

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

SEPTEMBER 6, 2006

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Matt Brown, Walt Eismann, and Rob Wolf

Member absent: Jason Brodeur

Also present: Tony Walter, Planning Manager; April Boswell, Assistant Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Cynthia Sweet, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant

The Chairman called the meeting to order at 7:05 P.M. He introduced the board members present to the audience. He then reviewed the manner in which the meeting was to be conducted and the rules for voting.

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

Commissioner Eismann seconded the motion.

Commissioner Wolf made a motion to accept the minutes from the last meeting.

Commissioner Eismann seconded the motion.

TECHNICAL REVIEW ITEMS:

A. Brooks Landing PSP; CWC Investments LTD, Applicant; approximately 9.44 acres; Preliminary Subdivision Plan approval for a 62 lot Townhome project zoned PUD; located on the southwest corner of Red Bug Lake Road and S. Citrus Road and east of Brooks Lane, in Section 19, Township 21 S, Range 31 E.

Commissioner Dallari – District 1
Cynthia Sweet, Senior Planner

Cynthia Sweet stated that the Final Master Plan and the Developers Commitment Agreement for this project were approved by the Board of County Commissioners on August 22 of this year. The project consists of 62 townhome lots on 9.44 acres. The development will be served by Seminole County for water and sewer. The internal roads will be private. This PSP meets all of the conditions of the Land Development Code and the approved Final Master Plan. Staff recommendation is for approval.

There were no questions from the board.

Commissioner Eismann made a motion to recommend approval.

Commissioner Brown seconded the motion.

The motion passed unanimously. (5 – 0) Commissioner Bates was not present for this vote.

B. Geneva Ranch Estates; Geneva Ranches LLC, Applicant; approximately 352.67 acres; Preliminary Subdivision Plan approval for a 44 Lot Rural Single Family Residential Subdivision zoned A-5 and A-1; located on the north side of E. SR 46, east side of N. Jungle Road, in Section 25, Township 20 S, Range 32 E.

Commissioner Morris – District 2
Cynthia Sweet, Senior Planner

Ms. Sweet stated that the project consists of 44 lots on 352.67 acres. The minimum lot size is one acre in a clustered development. The development will be served by Lake Harney Water Association. Septic will be used for sewer. The internal roads will be private. The plan meets all of the applicable provisions of the Seminole County Land Development Code. Staff recommendation is for approval.

Commissioner Wolf stated that this is an excellent example of rural clustering. He would like to compliment the applicant.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Eismann seconded the motion.

The motion passed unanimously, 5 – 0. Commissioner Bates was not present for the vote.

C. Orange Blvd. Property PSP; KBC Development, Inc., applicant; Preliminary Subdivision Plan approval for 4 Industrial Lots on 22.3 acres zoned PUD; located south of Orange Blvd. and west of I-4.

Commissioner Carey - District 5
Brian M. Walker – Planner

Michael Rumer said that the plan is for 4 lots with a mix of commercial and industrial uses. Staff recommendation is for approval.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Wolf seconded the motion.

The motion passed 5 – 0. Commissioner Bates was not present for the vote.

D. Greenway South PUD PSP; Continental Properties Co. Inc., applicant; approximately 21.32 acres; Preliminary Subdivision approval for a 5 lot commercial subdivision zoned Planned Unit Development; located on the corner of Aloma Ave. and SR 417.

Commissioner Dallari – District 1
Brian Walker, Planner

Michael Rumer stated that this PSP approval is contingent on the Final Master Plan approval which is to be considered by the BCC on September 26, 2006. This is a 5 lot subdivision plan. The project site is just over 21 acres. The proposed subdivision will be served by Seminole County water and sewer. Staff recommendation is for approval.

Commissioner Tucker asked how the PSP is going before the Final Master Plan. There is an issue with the wall.

Mr. Rumer said that there is a 6-foot wall on the west side of the property line, on the east side of the road. The applicant would like to remove the condition for the wall at the time of final master plan approval. The Deep Lake subdivision on the west side of the road has a 6-foot vinyl fence in their plans. Mr. Rumer said that he had not seen the PUD development order or minutes from the meetings to see how the wall was planned. The vinyl fence is proposed for the opposite side of the road.

Commissioner Brown said that there would be two walls of various types facing each other.

Mr. Rumer stated that the permit to put in the fence is being processed now.

Mr. Rumer said that the Final Master Plan and Preliminary Subdivision Plan were able to be submitted together. Due to staff routing issues, the Final Master Plan was routed after the PSP. This PSP is intricately detailed and staff is recommending approval pending the approval of the Final Master Plan on the 26th of September.

Commissioner Hattaway made a motion to recommend approval.

Commissioner Wolf seconded the motion.

The motion passed 5 – 0. Commissioner Bates was not present for this vote.

PUBLIC HEARING ITEMS:

Commissioner Bates entered the meeting at the beginning of this item.

E. Sproul Bible College PUD Major Amendment and Rezone from PUD to A-1 (Agriculture District); Guy T. Rizzo, Applicant; Major Amendment to a PUD (Planned Unit Development) to include a church as a permitted use on 27.44 acres and the

removal of five acres from the PUD and rezoning the five acres to A-1; located on the south side of Wayside Drive, approximately 550 feet east of the intersection of Wayside Drive and Orange Boulevard; (Z2006-46).

Commissioner Carey – District 5
Michael Rumer, Senior Planner

Michael Rumer stated that on February 22, 2005 the Board of County Commissioners approved the Sproul Bible College PUD which permitted the following uses: The conversion of the two existing residential structures and accessory buildings to a theological college with 70 students and 21 residential lots consistent with the requirements and provisions of the R-1AA (SFR Family Dwelling) district and with a minimum house size of 2,000 square feet.

Mr. Rumer stated that at this time the applicant is requesting a major amendment to the Sproul Bible College PUD which includes the following changes: removing the south five acres from the PUD and rezoning them to A-1 (Agriculture District) to remain as vacant land; reducing the number of R-1AA residential lots allowed from 21 to 11 and moving the location of the 11 residential lots to an 8.0 acre parcel along Wayside Drive and allowing the 8.0 acre parcel along Wayside Drive to be used for either the 11 residential lots or a church. He demonstrated using the maps where the property would be changed.

Mr. Rumer said that the staff recommended approval of the PUD Major Amendment, Revised Preliminary Master Plan, Development Order and rezoning from PUD to PUD and rezoning from PUD to A-1.

Guy Rizzo stated that he agreed with the staff report. He is removing the southern 5 acres for possible future resale or development. The ingress and egress will be from Wayside Drive, not Orange Blvd. The Bible College wants to get up and running and this will allow that to happen.

There were no questions from the audience.

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

Commissioner Brown seconded the motion.

The motion passed 6 – 0.

F. Line Drive Townhomes; M.M. Botee, applicant; 0.62± acre; Rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for the placement of townhomes; located at 125 N. Line Drive, 300 feet south of Sand Lake Road. (Z2006-40 /06-06SS.01)

Commissioner Van Der Weide – District 3
Michael Rumer, Senior Planner

Michael Rumer stated that the applicant would like to create 7 townhomes with a minimum size of 1,300 square feet. The parcel had previously been located within the Stockbridge PUD which permitted 280 townhomes and single family dwellings on 33.3 acres with a density of 8.3 units per acre. This .62 acre parcel is removed from the Stockbridge PUD and is vacant. Staff recommendation is for approval of the Preliminary Master Plan and Development Order.

Jack Reynolds of American Civil Engineering said that the 2 story townhomes proposed would be a good mix with the neighboring uses. He agreed with the 10 staff recommendations.

No on spoke from the floor.

Commissioner Wolf noted the 154% capacity for the Wekiva Elementary School. Why do we have these figures if they are not used to curtail development? These figures are among the highest he has seen for school overcrowding figures.

Commissioner Tucker said that the county does not have mandatory school concurrency. If we want to recommend against it, we have these figures. The schools can be rezoned. There are other schools in the area. This project has 4 students projected.

Commissioner Wolf said that there are other cases tonight with students being added to over-capacity schools, also.

Commissioner Brown noted that there were over 252 student positions being added in the school's 5 year plan, which will bring things under capacity again.

Commissioner Tucker said that the schools this year are running under projected enrollment. They are looking for a site for a new school. There is not enough land vacant right now. School concurrency is not within our realm of consideration right now. We have a school board representative that is supposed to attend our meetings. So far, the representative has attended one meeting in four years. We do get reports from the School Board.

Commissioner Bates said that he did not understand the math used in the school calculations. 108% over capacity is not considered crowded, but 110% is. For Teague Middle School the overcapacity is 302 students against a base of 1397 students. That is listed as being 9.5% over capacity. It is more like 20 percent.

Commissioner Brown said that the officials may be counting portable classroom stations.

Commissioner Bates said that this must be “new math.”

Commissioner Tucker said that the state controls capital outlay on new school construction. They do not consider a school crowded until it has reached 110% of capacity.

Commissioner Bates said that the value of the information is frustrating.

Commissioner Tucker said with the information we deny based on schools.

Tony Walter said that the County is working on an interlocal agreement with the schools right now. By 2008 school concurrency will be in effect.

Commissioner Wolf said that we will have concurrency about 6 months after we have build-out.

Commissioner Hattaway said that the board can use the information to add to a formula for consideration. It cannot be a determining factor.

Kathleen Furey-Tran said that something cannot be denied on that basis alone. You can consider it.

Commissioner Wolf asked how this board could do something to send a message about this concern.

Tony Walter said that the board could mention their concern about the cumulative total impacted on the schools by these projects. The BCC is involved in reviewing the interlocal agreement that will be brought before them later this year.

Commissioner Wolf said that if 155% capacity is not the line, then where is it?

Commissioner Wolf made a motion to recommend approval of the request with the addition of the statement of concern pertaining to the overcrowding of the area schools.

Commissioner Brown seconded the motion.

The motion passed 6 – 0.

G. Destiny House Rezone; James McNeil, applicant; Small Scale Land Use Amendment from Commercial to LDR (Low Density Residential) and Rezone from C-1 (Retail Commercial) to R-1 (Single-Family); located on the southeast side of 27th Street and Park Avenue, Sanford. (Z2006-49 / 09-06SS.02)

Commissioner Carey – District 5
Benjamin Dunn, Senior Planner

Tina Williamson said that the applicant would like to establish a group home with no more than 6 unrelated residents. This use is allowed within the R-1 zoning district. Staff recommendation is for approval.

James McNeil stated that he is a licensed foster parent. He is working with the state for the establishment of a residential group home. He concurs with staff recommendations.

Ellis Slaydon of 2700 Magnolia Avenue said that he is opposed to the rezoning of the property. Why change the zoning now? He is concerned with the traffic in the area. He lives adjacent to the subject property. This request will disrupt his life.

Mr. McNeil said that the property is currently commercial in use. This will be less intense use of the property. The previous owner had rezoned the property to commercial.

Commissioner Wolf asked about the potential residents.

Mr. McNeil said that they would be children from 13 – 17 years of age, middle school or high school age. They would not be driving cars.

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

Commissioner Hattaway seconded the motion.

The motion passed unanimously (6 – 0).

H. Frances Avenue Rezone; Andrew Stanley, applicant; 10 ± acres; Rezone from A-1 (Agriculture District) to R-1A (Single-Family Residential); located at the terminus of Frances Avenue, 1000 feet south of N. Ronald Reagan Blvd. (Z2006-33)

Commissioner Carey – District 5
Benjamin Dunn, Senior Planner

Tina Williamson said that the requested rezone is being made to allow the owner to subdivide the property. The lot size compatibility analysis did not support the rezone to R-1A. Staff recommendation is for denial, based on the lot size compatibility analysis. R-1AA zoning may be a more appropriate transition.

Andrew Stanley said that the calculations do not reflect the area. He showed a diagram of the area by tracts. Adjacent is a church. The site is accessed by the adjacent parcel labeled #2. Mr. Stanley stated that the drainage problem in the area is caused the access from parcel 2 to parcel 1. The owners of parcel #8 want an 8-foot fence. They are willing to sell out to the applicant. Parcel 3 is split by a rail line. To access county water and sewer, it is necessary for the developer to build 27 homes.

Only 14 homes can be built with R-1A zoning. With R-1AA there will be problems: he would need to build \$400,000.00 homes. These will not sell. He would like to build \$200,000 homes here.

Kerry Scott owns the parcel next door (#8 on Mr. Stanley's diagram). She breeds horses. She is concerned about the access to her horses from the project. She would like an 8 foot fence or brick wall. She is also concerned about the impact on schools and the problems with drainage in the area.

John Scott said that the land in the area is very low. He has lived there 14 years. The hard pan is only about a foot down. This proposed development will be like Autumn Chase with bad drainage. Frances Avenue is very narrow. He hunts there and is opposed to 25 houses.

Sunday Blythe said that she drives a bus in the county and knows that the area schools are overcrowded. This should be a factor. The schools are putting in portables. She does not want 25 homes here. Flooding is an issue. The road is 10 foot wide. When it rains there is standing water. The ditches for water are not kept clear for flooding. 25 houses will make things worse. She would like to see bigger lots here.

Andy Faulkner lives at 4384 Frances Avenue, north of the site. He said that Lily Street is unpaved because of the water in the area. Everyone is flooded. Frances Avenue is used as a drag strip now.

Don Siple of 4500 Frances Avenue said that the drainage in the area is poor. Winn is a drainage ditch. His access is a private drive. He has tried to do 50 foot lots on his property and was denied. The schools are overcrowded. He will be run off his land by this project.

The applicant stated that R-1A zoning is for 75 foot lots. R-1AA zoning makes 90 foot lots.

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

Commissioner Eismann seconded the motion.

The motion passed unanimously (6 – 0).

I. Brooks Lane Rezone; Jay Barfield, applicant; approximately 15.6 acres; Rezone from A-1 (Agriculture District) to R-1AAA (Single Family Residential District); located on the west side of Brooks Lane, approximately .4 mile south of Red Bug Road. (Z2006-53)

Commissioner Dallari – District 1
April Boswell, Assistant Planning Manager

April Boswell explained that the current Future Land Use designation on the subject property is LDR (Low Density Residential). In May of this year the 2 southern parcels of the current proposal were denied a rezoning. The current application adds 5 acres to the previous land to be rezoned. The request now is for R-1AAA zoning. The lot size compatibility analysis shows that the R-1AAA is the compatible land use for the property. There is a 35-foot buffer required for the land abutting the Suburban Estates future land use area. The applicant would like to plant one canopy tree every 25 feet on center, as required by the Land Development Code. The buffer must be in an easement maintained by the Home Owners' Association. Setbacks will be determined by the inner side of the buffer line. There is an estimate of 18 students to be generated by this project for the local schools. Staff recommendation is for approval, based on the lot size compatibility analysis and additional staff findings.

Commissioner Tucker asked how the BCC discussion came out on the previous application.

Ms. Boswell stated that there was some confusion on the buffer. There were a couple of motions which both failed.

Commissioner Tucker stated that this is a straight zoning request.

Ms. Boswell stated that the Land Development Code gives a buffer provision when there are two weight differences. The buffer will be in the development order.

Commissioner Hattaway asked what the number of homes was in the previous application.

Ms. Boswell did not know the number and said that she would ask the applicant to address that question.

Jay Barfield stated that in May his application covered 10 acres and contained 26 lots. This application contains 15.6 acres in 3 parcels. The access will align with the Kenmure entrance. The buffer is new. The buffer requirement had been given to him in May about 30 minutes before the opening of the BCC meeting. There was confusion on it at the time. There are 12 lots on the south side of the current subject property which abut the Suburban Estates future land use. There will be trees in the buffer. He has made a 100-foot setback and put water retention on Brooks Lane. There will be 220 feet to the nearest house to be on the Brooks Lane side. The custom homes here will be between \$500,000.00 and \$750,000.00. Most of the families will be older. He does not anticipate a lot of small children coming out of this neighborhood.

Jack Kreps stated that he agrees with the staff. There is existing water and sewer adjacent to the property. There will be a density of 2.2 units per acre, with 32 to 36 lots, based on final engineering determinations. This is an infill project. Traffic is not going to be an issue with this project. He has met with staff and has done all that is necessary

to be compliant with the Land Development Code for the R-1AAA zoning requested. There are no waivers or special exceptions included in the plans.

No one spoke in favor of the application.

Dianna Blakey of 1560 Brooks Lane said that she is opposed to anything more than one house per acre. This request is not compatible with her community. She owns 25 acres to the south of the subject properties. She has been there for 25 years. There are cows, horses, goats and private horse farms and training facilities here. Please deny this request.

Geraldine Bugge of 100 Milinda Lane said that the 44 homes in Raintree Country Estates oppose this request. There are dirt roads here. This community is separate from the Tuskawilla corridor. Homes here are buffered by trees and acreage. Kenmure is visually separated. Please do not have leapfrog zoning.

Martha Cannon of 1470 Brooks Lane lives north of the subject property. She will not be developing her property from 10 acres and A-1 zoning. There are drainage problems here. There are also traffic problems here. One house per acre would keep the rural character of the area. Please respect the property rights of the surrounding property owners.

Alice Cannon of 1470 Brooks Lane said that this only adds more acres to the previous request. This request is not compatible with the area. She has a horse farm adjacent. Do not allow this in between.

Virginia Watts of 4824 Gabriella Lane said that she is opposed. This project will not be compatible with the area. How do you put in an excess of 30 homes between agricultural zoned property and one house on 25 acres to the south? Future Land Use in the area was changed by the BCC in 1995 to SE (Suburban Estates). They stopped at the Section 30 line arbitrarily. Agricultural zoning is not a transition....it is a lifestyle.

Bill F. Watts of 4824 Gabriella Lane has lived in the area for 30 years. He stated that there are a lot of trees here, and not a lot of pavement. The Tuskawilla and Kenmure areas are separate from this neighborhood. This request is not compatible with any adjoining property. One home per acre is more than acceptable and some 300 signers of the petition in opposition to this request agree.

Michael Amato of 1567 Brooks Lane owns 2.5 acres. He said that adding 5 acres to the request changes nothing. The drainage here is an issue. The "dense tree line" to the south is actually thin. There is a driveway there. His house is 200 feet off of Brooks Lane. There are speeding cars there already. The property buffers are inadequate and the homes are too close together. Commissioner Morris referred to "the sins of our fathers" when they stopped the Suburban Estates future land use at the section line. Mr. Amato said that he does not oppose development here, but would like to see compatibility.

Pat Peterson of 1465 Brooks Lane said that the quality of life in the neighborhood will be changed by this. There are two one-acre lots nearby. The trend in the area is for no smaller than one acre lots.

Michelle Turner of 1660 Brooks Lane lives 4 lots south of the property. A-1 zoning is one zoning in the LDR category that fits. The Land Development Code says that the applicant should show compatibility. This is of no benefit to the community. The wetland is to the northeast.

Dan Cunningham of 4805 Gabriella Lane said that he is opposed. He said that visually the properties are far different from the "numbers" reflected in the application. Please deny this.

Karen Cunningham said that she is opposed to smaller lots, but will support A-1 zoning. The same people who attended the meetings about the area 12 years ago, 10 years ago and in May are here tonight. 10 years ago the line was to go to the Cobblestone wall. Staff went to the section line. Commissioners Morris, Henley and Van Der Weide all voted for Suburban Estates future land use 10 years ago.

Kathleen Furey Tran stated that the R-1AA zoning had been previously considered by the board. R-1AAA was not before them at the previous meeting.

Stephanie Black of 1800 Brooks Lane said that the area is not a stagnant area; there is redevelopment going on there. There are 800 acres of Suburban Estates land. There are 30 acres of farm land to the south.

Jack Kreps said that the line has been held. Property owners are being represented. What is a neighborhood? The line is there for a purpose. We are not changing what is there. The tree line on the south is significant. As for drainage, we must comply with the Code on drainage. We will have a buffer. The requests of the neighbors are not fair and balanced. There is not traffic issue with the traffic count below capacity. The new numbers will not necessitate a traffic calming device. Either the rules of the County are worked with and followed or they are not.

The public hearing was now closed.

Commissioner Tucker explained that there were 9 zoning classifications allowed in the LDR future land use classification.

Commissioner Wolf said that the area is a unique rural island. 1/3 acre lots are not compatible here.

Commissioner Eismann stated that this project does not fit with the area.

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

Commissioner Wolf seconded the motion.

In discussion, Commissioner Brown asked what does one do about the line? The applicant has met the requirements.

Commissioner Wolf stated that the community has rights. This request will significantly degrade the life style of the community.

Commissioner Brown said that he voted against the previous application. He does not see the current applicant submitting for one home per acre.

Commissioner Eismann talked about the impact to the adjacent properties.

Commissioner Tucker said that no one lives on the horse farm to the north.

Commissioner Brown said that training centers generate traffic. It is like a commercial operation in agriculture. This is not a super high density request.

The vote was 4 – 2 in favor of the motion. Commissioner Hattaway and Commissioner Brown voted against the motion.

Tony Walter reported to the commissioners that the vast majority of the recommendations that the LPA/P&Z Commissioners had made recently had been followed by the BCC. He handed out a summary of recent actions and votes.

The staff would like to hold another workshop with the board members to discuss the Land Development Code updates. Any of the remaining Wednesdays of this month can work. The 20th was considered as a possibility. Commissioner Wolf will not be available for the 27th. Also, if the commissioners want to comment on the LDC changes, they can do that at any time.

There being no further business, the meeting adjourned at 9:25 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson
Secretary to the Commission