

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 4, 2009**

Members present: Walt Eismann, Melanie Chase, Kimberly Day, Rob Wolf, Matt Brown, Michael Bowdoin and Dudley Bates.

Members absent: None

Staff present: Alison Stettner, Planning and Development Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Lee Shafer, Principal Engineer, Development Review Division; and Jane Spencer, filling in for Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

OPENING BUSINESS:

The meeting convened at 7:00 P.M. with Chairman Eismann leading the Pledge of Allegiance. The Chairman then introduced the Commission members and reviewed the procedure used for conducting the meeting and the voting.

Acceptance of Proof of Publication

Commissioner Brown made a motion to accept the Proof of Publication.

Commissioner Bates seconded the motion.

The motion passed unanimously 7 – 0.

Approval of Minutes

Commissioner Bates made a motion to approve the minutes as submitted.

Commissioner Wolf seconded the motion.

The motion passed unanimously 7 – 0.

Technical Review Items: None

Public Hearing Items:

A. **Greenway Pointe PUD Major Amendment;** Jon Walls, applicant; 14 acres; Major amendment to the Greenway Pointe PUD, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way. (Z2009-28)

District 1 - Dallari
Ian Sikonia, Senior Planner

Ian Sikonia, Senior Planner - presented this item and stated that the purpose of this rezoning application is to amend the content of the landscape buffers along the east, west and south property lines.

The previously approved Greenway Pointe PUD landscape buffers were designed with an abundant amount of trees, which would not have enough room to flourish because the tree canopies would overlap and subsequently hinder their growth. This overlap would not meet the intent of the external buffers and upon implementation; the trees would not sufficiently flourish to provide the envisioned opacity.

Staff has reviewed the proposed buffer content and is in agreement with the proposed changes. The new buffer content will still provide the opacity intended and will allow for the trees to have enough space to flourish and provide for a more aesthetically pleasing buffer. Staff feels the proposed buffer content is compatible with the surrounding area, and will provide a more refined look over time to the proposed development.

The developer is also requesting that Parcel "A" be given its own monument sign to allow for more visibility of the proposed bank. This request is consistent with the sign regulations of the Land Development Code and will not be out of character with the proposed development or existing surrounding area.

Staff has received one letter concerning the maintenance of the trees when the development is built, a copy of which was handed out prior to this meeting along with a printout amending some language in the new Developers Commitment Agreement regarding maintenance of the common areas.

Staff recommends approval of this request.

John Walls of Miller Legg, Applicant – explained the amended language in the Developers Commitment Agreement. He stated that the main reason for the change is the spacing of the oak trees along Aloma. The County Code requires 30 feet on center and they requested 40 feet on center. They also want to create view windows into the property.

Mr. Walls – stated that they want to create a more water wise and ecologically friendly plan and would like to replace some of the trees on the existing plan with trees that require less water.

No one spoke in favor or opposition to this request from the audience.

Commissioner Day made a motion to approve this request.

Commissioner Bates seconded the motion.

The motion passed unanimously 7 – 0.

B. Lake Jesup Estates Rezone from A-1 to PUD; Hugh W. Harling, Jr., applicant; 36.60 acres; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located south of Cadillac Street, between Lake Avenue and Lake Jesup. (Z2008-52)

District 5 - Carey
Tina Williamson, Assistant Planning Manager

Tina Williamson, Assistant Planning Manager – presented this item and stated that the Applicant is requesting this rezone in order to develop a single-family subdivision with the density of one dwelling unit per net buildable acre, not to exceed a total of twenty-five dwelling units.

The Future Land Use designation of the subject property is Suburban Estates. The Suburban Estates Future Land Use designation permits the clustering of lots of less than one acre within PUD zoning, as long as the overall density does not exceed one dwelling unit per net buildable acre, and the clustering is directed internal to the parcel and does not cause incompatibility with adjacent parcels. In this case, the majority of the lots are clustered internal to the parcel and 11.20 of the 36.60 acres will be maintained as passive open space, which is over 30% of the site.

Staff recommends approval of the rezoning request and the Preliminary Master Plan, subject to the conditions in the Development Order.

