 (Retail Commercial District) and C-2 (Retail Commercial District) to PUD (Planned Unit Development District); located north of SR 46, south of Celery Ave., east of Sipes Ave. and west of SR 415; (Z2004-059 / 05S.FLU06).

Commissioner Carey – District 5
Jeffrey Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting a Large Scale Land Use Amendment from Suburban Estates, LDR, Industrial and Commercial to Planned Development (PD) and a Rezone from A-1, M-1, C-1 and C-2 to Planned Unit Development (PUD) on approximately 261 acres of land located in the Midway area, north of SR 46, west of SR 415, south of Celery Avenue, and east of Sipes Avenue.

The subject property is a collection of parcels in several different zoning districts and future land use designations which together have frontage on 4 major roads in the area. The site would have major entrances on SR 415 and Celery Ave., and secondary access from Beardall Avenue.

The proposal consists of:

- 227 acres of single family use at 4 units per acre,
- 15 acres of townhouse development at 10 units per acre
- 5 acres of retail commercial use
- a 14-acre business park which could include office, commercial, industrial, and/or multi family residential uses.

In a written discussion of the proposal, the applicant notes that the subject property is in the vicinity of Orlando Sanford International Airport, an area targeted for intense airport-related development through the Industrial and HIP future land use designations of the Vision 2020 Plan. The applicant contends that providing conveniently located housing is necessary in meeting Seminole County’s land use goals in the area. And in fact, a 209-lot single family development has already been approved to the east of this site, across SR 415.

Staff generally supports the concept of housing in the airport area, provided public facilities are brought on line in a way that keeps pace with the needs generated by new development. Where provided, such housing should be built with special construction measures to mitigate sound disturbance to residents. It should be noted that the site includes 3 parcels fronting on Celery Ave. that were part of the Celery Ave. Study, which

involved discussions with the City of Sanford about the appropriate density for residential development in the area. No agreement was reached, but proposals ranged from 2½ to 3 units per acre.

The proposed PUD would bring significant changes to the airport area. It would provide substantial amounts of new housing ranging from low density single family to townhouse and apartment housing types.

In addition, the proposal would provide a limited amount of retail commercial which would primarily serve residents of the development, reducing the need for such residents to travel outside the area for shopping.

The major issue Staff has is in the current capacity of SR 46, which is now operating at a Level of Service "F". The development of Cameron Heights should coincide with the widening of this road. However, 46 is not currently in the 5-year capital improvements schedule and therefore not programmed to be improved in the near future.

Therefore, Staff is recommending that the project be phased such that no more than 200 dwelling units or 2000 vehicle trips per day are generated until such time as the 4-laning of SR 46 is placed within the first 3 years of the 5-year Capital Improvements Plan.

Staff recommends approval subject to that condition and others listed in the staff report, including:

- Single family and townhouse development shall provide an active-passive buffer adjacent to industrial properties
- Cameron Avenue shall remain a through road and be constructed to County standards between SR 46 and Celery Ave.
- Visitor parking in the townhouse area shall require 1 visitor parking space per 3 units
- Allowable uses in the Commercial tract shall be C-1 uses
- Developer shall be responsible for any traffic signal improvements warranted by the project.

Mr. Hopper concluded his remarks with a further recommendation, which is not included in the staff report: to incorporate the Draft Celery Avenue development standards into the requirements for single family development on the 3 existing parcels adjacent to Celery Avenue.

School Board comments on this item were in opposition to the project. The project would generate a potential for 244 elementary school students, 112 middle school students, and 122 high school students. All schools have capacity deficits. It will have significant impact on schools.

Dwight Saathof, a partner of Mr. Zlatkiss, spoke for the applicant. He stated that the airport will be a major employer for Seminole County. Putting housing in for airport workers is a good idea. The East Lake Mary Boulevard extension will soon be completed, which attracted him to the project. It was a great task to assemble the land.

This will be a gateway to the County. The water and sewer will come from the City of Sanford. The majority of the property is uplands. He agrees with the staff recommendation for approval. The concerns he has are the issues mentioned by Mr. Hopper. Traffic, roads and schools are all familiar to him. He has met with Dianne Kramer concerning the schools. He will work with the School Board.

