

---

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM****SUBJECT:** Kentucky Square Large Scale Future Land Use Map Amendment**DEPARTMENT:** Planning and Development      **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Transmit the requested Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential) for 27.6 acres, located at the southwest corner of the intersection of Beardall Avenue and Kentucky Street, to the Department of Community Affairs, based on staff findings (Hugh Harling, applicant); or
2. Deny the requested Large Scale Future Land Use Amendment Map from SE (Suburban Estates) to LDR (Low Density Residential) for 27.6 acres, located at the southwest corner of the intersection of Beardall Avenue and Kentucky Street (Hugh Harling, applicant), and authorize the chairman to execute the Denial Development Order; or
3. Continue the item to a time and date certain.

District 5 Brenda Carey

Ian Sikonia

---

**BACKGROUND:**

The applicant is requesting a Large Scale Future Land Use Map Amendment for 27.6 acres, located at the southwest corner of the intersection of Beardall Avenue and Kentucky Street, from SE (Suburban Estates) to LDR (Low Density Residential). The original application as advertised for the July 28, 2009 Board County Commissioners meeting was for HIP-AP (Higher Intensity Planned Development - Airport) Future Land Use and PUD (Planned Unit Development) zoning. On July 6, 2009 the applicant submitted a revised application to Seminole County, changing the request from HIP-AP (Higher Intensity Planned Development - Airport) to LDR (Low Density Residential). On July 7, 2009, the applicant also submitted a request to postpone the rezone application from A-1 (Agriculture) to PUD (Planned Unit Development).

At this time, the applicant is proposing a Large Scale Future Land Use Map Amendment from Suburban Estates (SE) to Low Density Residential (LDR). The revised application was advertised for the August 11, 2009 BCC meeting. The applicant proposes to change the land use in order to develop a single-family home subdivision. The proposed Low Density Residential development will provide for a transitional buffer between the large lot single family homes to the south surrounding this property and the existing HIP-AP Future Land Use to the north. The HIP-AP Future Land Use allows for more intense uses such as industrial parks, office parks, and commercial developments, whereas the SE Future Land Use allows for large lot single-family homes. The area surrounding the Orlando Sanford International airport to the east and south has Future Land Use designations of HIP-AP and IND which should help foster commercial and industrial type developments in the near future.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission has not heard the revised request to LDR (Low Density Residential), due to the applicant submitting the revised request on July 6, 2009 for the Future Land Use Amendment change.

**STAFF RECOMMENDATION:**

Staff recommended approval of the request to HIP-AP (Higher Intensity Planned Development - Airport), however staff has not had sufficient time to adequately review the request to LDR (Low Density Residential) but anticipates less impacts than the request to HIP-AP (Higher Intensity Planned Development-Airport). Staff recommends the Board transmit the requested Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential) for 27.6 ± acres, located at the southwest section of the intersection of Beardall Avenue and Kentucky Street.

**ATTACHMENTS:**

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Justification Statement Provided by Applicant
6. Opposition Letter
7. City of Sanford Utility Letter
8. School Impact Analysis
9. Denial Development Order (applicable only if denied)
10. Ownership Disclosure Form
11. 6-3-09 Planning and Zoning Commission Meeting Minutes

**Additionally Reviewed By:**

County Attorney Review ( Kathleen Furey-Tran )

<b>Kentucky Square Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to LDR (Low Density Residential)</b>		
<b>APPLICANT</b>	Hugh Harling	
<b>PROPERTY OWNER</b>	Ann Takvorian	
<b>REQUEST</b>	LSLUA from SE (Suburban Estates) to LDR (Low Density Residential)	
<b>PROPERTY SIZE</b>	27.6 ± acres	
<b>HEARING DATE (S)</b>	P&Z: June 3, 2009	BCC: July 28, 2009 August 11, 2009 (Transmittal) December 8, 2009 (Adoption)
<b>PARCEL ID</b>	03-20-21-5AY-0000-0850 & 03-20-21-5AY-0000-0870	
<b>LOCATION</b>	Located at the southwest section of the intersection of Beardall Avenue and Kentucky Street.	
<b>FUTURE LAND USE</b>	SE (Suburban Estates)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2008-60/09S.FLU03	
<b>COMMISSION DISTRICT</b>	#5 – Carey	

**ANALYSIS OVERVIEW:**

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

**FLU Element Plan Amendment Review Criteria:**

The Future Land Use Element of the Comprehensive Plan establishes certain criteria for evaluating proposed future land use amendments, including an individual site compatibility analysis using the following criteria:

**A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.**

**Staff Evaluation**

The subject property is located approximately ¼ mile south of East Lake Mary Blvd., a new thoroughfare which is expected to encourage urban-intensity development in the area around Orlando-Sanford International Airport. In addition to its proximity to this major road, the site has been identified as having a potential to support the County's economic development efforts through the SeminoleWay initiative. SeminoleWay's purpose is to create a strategic land use and economic development plan focused on attracting high value/high wage jobs and businesses to the County along the State Road 417 Corridor, including areas near the airport. The proposed Low Density Residential Future Land Use will complement the future employment centers proposed by the Seminole Way Initiative.

The property is bordered on three sides by the Suburban Estates (SE) future land use designation, with existing land uses consisting of agriculture, single-family homes,

mobile homes, and vacant acreage. Currently, the edge of HIP-AP in the area is Kentucky Street, with high intensity uses permitted to the north of that road. There have been several rezoning in the past year which has taken place in the area such as the Kentucky Street PCD and the Laura Avenue Rezone which have allowed for light industrial, retail, and office uses. Staff feels the surrounding area has changed enough to warrant a change of land use to Low Density Residential.

**B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.**

The following table provides adopted level of service (LOS) standards for public services and facilities and potential impacts of the proposed amendment. The potential maximum residential density in LDR is 7 dwelling units per net buildable acre, which results in 193 dwelling units. All the information in the “Potential Impact” section of the table below was provided by the applicant. Impact calculations were based on 165 dwelling units which the applicant proposes for this site, however the potential impact is 193 dwelling units.