Hugh Harling, Applicant – stated that he concurs with Staff's comments. However, he has a couple of issues with the Development Order as follows: they want the minimum square footage to be a half acre, which would be 21,780 square feet instead of 24,000 and the side yard setback should be 10 feet instead of 25 feet.

Mr. Harling advised that he spoke with some of the neighbors regarding some questions they had and he wanted to address them at this time:

- The Applicant's rezoning would not affect the neighbor's zoning on the other side of extended Lake Avenue – they are zoned A-1 and would continue to be zoned A-1 unless they come through with an application or a governmental entity decides to rezone it
- Water, sewer and re-use lines – the water would be available to them. The sewer would be too high for them because their property is located on the lake side. The water that would be provided for fire protection would come from fire hydrants
- Drainage – right now, drainage flows across their property. All of the drainage will be collected from the road system into a pipe system and pointed out the

location of the flow of water on the map

Commissioner Brown – is the road going down to the boat ramp going to be a dedicated roadway for the County?

Mr. Harling – the road going down to the boat ramp?

Commissioner Brown – yes

Mr. Harling – it will be a driveway for the residents only.

Commissioner Brown – pointing to the map, the section where the boat ramp is, is that property contiguous to the property above it or is there going to be a County road separating it?

Mr. Harling – advised that the road Commissioner Brown is referencing will be a dedicated County road.

Commissioner Brown – referencing the map, asked if the 5 or 10 foot section on the boat ramp side was on the Applicant's current property line or the other property owner's property line.

Mr. Harling – that is the standard right-of-way width behind the curb.

No one spoke in favor of this request from the audience.

Kurt Till from Sanford – pointed out where he lived on the map and stated that he wanted to make sure their zoning would not be changed from agriculture.

Commissioner Eismann – stated that it would only be changed if requested at another time separate from this meeting.

Mr. Till – stated he was concerned that when all the trees are removed, the water will flood their homes because right now their property gets flooded when it rains. He would prefer to see one acre per house instead of half acre per house. He also asked if the boat ramp will be private with a locked gate or available to everyone.

Commissioner Eismann – advised that the Applicant will come back up to address his questions after all the public comments have been made.

Mr. Till – asked that if Mr. Harling is going to address the issue of his property changing from agriculture, could he have it in writing.

Commissioner Eismann – advised that the only item before this Board was the Applicant's property, not Mr. Till's property. Mr. Till's property will not change unless a separate request is made by another person.

Commissioner Wolf – referencing the map which shows the 100 year flood plain, asked Mr. Till to point out where the flooding was when “Fay” came through.

Mr. Till – pointed out where the flooding occurred during Fay.

Commissioner Wolf – referring to the 100 year flood plain and the flooding that occurred during Fay and other times during the past couple of years, asked Mrs. Williamson how the floods relate to the 100 year flood plain shown on the plans – were they beyond that or short of that?

Mrs. Williamson – any impacts regarding the flood plain proposed as part of this plan will have to go through a permitting process with FEMA and with the County. She advised that she did not visit this site during the flooding and could not speak to how this property did during Fay or any other flooding situation.

Commissioner Wolf – asked if the “FIRM” map has been updated based on the last two summers of flooding of Lake Jesup.

Mrs. Williamson – stated that she does not know when it was updated. She further advised that condition “K” of the Development Order does speak to the flood plain and the FEMA requirements.

Lee Shaffer, Principal Engineer, Development Review Division – stated the FEMA maps that the County is using are dated September 27, 2007 and advised that the maps are not updated based on major flooding events. He said the rain we had with Fay would not alter the 100 year flood plain which is actually a contour line representing the elevation of 9.6 for Lake Jesup. Further, regarding the water extending beyond the 100 year flood plain as Mr. Till mentioned, the water we had from Fay was substantially more rainfall that is connected to a 100 year flood.

Commissioner Wolf – asked Mr. Shaffer, in his estimation, given the amount of rainfall we’ve had over the last two summers which were not associated with Fay where Lake Jesup flooded, how would this impact this area?

Mr. Shaffer – any development within the flood plain will have to do compensating storage. In other words, for every cubic yard of fill placed in the flood plain, they have to excavate the same amount somewhere else so as to not displace the flood waters onto other properties.

Commissioner Wolf – so Staff would not be bringing a package forward that would put owners or future owners of this property in a situation like Deltona where their homes would be under water?

