

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
DECEMBER 7, 2005**

Members present: Ben Tucker, Dudley Bates, Matt Brown, and Jason Brodeur.

Members absent: Beth Hattaway, Rob Wolf, and Walt Eismann.

Also present: Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Brian Nelson, Principal Coordinator; Tony Matthews, Principal Planner; Kim Laucella, Assistant County Attorney; Tom Radzai, Senior Engineer; Denny Gibbs, Senior Planner; Brian Walker, Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order and a quorum was established. He then reviewed the manner in which the meeting was to be conducted and how voting was accomplished.

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

Commissioner Bates seconded the motion.

The motion passed unanimously.

The minutes were approved unanimously.

TECHNICAL REVIEW ITEMS:

A. Markham Road Subdivision PSP; Samy Realty, Inc; approximately 6.76 acres; Preliminary Subdivision Approval for 4 lots, single family residence, zoned A-1; located on the northwest quadrant of Markham Road & Orange Blvd.

Commissioner Carey - District 5
Brian Walker, Planner

Brian Walker said that the subdivision name has been changed to "Chateaux of Markham". There is an unimproved right-of-way on the property which is in the process of being vacated. Staff does not see any impediment to this action. The County will supply potable water. Shallow wells will be installed for irrigation, with individual septic tanks for each property. The staff recommendation was for approval of the Preliminary Subdivision Plan subject to the successful vacating of the unimproved right-of-way called Lake Street.

Commissioner Brown made the motion to recommend approval of the application.

Commissioner Bates seconded the motion.

The motion passed unanimously.

B. Belle Terre PSP; Suncor Properties Inc, Robert Horian, Pres; approximately 12.03 acres; Preliminary Subdivision Approval for 39 Fee Simple Townhome Units, zoned PUD; located on Greenwood Blvd, south of Lake Mary Blvd.

Commissioner Henley – District 4
Denny Gibbs, Senior Planner

Denny Gibbs presented a request for the approval of the Preliminary Subdivision Plan for Belle Terre and for Regal Point Park. Belle Terre is a replat of the Greenwood Lakes Mary Phase II, Lot 4 and Regal Pointe is a replat of Lot 3. The subject property is a total of 12.03 acres located on Greenwood Boulevard, south of Lake Mary Boulevard.

The Preliminary Subdivision Plan for Belle Terre consists of 39 fee simple townhomes and one office parcel on Greenwood Boulevard. This is located on the south side of Sun Drive.

The Regal Pointe Park consists of 3 office parcels and one retail parcel located on the north side of Sun Drive. The property is served by Seminole County utilities and internal roads will be private. Staff recommends approval of the Preliminary Subdivision Plan for Belle Terre and for the PSP of Regal Pointe Park.

Commissioner Tucker asked about the rezoning on the property and the impact on the schools.

Tony Walter stated that the School Board had given input on school impact at the time of rezoning.

Denny Gibbs stated that this application has gone through site plan and Concurrency approval, and that the School Board would have had an opportunity to comment at that time also.

Commissioner Bates made a motion to recommend approval.

Commissioner Brodeur seconded the motion.

The motion passed unanimously.

PUBLIC HEARING ITEMS:

C. Casa Verde Townhomes; Oren Gabbai / Pinecrest Development, applicant; approximately 2.78 acres; Rezone from A-1 (Agriculture) and PUD (Planned Unit Development) to PUD (Planned Unit Development) and Small Scale Land Use Amendment from LDR (Low Density Residential) to PD (Planned Development); located on the south side of CR 46A between Lake Boulevard and Casa Verde Boulevard. (Z2005-050/08-05SS.01)

Commissioner Carey – District 5
Brian Nelson, Principal Coordinator

Brian Nelson stated that the site contains 2 parcels. The northern parcel consists of 0.8 acres and is zoned PUD (Planned Unit Development). This is part of the Chase Groves PUD and is considered part of its allotted open space. The southern parcel is approximately 2 acres and is zoned A-1 (Agriculture District). Both parcels have the same owner. The applicant, Pinecrest Development, is proposing to amend the Chase Groves PUD by removing the 0.8 acre parcel from the development and to rezone both parcels from A-1 (Agriculture District) and PUD to PUD. There will also be a small scale land use amendment from LDR (Low Density Residential) to PD (Planned Development).