Of the 261 acres, 200 of them are today Suburban Estates. The Industrial designated lands were made so because of a railroad in the area. Over 1500 acres have been converted to industrial from suburban estates in the past years.

Commissioner Bates asked for specifics on how the schools were to be handled. Where will the land come from for the schools?

Mr. Saathof said that he had not had time to react to the issue. He will provide sidewalks for the schools. He has time before the final adoption hearings.

Commissioner Bates asked if the development would place homes under the flight patterns of the airport.

Mr. Saathof stated that that will not conflict. The area is already residential. This is a well thought out plan. The impacts from this will be done over a 5 to 10 year period. It will give the agencies that deal with infrastructure time to anticipate the needs.

Commissioner Tucker asked to review the plan.

Mr. Saathof demonstrated on the map sections that include townhomes, single family houses, and commercial uses.

Commissioner Tucker asked if the applicant will agree to noise abatement in the houses. He did not want the taxpayers to pay for such items later.

Mr. Saathof said that he was not prepared to comment on that.

Commissioner Tucker noted for the record that he has represented the Russell family in business matters in the past, but not on this.

Public comment:

Ken McIntosh stated that he has attended 27 public meetings concerning property in this area. This is not Midway. It is to be a development of 2.5 units per acre, progressing to 4 units per acre.

The school matter was brought up in August of 2003. The University of Florida experiment station is on Celery Avenue. It is a site for another school in the area.

This configuration is an urban sprawl project. He has not heard from staff for 12 months concerning the Administrative Large Scale Land Use amendment in the area.

His concerns centered on density control, lack of good design, unresolved area drainage issues, road problems and traffic. Nothing has progressed in these areas. The interlocal Joint Planning agreement has not been approved. He asked that the commissioners not recommend transmittal.

Robert Tomko of Beardall Avenue, stated that this plan puts residential next door to his industrial property where he has 30 to 40 "18 wheelers" going in and out every day. Traffic and flooding in the area are major concerns.

Nathaniel Hillery of East 21st Street stated that $\frac{3}{4}$ of the area is in Midway. He asked if any further properties will be added from Sipes Avenue to Brisson Avenue going east. What will this do to the taxes in the area?

John T. McGibbon opposed the land use change because it adds students to an already crowded school district. It was supposed to be low-impact housing.

Cindi Meriwether of E. Celery Avenue was opposed to the project. Her land is agricultural and is an active farm. This is not compatible with her land. She is concerned with barriers.

Russ Gibson of the City of Sanford said that to get city utilities requires petition for annexation. There are also implications for the Joint Planning Agreement on Celery Avenue. The City Commission has adopted a JPA concerning the Celery corridor. The BCC has not responded. The County should similarly consider the JPA with this. The City and County have not had an opportunity to address all of the issues on this. He said that this is a good opportunity with the assemblage of properties; it is better than a piecemeal development.

Commissioner Tucker asked why the Joint Agreement has not progressed.

Mr. West stated that things were left off with the BCC having only 4 voting members, since one commissioner owned land there. He did not vote. Votes were 2 to 2. The cap of the density from the Agriculture station east to Cameron Avenue was to be at 3 units per acre. Some Commissioners wanted 2 to 2.5 units per acre. It has been 4 years. The other issue was when Celery Avenue would be transferred to Sanford.

Mr. Gibson agreed. The issue has not been scheduled for the BCC to hear it. He will continue to work with the County on this.

Robert Rosemond of Indian Mound Village requested denial.

The applicant response from Dwight Saathof was one of cooperation with the area citizens and staff. He said it will not be urban sprawl. The roads will be improved, utilities will be brought in, schools will be worked out. The difference in the schools is manageable. Take into consideration the 1550 units that were taken away from the mix previously with other rezonings. He is not aware of drainage problems, but they will work with drainage to the letter of the law. He has no plan to add any further land to the development. Everything to the south and west is developed. The nearness to

unfenced agricultural would generate the need to put in fencing. Details can be worked out.

Mr. Harris mentioned Mr. Tomko's concern for the trucks in the area.

Mr. Saathof said that Beardall Avenue was a small road that is already zoned for residential land use.

Mr. Hopper stated that staff recommendation included the use of sound attenuation blankets, as with Sterling Meadows subdivision.

Commissioner Tucker said that this is a checkerboard, and the higher level of density will be worked toward inevitably. There are too many areas on the map not included in the project. We don't have enough information. He cannot vote to recommend approval.

Commissioner Brown asked what the density of the yellow areas is.

Matt West said that the density may be above 4 because parts of Midway are more dense than the land use indicates. The Suburban Estates area may be less than 1 per acre.

Commissioner Tucker said that there will be 5 new schools coming in. This would have to be factored in. He cannot vote for this as it is.

Commissioner Bates pointed to the drainage issues and the absence of a JPA on the area. To bring a development of this impact into this area is troubling. Increasing impacts on stormwater management in the area and to the schools in the area is woeful. The lack of stormwater drainage management is a serious problem because of cost. People come in and complain about impacts of new development on their land. He is not prepared to vote for this at this point.

Commissioner Harris stated that the applicant has a reputation for quality work. To make a decision of a parcel of this size, with less than 20 acres going to commercial use, the following items should have been addressed: schools, airport issues and noise issues, traffic and densities around the airport. There are too many unresolved issues here.

Commissioner Harris passed the gavel to Commissioner Dorworth.

Commissioner Harris made a motion to recommend denial of the request.

Commissioner Bates seconded the motion.

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

H. Hill Top Drive / Longwood Lake Mary Road LSLUA and Rezone; Allan Goldberg / C&G Real Estate Group Inc., applicants; approximately 22.45 acres;

Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); and rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive; (Z2004-057 / 05S.FLU03).

Commissioner Henley – District 4
Tina Deater, Senior Planner

Tina Deater introduced the Hill Top Drive/Longwood-Lake Mary Road Rezone. The applicant proposes a rezone from A-1 to PUD and a Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for a townhouse development on approximately 21.45 acres, located on the west side of Longwood-Lake Mary Road, approximately 700 feet south of Acorn Drive. The proposed development program consists of a maximum 10 dwelling units per net buildable acre. The proposed Land Use amendment to MDR includes an additional one acre over what is included in the rezone request from A-1 to PUD. One of the property owners wishes to preserve, for the time being, the A-1 zoning designation on the one acre lot they are going to continue to use for their single-family residence, but want to have the option of rezoning later under the MDR land use category.

According to Exhibit FLU-Appropriate Transitional Land Uses of the Vision 2020 Comprehensive Plan, Medium Density Residential can be an appropriate transitional land use between the Low Density Residential future land use to the north, east, and west, and the Industrial future land use to the south, if appropriate buffers, building heights, and architectural controls are in place. Staff believes that the proposed Medium Density Residential future land is compatible with the surrounding land uses, if it is subject to the conditions contained within the development order in the staff report.

The applicant has submitted letters from the adjacent single-family homeowners to the north, south and east of the proposed development, stating that they approve of the proposed 10-foot landscape buffer with a 6-foot masonry wall and 25-foot building setback adjacent to their properties. Therefore staff is recommending as a condition of approval, that 10-foot landscape buffer with a 6-foot masonry wall and 25-foot building setback apply adjacent to those four properties and also adjacent to the Low Density Residential property to the east that is being used as a church. The west side of the proposed development is adjacent to property with Low Density Residential future land use also.

Staff has not received any approval letters from this property owner, and therefore, staff is recommending as a condition of approval that along the west property line adjacent to the property with Low Density Residential future land use, a minimum 15-foot landscape buffer with a 6-foot masonry wall and 50-foot building setback apply. The building setback may be reduced to 40-feet if the buildings are positioned so that only a side, and not the front or rear, of the building is facing the Low Density Residential property.

The subject property is located within the Seminole County water and sewer service areas. Water and sewer services are available to the site; however the proposed land

use amendment would increase the estimated potable water demand for the subject property. Since this increase was not factored into the permitted capacity for the water system serving the site, staff is recommending that a mitigation plan to offset the difference in potable water usage be created and brought back before the Board of County Commissioners at the adoption hearing.

Ms. Deater said that staff recommends approval and Transmittal of the requested Large Scale Land Use Amendment from Low Density Residential to Medium Density Residential and rezone from A-1 to PUD, and approval of the attached Preliminary Master Plan subject to the attached Development Order and the condition that a potable water mitigation plan shall be presented to the Board of County Commissioners at the adoption hearing.

