MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION JULY 13, 2005

Members Present: Beth Hattaway, Dudley Bates, Walt Eismann, Matthew Brown, Richard Harris

Member absent: Ben Tucker (Note: The Commission is short one member due to the resignation of one commissioner.)

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tony Matthews, Principal Planner; Rebecca Hammock, Principal Planner; Kimberley Romano, Assistant County Attorney; Tom Radzai, Senior Engineer; Jerry McCollum, County Engineer, and Candace Lindlaw-Hudson, Senior Staff Assistant.

The meeting was called to order at 7:00 P.M. In the absence of Chairman Tucker, Vice-Chairman Bates took the gavel for the evening.

Chairman Bates introduced the members of the commission present this evening. He reviewed the method by which the meeting was to be conducted and how voting was conducted.

Commissioner Harris made a motion to accept proof of publication.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

Commissioner Eismann made a motion to accept the minutes for the June 1, 2005 meeting as submitted.

Commissioner Hattaway seconded the motion.

The motion passed unanimously.

Unscheduled Technical Review Item:

Jeffrey Hopper introduced the Preliminary Site Plan for the following item:

Copper Chase Townhomes Subdivision Plan; Cooper Development, applicant; Preliminary Subdivision Plans for 77 fee-simple townhomes; 20.13 acres zoned R-3A; located on east Red Bug Lake Road, east of SR 426 and west of South Central Avenue. Access will be from East Red Bug Road,

connecting the site to SR 434 to the east. Staff recommends approval of the request.

Commissioner Harris asked about the upland area to the north.

Mr. Hopper stated that the land will remain as represented on the site plan.

Commissioner Harris made a motion to recommend approval.

Commissioner Brown seconded the motion.

The motion passed unanimously.

Tony Walter introduced Rebecca Hammock and Tom Radzai from the Development Review Division to present the next unscheduled item.

Regency Estates Phase II:
Rebecca Hammock, Principal Planner with the Planning Division introduced the request for Preliminary Subdivision Plan for 18 lots on 5.64 acres zoned R-1BB. The subject property is located north of Chapman Road and south of Red Bug Road on the east side of Mikler Road and Summer Club Drive. The property will be serviced by Seminole County water and sewer. Staff recommends approval of the PSP. There were no waivers requested on this project.

Commissioner Brown made a motion to recommend approval.

Commissioner Harris seconded the motion.

The motion passed unanimously.

Tony Walter now introduced a number of staff members involved in the Wekiva Parkway item which will be heard toward the end of the meeting.

A special briefing by staff on this item was presented by Tony Matthews at the beginning of the meeting, and presentation of the staff report later in the evening looked at land use strategies.

Mr. Matthews stated that if one looks at the strategies, there is more than just land use. There are transportation issues, potable water, sanitary sewer, and storm water issues as well. Staff would like to make the experts available early in the meeting.

Jerry McCollum, County Engineer, spoke first. He is the engineering liaison for the Seminole County Expressway Authority. Over the last 4 years the Governor has set up various committees to deal with setting up a corridor for the "Old Western Beltway" that goes around the area. Legislation has come out dealing

with the corridor. At this point, the DOT, around November will have some potential corridors to suggest. As of now, no one knows where. Funding is provided for the purchasing of right of way in Lake County. No funding has been provided here. There is no commitment to provide a completion date. Ten years would be a good goal.

Commissioner Bates asked where the corridor is in relation to Metroplan.

Jerry McCollum stated that at this stage this project is on the Needs Plan, which looks at unfunded projects for Orange, Seminole, and Osceola counties. There is also a projected plan for the eastern beltway from the GreeneWay over to US 95.

Mark Flomerfelt of the Roads/Stormwater Division spoke about the report being prepared for a January 2006 completion date. He is examining the stormwater plan in the area.

Commissioner Harris asked about the major objectives.

Mr. Flomerfelt stated that they were looking into using stormwater to recharge the aquifer.

Commissioner Hattaway asked about a cleanout of streams and rivers.

Mr. Flomerfelt stated that natural systems were not looked at in the study.

Dave Gregory, Acting Environmental Services Director, said that he is studying the wastewater treatment facilities and their discharge. Another interesting topic under examination is the phasing out of septic tanks. About 200 homes now currently abut a wastewater line. In 10 years, there will be 1,000 homes abutting wastewater lines. We are looking at strategies as to how we can phase out septics and connect to the lines. The Department of Health will be involved in the strategies to be developed.

Commissioner Hattaway asked if any strategies are being worked out to decrease the homeowner expense of hooking up to the sewer lines.

