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District Commissioner Van Der Weide stated he would like a commitment from the applicant for a residential-style construction.

Mr. Harling stated he will commit to that.

No one else spoke in support or in opposition.

Speaker Request Forms were received and filed.

**Motion** by Commissioner Van Der Weide, seconded by Commissioner Carey to adopt Ordinance #2005-46, as shown on page \_\_\_\_\_, approving Small Scale Land Use Amendment from Office to Planned Development (PD); and Ordinance #2005-47, as shown on page \_\_\_\_\_, approving rezoning from RP (Residential Professional District) to PCD (Planned Commercial Development District) on approximately 0.9 acres located at the northwest intersection of E. Lake Brantley Drive and SR 434, as described in the proof of publication, Hugh Harling, with staff findings, and approval of the Development Order, as shown on page \_\_\_\_\_.

Under discussion, Commissioner Van Der Weide stated he would like to include the commitments of the developer in the motion.

Districts 1, 2, 3, 4 and 5 voted AYE.

**REZONE/Robert Hattaway**

Proof of publication, as shown on page \_\_\_\_\_, calling for a public hearing to consider request to Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development) on a 42.55 acre tract, located on the north side of SR 46, across from International Parkway, Robert Hattaway, received and filed.

Tony Walter stated the proposed development includes up to 286 townhouses at a maximum density of 10.0 dwelling units

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per net buildable acre, 6 commercial tracts adjacent to SR 46 with equivalent C-2 commercial zoning, and a maximum floor area ratio of 0.35. He stated there have been some changes to the plan and he has submitted a revised development order (received and filed). The proposed zoning is compatible with the Future Land Use Designation of HIP-TI. The property is adjacent to existing single-family to the north and the proposed townhouse use will serve as a transition between single family uses, pharmacy, bank and other proposed commercial uses fronting on SR 46. The P&Z Commission recommended approval of the site plan that was presented to them. Staff recommends approval of the request subject to the conditions in the development order.

Hugh Harling, representing the developer, submitted a Preliminary Master Plan and stated he has had several meetings with the Lake Forest Homeowner's Association. He said they have come to closure on many issues regarding this particular development. He stated the original site plan called for a retention pond in the center of this particular development with units to be completely around it. There was no conservation easement to the north and what they have done is come up with a minimum distance from the property line to the closest building being 170 ft. A pipe system runs under the entrance of Lake Forest Blvd. and there are some drainage problems associated with that pipe system. He said he has agreed to provide an equivalent hydraulic connection that would flow under Lake Forest Blvd. and discharge into the wetlands. That will keep the wetlands hydrated. He added he will provide connectivity from that wetland to the wetland to the northeast side and to the east. He stated they now have a

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35 ft. conservation easement and a 50 ft. conservation will come all the way across the property. He said he came back with a site plan and he submitted a letter to the homeowner's association with additional conditions. He referred to Item 13 in the development order and stated there will be a preservation to the north 50 ft. and west 35 ft. There has been discussion relating no minimum distance across the retention, a potential overflow from the Lake Forest community storm drain, the service water system having a spreader swale, and going with a pipe system of some sort for stormwater. He stated they have agreed to the ultimate outfall system being reviewed by staff and the St. Johns River Water Management District. There have been discussions having the Lake Forest Homeowner's Association involved in the process and they would like to have a hydrologist of their choosing to review what his firm is doing so that there is a unanimous agreement on the drainage outfall methodology. He said they have agreed to two additional items that would not be included, one is a self-service laundry and the other is a convenience store.

Commissioner Carey stated self-service laundry and convenience stores are not permitted under C-1 zoning.

Mr. Harling stated he will have to check with his client to make sure that he has agreed to that. He stated he has met the County code requirements for setbacks and active/passive buffers. The homeowner's association is requesting that a fence or wall be part of the western and northern boundary. From a security standpoint, there are two types of fencing, one would be dark green PVC and the other would be a chain-link green fence. The PVC fence would provide screening. That determination of how to handle that issue has not been

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resolved at this time. The homeowner's association prefers a masonry wall with a vine to cover it. The minimum square footage on the units will be 1400 sq. ft. The end units would have a two-car garage and the interior units would have a single car garage. The intent of the roof line would have a very high-end product. He stated the selling price of the townhomes would be in the low \$300,000 and up.

Dr. Ira Swartzberg, 5336 Lake Bluff Terrace, addressed the Board to display a FEMA map. He stated he doesn't deny Mr. Hattaway's rights to develop his property. He said almost the entire Hattaway property lies within the 100-year flood plain. He reviewed the location of the property on the map. He asked the Board to review the application versus the requirements of Appendix B of the Seminole County Land Development Code standards. He read the surface management standards regarding to development within flood prone areas. He said the Code indicates that developments that contain flood prone lands shall not cause an impact on existing flooding characteristics. Flood plains shall be maintained hydrologically in their natural state and protected with a conservation easement. Since Mr. Hattaway's property is almost entirely within a flood plain, he asked how can this section of the Land Development Code be ignored. Lake Forest has retained the service of a hydrologist to review the Hattaway proposals and as a result of his findings, there are significant omissions in the permit application. That application does not provide reasonable assurances that the proposed activities would not cause adverse flooding to the off-site property. Mr. Hattaway's plan provides a 50 ft. northern natural buffer and a 35 ft. western buffer between

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his property and Lake Forest. This does not appear to provide appropriate compatibility. He stated he believes that construction of high density multi-unit townhomes adjacent to Lake Forest will have an adverse effect on property values.

Steve Devine, 689 Treeline Place, addressed the Board to request the County Engineering Department look at the entire sub-basin and fully evaluate the entire area to make sure that the existing conservation areas, the water quality, and wildlife are protected. He stated he found out that Seminole County has done a study of Lake Monroe basin; and to ensure that his community does not flood, he would like a more detailed drainage study of the sub-basin be done. He submitted and reviewed documents (received and filed) containing the following Comprehensive Plan requirements; maps; aerial photos; Lake Forest Master Plan; letter from their hydrologist, John Loper; Land Development Code standards; Vision 2020 Drainage Element; Seminole County Watershed Atlas; a letter from the National Marine Fisheries Service; and a report from a biologist.

Mr. McMillan left the meeting at this time.

Mr. Grace left the meeting at this time.

Bob Manuel, 5336 Fawn Woods Ct., addressed the Board to display a site plan and to review the compatibility issue. He stated he believes that construction of high-density multi-unit townhomes adjacent to Lake Forest will have a negative effect on their property values as well as the traffic at their entrance. Two-story townhomes close to the proximity appear to be out of character with the large single-family homes they have in Lake Forest. The Pulte subdivision provides for far greater separation between their multi-family

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homes and the single-family dwellings of Lake Forest. The other issue he would like staff to look at is the proposed two entrances proposed onto SR 46. This is a proposed right-in and right-out and Lake Forest has only one entrance. There is 732 residents living in Lake Forest, this one entrance could not handle the additional traffic from the proposed project and it is going to make it unbearable.

Fred Bates, 4963 Maple Glen Place, addressed the Board to state the homeowner's association has been working with Mr. Hattaway and Mr. Harling for the last several weeks trying to resolve some of the issues. They did not oppose the conceptual permit because of the agreement that was reached at the St. Johns River Water Management District hearing. He stated they agreed they would not oppose the rezoning today if they could reach those agreements. The homeowner's association put together a five-part letter (not received and filed) and the final version was submitted to the Planning Department. The homeowner's association agreed with those conditions with the exception of Item #3 as there is still some discussions on it. The association believes the way to handle the stormwater is for it to discharge into the spreader swale system. The association does not want a direct pipe system.

Mr. Grace reentered the meeting at this time.

Mr. Bates stated he feels that the technical review by the County and the SJRWMD is a good idea. He pointed out the association had agreed on a single pond and he has been told that the dimension will be 300 ft. from the back of the property line instead of 170 ft. He also stated the dimension of the pond from the northwest corner was to be 300 ft.,

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running parallel with the culverts running across Lake Forest Blvd. He stated he has heard 500 ft. and 505 ft. and he would like those clarified. He added he has agreed to the technical review as well as the methodology would be discussed further before final engineering and permits are issued. He said he feels the County needs to take a hard look at what's happening to permitting these kinds of situations.

Bob Ward, 5258 Forest Edge Ct., addressed the Board to state the applicant is proposing to put 286 dwelling units in a basin of a flood plain and at some point common sense has to be invoked. Common sense will tell you that the next time they have a hurricane, 286 residents will come before the Board demanding that they fix their flooding problem. He stated Mr. Hattaway has a right to use his property, but he doesn't have a right to cause downstream problems for the other residents.

Gloria Ward, 5258 Forest Edge Ct., addressed the Board to state she has been a resident of Seminole County since 1966 and she has lived in developing areas before. She stated Mr. Hattaway has a right to use his property, but she feels that the quality of life that has been established has to be addressed by this Board. She said to come with a high density proposal for dwelling units and C-2 commercial in an area that has pretty nice homes is an insult.

Chairman Henley stated he has two Written Comment Forms from Steven Forbes and Debra Mischke.

Mr. McMillan reentered the meeting at this time.

Mr. Harling responded to the quality of life and high density issues that Ms. Ward referred to. He stated he will commit to reducing the zoning from C-2 to C-1. The density is

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25% less than what the developer of Lake Forest talked about. He said he is proposing to provide compensating storage so they will control the flood prone area. He stated he agrees with Mr. Ward relative to the methodology of what water will come from SR 46. If all development is held accountable as to the discharge capacity of a design storm that the County and SJRWMD have in their regulations, then the water quantity and water quality will be protected. He added he is in agreement with the 500 ft. distance for the buffer extending down to the pipes under Lake Forest. If they have the setback from the edge of the pavement, then the actual setback would be approximately 235 to 240 ft. from the north property line to the units. Therefore, with the existing setback and the existing lake system conditions, he can commit to a 235 ft. setback. He stated Dyer Riddle Mills and Precourt have done the outfall system so that the spreader swale will work. He said he will continue to work with the County, SJRWMD, and the homeowner's association to determine if there is a better system. Both entrances coming into the townhouse development will be gated, but the second entrance will be a controlled gated entrance for emergency vehicles as well as pedestrian traffic. The residents using their vehicles would come out to the light at International Parkway and SR 46. There will be a cross access easement across the northern portion of the commercial property so that people living in this development can get to any of the commercial properties without coming out onto SR 46. He stated several years ago the SJRWMD and the County went to a wildlife corridor master wetlands system on a connectivity basis. NTS was one of the first developments that did that.



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Commissioner Carey stated it was her understanding from staff's discussions that the wall was going to be along the north edge of the development and not on the north property line.

Mr. Walter stated he believes it was to be on the north property line. There was discussion of putting it on the north edge of the development.

Commissioner Carey suggested making that a 6 ft. precast wall system rather than a masonry wall.

Mr. Harling stated even though you don't have to footer in that, you would have to bring in a very heavy piece of wall system and it will be slotted in place with a heavy piece of equipment. In order to get the equipment and materials to accomplish that, the existing trees and vegetation will be destroyed. He would recommend that if a visual barrier is needed, they would put a dark green PVC plastic pipe system in and it can be carried in by hand. If it is a matter of security, then a green chain-link fence can be brought in the same way. He stated he would propose moving forward with the dark green PVC plastic wall system that will provide additional screening. They have agreed with the SJRWMD that any of those areas that are slightly barren of any tree cover will be enhanced with additional landscaping.

Upon inquiry by Commissioner Carey, Mr. Walter advised the 6 ft. masonry wall is a requirement of the Code and it could be waived.

Upon further inquiry by Commissioner Carey, Mr. Bates advised not only did the homeowner's association like the masonry wall on the north side, there were discussion relative to having a wall on the west side to create privacy on their

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side. The association indicated that they would continue the dialogue on that hopefully before final permits are issued. He understood that the masonry wall would be built on this side of the conservation area.

Mr. Walter informed Commissioner Carey that the Board can require a 6 ft. vinyl fence with decorative columns.

Commissioner Morris stated he feels that a bobcat can move in 6 ft. segments very easily. The destruction area is going to be 2 to 3 feet anyway.

Upon inquiry by Commissioner Carey, Mr. Harling advised the precast panels would weigh approximately 2.5 tons, therefore, a bobcat couldn't get them in there. He stated he would prefer a PVC system and he doesn't have a problem bringing it down both the west and north sides. He said he would propose using the 50 ft. conservation easement and meander the fence in there so they can save the maximum amount of trees and also on the conservation area on the western side of the property.

Mr. Harling informed Commissioner Carey he feels it would be appropriate if they could meander the fence on the south side and have the ability to jog five to ten feet to the north where there are no trees within the conservation easement.

Commissioner Carey stated the developer needs to jog the fence toward their side so they can protect the conservation easement.

Mr. Harling stated they could jog the fence a maximum of 10 ft. away from the conservation easement.

Bob Hattaway, owner, stated he has been trying to keep a fence up on his property for the last eight years. He stated at one time he had over 40 cows on his property and the

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residents in Lake Forest would call him to tell him that his cattle would be on their property because trees have fallen down on the fence. He said he can put a plastic or vinyl fence on the property, but the trees would still fall down.

No one else spoke in support or in opposition.

Speaker and Written Request Forms were received and filed.

**Motion** by Commissioner Carey, seconded by Commissioner Morris to adopt Ordinance #2005-48, as shown on page \_\_\_\_\_, approving rezoning from A-1 (Agriculture District) to PUD (Planned Unit Development) of a 42.55 acre tract, located on the north side of SR 46, across from International Parkway, Robert Hattaway, per the staff report, preliminary master plan, and approval of the revised Development Order, as shown on page \_\_\_\_\_, with the following changes: zoning for the commercial lots to be C-1 prohibiting use of a convenience store and self-service laundry; the fence to be vinyl, slatted, 6 ft. in height with columns to tie into the architecture of the building and to be placed on the south and east side of the conservation easements; correction to change minimum unit size to be 1400 sq. ft.; changing "the minimum north/south dimension of the pond on the west side shall be 500 ft. instead of 350 ft. from the northwest corner of the parcel"; and changing the total minimum setback of 235 ft. instead of 170 ft. She stated, relative to the technical review, she feels that with the homeowner's association and engineers working on this that they will come up with something good. She added that the second entrance between Lake Forest and International Parkway, would be gated controlled with emergency access only into the residential

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section from the commercial section with pedestrian access; and there will be a cross access easement on the north edge of the commercial parcel so that the residents can go in and out on the north side of the parcel without going out on SR 46.

Districts 1, 2, 4 and 5 voted AYE.

Commissioner Van Der Weide voted NAY.

Commissioner Van Der Weide stated the reason he is opposed to the request is the developer had to give up aesthetics of placing the fence on the south and east part of the property. He stated he feels that is over kill.

Commissioner Morris asked if the District Commissioner would allow giving a flexibility of the applicant to build in some aesthetics versus a required slotted fence.

Commissioner Carey stated the fence could be vinyl or rod iron and she will include in the motion the interpretation of the fence is flexible.

Chairman Henley recessed the meeting at 4:55 p.m., reconvening at 5:05 p.m., with Commissioner Van Der Weide entering late.

**CHAIRMAN'S REPORT**

Chairman Henley stated he received a letter from Larry Dale, CEO Orlando/Sanford International Airport (OSIA), requesting assistance from the County in an effort to bring Icelandair and FlyGlobespan to the Sanford airport. A letter from Mr. Dale was received and filed.

Commissioner Van Der Weide entered the meeting at this time.

Bill McDermott, Economic Development, stated the one thing that has been missing from OSIA is being able to go to an airport in Seminole County and take a flight directly to