School Board comments stated that this project will have nominal impact on schools.

Commissioner Bates asked what good does the increase in density accomplish?

Matt West said that we don't analyze to say "Is this better?" We evaluate a project to make sure it does not make things worse. Our Comprehensive Plan is not set up that way.

Charles Madden stated that on Item J he would like to add the comment "except where wetlands or flood plain." This project is adjacent to a church. He would like to omit the wall next to the wetland. He would also add a comma and "adjacent to wetlands or flood plain."

Suzanne Lang of Lake Lane in Longwood Park stated that this area is on wells that have been drying up. She wanted to know where they will get their water.

Jeff Hawkins of Acorn Drive was concerned about wildlife and traffic in the area, as well as building height.

Mr. Madden stated that there is a 10-foot water main on the other side of the road. He will run a 1,200-foot sewer force main. The road is at service level "B" now. These will be 2 story houses with fee simple ownership. There will be a 10-foot buffer and a 6-foot wall on common property lines. He will put in sidewalks.

Commissioner Hattaway made a motion to recommend approval with the proposed changes to items "J" and "I."

Commissioner Dorworth seconded the motion.

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

I. San Pedro Center LSLUA and Rezone; Joe Calabrese/Brian Canin /Catholic Diocese of Orlando, applicants; approximately 465.60 acres; Large Scale Land Use Amendment from Low Density Residential (LDR) to Planned Development (PD); and rezone from A-1 (Agriculture District) to PUD (Planned Unit

Development District); located on the north side of Howell Branch Road, between Dike Road and Lake Howell Lane; (Z2004-058 / 05SFLU.04).

Commissioner Dallari - District 1
Tina Deater, Senior Planner

This item is being requested for continuance to the Fall Amendment Cycle.

Commissioner Bates made a motion to continue the request to the Fall Amendment Cycle.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (6 – 0). (Commissioner Tucker was not present for the vote.)

A brief recess was held at this time.

J. Osprey Lakes Phase 4 LSLUA and Rezone; D.R. Horton, Inc., / Jeff Newton, applicants; approximately 100.89 acres; Large Scale Land Use Amendment from Rural 5 (R-5) to Planned Development (PD); and rezone from A-5 (Agriculture District) to PUD (Planned Unit Development District); located north of Grey Owl Run, east of Jacobs Trail; and associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan; (Z2004-055 / 05S.TXT.02).

Commissioner Dallari - District 1
Tina Deater, Senior Planner

Ms. Deater introduced the Osprey Lakes Phase 4 Large Scale Land Use Amendment from Rural-5 to Planned Development and Rezone from A-5 (Rural Zoning Classification) to PUD (Planned Unit Development District); and the associated text amendment to the urban/rural boundary as depicted in Exhibits found in the Conservation, Design, Future Land Use, Library Services Elements of the Vision 2020 Seminole County Comprehensive Plan. The subject property contains approximately 100.89 acres and is located north of Grey Owl Run and east of Jacobs Trail.

The applicant proposes a rezone from A-5 to PUD, a Large Scale Land Use Amendment from Rural-5 (R-5) to Planned Development (PD), and a Text Amendment to amend the Urban/Rural Boundary, for a single-family residential development on approximately 100.89 acres, located north of Grey Owl Run and east of Jacobs Trail. The proposed development program consists of 47 single-family lots at a net buildable density of 2.06 units per acre.

The proposed use is a single-family residential subdivision with minimum lot sizes of 12,000 square feet. The subject property is adjacent to a single-family residential

subdivision to the south and properties designated for conservation and recreation that are owned by St. Johns Water Management District, to the north, east, and west. The single-family subdivision to the south is part of the Osprey Lakes PUD Phase 1. The minimum lot size in the existing Osprey Lakes PUD is 21,780 square feet. Hypothetically, even if this property were in the urban area, the 12,000 square foot minimum lot sizes proposed in this development would not be an appropriate transitional use between the ½ acre minimum lot sizes to the south and the 5-acre minimum lot sizes to the north. Therefore, staff does not believe that this development is compatible with the surrounding area.

The Vision 2020 Comprehensive Plan contains standards that must be met in order to amend the Urban/Rural Boundary. These standards are outlined in your staff report. The applicants submitted a series of analyses addressing these standards which are attached as Exhibit A in the staff report. Staff does not believe that the applicants have adequately addressed how the proposed development meets the standards for amending the Urban/Rural Boundary. They have not provided any calculations indicating that additional urban lands are needed to accommodate population, housing, or employment projected for the horizon year of this Plan, or that additional lands are required to support affordable housing or redevelopment goals of the County, or that additional lands are required to support economic development goals of the County, as required by the Comprehensive Plan.

The applicants have adequately addressed portions of the Locational Analysis required for the Amendment. The applicants are proposing to hook up to the existing utilities within the existing Osprey Lakes subdivision, which are provided by Aqua Utilities. In order for Aqua Utilities to be able to service the proposed project, the Urban/Rural Boundary would have to be amended so that the subject property is included within the Urban Area, and then Aqua Utilities would have to apply to the Florida Public Service Commission to determine if they can expand their service area to include the proposed development. Therefore, utility service is not assured. The subject property is contiguous to the existing Urban/Rural Boundary; however, because the proposed lot sizes are so much smaller than the lots in the adjacent subdivision, staff does not believe that the proposed subdivision is a compatible transitional use between the conservation lands to the north and the existing single-family subdivision to the south.

The subject property is within the Econlockhatchee River basin and contains extensive wetlands. Two-thirds of the property is proposed to be put under a conservation easement, but there are wetland impacts for the access roads and within proposed lots 4 through 7, 22 through 28, and 39 through 42. Lots 5, 6, 40, and 41 are almost entirely wetlands. There are also wetland impacts in some of the proposed stormwater retention areas. Seminole County's Natural Resources Officer has identified the wetlands on the subject property as being of high quality and has further identified several areas where impacts to the wetlands could be further reduced. Therefore, the proposed impacts do not meet the county's policy of minimizing the disruption of wetland functions in the high quality wetlands on site, and therefore do not comply with Part 3 of the Locational Analysis criteria.

Should the Seminole County Board of Commissioners wish to amend the Urban/Rural Boundary, staff recommends that it be done as a result of a comprehensive study, as done previously in the Chuluota area, and not in a piecemeal, parcel by parcel fashion.

In conclusion, staff recommends denial of the requested Large Scale Land Use Amendment from Rural-5 to Planned Development, rezone from A-5 to PUD, and associated Text Amendment to amend the Urban/Rural Boundary based on the following findings:

1. The proposed development is not compatible with the character of the surrounding area; and
2. At this time the proposed utility provision to the subject property cannot be assured; and
3. The proposed development does not comply with the Standards for Amending the Urban/Rural Boundary contained in the Vision 2020 Comprehensive Plan.

Jim Weinberg from D.R. Horton stated that there have been many changes to the urban/rural boundary through the years. He passed out maps, stating that the urban/rural boundary is "totally encroachable." He said that the site is compatible with the surrounding area. We want 47 homes in a 100 acre tract. There are several parcels that are not developable. In the area are the county trail, and the Magnolia Lakes subdivision.

David Evans with Evans Engineering stated that some lots in other phases included wetlands and lakes. These lots are 12,000 square feet net buildable land. We have used 2,300 square feet homes as a minimum. Access will be through Grey Owl Run is for emergencies only. Entry will be through Osprey Lakes Circle.

As for water and sewer, he stated that he has a letter from Aqua Utilities stating that if the boundary is extended, they will have water for the 47 lots.

Mr. Evans stated that wetlands issues would be mitigated. The road was moved to minimize impacts to wetlands.

Jim Weinberg stated that on item # 3 – he stated that there were conditions for amending the urban/rural boundary. He uses his market sense to see that there is a great job market, a shortage of homes for the workers, and a rising demand. The opening of the Greenway and the expansion of the University of Central Florida both contribute to job growth. The urban/rural line is an imaginary line that can be adjusted. This is compatible with surrounding uses because it is a continuation of an existing subdivision.

Public Input:

Edmund H. McGarey of Sparrow Hawk Cove in Osprey Lakes. He had concerns on compatibility with the existing lots and homes. This is not in compliance with the Vision 20/20 plan. He would not have bought his home if he had known of this development.

Michael Archibald of Grey Owl Run, lot 78, said that this is a bad plan. The developer is shoe-horning in as many houses as possible while avoiding the wetlands. He had been told that this land was unbuildable. These lots are smaller and not compatible with surrounding areas.