Mr. Shaffer – no, not the new houses. With all new houses, the base flood elevation has to be at least a foot above the base flood elevation.

Commissioner Wolf – questions how accurate some of the flood lines are and how we are moving forward with this.

Mr. Shaffer – the line as depicted on the drawing is a small scale drawing. When they get to construction plans, the elevation from the FEMA map connected to Lake Jesup will have to be depicted on the plan.

Commissioner Wolf – if they did have to raise it and the flood lines were drawn back farther, would it still be one net buildable acre?

Mr. Shaffer – yes.

Theresa Sawyer from Sanford – pointed to the location of her property and advised that she is also concerned about flooding and water runoff with the new houses going in. She further advised that she is in favor of one house per acre.

Mr. Harling – advised that the intent with the boat ramp is to have it private for the residents only, locked and there would be no public access. Regarding the flooding issue, the County just had a study done of the Lake Jesup basin area and the flood elevation has been raised approximately one foot with that study. The FEMA and County requirements are that the finished floor elevations be a foot above the 100 year flood elevation. Mr. Harling stated he will not do anything less than 2 feet above the 100 year flood elevation and in fact, on some of his other projects, he does as much as 3 to 4 feet above the 100 year flood elevation.

Commissioner Wolf – so will this project, since it is a little peninsula, be 3 to 4 feet above the flood plain?

Mr. Harling – the finished floor elevations will be a minimum of 2 feet above the new 100 year flood elevation which was the 9.6.

Commissioner Wolf – since the new homes will be so much higher than the existing homes, how will you handle the run-off or sheeting so that it does not affect them?

Mr. Harling – right now, everything sheets across the properties that are located along the south and east side of Lake Avenue. All of that water will be intercepted by the road system and a drainage collection system and directed into the retention pond. The retention pond will have an overflow structure and they will treat and attenuate the water in the event of a storm. The water will overflow and go directly to the lake so there will be no surface water released to the south side of Lake Avenue.

Commissioner Wolf – so the only sheeting that would be on those properties would be water that fell on the properties?

Mr. Harling – that is correct. If they fill, they could potentially back water up on Theresa Sawyer’s property but they will make sure that doesn’t happen by having a pop-off that would go along the north property line and pop into the drainage retention system and then it will stair-step down through the outfall system.

Commissioner Wolf – who has to maintain this to make sure the flow is there after the construction; is it a County responsibility or a Homeowner’s Association’s responsibility?

Mr. Harling – the Homeowner’s Association has to maintain this system. There will be easements to the property and the County has the right to go on the property if there is an emergency, but it will be the responsibility of the Homeowner’s Association to maintain.

Commissioner Brown – on one of the requests it shows 21,780 square feet – some of these lots are 30,000 or 31,000. Are you going to decrease your footprint?

Mr. Harling – what you see is what you get.

Commissioner Brown – are you going to change only a few of the lots to the 21,780 square feet?

Mr. Harling – they may not change any of them.

Commissioner Brown – asked why they were asking for the 21,000?

Mr. Harling – just to give them a little design wiggle room.

Commissioner Brown – stated he didn’t know if they were going to make the cul-de-sac shorter or pull it back down a bit.

Mr. Harling – the intent is that when this comes through with a Preliminary Subdivision Plan, it will be exactly what the Board is looking at right now. They have done a lot of engineering review to know that this will work.

Commissioner Brown made a motion to approve this request with the following changes in the Development Order:

- **Item 3, Section C – 21,780 feet (minimum lot size)**
- **Item 3, Section F – would change from 25 to 10 feet (side)**

Commissioner Bates seconded the motion.

The motion passed unanimously 7 – 0.

CLOSING BUSINESS

Commissioner Eismann – asked Alison Stettner, Planning Manager, if she had anything to address in the Manager’s Report and she advised that she did not.

There being no further business, the meeting was adjourned at 7:37 P.M.

Those in attendance may be heard and written comments may be filed with the Planning Division. Hearings may be continued from time to time as found necessary. Further details are available by calling 407- 665-7775.

***Note:** Persons with disabilities needing assistance to participate in any of these proceedings should contact the Human Resources Department ADA Coordinator 48 hours in advance of the meeting at 407-665-7941.*

Persons are advised that if they wish to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes.