

BOARD OF COUNTY COMMISSIONERS

SEMINOLE COUNTY, FLORIDA

August 10, 2021

The following is a non-verbatim transcript of the Board of County Commissioners Meeting of Seminole County, Florida, held at 1:30 p.m., on Tuesday, August 10, 2021, in Room 1028 of the Seminole County Services Building at Sanford, Florida, the usual place of meeting of said Board.

Present:

Chairman Lee Constantine (District 3)

Vice Chairman Amy Lockhart (District 4) (attended telephonically)

Commissioner Robert Dallari (District 1)

Commissioner Jay Zembower (District 2)

Commissioner Andria Herr (District 5)

County Manager Nicole Guillet

County Attorney Bryant Applegate

Clerk of Court and Comptroller Grant Maloy

Deputy Clerk Terri Porter

Work Sessions held this morning included the Key Strategic Priorities update and the American Rescue Plan follow-up.

PUBLIC HEARINGS – QUASI-JUDICIAL

Ex parte communications from all Commissioners in connection with Quasi-Judicial hearings were received and filed.

Agenda Item #25 – 2021-2740 – ADOPTION HEARING

River's Edge Large Scale FLU & PD Rezone

American Development & Construction, Inc., Applicant

Joy Giles, Planning and Development, addressed the Board to present the request as outlined in the agenda memorandum. She noted that on May 25, 2021, the BCC voted unanimously to transmit the requested large-scale land use map amendment and rezone to state and regional review agencies, and subject to final approval, approve the associated development order and master development plan with the following amended conditions of approval, which have been included in the Development Order in the agenda package. (1) The maximum number of units will be limited to 65; (2) Impacts to wetlands shall be prohibited; (3) No less than 50% of the landscaping located within the common tracts owned by the HOA shall be Florida-Friendly in compliance with Florida statutes; (4) The development must comply with the Urban Bear Management Code of Ordinances and be

referenced in the HOA bylaws; and (5) the existing boardwalk and dock that is currently located on Parcel 6C under the ownership of Brigitte Bergmann is to remain under private ownership until the time at which Phase 2 is developed, and at that time, the dock will be removed.

Ms. Giles advised staff has reviewed letters from the Florida Department of Transportation, the Department of Economic Opportunity, the Florida Department of Environmental Protection, and the Florida Fish and Wildlife Commission, as well as the St. Johns River Water Management District. Regarding the proposed future land use amendment, all letters indicated that the respective agencies did not have any objections to the proposed amendment due to there being no identified adverse impacts to important state resources and facilities. Staff recommends approval.

Chairman Constantine announced that he will interrupt the public hearing to have a presentation by the True Health Organization.

Janelle Dunn, CEO of True Health – Sanford, addressed the Board and stated this is National Health Centers Appreciation Week. They are recognizing community health centers across the nation and all of the great work that they do. They are having Stakeholder Appreciation this week and they wanted to acknowledge each of the Commissioners for their support and contributions they have made to True Health and the community in general. Certificates were presented to each of the Commissioners.

Chairman Constantine resumed the public hearing, and Bill Pigozzi, on behalf of the Applicant, addressed the Board. He stated he has met with the Commissioners individually and is here along with Kim Fischer, Cycorp Engineering, Inc., to respond to any questions.

With regard to public participation, the following spoke in opposition: Katrina Shadix, Joseph Humphreys, Linda Barker, Cindy Haller, Wafa Esposito, Kathryn Gelm, and Todd Gelm. Speaker Comment Forms were received and filed. A Written Comment Form in support was received and filed from Janelle Dunn, and in opposition from Deanna Houston and Merrilee Tabbert, which were read into the record by Chairman Constantine. No one else spoke in support or opposition, and public input was closed.

Mr. Pigozzi advised that Commissioner Lockhart suggested they meet with Tina McIntyre who is the Florida-Friendly Landscaping Agent at the University of Florida in connection with the 100% Florida-Friendly landscaping as opposed to the 50%. They met with her to understand what was required. They also had discussions with Chairman Constantine in regard to the same. He noted they support it. He is requesting that they remove the condition of no impact to the wetlands and revise that condition to a maximum impact of 8,000 square feet with no vertical construction on any of that 8,000 square feet. A discussion in connection with the landscaping and wetlands ensued.

Commissioner Herr stated she thinks they need to take Item “J” out of the PD because it does reference 50% and she does not know how they ever thought that was going to be managed. Also, the term Florida-Friendly is in quotes, so that either needs to come out or move to 100% and the reference to Florida-Friendly needs to be the correct reference to whatever it is they are talking

about. She appreciates the notion if the University of Florida is coming out with some further direction on some incentives to do this, depending on the timing, that may come into play for the developer after the fact of this PD. She doesn't believe they should hold this up waiting for that either.

In response to Commissioner Herr's question about an FWC permit, Ms. Giles advised that at the time of final engineering, the Developer is required to provide an endangered species study for the entire property. If at that time anything is found on the property, they have to go through the process of permitting through FWC before they do any site development. Commissioner Herr also asked where the notion came from that this land was never to be developed because that was mentioned, and Ms. Giles explained that is often a misconception. Vacant land is often perceived as never to be developed until the property owner or developer goes through the entitlement process to be approved to develop the property. She added a portion of the subject site was actually approved in the past to be developed as a PD, but it was never developed. Commissioner Zembower noted that it was approved to be an RV park at the time with a dock into the water.

Commissioner Lockhart asked how far back from the river any development would have to be. Ms. Giles replied there is no overlay buffer requirement from the St. Johns River Water Management District (SJRWMD) for development like there is for the Econlockhatchee River; however, there are wetlands that cannot be impacted. There is also a buffer requirement from the wetlands which is a 15-foot minimum, 25-foot overall average. Commissioner Lockhart noted she recognizes how close this is to the river, but the development to the south is equally as close and this one is less dense. Ms. Giles responded it would have to be 1,000 feet from the river. She confirmed for the Commissioner that the density being proposed is 3.19 and the density of the development immediately to the south is 5.

Chairman Constantine wondered of the 8,000 feet that would impact the wetlands, how many lots would that entail. Ms. Giles replied just the rear portion of approximately four to five lots. Chairman Constantine stated then the applicant is proposing that five of the 65 lots would be partially in the wetlands. Commissioner Herr clarified that would be in exchange for the 100% Florida-Friendly landscaping. Kim Fischer, also on behalf of the Applicant, addressed the Board to explain that for most developments that abut wetlands, they have an approximate wetland line now, so an environmentalist goes out and flags that line, but the SJRWMD cannot confirm that line until they submit formal application. She opined that 9.5 out of 10 times, that line gets adjusted in the field and then they mitigate to whichever direction they have to at that time. So once that line is confirmed, they are asking for a no more than 8,000 square foot impact to any line adjustment that may be made in the future.

Joseph Humphreys from the audience wanted to speak again and was granted that option. He spoke about development, water, Florida-Friendly landscaping and HOAs.

Chairman Constantine expressed he thinks they should require that there is no development of lots within the wetlands adding they need to have the bear awareness and Florida native plants included, but not in the development order. Ms. Guillet clarified that they have provisions in the Land Development Code for landscaping common areas and they are water-efficient related provisions. Her concern is they cannot enforce requirements on individual lots and there are many different terms like native plants as opposed to Florida-Friendly plants.

Commissioner Lockhart asked when the County develops properties that they own whether they ever impact wetlands. Ms. Guillet advised there are occasions when that happens and Five Points is an example of that. They had to buy mitigation credits related to that project. Commissioner Lockhart said she understands the sensitive nature of this particular project and its location, but there is 8,000 square feet of wetlands that are not pristine wetlands. The Department of Environmental Protection (DEP) grades wetlands and there is a gradation system. As a County they do impact wetlands when they do some developments, whether for Fire Stations or whatever it might be. She opined they should not enforce something on someone else when they don't adhere to it themselves.

Commissioner Zembower opined that anyone that lives on a lake has developed wetlands. If they ever have the notion that wetlands would never be impacted is a stretch. The majority of the properties in and around their waterbodies at some time were wetlands, but they are not building on them. He is intrigued that the developer is willing to put a deed restriction in place as part of the covenants of the HOA, but he also understands he may want to talk to his legal counsel before doing so. He assumed they are going to have an HOA in this development because they talked about that previously with the bear awareness items, which the developer has agreed to include in those covenants. He confirmed with Mr. Pigozzi that he is willing to include a deed restriction that the development will have 100% Florida native landscaping.

Upon inquiry by Commissioner Herr, Mr. Pigozzi explained he agreed to do 100% Florida-Friendly landscaping because he met with Ms. McIntyre (UF/IFAS Extension) and after reading everything they were given, they agreed that they could do that. He wholly supports it. The cost is maybe only \$750 per house to get to the Florida-Friendly.

Commissioner Lockhart expressed Commissioner Zembower used the term "native landscaping" which is different from "Florida-Friendly." Some people define native landscaping as those plants that were here when Columbus arrived. Ms. Guillet added that they actually identify native plants in the Land Development Code and they are limited. There are plants that are low water plants and do well in Florida but are not considered native. If the term native gets into the development order, that is how they will determine compliance. Rebecca Hammock, Development Services Director, addressed the Board to clarify that their interpretation of the original requirement of 50% Florida-Friendly is that the plant list would be from the UF/IFAS Extension list, and if this were the requirement for the common areas, they would use that list and make sure that the landscape plans that are submitted are listed in the Florida-Friendly plant list.

Motion by Commissioner Zembower, seconded by Commissioner Herr, to adopt Ordinance #2021-31 enacting a Large Scale Future Land Use Map Amendment from Suburban Estates and Planned Development to Planned Development; adopt the associated Ordinance #2021-32 enacting a Rezone from A-1 (Agriculture) and PD (Planned Development) to PD (Planned Development); and approve the associated Development Order and Master Development Plan for approximately 134.67 acres, located on the east side of East Lake Mary Boulevard, approximately one-half mile north of SR 46; and the homeowners' deed restrictions and governing documents will dictate 100% Florida-Friendly landscaping; American Development & Construction, Applicant; as described in the proof of publication.

Chairman Constantine confirmed that Item "J" would be taken out of the development order.

Districts 1, 2, 3, and 5 voted AYE.

District 4 voted NAY.

Motion passes 4 to 1.