Mr. Gregory stated that they were not at that point yet.

Commissioner Brown asked if there would be any difference between a high-pressure line and a gravity line for hook up.

Mr. Gregory said that he did not think there would be a difference. There would be some kind of grinder pump hooked into the force main.

Commissioner Bates asked if there is a target date for when all septic tanks will be phased out.

Mr. Gregory said that such action was too far out to set dates.

Dick Boyer, Senior Planner in the Planning Department, stated that a long-range water supply facilities plan is being devised to address the increased use of water. Conservation, alternative water supplies, and fees are on tap. One of the sources to take the burden off the underground aquifer is the St. Johns River. Previously the LPA/P&Z has been briefed on the proposed plan. The time line for the water plan was extended, to be considered in the spring of 2006.

Public Hearings:

A. Condev Office Building; Chris Gardner, applicant; approximately 1.9 acres; rezone from A-1 (Agriculture District) to PCD (Planned Commercial Development); located on east side of Tuskawilla Road, approximately 300 feet north of SR 426. (Z2005-022)

Commissioner Dallari - District 1
Jeffrey Hopper, Senior Planner

Jeff Hopper stated that the applicant requests PCD zoning to develop an office use on the subject property. The project would consist of a total of 21,746 square feet in four separate buildings. The buildings would be 2 stories in height and share a Tuskawilla Road access with the existing convenience store to the south. The proposed use is compatible with existing commercial development to the south and approved office and commercial development on vacant properties to the north and east.

The site plan in your packet is the original submittal that went to the Development Review Committee. Based on that review, staff identified a number of issues related to the retention pond and required open space on the site. Although a revised site plan has come to us in the last few days, staff has not had adequate time to evaluate the new submittal. Therefore, Staff recommends continuance of this item to a future meeting date.

Chairman Bates stated that in the staff report package, one of the options was to recommend approval with the conditions Mr. Hopper had suggested in the staff report.

Commissioner Brown asked if the site plan has improved.

Mr. Hopper stated that the original plan had a retention pond with vertical side slopes. The applicant wanted a wall and a fence there. The pond should be more of a visual amenity with its being considered as part of the 25 % open

space. Without more time, Mr. Hopper could not offer a firm recommendation at this time.

Joe Gardner spoke on behalf of his son, who is the applicant. Mr. Gardner said that they had responded to every comment. The wall has been removed from the pond; parking space size was increased. There is an easement on the south side of the property. It would be a hardship to put this off for a month. The company will use the first phase of about 9,000 square feet. The rest of the site will be saved for future expansion.

Commissioner Eismann asked if the conditions in the staff report were achievable.

Mr. Gardner looked at the conditions and said that he had no problems with the conditions in the staff report.

Commissioner Brown pointed out that the change in the retention pond could change the size of the building.

Mr. Gardner said that the buildings have been changed to 2-story in order to decrease the building footprint and keep the amenities. There is a boardwalk which projects over the retention pond, along with picnic tables, as suggested by the staff.

Commissioner Brown explained that parking places may have to be removed in order to accommodate the code.

There were no comments from the audience.

Commissioner Eismann made a motion to recommend approval subject to the conditions found within the staff report.

Commissioner Brown seconded the motion. He stated that he would like to move this forward by having the applicant work with the staff. This would save the applicant one month in the development cycle.

The motion passed unanimously.

B. 9442 & 9436 Albemarle Road Rezone; Robert E. Mike and Dwayne Rackard, applicants; approximately 2.94 acres; rezone from A-1 (Agriculture District) to C-3 (Commercial District); located on the west side of Albemarle Road, 350 feet south of Arletta Street. (Z2005-025)

Commissioner Van Der Weide – District 3
Jeffrey Hopper, Senior Planner

Jeff Hopper presented the applications for A-1 to C-3 zoning on adjoining properties. There are no current plans for development at this time. Issues such as access, drainage, buffering and outdoor lighting will be addressed through site plan review subsequent to the rezoning.

The property abuts the City of Altamonte Springs on the west and south, and the City may require annexation as a condition of providing utilities to the proposed commercial use.
Staff recommendation is for approval.

Earl Mike spoke on behalf of the applicants. He had no comments.

No one spoke from the floor.

Commissioner Harris made a motion to recommend approval.

Commissioner Eismann seconded the motion.

Commissioner Harris said that this area is clearly going to commercial zoning. This request will allow the property owners to get maximum benefit from their land.

The motion passed unanimously.

C. Lake Charm Landing Rezone; Hugh Harling, applicant; approximately 38 acres; rezone from A-1 (Agriculture District) to R-1A (Single Family Dwelling District); located on the east side of N. Division St., 0.9 mile north of Geneva Dr. (Z2005-026)

Commissioner Morris – District 2
Jeff Hopper, Senior Planner

Jeff Hopper stated that the requested zoning classification would permit single-family lots at a minimum of 9,000 square feet and 75 feet in width. Under the Low Density Residential future land use designation, the property has a development potential of up to 4 units per net buildable acre.

However, the required lot compatibility analysis indicates R-1AAA, at a minimum lot size of 13,500 square feet, as the zoning district most compatible with existing zoning on adjacent properties in the area.

If R-1A is approved as requested, the Code provides for special buffer areas to ensure compatibility with adjoining lower density properties to the north and south.

Along the north property line, staff recommends excluding a 15-foot strip of land from the rezone, leaving it in the A-1 district. Adjacent to this A-1 strip there would be a 35-foot buffer area where structures, except fences, would be prohibited.

Adjacent to the south property line, staff recommends a 25-foot buffer where structures other than fences would be prohibited.

All buffers would be landscaped and would be established in tracts or easements dedicated to a homeowners association.

Staff recommends R-1AAA as determined by the Lot Compatibility Analysis to be appropriate for the property. However, the Commission may wish to consider R-1A as requested, subject to the buffering requirements discussed, and which are listed in the Staff Report.

Commissioner Harris asked Mr. Hopper to explain how the lot compatibility analysis is computed to come up with R-1AAA. This is a situation that has come up before where there is existing development abutting a rural boundary, and we consider the rural as if it were residential at 1 unit per acre, coming up with something that does not make a whole lot of sense. We would be denying one parcel the same zoning as one immediately adjacent to it.

Mr. Hopper stated that the analysis is not the final word. The decision is based on an evaluation by this Commission and the Board of County Commissioners. The analysis considers existing zoning within a radius of 660 feet around the property. The respective zoning areas get "weights", which are averaged out in a mathematical exercise. The A-5 zoning was considered along with several other zoning districts of varying densities around the subject property. R-1AAA comes out more or less in the middle.

Commissioner Harris said that on three sides there are parcels with lots the same size or smaller than what the applicant is asking for. Mr. Hopper explained that the staff report contained some incorrect information which had caused confusion. Existing zoning in the City of Oviedo to the west of the site is equivalent to the requested R-1A, but in other directions this is not the case.

Mr. Hopper showed the commissioners a map used in the computations of the zoning analysis. Section 1 was analyzed as A-1; Section 2 as A-5; Section 3 as R-1A; Section 4 as R-1A; Section 5 as R-1AAAA; and Section 6 as R-1AA. The staff recommendation of R-1AAA is basically an average of R-1A density to the west along with lower permitted densities to the south, east, and north.

Hugh Harling agreed with Mr. Harris's comments about compatibility. He stated that Tract 3 from the map has been purchased by a Cambridge and is R-1. Tract 4

is R-1 and Tract 5 is R-1A; Tract 6 is R-1. The lots in Tract 5 that back up to the subject property are larger than called for in their zoning classification.

Moving to a diagram of the proposed lot layout, Mr. Harling addressed the concerns in the staff report. On the north end of the property, the buffer provided exceeds the buffer called for by staff. There is a 25-foot buffer along the wetland area.

On the east side of the property, there is a 30-foot landscape and wall buffer.

The Division Street side will have a decorative masonry wall along the double-frontage lots.

Mr. Harling said that to the south, Artesia Avenue has been vacated and reserved for utilities. The outparcel in the southwest will be platted along with the subdivision. It will contain 4 lots with access from Division Street.

There is a sewer main and a 400 square-foot tot lot. There is a well adjacent to the retention pond. He reviewed the drainage system on the site and explained that the stormwater will hydrate portions.

He stated that this meets the commitments on the site. It will be a high-end project. Mr. Harling stated that the water and sewer comes from the city of Oviedo. He has had a pre-annexation meeting with the city concerning the project. There is a dual review process going on now.

Mr. Harling stated that North Division Street had only 30 feet of right-of-way. He has agreed to donate the necessary 20 extra feet. On the east side of the project, they will be donating an extra 15 feet of right-of-way. There will be a decorative wall along the east side with a gate.

Commissioner Hattaway stated that she had gotten an e-mail at her home stating that 900 square-foot homes were being planned.

Mr. Harling said that he would agree to a minimum of 2,200 square feet under heat and air, selling for perhaps $ 400,000. He would be willing to put the house size in the developer commitment agreement.

Commissioner Harris asked if Artesia Avenue had become a utility easement.

Mr. Harling said it had. It was 50 feet wide. He was connecting another project with the utilities in the right of way and connecting with a station in Oviedo.

Commissioner Harris asked if that area could be considered another buffer.

Mr. Harling said that 25 feet of it would probably remain with the project, while the remainder may possibly go to an adjacent owner. That is under discussion and has not been determined at this time.

Commissioner Brown asked about the area between the cul-de-sacs.

Mr. Harling stated that there was a retention area there.

Karen Hunt of 1161 N. Division Street said that she does not want more traffic on Division Street. She is not opposed to the project, but she has a concern for the lot size of this project. 99 feet by 162 feet is the average lot size along Division Street. That is much larger than this project.

Cindy Johnson of 1021 N. Division Street. She is the vice president of the Twin Oaks Homeowners' Association. There are 70 lots in Twin Oaks. She has spoken to 6 of the 12 lot owners on Division Street, abutting the proposed subdivision. Twin Oaks is an R-1 subdivision. The reason for the R-1 rating is that 8 lots are below the standard for a higher rating. She stated that lot size ranges from one acre to 1/5 acre. She has met with the developer. They do not object to the traffic pattern. Her association is comfortable with the plan.

Ed Harms of 1281 Division Street stated that he would like a wrought-iron fence and trees along the Division Street side of the project rather than a block wall. He is in favor of the project.

Dale Schmidt of 1231 N. Division Street stated that he is pleased with the changes made with the plan.

Leslie Dubois of 311 Palmetto Street stated that she lives in an R-1AAA area. Traffic will go from Lake Charm to Palmetto Street, where she lives. The buffer on the south side is inadequate. The recommendation by Staff to zone this R-1AAA is acceptable.

Theresa Wade of 1050 Panther Street represents the Black Hammock Association. She asked that the density be limited to one home per acre. Transitional zoning must be used as properties approach the rural boundary. No such provision exists in the Land Development Code to date. Have consideration as properties approach the rural boundary. This is the perfect property to set a precedent. Because of the location of this property and those to the north and east, at the very minimum one home per acre should be used here. They would prefer A-3 zoning.

Commissioner Brown stated that we are asking for buffers to be used only on one side of the rural boundary. Both sides must have a buffer, not just one side. People on the rural side should be buffering there too.

Ms. Wade stated that she did not want to see something like Alafaya Woods behind her. This is too much density.

Kelly Stevens of 375 Valencia Circle has property on the south side of the project. She stated that she is in R-1AAAA zoning, with lots over ½ acre in size. She is a civil engineer and would like to address the drainage issues brought up by this design. There will be no room for drainage with this zero lot line design.

Steven Wade of 1050 Panther Street said that Artesia Street is vacated in part. There is a lot of wetland there. Where will the drainage go? This will cause flooding. The Black Hammock Association is proposing transitional zoning; this is a good place to start. He owns 3.9 acres. The City of Oviedo will not allow one house per acre. The area of Florida Avenue and Lake Charm has become a racetrack, being a shortcut for people coming from Geneva to SR 434. It is beyond capacity now. There are many children in the area. No one has come to the residents of the rural area to make proposals. Please create a buffer.

Commissioner Eismann asked if Mr. Wade had tried to develop his property into one house per acre lots and been denied by Oviedo.

Mr. Wade said he had been denied one-acre lots by Oviedo. His property is the last house on Artesia, on the Oviedo side of the line.

Alan Jackson of 291 Palmetto Street, abutting the project said that the area has too much traffic now. There are no sidewalks on Palmetto Street. His area is at least R-1AAAA equivalent. The R-1A lot size is too dense for the area. He has lived in the area for 18 years.

Sally Vivian lives off Lake Charm Drive. She said that there are two roads leading to Lake Charm Drive now. Why can't the cars go out Division Street on the vacated part? Lake Charm Drive cannot take more traffic without expansion. There are 48 homes in her neighborhood. 52 homes plus 48 homes, plus another 88 homes will be feeding into one small road.

Hugh Harling stated that Lake Charm Drive is rated for up to 10,000 trips per day by the county, and that the road will have 1,880 trips per day from the 188 residential units that feed onto the road. That is 20 percent of the capacity. He has done a study of the traffic patterns which states that about half of the traffic will go north toward Florida and proceed out SR 434 toward the expressway. Some traffic will go to the south, but there will be a distribution.

Commissioner Bates asked for a clarification of the traffic numbers.

Mr. Harling stated that he did not have the numbers on the cut-through traffic. When Oviedo adopted their traffic plans, they adopted a dispersion plan that puts traffic into the neighborhoods, as in McKinley Mill, rather than on roads that are

designed to carry the traffic. This will be a short hop out to Florida Avenue, to 434 and on to the expressway.

