

SEMINOLE COUNTY GOVERNMENT

COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771-1468



Minutes - Approved

Wednesday, May 2, 2012

6:00 PM

BCC Chambers

Planning and Zoning Commission

CALL TO ORDER

Present 7 - Vice Chairman Matt Brown, Dudley Bates, Elizabeth Green, Michael Bowdoin, Paul Sladek, Katrina Powell, and Chairman Rob Wolf

Opening Statement

The meeting convened at 6:00 p.m. with Chairman Wolf leading the Pledge of Allegiance. The Chairman then introduced the Commission members and reviewed the procedure used for conducting the meeting and voting.

Staff Present

Tina Williamson, Planning and Development Manager; Kathy Hammel, Principal Planner; Kathleen Furey-Tran, Assistant County Attorney; Jeff Hopper, Senior Planner; Joy Williams, Planner; Lee Shaffer, Principal Engineer; and Connie DeVasto, Clerk to the Planning and Zoning Commission.

Accept Proof of Publication

A motion was made by Commissioner Paul Sladek, seconded by Vice Chairman Matt Brown, that the Proof of Publication be Approved. The motion CARRIED by the following vote:

Aye: 7 - Vice Chairman Matt Brown, Dudley Bates, Elizabeth Green, Michael Bowdoin, Paul Sladek, Katrina Powell, and Chairman Rob Wolf

Approval of Minutes

A motion was made by Vice Chairman Matt Brown, seconded by Commissioner Dudley Bates, that the Minutes be Approved. During discussion, Commissioner Paul Sladek stated prior to the meeting, he pointed out to the Clerk two incorrect attendance entries on the submitted minutes. The motion was amended to include correction of the attendance errors. The motion CARRIED by the following vote:

Aye: 7 - Vice Chairman Matt Brown, Dudley Bates, Elizabeth Green, Michael Bowdoin, Paul Sladek, Katrina Powell, and Chairman Rob Wolf

NEW BUSINESS

Technical Review Items: None

Public Hearing Items:

- 1 [2012-079](#) Major Amendment to the Pearl Lake Estates PUD (Planned Unit Development) and rezone from PUD to PUD, for 34.12 acres; located on the west side of Orange Blvd, approximately ¼ mile south of Wilson Rd. (Z2012-04) (Dave Schmitt) District5 - Carey (Joy Williams)

Joy Williams - presented this item and stated that the Applicant is requesting a major amendment to the Pearl Lake Estates PUD for 34.12 acres. On March 27, 2012, the Board of County Commissioners approved the PUD Preliminary Master Plan and Development Order for Pearl Lake Estates to allow for a single-family subdivision with a maximum of 69 lots. The Applicant is requesting a major amendment to allow for an increase in the overall impervious area by increasing the maximum building footprint from 2400 square feet to 5200 square feet and constructing sidewalks from impervious concrete. She further stated that the proposed amendment still has less impact than that of an un-clustered, one-acre lot development and therefore, complies with the policy FLU 12.2 of the Comprehensive Plan.

Staff recommends approval of the request by the Applicant.

When asked by Commissioner Brown if the Applicant was proposing pervious sidewalks in their previous request, Ms. Williams advised that they were, but they discovered that they do need to construct the sidewalks with impervious material, but the driveways will be constructed of pervious pavers.

Dave Schmitt, Applicant - stated that he concurs with Staff's recommendation and advised that the only reason for the change was that the project developer, Harkins Development, is in the processing of selling the development to Taylor-Morrison to construct the homes and they requested to do larger, more upscale homes on larger lots than what was originally planned.

No one spoke in favor or opposition to this request from the audience.

A motion was made by Commissioner Katrina Powell, seconded by Commissioner Dudley Bates, that this Public Hearing item be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 7 - Vice Chairman Matt Brown, Dudley Bates, Elizabeth Green, Michael Bowdoin, Paul Sladek, Katrina Powell, and Chairman Rob Wolf

- 2 [2012-066](#) **Proposed Amendment to Chapter 30 of the Land Development Code - To establish Special Event Permit Regulations. Countywide (Jeff Hopper)**

Jeff Hopper - presented this item and stated that this is a request for a proposed amendment to Chapter 30 of the Land Development Code to establish special event regulations to improve the County's process to permit festivals and similar events that bring together large numbers of people on sites that were not specifically developed with such events in mind. The new ordinance would revise the regulations so that they

are more comprehensive and would clarify procedures for obtaining special event permits. He further stated that permit exemptions would be allowed under certain conditions for places of worship, schools and other public organizations. Administrative approval by the Growth Management Director would be possible for special events of limited size, with larger applications going to the Board of County Commissioners for approval. The amendment would revise existing regulations in the Land Development Code that address temporary uses and replace County Code provisions on outdoor festivals and exhibitions.

Staff recommends approval of this request.

Commissioner Brown - asked if a request has to go to the Board of County Commissioners, would it cause a delay in getting an approval.

Kathleen Furey-Tran, Assistant County Attorney - advised that these types of items are placed on the regular agenda and are usually very quick items.

When asked by Commissioner Brown if a citizen could receive an approval within 3 weeks of making an application, Mr. Hopper advised that there is a filing deadline schedule with all agenda items going before the Board of County Commissioners.

Kathleen Furey-Tran - advised that this would probably speed the process up as all requests have to go to the Board of County Commissioners now and with this amendment, some of the requests would be approved by the Growth Management Director.

