

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING
COMMISSION
COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028**

MINUTES

**WEDNESDAY, DECEMBER 2, 2020
6:00 P.M.**

***** THIS MEETING WAS HELD IN BOARD CHAMBERS AND BY
ZOOM VIRTUAL MEETING *****

County Natural Lands Corrective Small Scale Future Land Use Map Amendment and Rezone - Consider a Small Scale Future Land Use Map Amendment from Low Density Residential (LDR) and Rural-5 (R5) to Preservation/Managed Lands (PML) on three parcels totaling approximately 8 acres located in the Lake Harney Wilderness Area and Overlook Park as part of the overall County owned and maintained Natural Lands areas Rezone; and consider a Rezone from A-1 (Agriculture), A-5 (Rural), A-10 (Rural), C-2 (Retail Commercial), PD (Planned Development), M-1 (Industrial), M-1A (Very Light Industrial), PLI (Public Lands and Institutions), and R-1 (Single Family Dwelling) to PLI (Public Lands and Institutions) for the County owned and maintained Natural Lands areas to remove inconsistent zoning classifications and existing development entitlements and limit the allowed uses on the properties to public parks, parkways, and reserves, on approximately 7,540 total acres; (Z2020-28/09.20SS.04) (Richard Durr, Seminole County Leisure Services, Applicant) Countywide (Danalee Petyk, Project Manager).

Danalee Petyk, Senior Planner, presented this item and stated that this request is for a Small Scale Future Land Use Map Amendment to Preservation Managed Lands on three (3) parcels totaling approximately eight (8) acres located in the Lake Harney Wilderness Area and Overlook Park and a Rezone to PLI (Public Lands and Institutions) for the County owned and maintained natural lands' areas on approximately 7,540 total acres located throughout the County. In 2008, the County adopted an Administrative Amendment to change the Future Land Use of the properties under the County's Natural Lands Program to Preservation Managed Lands. This Future Land Use designation was created with the intent to preserve open space, water resources, and significant natural areas through the Natural Lands Program. A rezone of these properties to the corresponding zoning classification of PLI (Public Lands and Institutions) was not

included in the 2008 Amendment and the properties retained their existing inconsistent zoning classifications. With the goal of further protecting these natural lands' areas and to insure their long term preservation, Seminole County Leisure Services has requested this corrective rezone to remove the inconsistent zoning classifications and existing development entitlements, which include Agricultural, Residential, Commercial, and Industrial uses. With the rezoning to PLU (Public Lands and Institutions), the allowed uses on the properties will be limited to public parks, parkways, and reserves. The 13 natural lands' areas included in the rezone request are; Black Bear Wilderness Area, Black Hammock Wilderness Area, Chuluota Wilderness Area, Econ River Wilderness Area, Geneva Wilderness Area, Lake Harney Wilderness Area, Lake Jesup Wilderness Area, Lake Proctor Wilderness Area, Lee Tract, Overlook Park, Spring Hammock Preserve, Sullivan Tract and Unnamed Parcels, and Wilson's Landing. Approximately eight (8) acres of the Natural Lands properties located in the Lake Harney Wilderness Area and Overlook Park were obtained after the 2008 Administrative Amendment and are part of the requested Small Scale Future Land Use Amendment from Low Density Residential and Rural 5 to Preservation Managed Lands. Spring Hammock Preserve is not part of the Future Land Use Amendment request and will retain its inconsistent Future Land Use designation. Several of the properties in Spring Hammock Preserve are owned by the State and leased to the County and authorization from the State will be required for the Large Scale Future Land Use Amendment. The County will bring this forward at a later date. The State has provided a statement of No Objection to the rezoning of the State owned lands in Spring Hammock Preserve and they are included in the aforementioned rezoning request to PLI. Staff finds the Preservation Managed Lands Future Land Use designation and PLI Zoning classification to be consistent with the goals of the Comprehensive Plan and the County's Natural Lands Program and consistent with the Land Development Code. Staff recommends approval of this request.

****** Mary Moskowitz stated that the Zoom participants were not able to hear what was being presented. She advised that those on Zoom could listen to the meeting being broadcast on SGTV. *******

Jim Duby, Program Manager, Leisure Services, Greenways & Natural Lands Division, showed a PowerPoint presentation and provided a brief history of the Natural Lands program, established via a voter approved referendum in 1990, which gave the County approximately \$20M to purchase and preserve environmentally significant lands throughout the County for passive recreation, environmental education, and preservation. Another referendum was passed in 2000, which included \$20M for trails and another \$5M for natural lands acquisition. There is an environmental education facility at the Geneva Wilderness Area, the Ed Yarbrough Nature Center, and they also have an agreement with the School Board to operate the Environmental Study Center at Spring Hammock Preserve. Earlier this year, they had an outside entity propose a land swap of their private land for one of our natural lands. What made that natural land so attractive is that it was zoned Planned Development, which opened their eyes as to why the zoning was never changed. It is why they are at this meeting, which is to clean-up the inconsistent zoning of these lands as presented.

Audience participation in-person:

- 1) Lillian Pressley, of Oviedo, stated her opposition of this request. There is an increase in traffic on her street that don't live in the area. There is an increase in police presence in the area. Her mail has been stolen several times. She feels nothing needs to be done in the park. They don't want any building to occur and wants the speeding cars to stop. Chairman Jerman stated that this application is a technical clean-up of zoning and it has nothing to do with its current use or otherwise. She is just opposed to any changes to the zoning.
- 2) Denise Grasso, of Oviedo, stated she is opposed to the request and had no further verbal comments.
- 3) Jerry Wood, of Oviedo, stated that he is a land owner adjacent to the entrance of Overlook Park. This rezoning doesn't have anything to do with the operation of the lands, but simply cleaning-up a zoning conflict. He has never heard of anybody forcing the County into a land swap, so he's not sure he buys that as a reason. He's not sure the difference is between the new and old zoning. They only had one week to research it and not enough time to engage a Zoning Attorney or Court Reporter. He's not convinced that there isn't a difference between the land use rights under the new zoning category and what exists under the R-1 Zoning. He thinks there were a lot of things done to put the park in operation that he believes did not meet the Development Code. He is concerned that allowing this property to be rezoned could cover-up some of those deficiencies. There is no sanitary facilities, no potable water, and insufficient parking at the park. He doesn't think this park went through the Development Review process that most developments have to go through with traffic studies, security and enforcement, and hours of operation. He is not necessarily opposed or in favor, but rather thinks it should be postponed until someone can give a clear and definitive review of the difference between the County's land use rights are under the new designation versus the old designation. He didn't recognize that all of the lands were all lumped together and that poses a problem with a three (3) acre parking and enclave subdivision with a 1,000 acre wilderness area by treating them all the same. He would like to know if it is possible to sever Overlook Park from the proposal.
- 4) Joe Hurley, of Oviedo, stated his concerns are whether or not the park was built correctly if this is a corrective action on an R-1 lot and was the park allowed to be there in the first place.
- 5) Yolon Raveiro, of Oviedo, stated they are in opposition to this request. In a written comment, Ms. Raveiro stated they own their home in the middle of the park property.
- 6) Cindy Haller, of Sanford, stated that she is not familiar with what these folks are talking about at Overlook Park. She is near Black Bear Wilderness Area and she is totally in support of this request. She asked if someone could respond to her question of funding for future preservation purchases.
- 7) Natalia Rodriguez, of Lake Mary, stated that she is in support of this request. She is an avid Florida hiker and appreciates the natural lands. Zoning them appropriately is very important, especially with some of the over-development that is occurring in Seminole County. She also would like more information on preservation plans.

***** Mary Moskowitz restated that the sound issues continued for the Zoom participants and she is requesting they utilize the chat feature for Staff to read into the record *****

- 8) Norene Koester, of Casselberry, stated that she is in support of this request. She enjoys hiking in the woods and sorry for the folks having trouble with the one park. She would hate to see those lands be used for anything other than passive recreation.

***** Mary Moskowitz stated that no written chat comments were received for this item. She indicated an option to listen is by accessing SGTV live. *****

Danalee Petyk, of Staff, responded to public comment. She stated that it is possible to take any of the parks and natural areas out of the Ordinance, since they are separated by legal description. Staff is requesting they be done all at once, because they are parks and areas managed under Natural Lands and their preference is to keep them altogether as one process. She further stated that Spring Hammock Preserve is part of the Rezone, but rather the Future Land Use Amendment will come back at a later date.

Jim Duby, of Staff, responded to public comment. He stated that regarding future preservation efforts, they were on the road towards doing that when COVID hit this spring. They have the desire to do it, but they are waiting for the right time. He agrees with the operational issue comments and they are willing to meet with the residents in the area of the parks. They have regular communications with the Sheriff's Office, who are the law enforcement arm for park related complaints and enforcement.

Chairman Jerman asked how this many years have gone by without it being caught that there was a need to properly rezone the parks. Mr. Duby responded that the proposal this past spring called their attention to it.

Zoom Participants received via Chat and read by Mary Moskowitz of Staff:

- 1) David Bear, the President of Save Rural Seminole, stated that he registered and intended to speak tonight, however there are technical difficulties. He stated that while this Amendment is far from perfect, it is a good thing for conservation of our natural lands. He was part of the team who presented the three (3) plans to make sure that the swap danger would not happen again. This is not that, however the rezone is a positive thing and the rezone should be approved. He wants the P&Z Board to understand that this rezone does not provide all of the protection that the land needs and it can be easily rezoned out of protection and why the three (3) proposals previously made to the County are important to ensure that the swap never happens again. Please do not drop the issue and work to ensure that greater levels of protection and implement them.

***** Mary Moskowitz stated that Mr. Humphries wanted to speak, but did not provide any Chat comments *****

A motion was made by Commissioner Stephen Smith, seconded by Vice Chair Carissa Lawhun to approve and refer the County Natural Lands Corrective Small Scale Future Land Use Map Amendment and Rezone to the Board of County Commissioners.

Ayes 5: Chairman Richard Jerman, Vice Chair Carissa Lawhun, Commissioner Walter Grundorf, Commissioner Stephen Smith and Commissioner Bob Turnage

Absent 2: Commissioner Kim Fogle and Commissioner Matt Brown