Dan Trombley also was opposed due to environmental issues. The Walker Elementary school is already at capacity.

Michael Raymond of Grey Heron Place was concerned about the security gate installation being delayed for another 2 to 3 years. This will disrupt the Florida Trail and is dangerous to the St. John's River. Why was Grey Owl run not deeded to the community?

Clinton Curby of Osprey Lake Circle stated that he purchased his home in a community of an announced 200 homes that was supposed to have a security gate.

Deborah Schafer of the Chuluota Community Association, Inc. spoke in opposition. She said that common sense will vote this down. The urban/rural boundary must be preserved. When do we stop?

Dave Ruff of Osprey Lakes Circle was also opposed.

Caroline Cox of Osprey Lakes Circle stated that she, along with other existing home owners had been deceived as to community size. This was to be a small development.

Michael Cox was concerned about the flooding in the area. The drainage systems in the area are not adequate now. These smaller homes will devalue the existing homes.

Rob Wittman of Osprey Lakes Circle stated that this plan will disturb the Flagler Trail and disturb the wetlands.

Neil DiSpirito of Grey Owl Run was also opposed, citing the Comprehensive Plan. The rural boundary is defined. 3 houses per acre is not compatible with 21,000 square foot lots. Utilities are not available.

Raymond Negron of Grey Owl Run said that this is an R-5 area. Please disapprove this.

Richard Shelton of Osprey Lake Circle said that the construction should have a new entrance and a new name. He was opposed.

Kenneth Rice was opposed.

Joe Wheeler was opposed. The increased traffic and stress on the utility company concerned him.

Lawrence and Sandra Peletz of Lake Crescent Drive were opposed.

James W. Hill was opposed to any encroachment into the urban/rural boundary.

Jason Eskew of Grey Owl Run was opposed.

Sue Easter was opposed. She had submitted an e-mail with her husband.

Barbara Barretta – Duquette was opposed to this due to a loss of property value.

In rebuttal, Jeff Newton of D.R. Horton stated that he saw a lot width of 120 feet as compatible. He will increase lot width from 100 feet to 120 feet. He can not control what Engle Homebuilders told their clients. He will work with the neighbors to make a good plan. The school concerns are nominal. Grey Owl is not a county Road. The trail is not a required dedication because it already exists.

The flooding and drainage of phase 4 will go into the wetlands.

The smallest house will be 2,300 square feet.

He will meet all required Water Management items.

The applied for Comprehensive Plan Amendment will make this subdivision compatible with the plan.

Commissioner Harris stated that the County does not involve itself with changes of developers and the plans promised.

Commissioner Brown stated that safety concerns should be brought to the sheriff's attention.

Commissioner Hattaway stated that there were similar concerns voiced when the original phases of Osprey Lakes was built. She assured the audience that their development will not be ruined or devalued by any decision made here. Issues with the builder should be pursued separately.

Commissioner Brown stated that he was concerned about the road running behind the houses.

Commissioner Brown made a motion to recommend denial.

Commissioner Bates seconded the motion.

The vote was 6 – 1 in favor of the motion. Commissioner Tucker voted “no.”

The following two items were continued to the January 19th special Land Planning Agency/ Planning and Zoning Commission meeting:

K. Higher Intensity Planned Development-Airport; Seminole County; applicant; Text Amendments to the Future Land Use Element of the Vision 2020 Seminole County Comprehensive Plan relating to the Higher Intensity Planned Development-Airport Future Land Use Designation; (05STXT.01).

Commissioner Carey – District 5.
Tony Matthews, Principal Planner

L. Text Amendment and Exhibit Addition to the Future Land Use Element of the Seminole County Comprehensive Plan as Directed by the Home Rule Charter Amendment; Seminole County, applicant; Text Amendment to the Future Land Use Element of the SCCP to add text to the FLLU Issue 11 “Protection of Rural Areas” and add a new exhibit defining the Rural Area, the “Rural Boundary Map” and the “Legal Description for Rural Area” established in the 2004 Home Rule Charter Amendment approved by Seminole County voters on November 2, 2004; (05STXT.03).

Countywide
April Boswell, Senior Planner

The meeting was adjourned at 12:15 A.M.