Chairman Wolf - asked if this will make it easier or encourage more applications or is it just changing the way the applications are processed.

Mr. Hopper - stated that he did not know if it would encourage anyone, but it will clarify who needs a permit and how to go about obtaining a permit and in some cases, remove the need to go to the Board for approval as the Director can approve them.

When asked by Chairman Wolf if the proposed language specifies where these events can take place, Mr. Hopper advised that it is not distinguished according to zoning; however, there are different standards that are required according to where the event will take place, such as residential versus commercial areas.

Commissioner Bowdoin - asked for clarification regarding the proposed changes and how they would relate to churches and festivals that have loud music.

Tina Williamson, Planning and Development Manager - stated that currently, if any event has any outdoor amplification of sound, it has to go to the Board of County Commissioners for approval. With the proposed changes, if the event has limited sound that meets the Land Development Code at the property lines and has a limited number of people on the site, they will be able to get approval from the Director.

Commissioner Bowdoin - gave an example of a church having an Easter egg hunt and asked if, following the current process, the church would have to go before the Board for approval.

Mrs. Williamson - advised that it would currently be considered a temporary use permit. However, the proposed regulations would not require the church to have a permit at all if the attendee total was under 200 people. She further advised that this

would apply to a church, school or other public property.

Chairman Wolf - asked if there were any violations or citations issued for these types of things in the past.

Mrs. Williamson - advised that there were some violations issued for properties that did not obtain a permit and gave an example of a mobile vet clinic performing immunizations in a Walgreen's parking lot. She further advised that no one went as far as the Code Enforcement Board, but the property owners did receive a letter.

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

Deborah Schafer of Chuluota - stated that she isn't necessarily opposed to this, but would like to see this request delayed to give her enough time to discuss her concerns with Staff. She further stated that she is concerned with the increased number of special events that will be allowed with this change, as well as enforcement. She believes there is a lack of communication with the citizens as so many of them have no idea that a permit is required and would like to know how this information will be distributed to the community.

When asked by Chairman Wolf if she had any recommendations regarding the items she is concerned about, Ms. Schafer advised that she spoke with several citizens after seeing this item on the agenda and they also expressed a desire to share some concerns they have with Staff before this moves forward.

Chairman Wolf - asked if there would be enough time for Staff to meet with the concerned citizens before this item goes to the Board.

Mrs. Williamson - stated that this item is scheduled for the first meeting in June and Staff will be happy to discuss this with the citizens and take note of their concerns.

When asked by Chairman Wolf if Staff would be able to incorporate any of the concerns into the agenda item going in June, Mrs. Williamson stated that Staff would bring citizen comments to the Board as recommendations.

Commissioner Powell - stated that she spoke with Nicole Guillet, Growth Management Director, regarding this request and understands that the East Rural Area has unique issues that other areas do not. She further stated that she believes the proposed ordinance is a good ordinance that will speed up the current special event process, but would like to see some information in the ordinance based on the issues relating to the east side.

Chairman Wolf asked Commissioner Powell if she believed the citizens in the rural area need more time to review the request before the Planning and Zoning Commission moves it forward and she advised that she feels Staff will work with the citizens and make sure that their concerns are incorporated in the item when it is presented to the Board of County Commissioners.

Vice Chairman Brown - asked for clarification regarding what happens to the item if the Commission recommends approval as presented and then changes are proposed before the ordinance is presented to the BCC.

Kathleen Furey-Tran - advised that the Planning and Zoning Commission could

make their recommendation and place any type of conditions on the recommendation, but it will be up to the Board of County Commissioners to make the final determination. She further advised that if the ordinance has been advertised and then is significantly changed, it would have to come back to the Planning and Zoning Commission to be heard again, but that doesn't happen very often.

Commissioner Green - stated she believes the major issues are addressed in the ordinance, but there could be a few smaller issues that could be easily addressed.

Commissioner Powell made a motion to recommend approval of the request to amend Chapter 30 of the Land Development Code with the condition that Staff meets with the Rural Area community and incorporate the changes they would like to see in the ordinance.

Commissioner Brown seconded the motion.

Commissioner Green - asked if the Commission wanted to only limit the discussion to the Rural Area and not include all areas.

Commissioner Powell - stated that she believes this impacts the Rural Area more than the other areas of the County.

Commissioner Sladek - stated that he believes if the concerns relate to the criteria used for approval of the special events, such as the number of events allowed per year, this discussion would be totally appropriate to work on with Staff prior to the BCC meeting. However, if the issues relate to how the citizens are notified that a permit is required and code enforcement, these issues are not limited to this specific ordinance and are probably an administrative issue for the County as a whole for all types of violations.

Kathleen Furey-Tran - advised that she will take these concerns to the County Attorney who can discuss them with the County Manager.

A motion was made by Commissioner Katrina Powell, seconded by Vice Chairman Matt Brown, that this Public Hearing item be Approved and Referred to the Board of County Commissioners with the condition that Staff incorporate the concerns of the rural area citizens into the item presented to the BCC. The motion CARRIED by the following vote:

Aye: 7 - Vice Chairman Matt Brown, Dudley Bates, Elizabeth Green, Michael Bowdoin, Paul Sladek, Katrina Powell, and Chairman Rob Wolf

CLOSING BUSINESS

Planning & Development Manager Report

Tina Williamson, Planning and Development Manager - advised that she had no further business this evening.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:25 P.M.