MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AUGUST 3, 2005

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Walt Eismann, Richard Harris and Jason Brodeur.

Member absent: Matthew Brown.

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, Pam Hastings, Administrative Manager; Linda Newman, Principal Analyst; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7:00 P.M. He reviewed the manner in which the meeting was to be conducted and voting was accomplished.

Commissioner Tucker acknowledged that this would be the last meeting for Commissioner Harris, who has been a member of the commission for nine years. The Chairman commended Commissioner Harris for his many years of public service.

The Chairman introduced the newest board member, Jason Brodeur.

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

Commissioner Eismann seconded the motion.

The motion passed unanimously.

Commissioner Bates made a motion to accept the minutes of the last meeting as submitted.

Commissioner Harris seconded the motion.

The motion passed unanimously.

A. <u>Road Impact Fee & 1991 Infrastructure Sales Tax True-Up As Of October 1, 2004</u>. A briefing by staff on the status of the Road Impact Fee Program, including repayment of monies advanced to the Impact Fee Funds by the 1991 Infrastructure Sales Tax, findings on the re-examination of sunset provisions and dates, and status of current and future projects.

Countywide
Jerry McCollum, County Engineer
Pam Hastings, Administrative Manager

Jerry McCollum, Principal Engineer for the County gave a briefing on the impact fee in Seminole County and its relationship to the one cent sales tax. He will also discuss projects.

In 1987 the first impact fee was adopted. It was improvement driven. Projects were identified and standards were established. Monies were to be spent accordingly. In 1991 there was the first sales tax referendum. Additional projects were brought forth and related to the impact fee projects. With impact fee projects, only a portion can be paid for by growth. The 1991 sales tax was moved over to pay for projects through the years. Time has come to pay back the borrowed funds. This is the "true-up" period. We have collected the fees and need to pay the public back for the fees that they spent.

The first issue to address is when the impact fees sunset in Seminole County. There are arterial impact fees that cover most of the major County roads, such as CR 427, Tuskawilla Road, and Cr 46A. That fee does not sunset until 2021. We will need to keep collecting that money to pay ourselves back.

Also, the County has collectors. There are 4 collector areas. Previously, it was stated that the northern area, around Sanford, would be sunsetting by the end of the year. Nothing has changed on this. We have a couple of projects identified to be completed by the end of the year, and we will have the money to do that.

On the western side, the Altamonte – Wekiva area is scheduled to sunset on 2021.

The south district that covers Red Bug and the Howell Branch area will also sunset in 2021.

The eastern district in the Oviedo area is scheduled to sunset in 2007. However, the Chapman Road project from 426 to 434 has been put on hold by the BCC years ago. This fall the county will try to get that project rescheduled. In that case, that district will probably sunset in 2020.

Part of the overall collection of the impact fees is to define basic usages. The first is to finish up the first generation sales tax program. The right-of-way construction on 46A near the expressway needs to be completed, Bunnell Road and Eden Park Road need to be finished, also Sand Lake Road and part of CR 15, and Wymore Road are planned to be completed. The ordinance also permitted funds from the impact fees to be used for new arterial roadways. Airport Blvd. will be relocated slightly to the west and eventually tied into CR 15.

It is an arterial type roadway with planning and design scheduled for a future date.

Mr. McCollum stated that a big emphasis is commuter rail. People have read about it in the paper. It is coming to fruition in central Florida. We had it here 70 years ago, and it is returning to the tri-county area. We have said that some of our funds will be used to build commuter rail. Funding coming for start up for transit is becoming available. We are hoping that project, starting up in the Debary area, running through Seminole County, and tying into the Lynx Multi - modal station in the Orlando area will begin by 2009. This will operate on the CSX tracks.

In order to pay for that, we have to make some adjustments. It is a cash flow issue which needs to be done a little sooner. Adjustments must be made to the capital improvements program (see page titled "Capital Projects Comparison For Timing Changes"). CR 46A Phase 3 is not moving; Lake Emma is not moving; Bunnell Road and Eden Park Road will be moved a year or so; Wymore Road and Sand Lake Road projects will move out a little more, to 2010 or 2015, or perhaps sooner. On Chapman Road, this project will be moved in, to avoid dealing with the sunsetting of the impact fee in this area. CR 15 is being moved in one year. The Airport Boulevard Extension is being moved out to the time frame of 2010 to 2021. We also have to move a couple of right of way projects out on SR 434 from the second generation sales tax, which would be a loan also.

There are several programs that came out of the Florida Growth Management Legislation. The first program is the County Incentive Grant Program. The County has submitted on that and is hoping to get several million dollars out of that program. It is a competitive grant program that will let us know an outcome in the next week or so.

The biggest program is called the Transportation Regional Incentive Program – "TRIPS" for short. This looks at the Tri- County Region (Seminole, Orange, and Osceola counties) through MetroPlan. This allows certain particular roadways to receive 50 % match funding from the state. It could bring in close to $200 to $300 million to go toward transportation in the next 3 years. We are fortunate to have quite a bit of money scheduled from the second generation sales tax to go to our state roads. We will contact the state to get 50% of our money back through MetroPlan for our state roads. That is a potential $40 to $50 million dollars coming back from that program.

Commissioner Hattaway asked about the TRIPS monies and matching grants. She asked if these matching funds were guaranteed.

Mr. McCollum said that they were. Our matching funds were part of our 1-cent sales tax. We have the opportunity to put more money into the commuter rail project from these funds. Many of the major roads are finished. The roads on

the list of projects previously named are the collector type roads that are not as important as the arterials.

In summary, the County has an improvement driven impact fee system set up to have growth pay its share, and the county to pay its share. The 1991 money needs to be put into other public investments such as commuter rail. Impact fees will not go away. The commuter rail is now funded.

Commissioner Eismann asked about the projects that had been pushed back on the schedule. How much flexibility does the county have in scheduling them? Can they be restored to an earlier schedule?

Mr. McCollum stated that any funds that come back to the County will be put back into restoring the original project timeline.

Commissioner Tucker asked if the county would have any elevated crossings along the commuter rail line, particularly at 434, 436 and Ronald Reagan Blvd.

Mr. McCollum said that there are no elevated crossings shown at this time. The type of delay that is indicated at the crossings by FDOT is about 40 seconds.

Commissioner Tucker stated that he had heard that the trains would cause less than a two minute delay each time, but that they could be as frequent as every 5 to 7 minutes during peak time periods.

Mr. McCollum said that headways would be about every 30 minutes during peak times. Off peak they would run every hour or so. They are being negotiated now. The DOT is talking to CSX about usage of freight lines, buying or leasing the lines, and hours of use of the lines by freight. The DOT would like to control the system and lease the lines back to CSX for use at certain times. If CSX retains ownership, then the hours for freight to be moved will be from 10 p.m. to 5 a.m. No trains will run freight in the daytime. This should be all determined by December of 2005. Freight will be moved out to the line to the west past Winter Garden.

Commissioner Tucker asked if there were any plans to realign Lake Emma Road around the sewer plant and to align it with Rangeline Road.

Mr. McCollum said that Lake Emma Road will be 4-laned and tied into E.E. Williamson Road. There will be some improvements from E.E. Williamson Road to Rangeline with 3 lanes. The City of Longwood has stated for the last 14 years that they will not 4-lane Rangeline Road.

Commissioner Tucker asked about Airport Blvd. realigning with the overpass.

Mr. McCollum said that after 46A a new 4 lane section will be run over the right of way for Bevere Road to SR 46. At 46 the 4 laning ends and then it will run north to Ranyard Road and west to Upsala Road or Monroe Road.

Commissioner Tucker asked about the ditches along Orange Blvd.

Mr. McCollum said that there was nothing major planned in that area.

Commissioner Tucker asked about the 436/17-92 flyover.

Mr. McCollum said that was a part to the 1 cent sales tax. The state is managing the project and the DOT will be designing it by 2006, to be executed in 2010 onward. Construction could be in 2012, but it could be accelerated with funding coming in.

Commissioner Tucker asked what alternative to Chapman exists.

Mr. McCollum said that SR 426 or CR 419 would be alternatives. No new roads are planned. Chapman Road needs to be fixed. Our intent is to come back this fall. This road is 18- 20 feet wide with giant power lines. The sooner it is 4-laned the better everyone will be. Construction could begin in 2.5 to 3 years.

Commissioner Tucker said that residential buildout will be in the area of 2010 to 2012. A substantial part of the impact fee comes from residential construction. How will build out change things? Are we budgeting for this?

Mr. McCollum said that infill will continue and help somewhat. We are budgeting accordingly.

Pam Hastings stated that they had been conservative in their estimates.

TECHNICAL REVIEW ITEMS:

B. <u>Club at Via Loma Preliminary Subdivision Plan</u>; Southeastern Dev Lands LLC, applicant; approximately 12.75 acres zoned PUD (Planned Unit Development); preliminary subdivision Plan for 92 fee-simple townhomes; located on the west side of SR 426 and south of Mikler Road. (05-5500017)

Commissioner Dallari – District 1
Denny Gibbs, Planner

Denny Gibbs introduced the plan for 92 fee-simple townhomes on 12.75 acres. A revised final master plan was approved in 2003. Staff recommendation is for approval.

There were no questions from the board.

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

Commissioner Hattaway seconded the motion.

The motion passed unanimously.

UNSCHEDULED ITEM:

B. 1 Lake Charm Landing PSP; Harling, Locklin, and Associates, applicant; approximately 38 acres; preliminary subdivision approval for 88 single-family residence lots; located on Artesia/Division Streets.

Commissioner Morris – District 2
Brian Walker, Planner

Brian Walker stated that the proposed subdivision will have be for 91 single family homes with a gross density of 2.34 units per net buildable acre. Staff recommends approval of the plan subject to the conditions contained in the staff report and connection to public water, sewer, and reclaimed water services.

Chairman Tucker asked which plan was before the commission: an 88-lot plan or a 91-lot plan.

Mr. Walker stated that the plan is for 91 lots.

Commissioner Tucker asked for information on the water and sewer for the subdivision.

Mr. Walker stated that there was the possibility of connecting with the City of Oviedo, but that is in discussion.

Commissioner Bates asked what would happen if the connection to Oviedo water did not take place.

Mr. Walker stated that the project would go on septic and sewer.

Commissioner Tucker asked if density calculations were available for such an event, since it would decrease density substantially.

Mr. Walker stated that a change from sewers to septic would cause lot sizes to increase to accommodate the septic tanks. The plan would have to come back to the board.

Commissioner Tucker asked if Mr. Walker had knowledge of an alternative source of water for the site other than Oviedo.

Mr. Walker stated that Mr. Harling could address that issue.

Hugh Harling stated that he had been in front of the Oviedo Council on Monday evening to discuss annexation. Oviedo was not prepared for any decisions at that time. Should the homes need to switch design to septic tanks, the minimum lot size needed for placement of the tanks is 10,890 square feet. For well and septic tanks, ½ acre lots would be the minimum size lot. If necessary, he would come back with a new PSP.

Commissioner Tucker asked if there was an alternative to sewer and water.

Mr. Harling said that there is a 6-inch line running up Round Lake that services Black Hammock that is owned by the County. There is an interlocal agreement that deals with water between Oviedo and the County. Winter Springs has brought water and has a forced main in the area. In the event that the sewer issue is not resolved, Mr. Harling said that he would be back with a revised plan.

There were no further questions.

Commissioner Eismann made a motion to recommend approval of the plan.

Commissioner Bates seconded the motion.

The motion passed unanimously.

PUBLIC HEARING ITEMS:

C. **1701 Mikler Road Rezone; Roberto Ramon, applicant**; approximately 5 acres; rezone from A -1 (Agriculture District) to R-1A (Single Family Dwelling District); located on the east side Mikler Road, 600 feet south of Red Bug Lake Road. (Z2005-035)

Commissioner Dallari - District 1
Jeffrey Hopper, Senior Planner

Jeff Hopper stated that the property is requested to change from A-1 to R-1A for single family lots with a minimum lot size of 9,000 square feet. The future land use designation for the property is low density residential. The required lot compatibility analysis conducted on the site determined that the requested R-1A zoning is compatible with adjacent uses. Staff recommends approval of the requested zoning to R-1A.

No one spoke for the applicant and there were no questions from the audience.

Commissioner Eismann referred to an e-mail that had been received which referred to deed restrictions on the property.

Commissioner Tucker stated that deed restrictions were a private matter, not relevant to the application.

Dan Matthys stated that the rezoning would have no involvement with the deed restrictions.

Commissioner Harris made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed unanimously.

D. **Red Bug Lake Road Townhomes Rezone**; **Curt Cogan, applicant**; approximately 15 acres; rezone from A-1 (Agriculture District) to R-3A (Multi-family Dwelling District); located on the south side of Red Bug Lake Road, across from Eagle Circle. (Z2005-028)

Commissioner Dallari – District 1
Tony Walter, Assistant Planning Manager

Tony Walter stated that this item is requested to be continued to the September 7 meeting.

Commissioner Bates made a motion to continue the item to the September 7 meeting.

Commissioner Harris seconded the motion.

The motion passed unanimously.

E. **Sand Lake Road Rezone (3391); Todd Magargee / True North Development LLC, applicants;** approximately 2.5 acres; rezone from A-1 (Agriculture District) to R-1AAA (Single Family Dwelling District); located on the south side of Sand Lake Road, 300 feet west of Sandy Lane. (Z2005-032)

Commissioner Van Der Weide – District 3
Tony Walter, Assistant Planning Manager

Mr. Walter stated that the lot compatibility analysis supports the R-1AAA zoning requested. Minimum lot size would be 13,500 square feet, with minimum house

size of 1,600 square feet. Four lots are proposed. Staff recommendation if for approval.

No one spoke on the item.

Commissioner Hattaway made a motion to recommend approval of the item.

Commissioner Harris seconded the motion.

The motion passed unanimously.

F. <u>Windsor Woods</u>; Windsor Oaks, LLC., Mark Crone, applicant; approximately 8.7 acres; rezone from A-1 (Agriculture District) to RC-1 (Rural Country Homes District); located on the east side of Lake Markham Road, opposite Sylvan Drive. (Z2005-033)

Commissioner Carey – District 5
Tony Walter, Assistant Planning Manager

Tony Walter stated that staff recommendation was for approval for the request of RC-1 zoning with lots of 120 feet in width that are compatible with the "suburban estates" future land use designation.

Commissioner Tucker asked about the alignment with Sylvan Road.

Dan Matthys stated that the alignment would be rectified at the time of Final Master Plan.

Commissioner Harris made a motion to recommend approval.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

G. <u>Orange Blvd. (4945) Rezone</u>; Anthony Nasko and Ludmils Antonos, applicants; approximately 4.26 acres; rezone from A-1 (Agriculture District) to R-1A (Single Family Dwelling District); located on the south side of Orange Boulevard, opposite Stargazer Terrace. (Z2005-034)

Commissioner Carey – District 5
Tony Walter, Assistant Planning Manager

Tony Walter stated that the requested zoning is compatible with the low density future land use designation. Lots proposed will be 9,000 square feet, with a

width at building line of 75 feet, and a minimum house size of 1,100 square feet. Staff recommendation was for a recommendation of approval of the request for R-1A zoning.

The applicant did not speak, but was in agreement with the staff recommendations.

Dr. Ira Schwartzberg spoke as a representative of Lake Forest. He said that there were 732 homes in Lake Forest. His neighborhood did not object to this project. They are concerned that the character of the new neighborhood be of the same standard as their homes. In addition, recent flooding has prompted concerns for proper drainage. He would also like an appropriate barrier between Lake Forest and the neighboring lots.

Jack Vetar said that he is concerned about the clear-cutting of the lots affecting the value of his home. He would like to preserve property values of existing surrounding homes and preserve the character of the neighborhood.

Cesar Toro of Stonebark Cove lives next door to the subject property. He stated that he is concerned about flooding of his property and wanted to see quality homes created to maintain property values. The subject lot has a lot of water on it.

Anthony Nesko stated that as the developer, he has proposed 8 homes. The price will be $500,000.00 and up. They will have superior landscaping. The lots will be engineered to eliminate a drainage problem.

Commissioner Tucker asked about minimum requirements for the homes.

Mr. Nesko stated that minimum house size will be 3,500 square feet of living area, with 2 stories. Lot size will be 75 feet by 170 feet.

Commissioner Tucker asked if Mr. Nesko would commit to 8 lots and 3,000 square feet minimum living size.

Tony Walter stated that according to the Land Development Code, one can specify size.

Mr. Nesko stated that he had no problem with 3,000 square feet.

Commissioner Harris stated that the Future Land Use map of the area indicates wetlands here, but the aerial does not show wetlands. He wondered if the lots had been built up. He said that this parcel is lower and will have to be built up to keep from flooding.

Commissioner Harris made a motion to recommend approval of the R-1A zoning with 8 lots and 3,000 square feet of living space.

Commissioner Eismann seconded the motion.

The motion passed unanimously.

H. <u>Dodd Road Townhomes</u>; Thomas Daly, applicant; approximately 11.59 acres; rezone from PCD (Planned Commercial Development) to PUD (Planned Unit Development) and Preliminary Site Plan approval; located on the east side of Dodd Road approximately 250 feet south of Red Bug Lake Road. (Z2005-039)

Commissioner Dallari – District 1
Matt West, Planning Manager

Matt West stated that this was the last parcel of the Zom Red Bug PUD/PCD. It is 11.59 acres located south of Red Bug and Dodd Road. The current approval is for 109,000 square feet of office in the PCD. To the north is Walgreens. To the west and south are single family residential uses with LDR future land use. Further to the north is the rest of the PCD/PUD, including a Wal-Mart Neighborhood Market and a Stonewood Tavern.

Mr. Daly wants 89 townhomes here, and so he is requesting a rezone. This project will share a frontage road with an adjacent parcel where Walgreens is located. Staff recommendation was for approval.

Mr. West stated that he had received an e-mail from Kathleen Passidomo, the attorney representing Walgreens, who has no objection to the development as long as the project will not negatively impact the drainage on the Walgreens site.

A second e-mail from Robert Walter of the Forest Creek Estates homeowners association stated that he would like to see a change in the DCA: a greater set back for the lift station and a larger setback for the clubhouse.

In addition, Item B, staff does not object to the suggestion to a greater minimum tree size throughout the Development Order.

Item 3C asked for commercial architectural standards. Mr. West said that he was not sure how commercial standards could be applied to a residential project. Mr. Daly could address that concern.

Mr. West had no comment to D, E, F, and G.

The retention pond will act as a buffer. Only one set of buildings will be near the single-family usage. The building will be turned sideways, facing out away from the single-family houses.

Mr. West stated that the proposed townhomes are an adequate transition to the single family homes to the south and west. Staff recommendation was for approval.

Tom Daly stated that he represented Beazer Homes, contract purchaser of the property. He would like a downzoning to PUD. He stated that he had not been able to meet with the homeowners association, but that he would prior to the meeting of the BCC.

Mr. Daly stated that he felt the garage requirement of 10 x 20 feet was excessive. He asked for a measured requirement of 10 X 18 feet. He also would like to make the fence along the apartments near the pond to be an option. The pond is already a buffer.

Mr. Daly stated that the existing office plan had no architectural standards imposed. Why should the townhomes have them?

In Item G – final engineering will take care of this; curbs are difficult; adjacent to roadway he would like a ribbon curb. He does not agree with Type F.

Mr. Daly stated that these are to be fee-simple townhomes.

Commissioner Tucker asked about Item 2D.

Mr. Daly stated that there would be no dumpsters. There would be curbside pickup of trash.

The lighting used will conform to the lighting standards of the Land Development Code.

Commissioner Bates asked about school impacts.

Commissioner Tucker said that there had been no report.

Matt West stated that he had gotten no communication with the School Board since the departure of Dianne Kramer.

Commissioner Bates asked that someone contact the School Board and ask for feedback on the items submitted.

Robert Walter, representing the neighboring homeowner association stated that the association had met last Wednesday, but did not have a copy of the plans.

Restrictions on lighting in the parking areas were important to him. He asked in the Development Order that lighting be no more than 15 feet high above the grade of the road. He also wanted standard ½ foot candle brightness at the property line. He wanted some type of weed control. He also wanted a 6-foot tall masonry wall, not PVC. In addition, he did not want flat roofs, and the air conditioning units should be shielded. Meter boxes should be screened. There should be no outdoor amplification of sound. He also wanted no balconies on the townhomes, frosting on the windows facing the private homes, and a raised curb, not a ribbon curb.

Commissioner Tucker asked why the homeowners association should care about parking inside of a private, gated community.

Mr. R. Walter stated that his association wanted to have a quality neighborhood there. He wondered if 2.3 parking spaces per home was enough.

Commissioner Tucker stated that there will be a mandatory homeowners association who will take care of the neighborhood.

Commissioner Harris asked Mr. R. Walter if his homeowners association banned street parties.

Mr. Walter said they did not.

Commissioner Harris pointed out that Mr. R. Walter was making restrictions on the new neighborhood that his own neighborhood did not have.

Mrs. Fossie stated that she lived south of the development on Aldergate. She wanted to know if the elevation of the lots would be changed.

Commissioner Tucker said that the developers would comply with final engineering standards.

Mrs. Fossie asked if the buffer wall could go in first, prior to construction.

Mr. Daly stated that it would not go up first. Construction can damage such things.

Mrs. Fossie stated that she was concerned about noise and the safety of her children.

Commissioner Hattaway suggested that she put up a temporary fence.

Sam Evan lives across from the entrance to the project. He wanted to know the density. Will there be a traffic light? He was concerned about the regrading of Dodd Road.

Commissioner Tucker asked Mr. Daly about the density of the project.

Mr. Daly said that the density was 9.7 units. There was no light planned at the entrance. He is obligated to build a frontage road with Walgreens. This will be a gated community.

The public hearing was now closed.

Commissioner Eismann made a motion to recommend approval based on the e-mail, excluding items 3C and G, adding the garage dimension of 10 feet by 18 feet, changing 3F.

Commissioner Harris asked about the change for item K, so that a retention pond does not have to be buffered from another retention pond.

Commissioner Eismann said "yes" to that change also.

Commissioner Tucker summarized: Item 1, 2, and 3 less C and G, and the Development Order in the staff report - item 3F to be 10 feet by 18 feet.

Commissioner Hattaway seconded the motion.

The motion passed unanimously.

PLANNING MANAGER'S REPORT:

Mr. West made note of the RLUIPA article that he had distributed for the Commissioners to read. Mr. West said that in the future there may be more issues with churches, and this act by Congress from 2002 will become more important.

At this time Mr. West pointed out that Commissioner Bates had some concerns about the communication with the School Board.

Commissioner Tucker said that the LPA/P&Z had one prior instance of an applicant bringing up the RLUIPA act.

Mr. West said that it had also been used by applicants to the Board of Adjustment.

Commissioner Bates said that he would like to speak to Mr. Vogel, or have someone from staff speak to Mr. Vogel or George Kosmac, concerning his concerns about the lack of input. Statistics for applications such tonight's townhomes are lacking. He would like to know how many students are estimated

to come from these projects. Our communications merit a response of some type.

Commissioner Tucker said that staff should pass this concern to Mr. Grace for communication to the BCC.

Mr. West stated that the School Board had put out a query for a planner to replace Dianne Kramer.

Commissioner Hattaway stated that the board would like to have a response to the query about the applications.

Mr. West stated that based on past input, it has been estimated that there would be one student per 8 or 9 townhomes.

Commissioner Tucker asked that this need be passed on to the BCC for communication to the School Board.

Dan Matthys stated that the School Board could appoint a person to attend the meetings.

Commissioner Tucker said that the county had voted about 3 years ago to have a non-voting member available to attend the meetings. All of the cities have that option also.

With a closing salutation to departing member Richard Harris, the meeting adjourned at 9 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson