

#### **4. Board of County Commissioners Minutes of September 9, 1991**

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BOARD OF COUNTY COMMISSIONERS MEETING

SEMINOLE COUNTY, FLORIDA

SEPTEMBER 9 & 11, 1991

The following is a non-verbatim transcript of the BOARD OF COUNTY COMMISSIONERS MEETING OF SEMINOLE COUNTY, FLORIDA, held at 6:45 p.m., on Monday, September 9, 1991, in Room W122 of the SEMINOLE COUNTY SERVICES BUILDING at SANFORD, FLORIDA, the usual place of meeting of the said Board.

Present:

Chairman Fred Streetman, Jr. (District 3)  
Vice Chairman Bob Sturm (District 2)  
Commissioner Pat Warren (District 1)  
Commissioner Larry Furlong (District 4)  
Commissioner Jennifer Kelley (District 5)  
County Manager Ron Rabun  
County Attorney Robert McMillan  
Assistant County Attorney Lonnie Groot  
Deputy Clerk Eva Roach

The Invocation was given by Chairman Fred Streetman.

Assistant County Attorney, Lonnie Groot, led the Pledge of Allegiance.

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Motion by Commissioner Kelley, seconded by Commissioner Sturm to authorize the filing of the proof of publication for this evening's scheduled public hearing.

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

(4) PUBLIC HEARING

(B) COMPREHENSIVE PLAN ORDINANCE

Proof of publication, as shown on page 1701, calling for a public hearing to consider request to consider adoption of the Seminole County Comprehensive Plan Ordinance, received and filed.

Chairman Streetman advised the proposed 1991 Comprehensive Plan will replace the 1987 Comprehensive Plan. He stated Seminole County was one of the first local governments to embark upon the comprehensive planning process and adopted its first plan in 1977. On March 5 and 7, public hearings were held and the plan was transmitted to the Department of Community

DATE COMPLETED OCT - 3 1991

DATE APPROVED OCT - 8 1991

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Affairs, other State agencies and to regional and local agencies for their review. On July 15, 1991, the County received the DCA's report to the plan. The DCA objected to certain provisions of the plan and provided the County with certain recommendations and comments. Staff, consultants and the Board have spent considerable time in reviewing the comments and evaluating options to respond to the comments. Work sessions were held on July 30, August 26 and 28, and community meetings were held on July 11 and 22, and August 5 and 29. As part of the process the Board has requested an official, Mr. Walker Banning, from the Department of Community Affairs to be present at tonight's public hearing.

Principal Planner, Frances Chandler, addressed the Board to introduce Bill Kercher of Glatting, Lopez, Kercher & Anglin. She advised Mr. Kercher will review the East Area Plan.

Bill Kercher, Glatting, Lopez, Kercher and Anglin, addressed the Board to advise the policies generally reflect the objectives of preserving a rural area. He stated there are several reasons for preserving a rural character. The first is that it is the existing character of the area and has evolved over a period of time as a large lot, residential area, it is rural in character and there is not a lot of commercial. The policy in the previous plan designates it as one unit per one acre density. The second reason is that no service and facilities are in the area to support urbanization or suburbanization. The area has a rural level of service, but there are no plans to change that. The third major item is there are some significant environmental issues. The significant environmental areas may constitute some broad areas that create some interesting open spaces. The fact that that part of that area is characterized by environmentally sensitive areas has been an important factor. The fourth item is agriculture, and part of the intent of the plan is to protect agriculture in this area. There are a number of items that have indicated that the existing character is rural. The interest of a lot of the property owners is that the rural area be continued. He reviewed in detail



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the policies pertaining to the East Area Study. Comprehensive Plan Changes (Volume 1) and Support Document Changes Booklets were received and filed.

Upon inquiry by Commissioner Furlong, Ms. Chandler indicated on the aerial the lots and parcels of record that would meet the vesting criteria indicated on page 82.

Upon inquiry by Commissioner Streetman, Walker Banning, Department of Community Affairs, addressed the Board to advise he has no additional comments.

Mr. Kercher advised the objectives of preserving rural character is founded on the preservation of significant amounts of open space. The services and facilities in the area are adequate based on a variety of rural densities. The decline of the level of service of the infrastructure is not a key item in terms of what kind of rural densities are used. The three techniques that are the bases for the proposal are: a preservation of the roadway corridors, large lot zoning, and clustering. The purpose of using these three techniques in conjunction with each other was preservation of open space. He said he believes that this is a viable option of how to proceed with planning the eastern part of the county.

Discussion ensued between the Board and Mr. Kercher pertaining to the significance of preserving the rural character of the area, land use densities, monitoring mandatory clustering and urban sprawl.

Mr. Kercher reviewed the specific requested changes to the land use recommendations for the Black Hammock, Chuluota, and Geneva areas.

Mr. Banning stated the DCA was concerned with a couple of aspects of the proposed plan. He stated one was the fact that there is a rural requirement that the land use map depicts agriculture as a category, if in fact there will be agriculture existing in the county. The proposals that have been discussed tonight don't really address that particular rule requirement. The

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other thing the DCA was concerned about was the one dwelling unit per acre. One unit per acre is really a suburban or urban density and is not a rural density. The DCA was greatly concerned that intensive development would not adequately protect agriculture from the intrusion of nonagriculture land uses. He stated he is confused about the point at which mandatory clustering takes over. Without mandatory clustering, the agriculture base of that area will be destroyed and broken up into parcels that are no longer able to sustain the kind of agriculture that is out there now. The mandatory clustering addresses that particular concern because not only does it allow a certain amount of nonagriculture development, it also helps to preserve a landscape in which agriculture activity continues.

Discussion ensued between the Board, Mr. Banning and staff pertaining to mandatory clustering, policies included to avoid the intrusion of nonagriculture land uses into agricultural areas, and the rural mixed use categories for agriculture.

Slim Galloway addressed the Board to request an explanation on his property taxes. Whereupon, Commissioner Streetman advised him that will be discussed at the budget hearing tomorrow night.

Tom McCord, Black Hammock resident, addressed the Board to state the residents have repeatedly asked that Florida Avenue not be considered as a bypass to the Expressway connection at State Road 434 to the east area of the county. He has requested that Artesia Avenue be designated that way since it is in the city. He stated the 10 acre zoning was done to satisfy DCA requirements. Ten acre zoning will not work in Black Hammock. A lot of the residents own 5 acres and most of the 10 acre lots are split or will be split by the time the Comp Plan is approved. Black Hammock is a heavily wooded area and if clustering is permitted it will make that area a prairie.

Commissioner Kelley left the meeting at this time.

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Steve Wilmoth, Black Hammock resident, addressed the Board to state his main purpose is to establish a quality of life for himself and not having to listen to his neighbors. He stated he would like to see this plan prevent larger property owners coming in and building one house per acre or five houses per acre.

Commissioner Kelley re-entered the meeting at this time.

Stan Stevens, Chuluota resident, addressed the Board to briefly speak in regard to splitting up 10 acre lots in the City of Oviedo.

Tony VanDerworp, Planning Director, addressed the Board to state one of the ways of addressing the relationship with the cities and county with regard to land use issues is a joint planning agreement. He stated staff has been meeting with the City of Oviedo to establish a joint planning agreement.

The Chairman surrendered the gavel to the Vice Chairman and left the meeting at this time.

Jenny Thomas, Black Hammock resident, addressed the Board to state she lives near the area that will be affected by the Expressway. She stated she would like some assurance that the land use around the corridor will not be affected by the construction of the Expressway.

Polly Miller addressed the Board to state she is under the assumption that the new plan will have land use designations of one unit per 10 acres. She is beginning to see that one unit per 10 acres is kind of a phantom concept because if you promise to cluster you really can put two units on ten acres.

Commissioner Streetman re-entered the meeting and assumed the position of Chairman.

Ms. Miller stated the plan should show two kinds of one unit per five acre lots, one for real and one for cluster.

E. P. Bruce, Oviedo resident, addressed the Board to state he is glad the DCA is interested in preserving agriculture in the eastern part of the county. He stated agriculture is diminishing in the area. When you reduce the density of the land



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to 1 unit to 10 acres this will impact on the value of the land and on what banks will advance you on any loans you apply for. There is a lot of land in this area that is unsuitable for development. He doesn't think designating this area one unit to ten acres is a good idea.

Dee Eastburn, Black Hammock resident, addressed the Board to state she moved in this area because it is a rural area. She believes everyone in the area wants a buffer zone between their homes. She feels that buffers between homes should be addressed so that it can be preserved as a rural setting.

Sharon Carveth, Sierra Club, addressed the Board to state she feels the Demetree tract should be recommended one unit to three acres. She stated she feels this would be an adequate buffer between the conservation area and the urbanized area.

Mr. Kercher stated the natural systems and natural features of the area have already been preserved. The upland part is probably less than half of the property. It is adjacent to the City of Oviedo and will have access through the city. He feels the parcels should be one unit per one acre. This means that those lots will be a little larger than the ones in the city.

Bill Kirchhoff, Sanford resident, addressed the Board to state he thinks the problem is the County is trying to preserve something in the eastern part of the county that everyone remembers when they grew up. The planners have shown on the map that the areas in white are being considered in the eastern rural area. But when you look at the map you will find that part of the areas are west of central Alafaya Trail which are shaded gray. The area to the west of State Road 434 (Expressway interchange) will be one unit per 10 acres. He stated he feels the planners should include the Expressway which goes across this area. One unit per 10 acres next to the interchange does not make a lot of sense when you are trying to preserve something when it is surrounded by Winter Springs and Oviedo. The people are going to be forced economically to get annexed into Winter Springs or Oviedo. Agriculture is being

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forced out of the county because it can't be viably and economically done on small parcels. He advised the average lot size with homes on them in the platted section of Black Hammock is 4.9 acres. It is not a rural area because it is much closer and accessible to downtown Orlando than Deltona. It is an urbanized area. He feels that the County is trying to make a nice lifestyle for the people, but it will be defeated because economically they are going to be forced to go into Oviedo.

Cindy Harris, Donald McIntosh & Associates, addressed the Board to state she represents Tilden Groves Holding Corp. She submitted a copy of a map (received and filed) indicating the location of Tilden Groves. She stated the consultants originally designated this parcel as one unit to ten acres and it is now being recommended as one unit to 5 acres. She advised that a portion of the land is located in the Natural Lands Referendum. She said Mr. Tilden's heirs are concerned that the value of the property will be diminished as a result of the redesignation. She further stated she has spoken to an appraiser and he has indicated that the land would be devalued due to reduction in density. Based on the fact that this land is within an area that is subject to purchase by the County, she feels it would be reasonable to leave this land use as it is today until those sales have taken place.

Jennifer King, Black Hammock resident, addressed the Board to state the Black Hammock area is rural and if it is not rural, then where in Seminole County is rural anymore.

Commissioner Furlong left the meeting at this time.

Roger Capps, Chuluota resident, addressed the Board to state the emphasis on this was not simply to preserve agriculture, but to preserve the rural character of the area. He feels there are some compelling reasons for these densities that have been selected. The survey that was recently completed seems to dictate that you cannot do a lot of high density development out there. The area is not suitable for it.

Commissioner Furlong re-entered the meeting at this time.

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James Meade addressed the Board to speak with regard to farming being allowed in the clustering areas and conflicts that arise between the arbor ordinance and agriculture.

Commissioner Warren left the meeting at this time.

Mr. Kercher stated the ideas of clustering would be once the units are taken off the land, it could be used for certain agriculture purposes. In terms of a conflict between the arbor ordinance and agriculture, he recommended having a strong arbor ordinance that controls or scrutinizes the clearing of trees.

Commissioner Warren re-entered the meeting at this time.

Mr. Meade stated Dr. Johnson has 80 acres on the north shore of Lake Pickett. He advised it is designated at one dwelling per 5 acres. He stated the problem he has is the access to the property. He, therefore, requested a higher density in the upland area which is the northwest leg of the property. He has no objections to the 5 acre designations in the areas that are conservation areas.

Karon Witmer, Chuluota resident, addressed the Board to request clarification on staff comments pertaining to property south of Riverwood.

Ms. Chandler stated that those comments were to specifically identify parcels that had an approved 5-acre resolution and that were in areas designated as one unit per 10 acres. She restated the question, are there any of those 5-acre resolutions that have not been platted. The resolution south of Riverwood was an example of a 5-acre resolution that had not been parceled off yet.

Commissioner Sturm left the meeting at this time.

Kathy Miller, Chuluota resident, addressed the Board to state she does not like the rural 10. She stated she feels this will encourage doubling up and the people will try to build more homes on their land.

Commissioner Sturm re-entered the meeting at this time.



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Bob Witmer, Chuluota resident, addressed the Board to state the residents have said that if you accept clustering as a concept it should not result in any increase in density. He stated if the one unit per 10 acres is changed to one unit per 5 acres with clustering, then that is a bonus for clustering. The problem with that is that you are increasing the number of people that inhabit the area, the stress on the water, the schools and all of the problems that attend increased densities.

E. P. Bruce, representing the Citrus Growers, addressed the Board to state he feels the property values will decrease when the density is changed. He stated in Orange County's plan, there is a corridor in the Bithlow community area that extends to the Seminole County line where the density is one unit per one acre. He feels this needs to be taken into consideration when the map is drawn.

Tom Chitty, 600 Old Chuluota Road, addressed the Board to state he feels that rural levels of service should be included in the plan.

Lillian Masters, Chuluota resident, addressed the Board to state she was pleased to see the suggestion of rolling back the urban service area to the west side of the Econ.

Neil O'Brien addressed the Board to state he is pleased with the job the staff and consultants have done.

Ed Yarborough, resident of Geneva, addressed the Board to read into the Record his comments pertaining to land use designations and clustering. He stated he supports the basic goals in preserving the rural character in the eastern area of the county, but he also believes there should be a way to achieve that goal without any one particular group bearing the disproportionate share of sacrifices of private property rights. He expressed his concern with the lowering of densities devaluing his property.

Tom McCord addressed the Board to state he is in the wrong ball park if a person can change the Comp Plan to get his development rights back to redevelop his property.

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Mr. Kercher stated the Board has the option to amend the plan twice a year so that the system could change. He stated once the open space of the property is dedicated perpetually and that stays with regardless of what the system is once the development rights have been removed, they will stay removed.

Mr. McCord stated that he wants to make sure that what is decided upon tonight does indeed stay a decision.