As for lot size, on the south side of the project, backing on Artesia, he has made the lots 160 feet deep, and the additional 25 feet makes them 185 by 75 feet, or 13,875 square feet. That is 385 square feet larger than R-1AAA zoning along the south property line.

All of the drainage is going into retention ponds, away from the Artesia area. The water will then go to a wetland to the north, hydrating it. Mr. Harling agreed with Kelly Stevens about the water table. It has risen 1.5 to 2 feet since the hurricanes of last year. He will take that into the final engineering design, as well as buffer design. There are also two historic trees that will be preserved. There will be a tree survey performed.

Mr. Harling stated that this project is within the urban service area. This will be a high-end community.

Commissioner Bates asked what would be done to ensure that water would be kept and not dumped on neighbors.

Mr. Harling stated that the county requires Type A drainage lots along the south property line, draining from the south to the street, with a 1% fall. The street will then drain from the streets into a pipe system, which takes it to the ponds, which feed into the wetlands. All of this finally feeds into Sweetwater Creek. During final engineering on this project, the option of using fill or underdrainage for the roads will be examined.

The public hearing was now closed.

Commissioner Harris stated that compatibility is more than just lot size. It is the size of the houses, the amenities of the community and the quality of the development that are important. People are concerned about their property values.

This site looks to be one of the driest sites, looking at the zoning map. Commissioner Harris said that he is satisfied that the water issues will be taken care of. Lots of 9,000 to 13,000 square feet gives compatibility with the surrounding area.

Commissioner Harris made a motion to recommend approval subject to a minimum size requirement of 13,000 square feet for lots on the south boundary line.

Commissioner Hattaway seconded the motion.

Commissioner Brown stated that this project seems compatible with the surrounding area. No one likes change.

The motion passed unanimously (5 – 0).

D. Valentine Commercial Center; Javier E. Omana / CPH Engineers, applicant; approximately 1.7 acres; rezone from A-1 (Agriculture District) to C-2 (Commercial District); located on east side of Monroe Road, 0.1 mile north of Orange Blvd. (Z2005-024)

Commissioner Carey – District 5
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting C-2 on property in the Commercial future land use designation. Despite the Commercial land use, the entire site lies within the Conservation Overlay as shown on the future land use map of the Vision 2020 Plan. This means there are extensive floodplain and/or wetland areas on the site. Environmental constraints could substantially limit development of the property for commercial use. These issues will be fully addressed at the site of site plan review. Because the request is consistent with the future land use map, Staff recommends approval.

Javier Omana said that he concurs with staff recommendations.

There were no questions from the commissioners or comments from the floor.

Commissioner Eismann made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

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

E. Reserve At Slavia; Mike Holbrook, Bowyer Singleton & Associates, applicant; approximately 23 acres; Large Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential); located on north side of Slavia Road, 0.3 mile east of Red Bug Lake Road. (Z2005-016/ 05F.FLU01)

Commissioner Dallari – District 1
Jeff Hopper, Senior Planner

Mr. Hopper said that the proposed land use amendment from LDR to MDR would permit residential development at a maximum density of 10 dwelling units per net buildable acre. The applicant intends to construct townhouses on the property, but has not yet submitted a rezone application.

According to the future land use map, the entire subject property is in the Conservation Overlay, indicating the presence of wetlands and/or flood prone areas on the site. Since the County can only approve development permits at or above the 100-year flood elevation, it is likely that there will be substantial restrictions to development of the site. As part of the upcoming rezone application, the applicant will need to provide adequate technical information, supported by Staff, to indicate that at least some areas of the site are above the flood elevation.

Staff recommends transmittal of the requested Large Scale Land Use Amendment to the State of Florida for review, but does not recommend adoption of the amendment until the applicant demonstrates the proposal's impacts with regard to the Conservation Overlay (showing that significant areas are buildable).

Commissioner Brown asked if the State treats a project differently if 50 % of the site is not buildable. Should the board hesitate based on that?

Mr. Hopper stated that the applicant is in the process of developing information on the property which will be explained by Development Review. The state of Florida will be less than enthusiastic on rezoning property that is entirely within the wetlands which is low lying. We are recommending transmittal to send it forth in the State process.

Commissioner Harris asked about the wetlands to the west and north. Is the northwest corner of the property a highland, cut off by the wetlands?

Tom Radzai, Senior Engineer with Development Review, stated that the northwest corner is the Bear Gully Canal, which severs the wetlands. There are powerlines out there also.

Commissioner Harris asked how the traffic will access Slavia Road.

Mr. Hopper stated that the project fronts directly on Slavia Road. That is the access. There is no access from the Greeneway to Slavia Road. It passes under the Greeneway.

Matt West stated that there is no plan to show now. It will come in with the zoning.

Ray Braddock of Bowyer, Singleton, and Associates stated that the flooding data is not current. He will get a map amendment done with FEMA. This will come back in December. He knows how much of the property is wetlands; a major portion is not flood prone. Mr. Braddock requested that the commissioner let the project keep moving forward.

No one spoke from the floor.

Commissioner Brown made a motion to recommend transmittal to the State.

Commissioner Harris seconded the motion.

The motion passed unanimously.

F. Chase Groves Villas; PUD Major Amendment; Tom Daly, applicant; approximately 5.4 acres; Major PUD Amendment 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 applicant is proposing a 64-unit residential development on Tract "M" of the Chase Groves PUD. The subject property is an undeveloped parcel in the PUD, originally approved in the late 1980s. Currently designated for commercial use. The property lies at the south entrance to the development, at the corner of Casa Verde Boulevard and Old Lake Mary Road.

In addition to approval of a Final Master Plan and Developer's Commitment Agreement for the subject property, the applicant's request includes a PUD Major Amendment and Notice of Proposed Change relating to the original DRI approval.

Proposed density of the development is approximately 16 units per net buildable acre. There would be eight buildings at a maximum height of 35 feet and two stories.

In addition to required parking for the units, there would be 54 additional spaces for visitor parking.

Recreational amenities include a pool and playground. Proposed buffers adjacent to Old Lake Mary Road and Casa Verde Blvd. would include a 6-foot brick wall and four canopy trees per 100 feet.

Staff does not expect a significant change in impacts to public facilities with the proposed change in permitted uses on the site.

Therefore, Staff recommends approval of this item subject to the Developer's Commitment Agreement, which includes the following conditions:

1. Maximum density shall be 16 units per net buildable acre, with a total of no more than 64 units
2. All units shall be individually owned.
3. Sidewalks shall be provided adjacent to all units

4. 25-foot building setbacks shall be provided on the south and west
5. 10-foot landscape buffers shall be provided on the south and west, with 6-foot wall and 4 trees per 100 feet.

Commissioner Brown asked if the School Board had given any input on this application, since we are changing commercial use to residential.

Matt West stated that there had been no input from the School Board.

Gifford Anglim of Daly Design Group stated that prior to the submittal of the application, his office spoke to the School Board and were told which schools would be impacted, but no negative comments were made.

Commissioner Harris commented that many condo owners are empty nesters.

Matt West stated that a study on townhome conducted last year showed .13 students averaging per townhome, as compared to twice that per apartment unit.

No one spoke from the floor in favor of the application.

Mike Stea spoke in opposition. He lives on Dellcrest Place in Chase Groves. He stated that Chase Groves is a bedroom community. This request is not in keeping with Chase Groves.

Matt West said that this property is zoned for retail commercial use at this time.

Commissioner Brown stated that the owners could develop a commercial project there now.

Mr. Stea said that he would like single-family homes there.

Commissioner Brown explained that being near the Greeneway this was slated for commercial use. This is a less intense use than commercial.

Mr. Anglim stated that Tom Daly and Mike Oliver of Centex Homes met with the Chase Groves Homeowners' Association. The homeowners expressed approval of the fact that this would be owned housing. The HOA also asked for concessions: on the wall treatment and the entry sign. They agreed to incorporate the same types of entry signs on the south and west.

Commissioner Harris asked about minimum house size.

Mr. Anglim said that the minimum square footage is 1,300 square feet, although it varies.

Commissioner Harris said that downzoning from commercial to residential is an improvement over what commercial could go there.

Commissioner Harris made a motion to recommend approval with staff recommendations 1 to 6.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

Matt West took a minute to recognize the work of Jeff Hopper in the Planning Division. Mr. West stated that the department has lost three planners and that Mr. Hopper has been handling a heavy caseload by himself.

G. Meadow Ridge Estates; Jack Walsh, applicant; approximately 4.9 acres; rezone from A-1 (Agriculture District) to R-1 (Single Family Dwelling District); located on the east side of Lake Emma Road. (Z2005-029)

Commissioner Henley – District 4
Matt West, Planning Manager

Matt West introduced the application for a zoning change to R-1 in the Lazy Acres subdivision. Most of the surrounding area has large lots. The city of Longwood is to the south. Mr. West distributed 3 separate letters from the BCC. Previously, a rezone had been attempted in this area, but was withdrawn. The BCC stated that the area should be nothing smaller than one acre lots. Mr. West stated that his lot capability analysis did not look at the BCC letters stating that the lots should be no less than one acre. Mr. West stated that he is compelled to recommend lots lot no less than one acre, A-1 zoning. However, if the BCC decides to change its policy and goes with smaller lots, staff recommends R-1AA zoning, with 90 foot wide lots and 11,700 square feet size.

Commissioner Harris recalled the previous discussions on Chase Groves planning. The consensus of the board was that single family subdivisions that were single-loaded were not desirable. Using Lake Emma as a dividing line higher density was to remain to the west, with large lots to the east with a minimum of one acre in size. The parcels to the east will then remain a minimum of one acre. Discussion dwelled on the diversity of housing types within a small area. Previous consensus of the LPA/P&Z was to permit large lots to the east (minimum of one acre) and density to the west of Lake Emma Road could be more diverse.

Mr. West stated that on March 3, 2000 the P&Z voted against the zoning of the adjacent property to smaller lots. The property then annexed into the city and got the zoning that they wanted from the city.

Jack Walsh of Bowyer-Singleton stated that he just received the documents which Mr. West found, stating that the BCC policy is for large lots in the area. Mr. Walsh stated that a lot of time had passed, and the county may wish to change its policy.

No one spoke from the audience.

Commissioner Harris stated that he had participated in the discussions of the past on the area. He sees no reasons to change. There is a positive policy decision in place. Seminole County needs diversity of neighborhoods.

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

Commissioner Hattaway seconded the motion.

Commissioner Brown stated that we should consider the rear of property, rather than the road as the dividing line.

Commissioner Harris said that the road used as a dividing line is easier to define. Mr. West stated that he had met with the homeowners of Lazy Acres who want to change the future land use changed to Suburban Estates. They would like to see 100 % acceptance of the change in FLU.

The vote was called. The motion passed unanimously.

H. <u>Oviedo Marketplace Planned Unit Development</u>; Carey S. Hayo, Glatting Jackson, Applicant; rezoning from Planned Unit Development (PUD) to PUD; and minor amendments to the Oviedo Marketplace PUD Final Master Plan; PUD is approximately 430+/- acres, located mostly in the northwest quadrant of the SR 417 and Red Bug Lake Road Interchange and along Red Bug Lake Road. (Z2005-021).

Commissioners Dallari and Morris - Districts 1 and 2
Tony Matthews, Principal Planner

Mr. Matthews stated that the applicant is requesting approval of Addendum #3 to the Oviedo Marketplace PUD Final Master Plan and Developer's Commitment agreement.

Changes generally include: extending the build-out date of the PUD from 2005 to 2007; updating the jurisdictional boundaries shown on the final master plan; and miscellaneous minor amendments to the PUD Developer's Commitment Agreement.

Mr. Matthews stated that Staff recommends approval of the requests, with Staff findings. This is more of a technical item. There is one correction to the documents submitted: the table on page 2 should have the year 2005 omitted.

The applicant was present, but did not wish to make a presentation.

No one spoke from the audience.

Commissioner Hattaway asked why Parcel 13 was being converted from residential to commercial.

Carey S. Hayo stated that this is an action being filed with the City of Oviedo. The DRI is located within 3 distinct public entities. Basically they were trying to extend build out time with the County in this request.

Commissioner Brown made a motion to recommend approval.

Commissioner Eismann seconded.

The motion passed unanimously.

I. <u>Wekiva Parkway and Protection Act Related Text Amendments</u>; Seminole County; Applicant; text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes). (05FTXT01.01 through 05FTXT02.09).

Unincorporated Seminole County
Tony Matthews, Principal Planner

A special briefing by staff on this item was presented by Tony Matthews at the beginning of the meeting, and presentation of the staff report later in the evening looked at land use strategies.

Mr. Matthews stated that if one looks at the strategies, there is more than just land use. There are transportation issues, potable water, sanitary sewer, and storm water issues as well. Staff would like to make the experts available early in the meeting.

Jerry McCollum, County Engineer, spoke first. He is the engineering liaison for the Seminole County Expressway Authority. Over the last 4 years the Governor has set up various committees to deal with setting up a corridor for the "Old Western Beltway" that goes around the area. Legislation has come out dealing with the corridor. At this point, the DOT, around November will have some potential corridors to suggest. As of now, no one knows where. Funding is

provided for the purchasing of right of way in Lake County. No funding has been provided here. There is no commitment to provide a completion date. Ten years would be a good goal.

Commissioner Bates asked where the corridor is in relation to Metroplan.

Jerry McCollum stated that at this stage this project is on the Needs Plan, which looks at unfunded projects for Orange, Seminole, and Osceola counties. There is also a projected plan for the eastern beltway from the GreeneWay over to US 95.

Mark Flomerfelt of the Roads/Stormwater Division spoke about the report being prepared for a January 2006 completion date. He is examining the stormwater plan in the area.

Commissioner Harris asked about the major objectives.

Mr. Flomerfelt stated that they were looking into using stormwater to recharge the aquifer.

Commissioner Hattaway asked about a cleanout of streams and rivers.

Mr. Flomerfelt stated that natural systems were not looked at in the study.

Dave Gregory, Acting Environmental Services Director, said that he is studying the wastewater treatment facilities and their discharge. Another interesting topic under examination is the phasing out of septic tanks. About 200 homes now currently abut a wastewater line. In 10 years, there will be 1,000 homes abutting wastewater lines. We are looking at strategies as to how we can phase out septics and connect to the lines. The Department of Health will be involved in the strategies to be developed.

Commissioner Hattaway asked if any strategies are being worked out to decrease the homeowner expense of hooking up to the sewer lines.

Mr. Gregory stated that they were not at that point yet.

Commissioner Brown asked if there would be any difference between a high-pressure line and a gravity line for hook up.

Mr. Gregory said that he did not think there would be a difference. There would be some kind of grinder pump hooked into the force main.

Commissioner Bates asked if there is a target date for when all septic tanks will be phased out.

Mr. Gregory said that such action was too far out to set dates.

Dick Boyer, Senior Planner in the Planning Department, stated that a long-range water supply facilities plan is being devised to address the increased use of water. Conservation, alternative water supplies, and fees are on tap. One of the sources to take the burden off the underground aquifer is the St. Johns River. Previously the LPA/P&Z has been briefed on the proposed plan. The time line for the water plan was extended, to be considered in the spring of 2006.

Part II of presentation:

I. Wekiva Parkway and Protection Act Related Text Amendments; Seminole County; Applicant; text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes). (05FTXT01.01 through 05FTXT02.09).

Unincorporated Seminole County
Tony Matthews, Principal Planner

Mr. Matthews stated that in 2004 the state legislature passed the second of two major documents protecting the ground water in the Wekiva Study area. The purpose of this act is to protect surface and ground water resources, promote integrated planning and to authorize the development of the Wekiva Parkway. This is in the Wekiva Study area.

Mr. Matthews showed a map demonstrating the 15 jurisdictions participating in this by statute. The area encompasses over 300,000 acres.

The County is required to adopt comprehensive plan amendments no later than January 1, 2006, that create land use strategies for lands within the Wekiva Study Area. These strategies shall optimize open space and promote a pattern of development that protects certain resources, to plan amendments that protect private property rights, update stormwater and wastewater master plans, and to adopt a 10-year water supply facility plan. By 2007 local governments are required to adopt land development regulations to implement the above policies.

Mr. Matthews stated that tonight we are looking at land and wastewater policies. It is our belief that the County already meets the bulk of the strategies. The exceptions are Karst Features, and sensitive natural habitats.

Mr. Matthews said that he has requested a review of the materials presented to the board tonight by the Department of Community Affairs. He has not had a response to date.

Staff findings state:

1. The existing goals, objectives and policies within the Seminole County Comprehensive Plan to protect most effective recharge areas and open space within the Wekiva Study Area are consistent with the requirements of the Wekiva Parkway and Protection Act and with the land use strategies recommended in the Guidelines published by the Department of Community Affairs;
2. The proposed text amendments in Exhibits A and B are consistent with the Wekiva Parkway and Protection Act and with the Guidelines published by the Department of Community Affairs; and
3. The proposed text amendments in Exhibits A and B will further the goals of the Wekiva Parkway and Protection Act to protect surface and groundwater resources through a variety of land use strategies and to promote the continuity of effective and innovative planning and development activities within the Wekiva Study Area.

Staff recommends transmittal and adoption of the proposed text amendments to implement the requirements of the Wekiva Parkway and Protection Act.

Commissioner Brown made a motion to recommend transmittal.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (5 – 0).

Commissioner Hattaway noted that fine quality of the maps in this package.

Commissioner Brown commented about the advantage of having one-acre lots along the Rural Boundary in the Black Hammock area.

Matt West said that there is a study of the rural area being conducted, as well as the study being conducted by Winter Springs of the Black Hammock area.

There being no further business, the meeting adjourned at 9:50 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Secretary to the Commission