DRAFT

Minutes for the Seminole County
Land Planning Agency / Planning and Zoning Commission
May 7, 2003

Members present: Dick Harris, Thomas Mahoney, Ben Tucker, Beth Hattaway, and Dudley Bates

Members absent: Alan Peltz and Chris Dorworth

Also present: Matthew West, Planning Manager, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

I. Call to Order
The meeting was called to order at 7:00 P. M. by the Chairman.

II. Roll Call
A quorum was established.

III. Acceptance of Proof of Publication
Commissioner Harris made a motion to accept the proof of publication.
Commissioner Mahoney seconded the motion.
The motion passed by unanimous consent. (5 – 0)

IV. Approval of the Minutes
Commissioner Hattaway made a motion to approve the minutes.
Commissioner Bates seconded the motion to approve.
The motion passed by unanimous consent. (5 – 0)

V. Old Business
There was nothing under this section.

VI. New Business

A. **The Sanctuary At Lake Ann; Regol Associates, Inc./ Robert Goll, applicant**; (Non Public Hearing Item) Preliminary Subdivision with 8 Lots; approximately 3.19 acres zoned R-1A (Single Family Residential); north side of Howell Branch Road.
Commissioner Maloy – BCC District 1
Michael Rumer, Planner

Mr. Rumer stated that the project would be accessed by a private road to be maintained by the subdivision. There will be sidewalks throughout.

Commissioner Mahoney read into the record the comments made by Dianne Kramer of the Seminole County School Board:

> Regarding the May 7, 2003 agenda:
>
> 1. Item VI (A) is only 8 residential lots and would not have a
> measurable impact on the school system. During the subdivision process, however, it will be important to provide safe, pedestrian access with sidewalks in the subdivision and along Howell Branch Road.
> 2. Item VI (B) would increase the number of residential units by
> 64 over the original approval. Although this increase is also minimal, high density residential development does have a major impact on the school system. Using average generation rates, the total development should not create the need for an additional classroom at elementary, middle or high school. The schools currently serving the area are as follows:
> Evans Elementary 1018 students; 9 portables.... capacity relief
> scheduled for school year 2004/05
> Tuskawilla Middle 1122 students; 8 portables..... capacity relief
> scheduled for school year 2005/06
> Lake Howell High 1949 students; no portables
>
> Dianne L. Kramer, Deputy Supt./Operations
> Seminole County Public Schools

Commissioner Mahoney noted the necessity of providing safe pedestrian access. He also noted the fact that Ms. Kramer had found the project would have no appreciable impact on the schools.

Commissioner Harris made a motion to approve the PSP as presented.

Commissioner Mahoney seconded the motion.

The motion passed by unanimous consent.

B. **Deep Lake PUD; Ronald Henson II, applicant**; Major Revision to PUD Preliminary Master Plan for the development of mixed residential and commercial uses; approximately 18.66 acres located on the south side of SR 426, and on the west side of Deep Lake Road (Z2002-008)

Commissioner Maloy - BCC District 1

Jeffrey Hopper, Senior Planner

Matt West stated that the applicant is requesting an indefinite continuance on this item. Beazer Homes is going to buy the South Tuskawilla PUD for houses and have Deep Lake PUD for townhomes. If the developer cannot do both projects, they will not do any.

Commissioner Mahoney made a motion to move this item to the August meeting.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent. This item is continued to the August meeting.

VII. Manager's Report

In respect to the School Board comments, Mr. West stated that he would impart Commissioner Mahoney's request to have more than statistics on the applications under consideration from the School Board.

Mr. West also stated that he would provide extra maps to help locate sites when necessary.

Mr. West stated that court cases had been necessary to extract rights of way from developers.

Concerning the upcoming July meeting, the July 2 meeting is not on a favorable date due to its proximity to the holiday, and July 9 and July 16 can be used as meeting dates due to the upcoming consideration of several large scale land use amendments which could generate a large amount of public input and therefore be long meetings.

Commissioner Tucker requested that Celery Avenue and and Myrtle Street be heard on separate nights.

Commissioner Mahoney made a motion to cancel the July 2nd meeting of the Board and to have 2 meetings in July held on July 9th and 16th.

Commissioner Hattaway seconded the motion.
The motion passed by unanimous consent. The July meeting dates for the LPA/P&Z Commission will be changed to July 9 and 16, at 7:00 P.M.

Mr. West stated that the City of Sanford has approved the Joint Planning Agreement. As of 2013 the City will assume the street maitenance in the Myrtle Street area and they have agreed to cap the density in that area at 3 units per acre. By the marina there will be a cap of 6 dwelling units per acre.

Mr. West stated that Staff is looking into the issue of right of way dedications. There are two tests: rough proportionality and a rational nexus. The rational nexus is considered first. "Is the problem caused by development?" is asked. Then, rough proportionality, a fairness test, is used. Tailor the request to solve the problem.

Mr. West stated that one cannot "bank" an easement. In 10 or 20 years, if the road is scheduled to be expanded, the County cannot take an easement early for that future use.

Mr. Mahoney stated that an applicant must be able to appeal the decisions made by Staff in the review process to the BCC.

Karen Consalo stated that this is just a policy. Once it is codified it becomes a must, but for now, it is a recommendation only. The Planning and Zoning Commission can make changes.

Mr. Mahoney said that he was concerned with the applicant knowing that they can appeal, that they can have choices.

Mr. West stated that site plan regulations say that if a site plan is denied, the applicant can appeal to the BCC.

Commissioner Tucker stated that the Planning and Zoning Commission acts as a check and balance to Staff. The Commissioners are concerned with private property right as citizens. The Board looks at things differently.

Commissioner Tucker asked if Karen Consalo could draft a summary of the policies in effect on this issue.

Jean Abi-Aoun, Principal Engineer with the Development Review Division, stated that applicants are informed that they have the option to appeal any decision made by staff. This is stated in the staff recommendation.

Commissioner Mahoney pointed out that if right of way issues are detailed to the applicant early enough in the process, designs can be altered to reflect the future

needs of the project in terms of right of way donation. He pointed out the Mercy Drive project as an example of the developers being informed early on in the process that the wall should be moved back and the project was redesigned to accommodate future needs.

Mr. West next reported on the Lot Compatibility Ordinance. In 1998 the BCC had Staff draft the ordinance to have a compatibility table to show lot sizes that should be rezoned in the LDR future land use designation. This tells what size lot is compatible with surrounding uses. This is a tool only.

Commissioner Mahoney said that he always looks at access to a subdivision. If it has an isolated entrance he believes that the subdivision could see more intense use.

Mr. West then reviewed the projects recently heard by the BCC, which included the triangular parcel on the corner of 419 and Snow Hill Road which was requesting a rezone to commercial. The request was the first intense use asked for near Chuluota. The County Manager said that it was too intense. The request was denied unanimously.

The Trotter Rezone request was denied by the BCC. They were asked to reapply for a PUD.

The Sanlando Partners project was approved.

The Hattaway rezone request was approved.

The Lake Hayes request was approved with a minimum house size of 2,100 square and the requirement of uniform fencing.

Old Lockwood Road was approved with a larger house size.

Banana Lake will be transmitted with the stipulation of 4 dwelling units per acre. The buffers have been shifted and no access is to be available from Banana Lake Road.

The Billboard Ordinance was approved with a 15% allowance for cut outs.

Also, the consultant who will overhaul the Land Development Code is being delayed.

Commissioner Hattaway asked about the rezoning of the 3 pieces of land on South Tuscawilla Road.

Mr. West stated that all 3 had been approved by the BCC.

Commissioner Harris observed that this shifted the line in the area where non-residential development had been contained.

There being no further business, the meeting adjourned at 7:50 P.M.