Cheryl Taubensee, Home Builders Association, addressed the Board to request consideration of all the components of the Growth Management Plan. One of the components within the Growth Management Plan is the housing element. She stated the HBA would like the Board to take a close look at the rural area land designations, what the overall economic impact will be to the property owners, and to the County. The HBA believes that the changes in the overall land use will have an impact on the County's financial stability.

Greg Drummond, representing the developmentally disabled, addressed the Board to state there has been no input from this group on their particular needs. He requested the Board to organize an advisory board to review the planning needs for the disabled.

Mr. VanDerworp advised under the future land use element, staff has prepared a policy to the effect that the County shall use a Developmentally Disabled Advisory Council or Committee to evaluate land development code changes and recommend measures and standards to meet the needs of handicapped and transportation disadvantaged residents.

Commissioner Kelley left the meeting at this time.

Jane Adriatico, Goldenrod resident, addressed the Board to speak in regard to affordable housing, stating she has not heard anything to address this issue in the east part of the County.

Mr. Kent L. Wimmer, 1000 Friends of Florida, was in attendance.

No one else spoke in support or in opposition.



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Commissioner Furlong stated he doesn't have any problems with the technical corrections staff made in the Geneva and Chuluota areas. He stated, however, that he was under the impression that the County would not be taking specific requests from the property owners or abutting property owners on a parcel-specific bases. He stated he would like those to be presented under the regular comprehensive plan amendment cycle.

Motion by Commissioner Furlong to adopt the East Area Recommendations as originally presented, with the exception of the two technical corrections to the Geneva and Chuluota areas and with the others to be presented under the plan amendment policy.

Mr. Kercher stated he would like to be sure that the comments (received and filed) of the August 29 Community Workshop held in Geneva are submitted into the Record.

Ms. Chandler clarified that the correction to the Geneva area is the property on the lake that is currently one unit per one acre and the one in Chuluota is property west of Lake Lenelle Woods being one unit per five acres.

Commissioner Kelley re-entered the meeting at this time.

The Chairman called for a second to the motion three times without response, whereupon the motion failed for the lack of same.

Commissioner Warren stated she would like to see an economic impact statement to see what this is going to do to the area. She stated there are several parameters that need to be reviewed. She also would like to have conversations pertaining to the CDM water assessment of the area. The legal aspect of the documents were mentioned and this may be a good reason to ask DCA for an extension in order to work out the technicalities.

Mr. Groot stated he has spoken to the DCA's General Counsel and they have indicated that they do not have the statutory authority to grant extensions. He stated the Statutes require the Board to adopt the plan within 60 days of receipt of DCA's report.

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That deadline is Friday so this public hearing may be continued until later in the week.

Motion by Commissioner Kelley, seconded by Commissioner Sturm to move the East Area Plan, as presented, to the Consent Agenda, with the modifications as presented.

Under discussion, Commissioner Streetman stated he believes the economic statement Commissioner Warren has discussed would take a considerable amount of time and would probably be inconclusive. He further stated he believes the eastern area of the county is a rural area and will continue to be a rural area for many years. He stated he doesn't have a problem restricting land through the development of codes for the purpose of the health, welfare and safety, but there has been a lot of emphasis on aesthetics to make it look rural. Therefore, he will be voting against the motion.

Districts 1, 2, and 5 voted AYE.

Commissioners Streetman and Furlong voted NAY.

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Ms. Chandler highlighted the major policy changes of the Future Land Use Element, as outlined in Response to the Department of Community Affairs, Volume I (received and filed).

Mr. Banning stated he has no additional comments.

No one spoke in support or in opposition.

Motion by Commissioner Sturm, seconded by Commissioner Kelley to move the Future Land Use Element to the Consent Agenda.

Districts 1, 2, 3 and 5 voted AYE.

Commissioner Furlong voted NAY.

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Mr. VanDerworp highlighted the major policy changes to the Conservation (page 200), Intergovernmental Coordination (page 220) and Housing Elements (page 153).

Mr. Banning stated he has no additional comments.

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Ms. Carveth stated she would request the following added to policies 4.3.13 & 4.3.14: "Species of special concern" to the policies regarding threatened and endangered wildlife.

No one else spoke in support or in opposition.

Motion by Commissioner Sturm, seconded by Commissioner Kelley to move the Conservation, Intergovernmental Coordination and Housing elements, as presented by staff, to the Consent Agenda.

Under discussion and upon inquiry by Commissioner Kelley, Ms. Logan advised that adding "species of special concern" will make the policy more consistent with the existing regulations. Staff is recommending not to develop any new regulations that do not exist today. She recommended that this statement should be included.

Mr. VanDerworp advised the first policy (4.3.13) requires the County to notify and coordinate and the second policy (4.3.14) would require the County to consider it as a code update.

Upon inquiry by Commissioner Warren, Mr. Rabun advised that by adding this language the County will not have to hire an additional inspector.

Commissioner Kelley requested adding the language that was recommended by Ms. Carveth.

Commissioner Sturm agreed to include the wording "species of special concern" in the motion.

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

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Ms. Chandler identified that the Facility Elements include the following: Traffic Circulation; Mass Transit; Ports, Aviation and Related Facilities; Sanitary Sewer; Drainage; Potable Water; Recreation and Open Space; Solid Waste; Public Safety and Libraries. She then reviewed the following Facility Elements: Traffic Circulation, Mass Transit, Ports & Aviation. She advised she would like to delete the last three columns of the Maintenance of Service Thresholds from Table 16.7 on page 106 of the Traffic Circulation element. She referred to a new policy pertaining to



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the Seminole Community College traffic. She advised that staff has updated Table 6 that was received from the airport pertaining to the airport improvement projects.

Commissioner Warren stated she has a problem adding policies to the Comp Plan that are not required. She stated she doesn't want to see any increased costs.

Discussion ensued between the Board and staff pertaining to the Oviedo bus route.

Ms. Chandler stated the Board can alter the capital improvements element to remove the identification of that specific route. She stated if the level of service standard is maintained as it is in the plan, then some route would have to be added.

The Board had no objections to revising the language in the Capital Improvements Element so that a route could be added - whether it be this specific route or another route.

Ms. Logan continued reviewing the Drainage, Sanitary Sewer, Potable Water and Recreation & Open Space (page 216) elements.

Mr. Banning stated he feels the three columns in Table 16.7 on page 106 pertaining to the Maintenance of Service Thresholds should not be deleted. He stated he feels this will allow them to know that the level of service standards are not being degraded by 5%. Discussion ensued.

Commissioner Sturm left the meeting at this time.

County Engineer, Jerry McCollum stated staff cannot recommend the three columns as included in the Response, Volume I, but they can review the information and identify specific factors for state roads. He said these specific columns as currently included are too general.

No one else spoke in support or in opposition.

Motion by Commissioner Kelley to move the Facilities Element to the Consent Agenda, with the proposed changes.

The Chairman surrendered the gavel to Commissioner Furlong for the purpose of seconding the motion.

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Under discussion and upon request by Commissioner Furlong, Ms. Chandler advised the Facilities Elements include the following: Traffic Circulation, Mass Transit, Ports, Aviation and Related Facilities, Sanitary Sewer, Drainage, Potable Water, Recreation and Open Space, and the following three elements that were not recommended for change: Solid Waste, Public Safety and Libraries.

The gavel was returned to the Chairman.

Mr. VanDerworp stated staff is recommending deleting the Econ River Protection Area out of policy 14.1.1 on page 170.

Commissioner Kelley stated she will include this in her motion.

Districts 3 and 5 voted AYE.

Commissioners Warren and Furlong voted NAY, whereupon the motion failed for lack of a majority vote.

Commissioner Streetman advised that Commissioner Sturm left the meeting due to illness, therefore, he recommended continuing the meeting to Wednesday, Sept. 11, 1991, at 5:00 p.m.

Motion by Commissioner Warren, seconded by Commissioner Kelley to continue the meeting to Wednesday, September 11, 1991, at 5:00 p.m.

Districts 1, 3, 4 and 5 voted AYE.

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The Board recessed at 11:55 p.m., to reconvene on September 11, 1991, at 5:00 p.m., or as soon thereafter as possible.

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The Board of County Commissioners reconvened their Official Meeting of September 9, 1991, at 5:08 p.m. on September 11, 1991, with all Commissioners and all other Officials, with the exception of Deputy Clerk Eva Roach, who was replaced by Deputy Clerk Caryl Cohen, who were present at the opening session.

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Frances Chandler, Principal Planner, addressed the Board, to state before the meeting was continued, the items staff was addressing were the Facility Elements to the Comprehensive Plan. These elements included Traffic Circulation, Mass Transit, Ports, Aviation and Related Facilities, Sanitary Sewer, Drainage, Potable Water, and Recreation and Open Space, and three elements to which the Department of Community Affairs had no objections--Solid Waste, Public Safety, and Libraries. She pointed out that staff did revise Table 16.7 (received and filed) and distributed same to the Board. They made the revisions to the two-way peak hour volume and the directional peak hour volume in the Traffic Circulation Element. This table will be included in the Comprehensive Plan as has been altered by the County Engineer.

Commissioner Furlong said he thinks if they are going to include elements for Libraries and Public Safety in approved levels of service in the Capital Improvement Elements and give them that status, it only makes sense to test for concurrency for the adequacy of those services.

Motion by Commissioner Furlong to include Libraries and Public Safety under the concurrency management test.

Chairman Streetman called for a second to the motion three times without response, whereupon the motion died for the lack of same.

Motion by Commissioner Kelley, seconded by Commissioner Sturm, to move the Facility Elements to the Consent Agenda, as amended, for final action by the Board at the conclusion of this public hearing.

Districts 2, 3, and 5 voted AYE.

Commissioners Furlong and Warren voted NAY.

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Ms. Chandler advised the next set of elements are the Implementation and Capital Improvements elements. For the Implementation Element, she referred to page 20 of Volume 1, Response to Department of Community Affairs (copy received and

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filed). Ms. Chandler stated there were no changes in this element from the workshop draft and this draft. She identified two particular items addressed in this element: one is that the County will not test for concurrency in preliminary development orders under the Plan as was transmitted. Staff recommends that remain as they believe that the proposed Concurrency Management System for Seminole County meets the requirements for Rule 9J5 by testing all final development orders for concurrency. Further, Ms. Chandler stated staff did not alter, as had been requested by DCA, the phasing for vested developments for concurrency. Staff identified they will reserve capacity for vested developments, based on a mechanism for assigning or determining the phasing of capacity reservations for vested developments based upon the analysis of the historical development data and trend included in the Future Land Use Element support documents and other factors which would include, but not be limited to conditions included in an individual's development order constraining the timing of development.

Pam Hastings, Capital Programs Analyst, addressed the Board to outline the changes for the Capital Improvements Element. She referred to page 231 of Volume I of the Response to DCA and identified a specific new Policy #3.2.6, regarding debt management guidelines in response to DCA'S objections to the Plan as transmitted. She said on pages 233 and 234, staff has incorporated a specific new Policy #3.1.9 for renewal/replacement guidelines in response to DCA's objections. On page 236, staff has clarified capital improvements of Future Land Use Element Policies regarding the application of standards and improvements to development consistent with the Implementation Element. Those changes are the clarifications that Ms. Chandler read into the Record regarding the Implementation Element and definitions of preliminary and final development orders. Regarding the Mass Transit Improvements Table, consistent with the discussion of the Board last Monday evening concerning the Mass Transit Facility Element, staff will



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incorporate in that table of improvements a change to remove specific reference to the Route 43/Oviedo bus line addition as the specific program bus route addition and will make that a generic reference with the cost estimates being based upon that route. Ms. Hastings noted that the County's responses to DCA's objections regarding consistency with the Wekiva River Protection Act begin on page 252 of Volume I. Only one change to the Plan as transmitted is involved, which is to identify the protection area on the Future Land Use Map. The responses do clarify the status of the Northwest Beltway.

Commissioner Warren asked if there was any way to meet the Plan and not have any generic bus route added. Mrs. Hastings stated no, the level of service standard the Board has established is the level of service standard that existed in 1990. To do that, because of the increment of population growth that has occurred since 1990, they do need to add a bus route of some length in order to maintain the standard. That standard was developed based upon a transit service area that is not countywide, but covers basically those areas other than the east rural area of the County. Staff believes this is defined as conservatively as would be reasonable for a mass transit facility element. It is a required element of the Plan because the population is in excess of 50,000 people.

Commissioner Kelley asked if they could take the bus routes they have now and increase the cut backs on the number of buses and stops, would that fulfill the requirement or not. Mrs. Hastings said staff would have to evaluate the specific proposed alternatives, any of which might be less expensive or slightly more expensive than the addition of a new route. Any change in headways, as she understands, or addition in the number of buses running on an existing route, or lengthening an existing route would involve additional contributions to OSOTA. She added that those alternatives and the change staff is making in the Table of Improvements will allow the Board that flexibility.



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Jennifer King, resident, addressed the Board to state it has been several months since the bus has stopped coming to the Health Department. They have noticed that a lot people who come to the Health Department are in great distress because they cannot walk all the way from Highway 17-92 to the Health Department. She said the bus now stops at the Zayre Plaza, and if it gets even farther away, these people are going to be in even greater distress. She said she is talking about old people and mothers with very young children. Ms. King said it is real hard on these people anyway. Commissioner Kelley advised she has already talked to TriCounty on this, and they are working on it to see if they can get the bus to go right to the Health Department.

Upon direction by the County Attorney, it was determined by Chairman Streetman that no one from the Department of Community Affairs was present. Chairman Streetman stated that Monday night, Walker Banning was present representing DCA. The Board had hoped to conclude the meeting that night, and Mr. Banning had planned his schedule according to that. However, the meeting had to be continued until tonight, and Mr. Banning could not be present tonight.

No one else spoke in support or in opposition.

Motion by Commissioner Sturm, seconded by Commissioner Kelley, to move the Capital Improvements Element and Implementation Element, as amended, to the Consent Agenda.

Districts 2, 3, and 5 voted AYE.

Commissioners Furlong and Warren voted NAY.

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Ms. Chandler stated that under the General Comments section, there is one change. She referred to page 13 of Volume I and advised staff did alter the time frame for placing placards on property that is going to have a plan amendment on it. The change was to 15 days from seven days that will be consistent with the same time frame for placing placards for rezonings. In addition, on page 16, there were some recommended additions to the

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definitions section as specifically relates to new policies staff added in order to address DCA comments in the East Area Study.

Chairman Streetman asked if staff had made the change of terms in the discussion of clustering of rural areas. Ms. Chandler stated yes, that change was made on Monday.

Planning Director, Tony VanderWorp, addressed the Board to state there is a policy in the East Area Plan to look at grandfathering certain kinds of parcels of record, as well as five acre resolutions, and waivers to subdivision regulations, as of the adoption date of the Plan. He asked that staff be allowed to put together a process, and bring it back to the Board, to grandfather on a case-by-case basis other people who may be in the process of subdivision approval or may think they should be grandfathered. He said staff would like to bring back to the Board a process, whereby, they have an administrative process to consider common law vesting factors such as whether or not the owner has incurred extensive obligations or expenses, expenses other than land purchase costs, taxes, legal and professional expenses. He is also asking that the County initiate a system, whereby, an outside attorney experienced in land use law and vesting act as an administrative hearing officer to bring recommendations to the Board for action. This procedure or a similar one will allow staff to deal with people who may feel they have some grandfathering right that should be made through an administrative process rather than going directly to court.

Mr. Vanderworp pointed out to the Board on the information sheet, BCC Actions and Motions (copy received and filed), that there is a recommended motion to make at the end of the public hearing (item #3) with respect to all the items on the Consent Agenda, and subcategories #1 and #2 are staff recommended language for findings with respect to DCA's participation in the meeting and also, under item #2, are findings related to the East Area Plan in the County. He advised these are just staff

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recommended languages, but staff feels it is important to put these kinds of findings on the record.

Assistant County Attorney, Lonnie Groot, addressed the Board to ask they revisit the Land Use Element, page 42 of Volume I (copy received and filed), and place it back on the Consent Agenda, as amended, striking two sentences. He read the two sentences to be stricken as given in the shaded area on the identified page: "It is noted that some parcels of property are at issue and in dispute with regard to the provisions of the Act. It is not the intent of the Plan to in any way disrupt or preempt the judicial and/or administrative processes relating to the disputed parcels." Mr. Groot explained that this is the intent of the Plan now, since the County has prevailed on the Miller Enterprises case and since the DCA has agreed to certify the Excelior property, to override those processes.

County Attorney, Robert McMillan, explained to the Board that those sentences were put in because the County was in litigation, and since the litigation is over, the sentences are no longer necessary.

Motion by Commissioner Kelley, seconded by Commissioner Furlong, to remove the Future Land Use Element from the Consent Agenda and put it back on the table for a revisit.

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

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Motion by Commissioner Kelley, seconded by Commissioner Sturm, to remove under Policy 2.1.7, Wekiva River Protection, the last two sentences as identified by Assistant County Attorney, Lonnie Groot.

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

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Motion by Commissioner Sturm, seconded by Commissioner Kelley, to move the Future Land Use Element, as amended, to the Consent Agenda.

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

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Mr. VanderWorp advised staff received today by facsimile a letter from the Florida Friends 1000, which has been provided to the Board and the Clerk for submission into the Record.

No one else spoke in support or in opposition relative to the General Comments Section.

Motion by Commissioner Kelley, seconded by Commissioner Sturm, that the General Comments Element, as amended, be moved to the Consent Agenda.

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

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Commissioner Warren asked for the status of Public Safety and Libraries as treated in the Comp Plan. Ms. Chandler responded that they are optional elements under Rule 9J5. Also, they are a part of the Plan through the Ordinance to adopt the Plan. She said DCA does not generally review and make comments on the optional elements unless they are in conflict with the rest of the Comp Plan.

Commissioner Warren then asked if DCA could take authority over optional elements to do any mandates as they relate to budget items. Whereupon, Chairman Streetman answered that the Board has placed upon itself an obligation to fund the Capital Improvements Element in the Plan, in which case the optional elements are in there. He said that can be changed by amending the Comprehensive Plan, and DCA would comment on those.

Commissioner Furlong asked if by having elements, whether optional or mandatory, placed in the Plan, the Board is required to have them be a part of the CIE and be financially feasible. Ms. Chandler stated they have to be internally consistent with the rest of the Comp Plan.

Commissioner Furlong then asked if they have to be part of the CIE. Mrs. Hastings stated yes, for internal consistency, including the element in the Plan and adopting level of service standards, they are maintained through the budget and included in



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the CIE. She stated that regarding Public Safety and Libraries, the service standards and an obligation to fund these were adopted by the Board in the Land Development regulations for the Impact Fee Elements. Those obligations were developed in the development of the Impact Fee programs in 1987. Those facilities have been a part of the Plan since 1977.

During further discussion, Commissioner Furlong asked what would happen if the Board did not change the level of service to meet the available funding and did not add additional funding to maintain the level of service for an optional element. Mr. VanderWorp advised the Board would have to change the level of service standard at the next amendment cycle. Discussion followed.

Mrs. Hastings remarked that the Board is required to address the Capital Improvements Element because of Rule 9J5. The Board is under an obligation to review and update the CIE annually, even where optional elements are involved.

Mr. VanderWorp stated one of the major differences in future years is that staff will be presenting the Board with a draft CIE before they begin the budget work sessions, so they will have more room to move and adjust things.

Commissioner Warren asked if she has objections to some things in the budget and they are in the optional elements of the Comp Plan, would it be appropriate to consider seeing if those could be extracted from the Comp Plan. Mr. VanderWorp explained as they are holding the adoption hearing now, staff would have to go back at the next cycle and adjust it.

Motion by Commissioner Kelley, seconded by Commissioner Sturm, to adopt the 1991 Seminole County Comprehensive Plan, as amended at this Public Hearing and in the amending document entitled Response to the Department of Community Affairs (Volume I), and enact the Plan's Implementing Ordinance #91-13, as shown on page 1715. Specifically included in the motion is the adoption of the Future Land Use Map which implements the provisions of the Plan. Included in this motion are the findings that: (1)

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the Florida Department of Community Affairs' representative participated only as to certain matters considered at the Public Hearing and did not express any objections to the Plan, but, as to the limited comments expressed by the Department, all matters were considered and appropriately addressed. (2) As a result of DCA objections, many community meetings, Board work sessions, and over four hours of public testimony at this hearing on the East Area Plan and Future Land Use Element, the County substantially changed its land use pattern in the East Area of the County. This Board has adopted a land use pattern that does address local community needs and the following principles and requirements of the Growth Management Act: Reducing densities in the area will result in minimal expenditures for public services and facilities; Reducing densities in conjunction with the County's stringent wetlands, Floodprone, Econlockhatchee River Protection Ordinances and Natural Lands Acquisition Program will result in the preservation of environmentally sensitive areas; Reducing densities in conjunction with the County's unique method of calculating maximum densities through the "net buildable acreage" requirement which excludes wetlands, floodprone, transmission lines and road rights-of-way, and adoption of rural road corridor, clustering, tree preservation will result in the preservation of rural character; Although agriculture is a nominal and declining component of the County's economy, the use of density limits, clustering and agricultural primacy requirements will result in the ability of remaining agricultural operations to continue without conflicts from rural residential uses.

Under discussion, Commissioner Furlong stated he was prepared to support the new Plan up until the changes to the East Area study. He said he does not believe they should have Fire and Libraries in the Plan if they are not a part of concurrency and find that, personally, to be internally inconsistent. He stated his biggest problem is the increases proposed for the East Area over the original East Area study recommendation. Commissioner

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Furlong said he cannot bring himself to think that those are wise or even necessary. He stated for those reasons, he will not be voting for the motion.

Chairman Streetman stated he, too, has some real problems with the East Area which he expressed at the hearing. He explained that he objected to the East Area concept, and said he still objects to it. He continued that he does not think anyone could put together a document as complex and comprehensive as this one that in anybody's mind would be perfect. He said if the Board waits until they get a Comp Plan that satisfies in every detail everybody's mind, they would never have a Comp Plan, so he will be voting in support of the motion to transmit, although he is objecting to the decrease in density in the East Area.

Commissioner Warren stated she has concerns with the CIE for the funding of some of the elements she is not in agreement with. She said those fundings are things the Board needs to relook at. She thinks it is important the Board approach a unanimous decision in support of the Plan, and she will join the majority on that.

Commissioner Sturm said he originally felt the East Area was too restrictive on certain property owners and their rights for future development. The changes the Board made have reduced his concerns somewhat. He said DCA said they want to discourage urban sprawl, and the Board is about to do that in Seminole County. If you take the East Area, the Wekiva River Protection Act Area, and the Markham Woods Area and total them up, what they are going to do, whether they realize it or not, is to force higher urban densities in the remaining parts of the County that are not included in those three areas. Commissioner Sturm said that gives him a little bit of concern. But, he said he thinks this Plan will be accepted as a model by DCA and other counties. He asked the Board to applaud staff, particularly the Planning staff, for the many months and overtime hours spent in this effort.

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

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Commissioner Furlong voted NAY.


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Mr. VanderWorp expressed his appreciation to the Board for their support through decisions and discussions of the Plan.

There being no further business to discuss regarding the Comprehensive Plan, the Chairman adjourned the meeting for the Comp Plan at 5:53 p.m.

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The Chairman asked the Board for discussion items at this time.

Commissioner Warren asked the County Manager to explore a Regional Water Task Force to see if they can get that going. Mr. Rabun advised this is already going; and Senior Planner, Colleen Logan, stated staff will be meeting next week on the potential membership list.

There being no further business to come before the Board, the Chairman declared the meeting adjourned at 5:55 p.m.

ATTEST:  Clerk Colleen Logan Chairman Colleen Logan  
er/cc