<b>Facility or Service (Data provided by County)</b>	<b>Potential Impact</b>
Potable Water Facilities LOS: 144 gpd	49,500 gpd
Sanitary Sewer Facilities LOS: 132 gpd	49,500 gpd
Recreation LOS: 3.6 total acres/1,000 population 1.8 developed acres/1,000 population	Information not provided by applicant
Mass Transit LOS: 1.03 revenue miles/capita	No mass transit service provided to this site
Solid Waste LOS: County Landfill LOS: 4.2 lbs/capita/day County Transfer Station: LOS Station 4.3 lbs/capita/day	726 lbs/day Information not provided by applicant
Transportation LOS: NA; LOS is only determined for collector or arterial roadways	ADT: 1,579 PM PEAK: 167
Schools	*
* See attached Seminole County School Board Report	

**C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.**

The site is outside the 100-year floodplain and appears to have no environmental issues.

**D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).**

**Staff Evaluation**

The property is not subject to WRPA regulations, but new residential development on the site will be required to provide avigation easements and airport compatibility standards per Policy FLU 5.7.

**E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.**

**Staff Evaluation**

The proposed future land use amendment is not a request for the Planned Development (PD) designation and hence does not entail a specific development plan which can be evaluated for impacts to adjacent properties.

**F. Whether the proposed use furthers the public interest by providing:**

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

**Staff Evaluation**

This issue cannot be fully addressed because the proposed future land use amendment for LDR does not involve a site development plan as would the Planned Development (PD) future land use designation.

**G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.**

**COMPREHENSIVE PLAN**

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The following additional policies are applicable with the proposed project (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 2.1: Development Standards
- Policy FLU 2.3: Roadway Compatibility
- Policy FLU 2.5: Transitional Land Uses in Urban Areas Not Approved For Mixed Development
- Policy FLU 5.4: Water and Sewer Service Expansion
- Policy FLU 17.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 17.5: Evaluation Criteria of Property Rights Assertions
- Policy POT 4.5: Extension of (Potable Water) Service to New Development
- Policy SAN 4.4: Extension of (Sanitary Sewer) Service to New Development
- Policy TRA 2.5.2: Discourage Through Traffic
- Policy TRA 2.5.6: Discourage Direct Access

## **STATE COMPREHENSIVE PLAN**

Florida Statutes Chapter 187.201(4)(b)(3): The proposal has the potential to increase the supply of safe, affordable, and sanitary housing for low and moderate-income persons.

Florida Statutes Chapter 187.201(15)(b)(3): The proposal has the potential to enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational opportunities.

## **STRATEGIC REGIONAL POLICY PLAN**

Policy 3.1.1: “Alternative choices for housing catering to the needs of persons in all income brackets should be available in a broad selection of areas throughout the region.”

## **SITE ANALYSIS:**

### **ZONING REQUEST**

The applicant is proposing a Large Scale Future Land Use Map Amendment from Suburban Estates (SE) to Low Density Residential (LDR). The applicant proposes to change the land use in order to develop a single-family home subdivision. The proposed Low Density Residential development will provide for a transitional buffer between the large lot single family homes to the south surrounding this property and the existing HIP-AP Future Land Use to the north. The HIP-AP Future Land Use allows for more intense uses such as industrial parks, office parks, and commercial developments whereas the SE Future Land Use mainly allows for large lot single family homes. The area surrounding the Orlando Sanford International airport to the east and south has Future Land Use designations of HIP-AP and IND which should help foster commercial and industrial type developments in the near future. The proposed Low Density Residential development will provide for a better job to housing mix and will decrease vehicle miles traveled by the residents of the subdivision in regards to commuting and services.

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on the FIRM map, with an effective date of 2007, there appears to be no floodplains on the subject property.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

#### *Endangered and Threatened Wildlife:*

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

### **PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant

has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

*Utilities:*

The site is located in the City of Sanford's water and sewer utility service area. According to Richard Blake with the City of Sanford, there is a 12-inch water main on the north side of E. Lake Mary Boulevard and a 20-inch force main on the south side of E. Lake Mary Boulevard. A letter detailing some of the provisions of connecting to utilities within the City of Sanford is attached to this agenda item.

*Transportation / Traffic:*

The property proposes access onto Beardall Avenue which is classified as a local road and does not have improvements programmed in the County 5-year Capital Improvement Program.

*School Impacts:*

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

*Drainage:*

The proposed project is located within the Lake Jesup Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to not exceed the pre-development rate of discharge for the 25-year, 24-hour storm event.

*Parks, Recreation and Open Space:*

The applicant is required to provide a minimum 25% of open space for the site, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

**APPLICABLE POLICIES:**

**SPECIAL DISTRICTS**

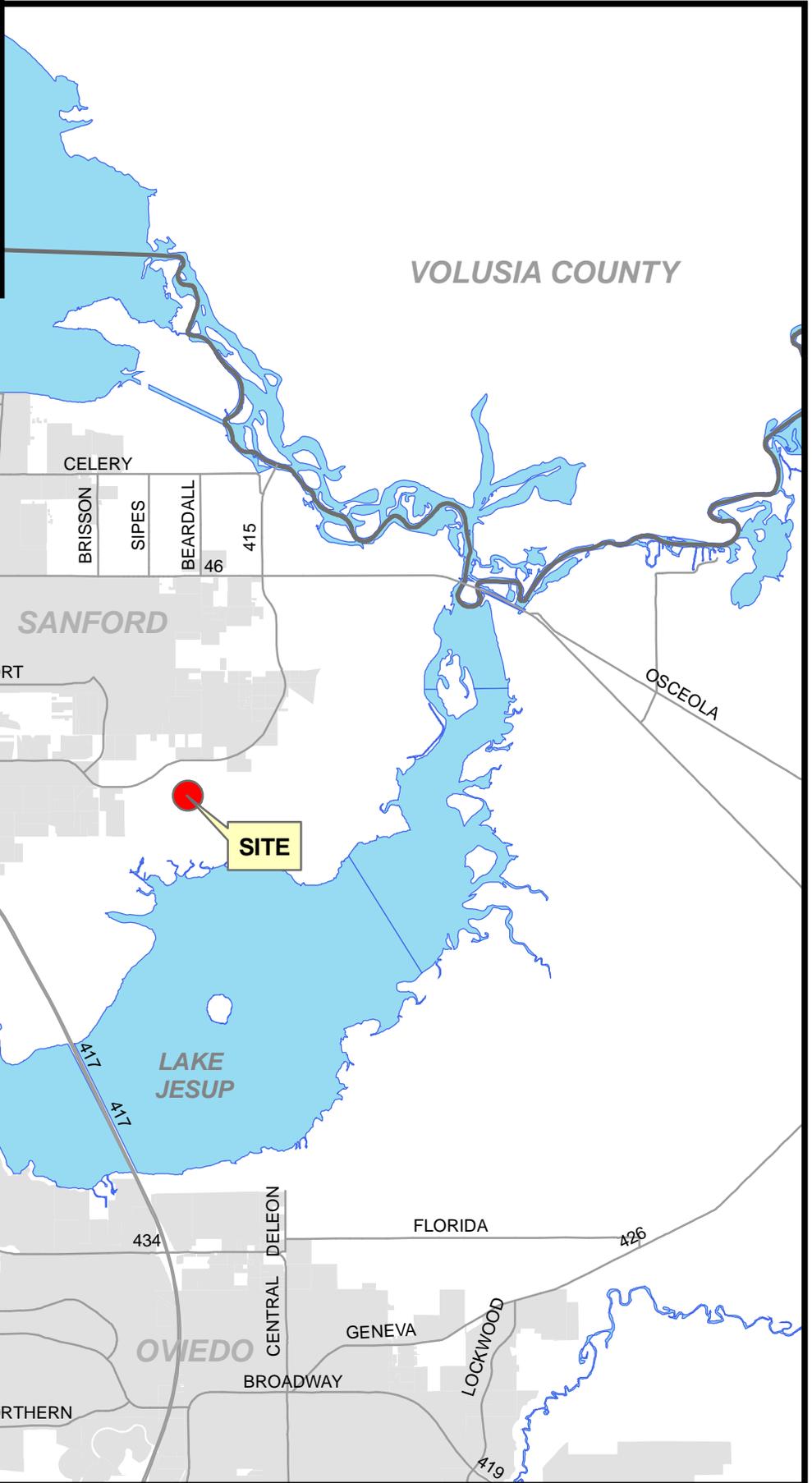
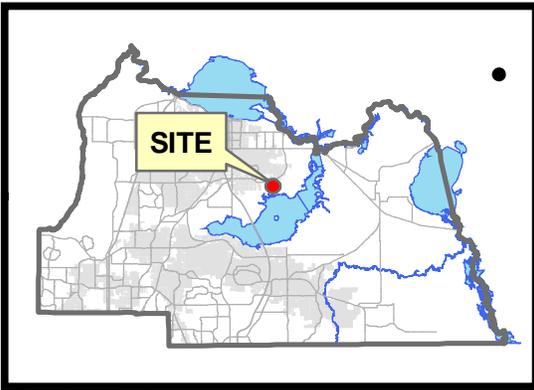
The subject property is not located within any Overlay District.

**INTERGOVERNMENTAL NOTIFICATION:**

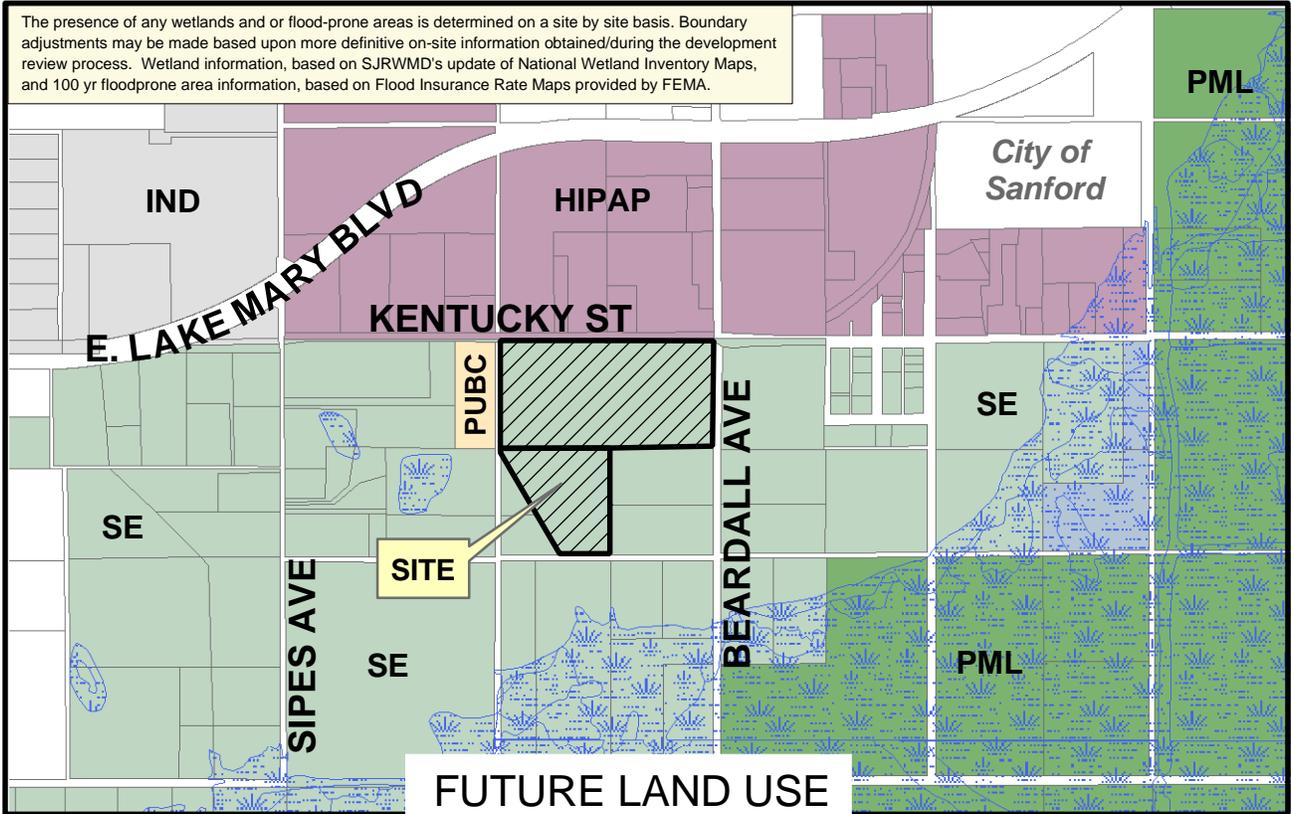
Intergovernmental notice was sent to the City of Sanford on January 8, 2009.

**LETTERS OF SUPPORT OR OPPOSITION:**

At this time, Staff has received one letter of opposition for this project which is attached to this agenda item.



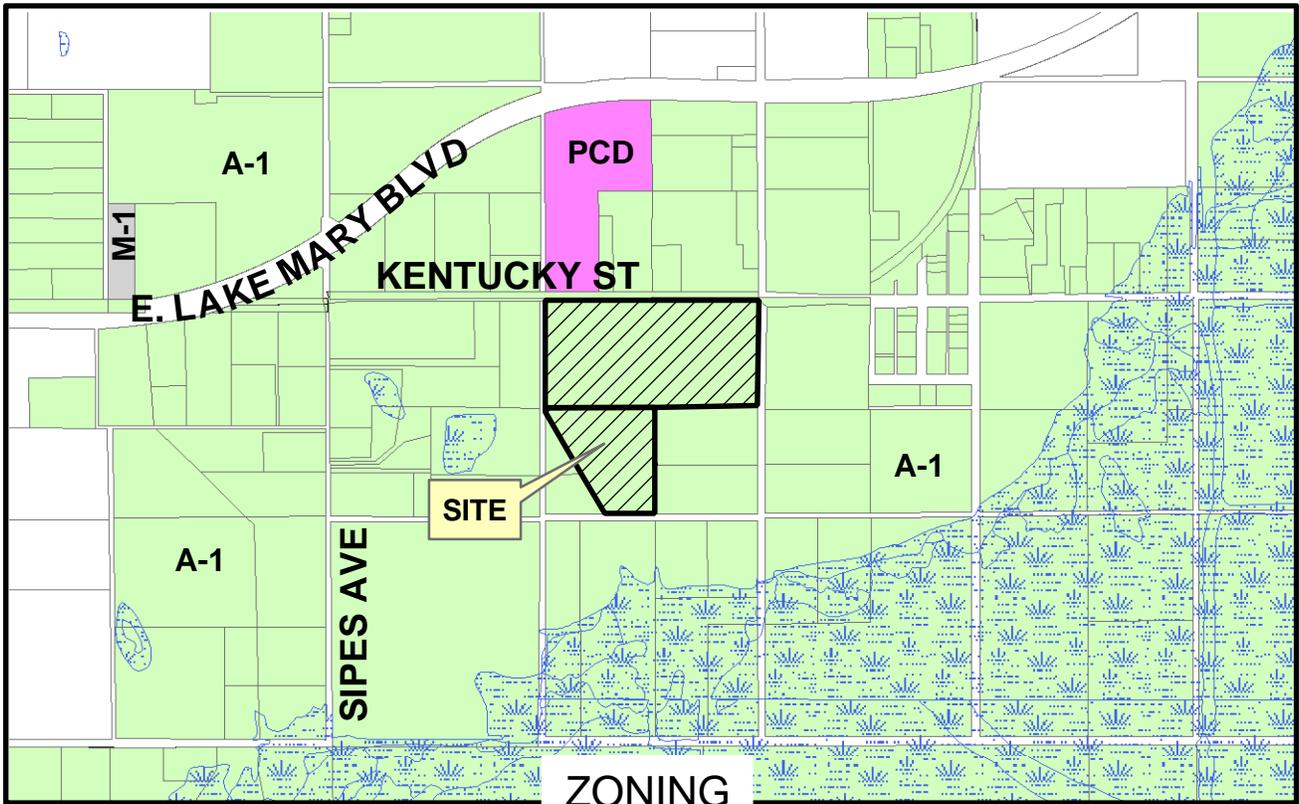
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



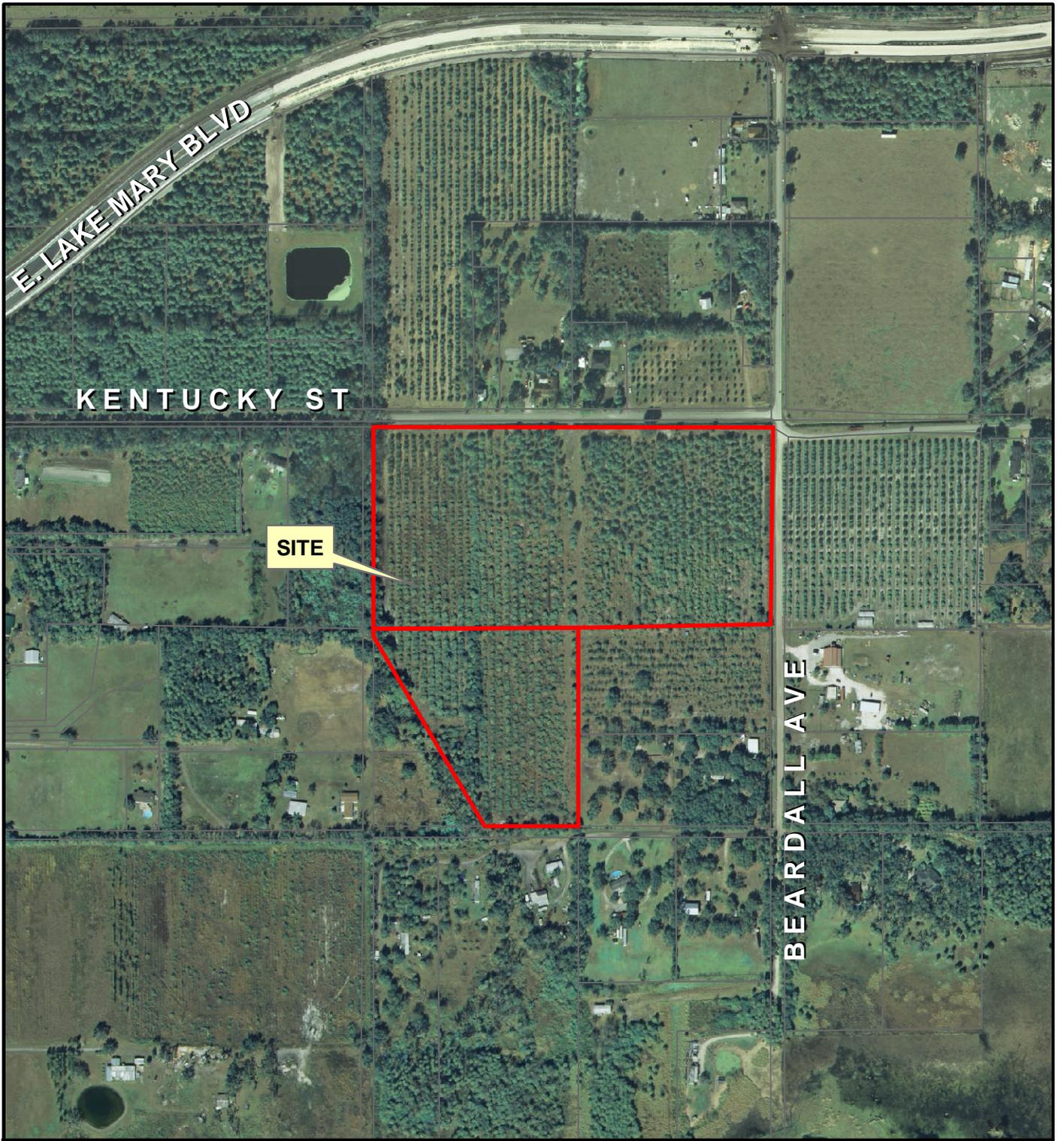
IND
  SE
  HIPAP
  PML
  PUBC
  Site
  ESLO
  City Limits

Applicant: Hugh Harling  
 Physical STR: 03-20-31-5AY-0000-0850 & 0870  
 Gross Acres: 27.6 +/- BCC District: 5  
 Existing Use: Existing  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	08.LS.03	SE	LDR
Zoning	Z2008-060		



A-1
  M-1
  PCD
  ESLO
  City Limits



FLU No: 08-LS.03  
From: SE To: LDR

-  Parcel
-  Subject Property



Winter 2007 Color Aerials



Anticipated ADT: 1,579 Total Trips  
PM Peak: 167 Peak Trips  
Impact analysis based on 165 D.U.

Parking and traffic flow will be shown on the Final Master Plan per Seminole County Land Development Code.

**Signage:**

Subdivision signage shall conform to the standards listed in Part 65 (Sign Regulations) of the Seminole County Land Development Code.

**Utilities and Services:**

Water Provider	City of Sanford (upon project annexation)
Water Rate:	300 GPD/unit x 165 units = 49,500 GPD
Sewer Provider	City of Sanford (upon project annexation)
Sewer Rate:	300 GPD/unit x 165 units = 49,500 GPD
Electric:	Florida Power & Light
Solid Waste Collection:	TBD
	Est. 4.4 lbs/day/household x 165 units = 726 lbs/day

**PUD INTENT AND PURPOSE**

The requested land use provides for various types of residential development with a maximum intensity of 7 dwelling units per buildable acre. The project is adjacent to Kentucky Street and Beardall Avenue providing convenient transit access in and out of the development to the local community. This land area is also designated as part of the Airport Interlocal Planning Area incorporating smart growth patterns for the growing Orlando Sanford Airport area. The permitted uses being considered for this site are: townhomes, apartments, condominiums and single family homes and senior living.

The existing agriculture uses in the area will be increased to higher densities and intensities per Seminole County's Comprehensive Plan to support the growing Orlando Sanford Airport area and the ancillary system surrounding it. These uses will include commercial, industrial, office and various types of residential uses. The agriculture density of 1 unit per acre on property which is currently being used for cattle and citrus will not be viable during the 20 yr. planning period. Higher intensity uses that are adjacent to existing agriculture uses will not create incompatibility but rather support the Seminole County Comprehensive Plan for planned growth, development and sustainability without urban sprawl.

This project will provide work force housing for existing and future airport employees and employees working in Sanford and north Seminole County. It will also support and promote airport, municipal and County growth and redevelopment, and provide increased property and

sales tax revenue for Seminole County, Sanford, the airport and Seminole County Public Schools.

### **Applicable Comprehensive Plan FLU Policies**

#### **Seminole County Comp Plan – Future Land Use Element – Issue FLU 3 – Concurrency Management & Mixed Use Land Use and Protection of HIP Land Use (page FLU-7)**

The Seminole County Comprehensive Plan sets guidelines for development that encourage self sustaining areas by providing housing close to businesses and industries to reduce automobile trips by providing a local job base for the residents. LDR (Low Density Residential) plays a major role in meeting these guidelines.

*The proposed LDR development supports and is consistent with the Comprehensive Plan to provide sustainable development reducing urban sprawl, reducing automobile trips and providing workforce housing to support the HIP/AP areas to the north and North West on Kentucky Street, the Sanford Orlando Airport, Sanford and Seminole County businesses .*

### **Justification Statement**

The subject property is believed to be best suited for LDR (Low Density Residential) to provide workforce housing in the form of single family homes. This project will support the economic growth and redevelopment in the area by providing quality housing for airport employees, downtown Sanford and Seminole County businesses thereby also providing increased property and sales tax income. Local property values of existing homes in the area will be maintained if not enhanced and is fully supported by the local residents.

### **Conclusion**

The requested land use amendment and rezoning are well supported by the policies described in the Seminole County Comprehensive Plan and is consistent with the applicable Seminole County planning policies and applicable regulations. Harling Locklin has held several public meetings in the homes of local residents involving them in the planning process and are fully supportive of the LDR land use amendment.

## Sikonia, Ian

---

**From:** hunterk538@aol.com  
**Sent:** Monday, July 27, 2009 10:38 AM  
**To:** MacDonald, Fran; Dobson, Melissa; Eswine, Dianne; gven@seminolecountyfl.gov; Lockhart, Amy  
**Cc:** dbebord@seminolecountyfl.gov; Sikonia, Ian  
**Subject:** July 28 Public Hearing Comments

July 27, 2009

Board of County Commissioners  
Seminole County  
Sanford, FL

Re: Item #72-Kentucky Sq. large scale future land use amendment & rezoning &  
Item #71 - Airport commerce center rezone

Dear Commissioners:

As we are currently out of town and will be unable to attend the commission meeting tomorrow regarding the above mentioned rezonings we would like to make you aware of our feelings on these issues.

We have lived in this same location for the past thirty-four years and other than the construction of Lake Mary Boulevard, there has been little change in this area. This is our home and was the home of our grandparents for the sixty-some years prior to our ownership. We had hoped it would remain our home and a place we could pass on to our children in the future. We know this area will continue to grow but we would like to see it done with the least possible impact on our current way of life.

As there currently is an abundance of commercially zoned properties in this area that are sitting vacant and/or being used for agricultural purposes, which means the county is losing tax revenue, we do not see the reasoning behind pushing through yet another commercial rezoning in this area until it is needed.

Regarding Item #71, the Airport Commerce Center Rezone, this project abuts our property on the east side. Even though our property is currently zoned agricultural, it has been used as residential for the past sixty-plus years and we would like the active-passive buffer standards to apply to this rezoning. We would like any developer to be required to install and maintain a six foot concrete wall as was agreed to in the rezoning in hours of operation for any proposed businesses in this center.

The impact of the development of this property on the drainage in this area also needs to be seriously considered. The drainage of this whole area depends on the proper maintenance and placing of drainage ditches and retention ponds. If the elevation of any land in this area is changed, as it is in any development, it affects the drainage of all of the surrounding properties.

In regards to Item #72-Kentucky Sq. large scale future land use amendment & rezoning, as Kentucky Street is the dividing line between high density and low density development, we see no need to make any changes to this property. We see absolutely no reason for changing the zoning of

suburban estates of one unit per acre in this highly sensitive environmental area. This area was inappropriately included in the Seminole- Way study and that study should not be used as a basis for the land use change.

Although your staff reports refer to the transitioning of this area, it is only transitional on paper by the rezonings which have been pushed through by developers in this area. Actual development is not taking place and many of the long time residents of this area are still trying to maintain the way of life they have enjoyed for many years. An orderly development starting at the board of the airport would be more reasonable.

Sincerely,

Robert and Katherine Hunter  
3730 Kentucky St.  
Sanford, FL 32773



## UTILITY DEPARTMENT

**MAILING ADDRESS**  
 CITY OF SANFORD  
 POST OFFICE BOX 1788  
 SANFORD, FL 32772-1788

**PHYSICAL ADDRESS**  
 CITY HALL  
 300 NORTH PARK AVENUE  
 SANFORD, FL 32771-1244

TELEPHONE  
 407.688.5090

FACSIMILE  
 407.688.5091

**CITY COMMISSION**

LINDA KUHN  
 MAYOR

ART WOODRUFF  
 DISTRICT 1

DR. VELMA H. WILLIAMS  
 DISTRICT 2, VICE MAYOR

RANDY JONES  
 DISTRICT 3

JACK T. BRIDGES  
 DISTRICT 4

ROBERT (SHERMAN) YEHL  
 CITY MANAGER

April 22, 2009

Harling Locklin & Assoc., Inc.  
 850 Courtland Street  
 Orlando, FL. 32804

**Subject: Kentucky Square**  
**Tax Parcel ID: 03-20-31-5AY-0000-0850**

To whom it may concern,

The City of Sanford is able to provide water and sewer for the above named project at this time based on the information provided. The City's water and wastewater treatment facilities presently have capacity for the proposed development. There is a 12-inch water main and 20-inch force main located on Lake Mary Blvd.

The project must meet City planning and development standards and zoning requirements. The owner will need to request annexation or receive utility approval from the City Commission before utilities services can be provided.

All connection fees, expenses and related work to extend the water and sewer mains to the property shall be at the Developer's expense.

Should you need additional information, please do not hesitate to contact me (407) 688-5101.

Sincerely,

City of Sanford

Richard Blake  
 Utility Engineer

*The Friendly City*



## Seminole County Public Schools School Impact Analysis School Capacity Determination

**To:** Hugh Harling/Ann & Theodore Takvorian  
Seminole County Board of Commissioners

**From:** Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools

**Date:** February 18, 2009

**RE:** **Airport Townhomes Z-2008-60**

Seminole County Public Schools (SCPS), in reviewing the above request, has determined that if approved, the new FULM designation and/or zoning will have the effect of increasing residential density, and as a result generate additional school age children.

**Description** – The project is located at the SW corner of Kentucky St. & Beardall Ave., on +/- 27.6 acres in the in unincorporated Seminole County. The applicant is requesting a change in the future land use/zoning designation and seeks approval to develop a residential subdivision containing approximately 196 single family attached dwelling units.  
Parcel ID: 03-20-31-5AY-0000-0870

Based on information received from Planning and from the application for the request, SCPS staff has summarized the potential school enrollment impacts in the following table:

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elementary	E-10	1831	1965	19	575	0	690
Middle	M-1	5132	5441	12	0	59	238
High	H-1	6218	6140	15	380	66	221

**Comments:**

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones, unplatted parcels, or projects that have not recived final approval do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Changes in enrollment, any newly platted developments, and any subsequent final development approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

## **Terms and Definitions:**

**Capacity:** The amount of satisfactory permanent student stations as calculated on the date of the second DOE count in October of the current school year. The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

**Concurrency Service Area (CSA):** A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

**Enrollment:** For the purposes of concurrency review, the enrollment level is established each year as per Public School Interlocal Agreement Section 12.4 A, which sets the level on the date of the second FTE survey for DOE, generally taken the in mid-October.

**Programmed 3 Year Additions:** New permanent school capacity within the CSA, which will be in place or under actual construction within the first three years of the current SCPS Capital Improvement Plan.

**Remaining Capacity:** The capacity available for future development after the addition of any programmed capacity and less the reserved capacity.

**Reserved Capacity:** The total number of student stations reserved in the respective CSA's that are assigned to projects via a SCALD certificate.

**School Size:** For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

**Students Generated by Project:** is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

**Utilization:** A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On August 11, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**Property Owner(s):** Ann Takvorian  
20 Court St.  
Hackensack, NJ 07601

**Project Name:** Kentucky Square

**Requested Development Approval:**

Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential)

The Board of County Commissioners has determined that the Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Kentucky Square LSLUA" and all evidence submitted at the public hearing on August 11, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the transmittal of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and should not be transmitted to the Department of Community Affairs.

**ORDER**

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**  
The aforementioned application for development approval is **DENIED**.  
**Done and Ordered on the date first written above.**

**SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Bob Dallari, Chairman

**EXHIBIT "A"**

*LEGAL DESCRIPTION*

Lot 87, SANFORD CELERY DELTA, according to the Plat thereof as recorded in Plat Book 1, Pages 75 and 76, of the Public Records of Seminole County, Florida, which lies North and East of the center of natural ditch running through said Lot 87, and Lots 85 and 86, said SANFORD CELERY DELTA, less the North 25 feet thereof for railroad right of way.

SEMINOLE COUNTY  
**APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

Please provide the information as requested below in accordance with Ordinance No. 07- \_\_\_\_\_:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>Ann Takvorian</u>	Name: _____
Address: <u>20 Court St., Hackensack, NJ</u>	Address: _____
Phone #: <u>201-489-2205</u>	Phone #: _____

Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: \_\_\_\_\_ Name of Partnership: \_\_\_\_\_  
 Principal: \_\_\_\_\_ Principal: \_\_\_\_\_  
 Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: \_\_\_\_\_ Contract Vendee: \_\_\_\_\_  
 Name: \_\_\_\_\_ Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Address: \_\_\_\_\_

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

Nov 25, 2008  
 Date

Ann Tikhovian  
 Owner, Agent, Applicant Signature

N.J.  
 STATE OF ~~FLORIDA~~  
 COUNTY OF Bergen

Sworn to (or affirmed) and subscribed before me this 25 day of November, 2008 by \_\_\_\_\_

Dawn M. Rexach  
 Signature of Notary Public

DAWN M. REXACH  
 NOTARY PUBLIC  
 STATE OF NEW JERSEY  
 MY COMMISSION EXPIRES MAY 28, 2013

Print, Type of Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_  
 Type of Identification Produced \_\_\_\_\_

**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
JUNE 3, 2009**

**Members present:** Matthew Brown, Walt Eismann, Melanie Chase, Kimberly Day and Dudley Bates.

**Members absent:** Ben Tucker and Rob Wolf

**Staff present:** Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Sheryl Stolzenberg, Principal Coordinator; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

**C. Kentucky Square Large Scale Future Land Use Amendment and Rezone;** Hugh Harling, applicant; 27.6 ± acres; Large Scale Future Land Use Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development - Airport) and; Rezone from A-1 (Agriculture) to PUD (Planned Unit Development) and; located at the southwest section of the intersection of Beardall Avenue and Kentucky Street. (Z2008-60/09S.FLU03)

District 5 – Commissioner Carey  
Ian Sikonia, Senior Planner

**Tina Williamson, Assistant Planning Manager** – presented this item on behalf of Ian Sikonia and stated that this is a request for transmittal of a Large Scale Future Land Use Map Amendment from SE (Suburban Estates) to HIP-AP (Higher Intensity Planned Development – Airport) and a rezone from A-1 (Agriculture) to PUD (Planned Unit Development).

The requested Large Scale Future Land Use Map Amendment would create the potential for airport-related commercial/industrial development and/or a multi-family residential use at a maximum density of 30 dwelling units per net buildable acre. The applicant's PUD zoning request indicates an intent to develop the site as residential with the maximum allowable density in the HIP-AP Future Land Use designation, for a total of 706 multi-family units. Despite the applicant's current intentions, approval of the land use amendment would allow future applications for commercial and/or industrial uses on the property. The subject property is located approximately ¼ mile south of East Lake Mary Boulevard, a new thoroughfare which is expected to encourage urban-intensity development in the area around the Orlando-Sanford International Airport. In addition to its proximity to this major road, the site has been identified as having a potential to support the County's economic development efforts through the SeminoleWay initiative. SeminoleWay's purpose is to create a strategic land use and economic development plan focused on attracting high value/high wage jobs and

businesses to the County along the State Road 417 Corridor, including areas near the airport.

The proposed high density residential development will provide for a transitional use between the large lot single family homes to the south surrounding this property and the existing HIP-AP Future Land Use to the north. The HIP-AP Future land use allows for more intense uses such as industrial parks, office parks, and commercial developments and the Suburban Estates Future Land use mainly allows for large lot single family homes. The area surrounding the Orlando Sanford International Airport to the east and south has Future Land Use designations of HIP-AP and Industrial which will foster commercial and industrial type development in the future. Higher density residential developments will provide for a wider mix of housing types in an area which currently has a large lot residential character.

Staff has received no letters of support and 7 letters in opposition to this request - copies were passed out to the Commissioners prior to this hearing.

Staff recommends transmittal of the requested Large Scale Future Land Use Map Amendment and approval of the rezone request.

**Hugh Harling, applicant** – stated that DCA requires County Staff to evaluate the impacts at their maximum level on issues such as water, sewer and road systems. One of the things DCA required is the use of 30 units per acre but their intent is 15 units per acre for 2 story garden apartments, but because of the way DCA works, the applicant has been unable, from a legal standpoint, to restrict the requirement back to what they want. Applicant's real intent is to have 2 story garden apartments that would provide housing for the employment at the airport to meet that need. He would like to find a way to have the 15 units per buildable acre and protect the surrounding residential areas.

No one spoke in favor of this request from the audience.

**Bob Hunter** – stated that he believes this is not consistent with the area land use. There is an old county dump near the property which could cause some ground water problems. He is also concerned about how the traffic will impact their community as it is right now.

**Bernard McPherson** – stated that he is opposed to this project as he does not believe the applicant will follow through on the project as proposed. He is afraid he will sell it to the highest bidder. He stated that he bought in this area because this was a smaller community and had a smaller impact on traffic and will be a better life for his kids. He further stated that he did not believe this item was advertised and/or posted properly.

**Chairman Eismann** – asked Mrs. Williamson to go over the posting requirements for the County.

**Mrs. Williamson** – stated that there is a placard that is posted on the property and every property owner within 300 feet of the subject property is mailed a notice of this hearing. This hearing is also advertised in the newspaper.

**Mr. McPherson** – stated that the placard was ripped down two days after it was posted.

**Steve Coover** – stated that he and his wife are opposed to this project as this is a high density residential apartment complex. It should not go here. There is a market for apartments right now, but as mentioned before by Commissioner Brown, Kentucky Street is the line. He discussed compatibility and transitional uses, neighborhood protection, Interlocal Agreement between County and City, location of proposed site is inappropriate next to Suburban Estates, and a conversation with City Commissioner Art Woodruff in which he asked Mr. Coover to let the Commission know that he is opposed to this request as well.

**James Flavin** – stated that he wants to continue agriculture in this area and this is not the place for the proposed project.

**Mr. Harling** – responding to the statement that the placard was not posted correctly, advised that he did post it properly and has a picture of the posting. He also stated that he is in agreement with Mr. Coover's statement that this is premature; but from a standpoint of use today only and from a standpoint of use for the future, this is what they believe they should be doing to get out in front of it so that over a 20 year period, they will have sufficient apartment property for the growth and the citizens that will be there in the future.

**Commissioner Chase** – regarding the issue that the applicant is forced to ask for 30 units because of DCA, what are the options? If he is willing to cut it in half, is there any option the Commission has to bind the applicant to the 15 units rather than the 30?

**Alison Stettner, Planning Manager** – stated that anytime you amend the Comprehensive Plan, State law requires you to look at the maximum impact of the land use. So in this case, you have to look at the maximum impact of HIP-AP which is an employment type entitlement situation. In a long range plan, you are allowed to ask for any type of use compatible with the land use. So today he could do residential, but he could also come back 10 years from now, tear that out and build something different with the HIP-AP land use. When you are looking at a land use decision, the entire maximum land use entitlements need to be looked at for the impact. Unless you are going with a PD land use where you are setting up the entitlements, that would be the only way you could look at it. The new PD requirements in the Comprehensive Plan require an environmental protection as part of the land use request.

**Commissioner Brown** – can HIP-AP continue on because at some point we get further and further away from the airport?

**Mrs. Stettner** – HIP-AP is more flexible with its uses and allows for a different mixture of uses such as residential, industrial, and commercial which is likely one of the reasons why the applicant chose it in his request. However, the applicant will make the request and staff will evaluate it based on the maximum impacts of the land use in order to make a recommendation of either approval or denial. In this case, because we have the SeminoleWay Study that identified this area, including the parcels in this vicinity as a potential employment center, Staff was able to look at that as a way of saying that we have an approved study by the County Commission that identified this particular area for future HIP-AP uses.

**Commissioner Brown** – did they adopt the study?

**Mrs. Stettner** – they accepted the study.

**Commissioner Brown** – why would we have Suburban Estates as part of a study for SeminoleWay changing Suburban Estates to an employment center?

**Mrs. Stettner** – the SeminoleWay study looked in economic areas and in targeted employment centers and what they looked at were larger parcels that were in close proximity to transportation networks such as the 417, Lake Mary extension and around the airport as a potential for new employment centers for target industry. This area, as part of the economic and land use study, would be candidate for those types of centers.

**Commissioner Chase** – asked Mrs. Stettner if she had any suggestions as to how the Commission can work with the applicant?

**Mrs. Stettner** – not within a land use change. You cannot provide limits in a land use study per the administrative code.

General discussion ensued regarding the land use requirements and flexibility of the different land use classifications.

**Commissioner Brown** – wanted to point out that a line he draws on a piece of paper means absolutely nothing.

**Commissioner Day** – stated she understands the desire of having the HIP-AP in this area and believes this is a good transitional area, but backing up to Lake Jessup is not a good idea. If it was agriculture or Suburban Estates, there is a transition zone that needs to happen before you get to the HIP-AP but does not believe HIP-AP moving into this transitional area is the right thing. Once it's changed and then sold, it could be anything.

**Commissioner Chase** – part of the problem is that the 417 goes across Lake Jessup and if we are using the 417 for the SeminoleWay initiative, unfortunately it puts everything on top of Lake Jessup.

**Commissioner Brown** – if they look at all the available lands that could become employment centers, he would hate to think that to make SeminoleWay successful, we would have to build in residential areas. Maybe we could redevelop some commercial areas that we have now into a higher intensity and create the employment center.

**Commissioner Day** – believes there is opportunity for the transition to happen here. She doesn't know if this is a way of getting this transition to happen here. Development along 417 is going to happen but transitioning to it makes sense.

**Commissioner Brown made a motion to deny this request.**

**Commissioner Day seconded the motion.**

**The motion passed 4 – 1 with Commissioner Chase voting for the request.**