The applicant is proposing to build 24 townhomes with a net density of 10 units per net buildable acre. Mr. Nelson said that research reveals that approximately 33 % of the Chase Groves development is open space. The northern parcel represents .6% or less than 1% of the development. Removal of this parcel will not reduce the open space of the Chase Groves development below the required 25 %.

Staff researched if the removal of the northern parcel would cause the Chase Groves DRI to go through further review. In 2003 an NOPC was filed on the same parcels with the Regional Planning Council. The removal of the northern parcel from the PUD was proposed at that time, as it is now. At that time, the decision was rendered that removal of the northern parcel would not represent a substantial deviation and that no additional review would be required. Based on this previous evaluation and the fact that this applicant is proposing to remove the same parcel, staff has determined that a new Notice of Proposed Change would be necessary.

Mr. Nelson stated that the Chase Groves Community Association has sent in a letter of protest. Their primary point of objection is the question of access off of Casa Verde Boulevard.

Mr. Nelson noted the receipt of a letter of support from the Loch Arbor Homeowner's Association.

The applicant has provided a document with a non-exclusive access agreement on the property, together with his attorney's opinion.

Staff recommendation is for approval of the applicant's request subject to terms included in the staff report.

Commissioner Tucker asked about the easement access to the property.

Mr. Nelson stated that the survey indicates that the applicant owns the property.

Commissioner Tucker stated that access would not be an issue before this board tonight.

Charles Madden spoke on behalf of Pinecrest Development and Oren Gabbai. Mr. Madden said that he had participated in the previous commercial proposal brought forth in 2003 for this property. Previous opponents of the commercial proposal on this property had stated that townhomes would be a good use of the property. He has letters of support on this application. He is in agreement of the development order stipulations.

Bob White, President of the Loch Arbor Homeowners Association, spoke in favor of the application. Loch Arbor is southwest of the proposed project. The association was concerned about Lake Avenue traffic and was in agreement with the proposal. He pointed out that Lake Boulevard is a 2 lane residential road and Casa Verde is a 4 lane arterial road. When CR 46A is expanded, there will be a traffic light at the corner of Casa Verde and CR 46A. When CR 46A is expanded, there will be a right turn only at the corner of Lake Boulevard. Loch Arbor would like the entrance and exit to the proposed townhomes on Casa Verde Boulevard, as proposed in the application.

Luis Toro of the Chase Groves Homeowner's Association stated that traffic on Casa Verde Boulevard was bad. This proposal will make things much worse. He hoped that the Commission will deny the proposal.

Charles Madden stated that the proposal is for a rezone and land use amendment.

Commissioners indicated that the access issue did not have to be discussed at this time.

Commissioner Brown asked about the level of service in the area of Casa Verde Boulevard.

Dan Matthys stated that the applicant will be required to pass concurrency. The level of service on Casa Verde Boulevard is either A or B. The access onto Casa Verde Boulevard was recommended by the Development Review Committee for safety reasons. The intersection at the end of Casa Verde Boulevard will be signalized.

Commissioner Bates made a motion to recommend approval with staff recommendations.

Commissioner Brown seconded the motion.

The motion passed 4 – 0.

D. Seminola Boulevard Town Homes PUD Rezone; Vanson Enterprises, Inc., applicant; approximately 0.78 acres; Rezone from R-1A (Single Family Residential District) to PUD (Planned Unit Development); located on the east side of Seminola Blvd., 100 feet north of Button Road. (Z2005-054)

Commissioner Morris – District 2
Tony Walter, Planning Manager

Tony Walter explained that this item has been continued from last month's meeting. At that time public input was taken and the public hearing was closed. The item was continued to give the applicant time to meet with the City of Casselberry about the conditions they want added to the development order.

The future land use designation on this parcel is High Density Residential, which permit up to 50 dwelling units per acre. The applicant is requesting to change the R-1A (Single Family Residential District) zoning to a Planned Unit Development (PUD). The applicant is proposing 9 townhomes on the .78 acres with a net density of approximately 18 units per buildable acre. Mr. Walter noted the addition of one condition to the development order. This condition is the requirement that the applicant provide a landscape plan and a common open space plan prior to approval of the final master plan.

Since the drafting of the agenda memo for the last meeting, there has been input from the City of Casselberry. Mr. Walter said that an additional 5 conditions have been added to the development order as a result of these consultations. These conditions include: 1) The internal drive aisle shall be a two-way drive aisle, which meets County requirements; 2) The northern building set-back shall be increased to 18.5 feet on the north; 3) The minimum front setback shall be a minimum of 35 feet; 4) 2.33 parking spaces shall be provided per unit; 5) garages shall be prohibited from being converted to living spaces.

Mr. Walter stated that staff recommendation was for approval.

Commissioner Tucker asked if the staff had communicated with the City of Casselberry.

Mr. Walter said that they had met with and had spoken to the City on several occasions.

There were not questions from the commissioners at this time.

No one spoke in favor of the request.

Sally Grey spoke on behalf of Congregation Bet Chaim, which owns the property adjacent to the subject site on the north side. Their main concern is the density of the PUD does not conform to the neighborhood. Most of the homes around Lake Kathryn are one-story homes. The proposed buildings will look out-of-place there. Ms. Grey said that they were also concerned about the traffic on Seminola Boulevard. She is also concerned about the division between temple property and the townhomes. Will the entrance to the temple be blocked in the line of sight goings and comings in their driveway? The property is .78 acres. PUD's are usually 3 acres or more. She asked that the County and City of Casselberry abide by their own regulations.

Sandra J. Smith, Chief Planner for the City of Casselberry read a statement into the record concerning this rezone:

"In addition to the formal written comments provided by the City of Casselberry that include deficiencies of the proposed site plan, such as poor internal vehicular and pedestrian circulation, reduced setbacks, buffering and landscaping, I would like to make the following points:

This site will receive its water and sanitary sewer service from the City of Casselberry. Therefore, the developer will be required to sign an annexation agreement with the City prior to the City authorizing utility hookup. The site could be annexed into the City immediately since it is contiguous to the City. Any subsequent development that is not in conformance with City requirements will make the property non-conforming when annexed.

The most recent townhome developments on Seminola Boulevard are on sites that are more than twice the size (1.9 acres and 1.78 acres) of the proposed site (.78 acres) and are developed at 10 units per acre rather than the 13 units per acre proposed by this developer.

Seminole County has zoning classifications for multi-family development (R-3, R-3A, and R-4) that restrict the number of units to 1/acre or 13/acre and that are consistent with the high density residential future land use. These zoning classifications are indicated in Seminole County's Vision 2020 Comprehensive Plan as compatible with the High Density Residential future land use which specifically includes townhomes. These zoning designations are more in keeping with other development that is occurring along the Seminola Boulevard corridor.

Planned Unit Development (PUD) is a zoning classification within the County's following Future Land Use designations: Mixed Development, Planned Development, Higher Intensity Planned Development Core/Transitional/Target Industry/Airport, Office, Commercial, Industrial and Recreation. The Planned Unit definition implies a mix of residential and commercial uses. The Seminole County Land Development Code states the intent of a PUD is "to encourage the development of land as planned communities,...to provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs;...and provide a stable environment character compatible with surrounding areas." These statements imply that a PUD would be much larger in size than 0.78 acres in order to achieve all of the stated parameters.

Planned Unit Development zoning is not appropriate for this site and should not be considered until the site is aggregated with adjacent properties providing a larger development parcel. If the County allows the PUD zoning classification, a classification that is meant for larger developments, such action could encourage additional poor development trends in the area. The City cannot guarantee water and sewer services for this development unless it meets all the requirements of the City's Land Development Code."

Commissioner Tucker asked about the water and sewer.

Ms. Smith said that it would depend on the development plan that was brought forward, and how it was compatible with the City's design criteria. In discussions with staff and the applicant, it appears that there may be an amicable resolution.

Commissioner Tucker said that this was the reason for the item being continued from last month.

Ms. Smith pointed out that the County's LDC points to R-3, R-3A, or R-4 zoning. A PUD is for larger properties. There is a 3-acre minimum in the City for a PUD, to allow for clustering and the providing of amenities and open space. This is a strip of multi-family and is more appropriate for straight zoning.

Commissioner Brown asked about the capacity and the fact that the applicant will have to annex into the City. A letter from Phyllis Wallace states that water and sewer will be available upon annexation. No design criteria or zoning standards are mentioned.

Ms. Smith said that the letter was referring only to Public Works Department ability to provide services.

There was no rebuttal.

The public hearing was closed.

Commissioner Brodeur asked about the southern road being on someone else's property.

Tony Walter said that the southern entrance is on County property. The County will be entering into an access easement agreement. The intent of this is to have the property access at the signal, which will be much safer.

Commissioner Brodeur asked about changing the chain link fence on the plan.

Commissioner Brown said that the chain link fence is on County property to separate the retention pond that is on the parcel.

Commissioner Brodeur asked about having a fence around this project.

Will Lenahan stated that the south side of the property would have a privacy fence.

Commissioner Brodeur asked about reclaimed water being required for the site.

Dan Matthys stated that they will have to dry line the property and use a shallow well until reclaimed water is available.

Commissioner Brown said that the City of Casselberry had no reclaimed water available.

Commissioner Tucker asked about the signal at the intersection.

Mr. Walter said that the development would improve and re-signalize the Button Road intersection on Seminola Boulevard.

Commissioner Tucker said that as a board this group has to address the County's Code. This is difficult.

Commissioner Brown agreed. He said that the City's Code did not enter in to tonight's deliberations. This is not a typical case.

Commissioner Tucker said that in the past, issues with conflicting codes have been worked out.

Mr. Matthys said that the applicant would be entering into a pre-annexation agreement with the City of Casselberry before finalizing plans. Mr. Walter has discussed this application with Ms. Smith.

Commissioner Brown pointed out the advantage a city has over an applicant when the city is to be the water provider and annexation is required. The owner has a right to use his land.

Commissioner Tucker said that the 9 houses will be non-conforming when annexed into the City of Casselberry. What will the ramifications be for the property that will be non-conforming in case of fire for replacement?

Ms. Smith said that if more than 50% of the structure is damaged by fire, then the structure must be replaced according to current City codes, in which case only 5 townhomes, instead of 9, will be rebuilt. The City would like to have this conform to City Code; R-3/4 would be more compatible with City standards, rather than the PUD proposed. This will have to be annexed into the City, so it should meet City standards for multi-family zoning.

Mr. Walter said that the solution is to work together to make the PUD close to the straight zoning requirements with the City.

Commissioner Brown said that the City Commission could change requirements for the property.

Commissioner Bates asked what caused this to be a PUD, not a straight zoning.

Mr. Walter said that this was an infill project on a small piece of property. County PUDs have flexibility on setbacks and buffering.

Commissioner Brown made a motion to recommend approval with staff recommendations and amendments discussed tonight.

Commissioner Bates seconded the motion.

Commissioner Tucker said that he was not comfortable with everything being done. He questioned a PUD on this size parcel. His vote will be "no".

The vote was 3 to 1 in favor of the motion. Commissioner Tucker voted "no".

E. Wekiva Parkway and Protection Act; Seminole County, applicant, Text Amendments to the Seminole County Comprehensive Plan to implement the Services and Facilities requirement of the Wekiva Parkway and Protection Act, Part III, Chapter 369, Florida Statutes. (06EX.TXT02.01, 06EX.TXT02.02, 06EX.TXT02.03, 06EX.TXT02.04, 06EX.TXT02.05, 06EX.TXT02.06, 06EX.TXT02.07, 06EX.TXT02.08, 06EX.TXT02.09).

Unincorporated Seminole County

Tony Matthews, Principal Planner

Tony Matthews addressed the Commissioners regarding the County's efforts to comply with the requirements of the Wekiva Parkway and Protection Act, Part III, Chapter 369, Florida Statutes.

Mr. Matthews stated that in 2004, the Florida Legislature passed the "Wekiva Parkway and Protection Act" for the broad purpose of: (a) protecting surface and groundwater resources through a variety of land use strategies; (b) promoting the continuity of effective and innovative planning and development activities; and (c) authorizing development of the Wekiva Parkway.

The Act requires local governments to amend their comprehensive plans to:

1. Include the Wekiva Parkway within the comprehensive plan; and
2. To address the master stormwater management plan, wastewater facility plan, 10-Year Water Supply Facility Work Plan, and land use strategies requirements of the Act.

Amendments to comprehensive plans to address stormwater, transportation, and land use strategies are to be adopted by local governments by January 1, 2006.

Fifteen local governments within the Wekiva Study Area, including Seminole County and the Cities of Altamonte Springs, Lake Mary, and Longwood, are subject to the requirements of the Act.

In July of 2005, staff presented a series of text amendments to the LPA designed to address the land use strategies requirement of the Act. The Board of County Commissioners is scheduled to adopt these amendments on December 20.

The County has until December 1, 2006, to accomplish the 10 Year Water Supply Facility Work Plan. Staff will present this plan and related text amendments to the LPA in early-mid 2006.

Exhibit I in the agenda package is a schedule of public hearing dates regarding the Act.

With that brief background, the focus of tonight's meeting is on proposed text amendments to address the stormwater, wastewater, and transportation facilities and services requirements of the Act.

To fully appreciate the County's efforts in preparing the proposed text amendments, it's important to note that there are a number of ongoing activities associated with meeting the facilities and services requirements of the Act. These activities involve:

1. Staff evaluation of the master stormwater management plan;
2. Updating the County's Utilities Master Plan to address wastewater issues; and
3. Awaiting the establishment of the precise corridor and alignment for the proposed Wekiva Parkway.

In addition, staff is evaluating:

1. Rulemaking by various state agencies; and
2. Reviewing model goals, objectives, and policies, prepared under the auspices of the Department of Community Affairs, to assist local governments in complying with the requirements of the Act.

On Pages 2 through 5 of the agenda package is a description of this ongoing work regarding the stormwater, wastewater, and transportation requirements of the Act.

Staff is proposing 9 new policies found in the Drainage, Sanitary Sewer, and Transportation Elements of the Seminole County Comprehensive Plan. These are contained in Exhibit A in the agenda package.

Mr. Matthews stated that Staff believes that the proposed text amendments attached as Exhibit A regarding stormwater, wastewater, and transportation are:

1. Consistent with the goals and intent of the Wekiva Parkway and Protection Act and with the Guidelines published by the Department of Community Affairs; and
2. Transmittal of the enclosed text amendments at this time demonstrates the County's good faith effort toward meeting the purposes and intent of the Act, with recognition that changes to the text amendments may occur in the future based on ongoing activities by the County and state agencies described herein.

Mr. Matthews said Staff recommends transmittal of the proposed text amendments to the Drainage, Sanitary Sewer, and Transportation Elements of the Seminole County Comprehensive Plan, attached as Exhibit A, to implement the Services and Facilities requirement of the Wekiva Parkway and Protection Act, with staff findings.

The Board of County Commissioners will conduct a public hearing on these proposed text amendments on December 20, 2005, and consider transmittal to the Department of Community Affairs for review and comment. The adoption date for these amendments is tentatively set for March 14, 2006.

Commissioner Tucker asked about the alignment of the Wekiva Parkway project.

Jerry McCollum, County Engineer stated the website has information on the alignment of the parkway. There are three possible routes, indicated on the color map running north of Orange Boulevard, another that goes south of Orange Boulevard through International Drive and joining the SR 417, and the third follows SR 46, joining I-4. There will be a presentation made to the Expressway Authority on December 20th at 4:00 P.M. The FDOT will not have a final recommendation until the summer or early fall of 2006. This is a state road that cannot be executed without a number of types of studies being done first. As for the Parkway being built, Mr. McCollum stated that there was no funding at this time for right-of-way acquisition or construction of the roadway. If funding were available today, it would take 8 to 10 years to open the roadway. It begins in Zellwood and continues through the Plymouth, Sorrento area and ties into SR 46. It will be a billion dollars in cost and is a massive project.

Commissioner Tucker asked about access.

Mr. McCollum said that in Seminole County the access would be highly controlled with frontage roads and u-turns. Lake County is still looking at concepts on what they are going to do there.

Commissioner Tucker asked about the deadline for sanitary sewers and septic tanks.

Mr. Matthews said that a report is not ready at this time. It will be presented to the board in the future.

Commissioner Brown made a motion to recommend transmittal of the text amendments.

Commissioner Bates seconded the motion.

The motion passed 4 – 0.

Planning Manager's Report:

Tony Walter said that the January meeting will be held on January 11. A tentative list of projects will include 6 items, including 2 large scale land use amendments.

Commissioners agreed on the 2006 calendar dates for LPA/P&Z meetings. Commissioner Tucker wanted to be sure that the October meeting date would not conflict with public school holidays.

Commissioner Bates wished everyone a Merry Christmas.

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson