

SEMINOLE COUNTY GOVERNMENT

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



Meeting Minutes (Final) - Final

Wednesday, April 2, 2014

6:00 PM

BCC Chambers

Planning and Zoning Commission

CALL TO ORDER

Present 5 - Chairman Matt Brown, Commissioner Michael Bowdoin, Vice Chairman Katrina Powell, Commissioner Rob Wolf, and Commissioner Richard Jerman

Excused 2 - Commissioner Dudley Bates, and Commissioner Kathy Veon

Opening Statement

The meeting convened at 6:05 p.m. with Chairman Matt Brown 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, Acting Director of Development Services; Kathy Hammel, Principal Planner; Melissa Clarke, Assistant County Attorney; Lee Shaffer, Principal Engineer; Brian Walker, Senior Planner; Cynthia Sweet, Senior Planner; Joy Giles, Planner; and Connie DeVasto, Clerk to the Planning and Zoning Commission.

Accept Proof of Publication

A motion was made by Vice Chairman Katrina Powell, seconded by Commissioner Richard Jerman, that the Proof of Publication be Accepted. The motion CARRIED by the following vote:

Aye: 5 - Chairman Matt Brown, Commissioner Michael Bowdoin, Vice Chairman Katrina Powell, Commissioner Rob Wolf, and Commissioner Richard Jerman

Excused: 2 - Commissioner Dudley Bates, and Commissioner Kathy Veon

Approval of Minutes

A motion was made by Vice Chairman Katrina Powell, seconded by Commissioner Michael Bowdoin, that the Minutes be Approved as submitted. The motion CARRIED by the following vote:

Aye: 5 - Chairman Matt Brown, Commissioner Michael Bowdoin, Vice Chairman Katrina Powell, Commissioner Rob Wolf, and Commissioner Richard Jerman

Excused: 2 - Commissioner Dudley Bates, and Commissioner Kathy Veon

NEW BUSINESS

Technical Review Items:

- 1 [A-0540-14](#) Approve the Walden Cove Planned Development Preliminary Subdivision Plan for 18.11 acres located at the intersection of Orange Boulevard and Walden View Drive;(Chris Dorworth, Applicant) District5 - Carey(Joy Giles)
- Joy Giles, Planner – presented this item and stated Applicant Chris Dorworth is requesting approval of the Walden Cove PD Preliminary Subdivision Plan on 18.11 acres, located at the intersection of Orange Boulevard and Walden View Drive. The Preliminary Subdivision Plan consists of 32 residential lots with a minimum lot size of 11,050 sq ft for a maximum density of 2 units per net buildable acre. Mrs. Giles further stated the development complies with all the conditions of the Final Development Plan and Chapter 35 of the Seminole County Land Development Code.*
- Staff recommends approval of the Walden Cove PD Preliminary Subdivision Plan as requested by the Applicant.*
- No one spoke in favor or opposition to this request from the audience.*
- A motion was made by Vice Chairman Katrina Powell, seconded by Commissioner Richard Jerman, that the Walden Cove Preliminary Subdivision Plan be Approved. The motion CARRIED by the following vote:**
- Aye:** 5 - Chairman Matt Brown, Commissioner Michael Bowdoin, Vice Chairman Katrina Powell, Commissioner Rob Wolf, and Commissioner Richard Jerman
- Excused:** 2 - Commissioner Dudley Bates, and Commissioner Kathy Veon

Public Hearing Items:**2** [2014-328](#)

I-4 Industrial Park Rezone - Consider a Rezone from M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) to M-1 (Industrial), for 35.42 acres, located on the east side of Hickman Drive, the west side of N. Elder Road, and approximately one-quarter mile north of W. SR 46; (Z2014-005) (Spaceport U.S.A., Inc. and Andre' Hickman) District5 - Carey (Cynthia Sweet)

Cynthia Sweet, Senior Planner – presented this item and stated the Applicant is requesting a rezone of 35.42 acres from M-1A (Very Light Industrial) and C-3 (General Commercial and Wholesale) district to M-1 (Industrial). The property is located within the I-4 Industrial Park, 4th, 5th, and 6th Sections and is located on the east side of Hickman Drive, the west side of N. Elder Road, and approximately one-quarter mile north of W. SR 46. The rezone of the subject property is to accommodate future development that is consistent with the permitted uses under the M-1 (Industrial) zoning classification, excluding those permitted uses in CN (Restricted Neighborhood Commercial District); those uses permitted in CS (Convenience Commercial District) and pain management clinics.

Ms. Sweet further stated the uses in M-1 also allow the C-3 (General Commercial and Wholesale) zoning district uses. The existing subdivision improvements for the industrial park have been completed and at the time of site development on individual lots, each lot will require site plan approval that meets all the requirements of the Land Development Code of Seminole County. The proposed rezone is compatible with the surrounding properties' future land use and zoning designations.

Staff finds that the proposed Rezone to the M-1(Industrial) zoning district is consistent with the Comprehensive Plan; therefore, Staff recommends approval of this project as requested by the Applicant.

Commissioner Rob Wolf asked for clarification regarding whether this is one plot or individual plots that will be individually identified and recorded and Ms. Sweet stated that this is already a subdivision and the subdivision improvements are already in place, and the next step is to get site-plan approval on each individual lot.

When asked by Commissioner Richard Jerman if the lot sizes as they exist conform to the M-1 zoning requirements, Ms. Sweet advised that there are no minimum lot size requirements for the zoning.

Sid Vihlen, on behalf of Andre Hickman with Spaceport U.S.A., Applicant – advised that several years ago under the existing zoning, the Applicant designed the current lots and received final engineering approval. He further advised that the infrastructure is in; however, there is a mixed zoning in the interior. The Applicant would like to rezone the property to M-1, which will be compatible with the future land use designation and help attract new business and employment. Mr. Vihlen lastly stated that these lots are conforming.

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

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michael Bowdoin, that the I-4 Industrial Park Rezone be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 5 - Chairman Matt Brown, Commissioner Michael Bowdoin, Vice Chairman Katrina Powell, Commissioner Rob Wolf, and Commissioner Richard Jerman

Excused: 2 - Commissioner Dudley Bates, and Commissioner Kathy Veon

3 [2013-312](#)

SR 46 / Lake Forest PD (Planned Development) Major Amendment and Rezone - Consider: (1) a Major Amendment to the SR 46/Lake Forest PD (Planned Development); (2) the associated Rezone from (PD) Planned Development to (PD) Planned Development and (3) approval of the associated Addendum to the Development Order for 0.711 acres, located on the north side of SR 46 and east of Terracina Drive; (Z2014-003) (Damon and Melanie Chase, Applicant) District5 - Carey (Brian Walker)

Brian M. Walker, Senior Planner – presented this item and stated the Applicant is requesting approval of a Major Amendment to the SR 46/Lake Forest PD (Planned Development), including a Rezone of the subject property from PD (Planned Development) to PD (Planned Development) and approval of the associated Addendum to the Development Order for 0.711 acres, located on the north side of SR 46 and east of Terracina Drive. The property's future land use is HIPTI (Higher Intensity Planned Development Target Industry).

Mr. Walker further stated the SR 46/Lake Forest PD (Planned Development) was approved on October 25, 2005. The Development Order limits commercial uses to those permitted within the C-1 zoning district, except the following uses which are prohibited:

- * Convenience markets*
- * Self-service laundries*

The intent of the amendment is to add the following as a permitted use on Lot C-1 only:

- * Oil change and service facility, including tire installation.*

The zoning districts and uses surrounding Lot C-1 are as follows:

- * North - Single Family Homes.*
- * South - State Road 46, the Nancy Rossman PD and A-1 (Agriculture) zoned parcels.*
- * The Nancy Rossman PD specifically excludes "automobile service and repair, tire sales and installation" as a permitted use.*
- * East - The Northwest Oregon PD. The Northwest Oregon PD specifically excludes, "auto repair" as a permitted use.*

** West - Terracina Drive and five commercial lots. The five commercial lots allow uses permitted in the C-1 zoning district except the following uses which are prohibited:*

- * Convenience markets*
- * Self-service laundries*

The C-1 (Retail Commercial) zoning district does not permit auto repair with tire sales and installation.

Mr. Walker advised that based on these above findings, Staff concludes:

- 1. The proposed amendment is incompatible with the surrounding area due to the proximity to residential*
- 2. A mechanical garage would establish a trend of development that is inconsistent with other permitted uses in the area. Planned Developments in the immediate area specifically exclude automobile service, repair, tire sales and installation as a permitted use. The C-1 and A-1 (Agriculture) uses surrounding the parcel also do not permit the requested use. Auto repair is more compatible with the C-2 zoning district. The closest parcels assigned the C-2 zoning district are located to the east near the Sanford Mall and I-4 interchange.*

Mr. Walker further advised that by using sensitive site design, the use could be considered an appropriate transitional use adjacent to residential. Transitional uses are described in the Seminole County Comprehensive Plan (FLU Exhibit-1) as areas that transition through a gradual increase in development intensity.

Staff recommends denial of this request unless the Board makes the following alternative Finding and imposes the following conditions, based on public input and its interpretation of the Seminole County Comprehensive Plan:

The requested Major Amendment constitutes a neighborhood commercial use and is a compatible transitional use as defined in the Seminole County Comprehensive Plan Exhibit FLU-1, if approved subject to the following sensitive site design conditions as stated in the staff report.

Chairman Matt Brown asked Mr. Walker to state staff's conditions of approval listed in the report should the Board decide to approve this request.

Commissioner Rob Wolf also asked Mr. Walker to elaborate on what the sensitive site design entails and Mr. Walker stated that they are things that are performance-measured, such as wider borders, wider buffers, more vegetation within a buffer, limiting hours of operation as well as many of the conditions stated in the staff report.

Chairman Brown further asked Mr. Walker to state, with regard to the setbacks, what the required setback would normally be.

Mr. Walker stated the following conditions:

- 1. All work on vehicles shall be conducted in service bays and shall not be permitted outside.*
- 2. Buffers shall be as follows:*

* North - Ten feet (10')

* South - Twenty feet (20')

* West - Ten feet (10')

** Buffer components will be determined at Final Development Plan.

3. The service bay doors shall face south.

4. Any outdoor air compressors associated with the auto repair service area shall have sound attenuating barriers to minimize impacts to the adjacent residential properties and shall meet the noise criteria at the perimeter lot line as established in the Seminole County Land Development Code.

5. To minimize impacts to the adjacent residential properties, tools used in the auto repair service area shall meet the noise criteria at the perimeter lot line as established in the Seminole County Land Development Code.

6. All vehicles requiring an overnight stay shall be stored inside the service bay and not outside.

7. Hours of operation shall be between 8 a.m. and 6 p.m.

8. No hazardous waste shall be stocked or produced on-site.

Commissioner Wolf asked for clarification regarding the buffers and Mr. Walker stated that this is a Planned Development and as such, the Applicants are able to propose specific buffers and staff would then make a determination regarding whether they are appropriate with the area. Commissioner Wolf further asked if there are current guidelines with respect to the buffers and Mr. Walker stated that staff usually goes with what typical commercial buffers would be. Commissioner Wolf and Chairman Brown both asked if the proposed buffers, because of the sensitive site design, would be different than what would normally be required and Mr. Walker stated that the buffers are consistent with what the commercial zoning would be. Commissioner Wolf confirmed that there is no difference in the buffers and Mr. Walker stated that was correct.

When asked by Commissioner Wolf how the noise attenuation measurements are taken, Mr. Walker stated that all of the equipment will have to be encased to reduce the noise. Commissioner Wolf asked how air-guns and other typical sounds which can be heard near a typical body shop will be measured, Mr. Walker stated that it is his understanding that the latest equipment with the newest technology has lowered the noise. Commissioner Wolf asked when the noise is measured, is it measured by putting all of the equipment together and the combined sound is measured or is it the individual equipment that is measured and Mr. Walker stated he would have to gather that information and get back to the Board.

Commissioner Wolf asked for clarification regarding Condition 8 as he believes a business that changes oil would have to stock-pile old oil and Mr. Walker stated that would have to be refined – with the exception of old oil.

Damon Chase, Applicant – stated this is family-owned property since the late 1960's and over the past 40 years, they have put over five million dollars into the development of this property, including developing the townhomes that are directly to the north of the subject property. Mr. Chase, pointing to the overhead, listed the current owners of the

surrounding areas and pointed to the bank and Walgreens parcels. He further stated that it was his intent to sit on this property for a while and let things develop around it when Express Oil approached him and expressed an interest in putting an Express Oil store there. He added that since they are invested in this area and wants to have something there that doesn't spoil the whole development; they looked into the Express Oil Company. He believes Express Oil stores are upscale and their franchises are strictly monitored. He compared a Race Track store to a Wawa store and stated while there isn't anything wrong with a Race Track store, the Wawa store is more upscale. He advised that there is an Express Oil store in Waterford Lakes on Alafaya Trail. He further advised that the Express Oil Company conducts their business in a similar fashion to a Chick-Fil-A where the franchises are strictly monitored. The hours must be 8:00 a.m. to 6:00 p.m., Monday through Friday, 8 a.m. to 5:00 p.m. on Saturdays and closed on Sundays. Express Oil management anticipates that there will be 6 full-time, career-oriented employees. He stated Express Oil has about 200 stores and a 99% success rate in their new franchises. He believes with an Express Oil store there, it will not be an empty building because it went out of business in a couple of years.

Mr. Chase advised that they are good with all of the conditions of approval presented by staff. Regarding Commissioner Wolf's inquiry regarding the noise attenuation, he showed a chart on the overhead and explained the new technology behind the "Ingersoll Rand 2135" which comes in at 38 decibels. He stated that raindrops are 40 decibels and the average conversation is 60 decibels. He believes the sound of a vehicle starting would drown out the noise from the Ingersoll Rand 2135.

Mr. Chase stated the following points:

- * Showing a picture of what a typical Express Oil store looks like, stated that there will be two buildings, 3 bays where people will pull in and drive through after getting their oil changed (they do not get out of their cars and a typical oil-change takes about 10 minutes); for those doing other types of service, they will go to the 4 bays in the rear.
- * The bays face SR 46 with a solid wall behind the building which faces the townhomes to the north.
- * No cars will be allowed to be kept in the parking lot over-night. If they are kept, they must be inside a bay.
- * Showed the proposed site plan and pointed to all the surrounding streets and businesses and how the traffic will flow throughout the site.
- * Regarding visual impacts from SR 46, the only thing that will be seen is the front of the building. The rear building will be directly behind the front building.
- * This is not a big lot and there are not a lot of things that could go here which is why he believes Express Oil is perfect because this property is less than three-quarters of an acre.
- * The buildings are solid walls on 3 sides with bays.
- * There is a basement where the technicians work on the vehicles and it is completely sealed with no drains.
- * 10-inch concrete all the way around – floors and walls
- * All equipment used is of the highest level and technology and kept inside the buildings.
- * In the C-1 zoning, an oil-change service facility is not permitted; however, there are many things that are and Mr. Chase showed a list of the permitted uses on the overhead. He believes some of these would be much worse than an Express Oil store that is open from 8:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday. He believes the Express Oil store will be quiet.
- * There will be 10-foot landscape buffers and the landscaping will improve the view as

drivers enter Terracina.

* There was a community meeting held and the Express Oil management staff flew down to attend this; however, Mr. Chase stated the meeting did not go well.

* He believes the biggest concern from the neighbors was traffic. He stated that the average Express Oil store handles 35 cars per day or 3.5 per hour. He further stated the store with the highest number of cars is at 106 per day. He believes a business that only has 3.5 cars per hour creates very low traffic.

* In dealing with a small lot and the sensitive transition, the Express Oil store makes a lot of sense.

* He believes the hours and traffic of an Express Oil store will be far better than the hours and traffic the Walgreens will create.

* The Express Oil store is a good transition and is a good-looking, well-maintained building.

* He is proposing Italian cypress trees as part of the landscaping plan.

* He stated the major issues or concerns by the neighbors are the traffic, noise (which he believes will be less than the Ace Hardware) and property values. He does not believe there is any evidence that this will reduce property values at all.

* He advised that when they were in the process of developing Terracina, most of the Lake Forest residents came out in opposition to it because they believed it would ruin the value of their homes and that didn't happen.

* He believes because the Express Oil company is dedicated to maintaining its upscale image, having this business in this location will better the community and be a perfect transition piece considering the other types of businesses that could go on this property under the C-1 zoning.

Commissioner Richard Jerman asked for clarification regarding why the Applicant believes he should get a non-conforming use and something that is not allowed on any of the properties surrounding the subject property other than the fact that he has a potential offer from Express Oil. Mr. Chase stated that the types of businesses that can go on this property is limited and the Express Oil store will be esthetically pleasing and not cause problems. Mr. Chase further stated he cannot think of a better business to put here because the Express Oil store will provide low traffic and low hours. He added that this company has a long history of dedication to maintaining an upscale image with their properties. He advised that the other commercial properties surrounding this area support what he is proposing. He further advised that this is a good transition piece and it will meet all of the conditions of approval suggested by Staff. He believes this is a good project and with the unique size of the property, the proposed Express Oil store will be a great transitional-type of business.

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

Jerry Bogan of Sanford – stated that he is speaking on behalf of the Terracina at Lake Forest HOA and advised that the HOA had a meeting on February 19 to discuss the proposed project. He further stated that a petition in opposition to this request has been signed by 154 residents as well as several residents have written or emailed their opposition to Staff and the Board of County Commissioners. He further advised that the community is opposed for the following reasons:

* Reduction in current property values resulting from an automotive repair and oil change facility at the community entrance.

* The appearance of the proposed building as it is very different than the surrounding community.

• Mr. Bogan further stated that a number of the residents attended the community meeting held by Mr. Chase and the Express Oil people and at that time, they were

presented with the same picture of the proposed building that was submitted by Mr. Chase tonight. The residents believe the building represents additional height compared to the adjacent area and because the proposed building will be blue and red, it will have the same visual impact as a Wal-Mart. The proposed building's architecture is quite different than the surrounding community and adjacent businesses.

** Traffic impacts*

• The Express Oil presentation indicated no traffic study was conducted. The plan showed two exits. Both exits impact the community entrance and security gate operation. They believe the exit at the south end is not functional as customers exiting there will have to travel north on Terracina Drive and make a U-turn in front of the security gate. They believe long queues will occur when customers attempting to make this U-turn, have to remain in the same line as the residents waiting for the gate to open. At the north exit, customers and employees will have to wait for residents to open the gate and clear which will result in long queues for traffic volumes greater than intended for this intersection. Express Oil stated they expect an average of 3.5 cars per hour. The HOA anticipates greater volumes during peak hours and on Saturdays when customer queues could create a line onto Terracina Drive and potentially extend to the northbound turn lane on SR 46. Due to the size of the lot, Mr. Bogan stated the proposed lay-out provided a limited number of spaces for customers and staff to park and questions where additional customers will park. Express Oil stated they expect to service the local community; however, most the residents indicated that they get their vehicles serviced at nearby car dealerships. As a result of this, Express Oil will have to rely on bringing customers from other areas which creates additional traffic. The HOA believes delivery trucks will have to wait on northbound Terracina Drive because of customer queues on the lot. This street does not have adequate width to support this traffic.

** Noise impacts*

• Express Oil indicated they use equipment which produces noise ratings as low as 38 decibels; however, their presentation sheet indicates an 86-decibel noise level according to the manufacturer. Mr. Bogan stated that a check of the manufacturer's specifications indicates that the impacting sound pressure is 94.2 decibels. He further stated that this is the volume generated when the tool is in use, not when it is free-spinning. He advised that the level at which sustained exposure to noise may result in hearing loss is 90 to 95 decibels. At 95 decibels, the daily OSHA permissible noise level exposure is 4 hours. They do not believe the noise mitigations presented by Express Oil will be as effective as they state and are not accurate. The HOA believes the noise level will impact the adjacent community and residents should not be exposed to the loud and steady drone of impact tools.

** Change to current zoning*

• Prior to purchasing a home at Terracina at Lake Forest, the residents did research of the surrounding parcels and understood that the zoning of the proposed parcel is C-1, which excludes automotive or mechanically repair facilities. A majority of the residents stated they would not have purchased their home if they knew that an automotive repair facility was at the community entrance. Mr. Bogan stated that C-1 zoning was specified in the original Development Order which specifically excludes automobile service and repair facilities. The residents are also concerned about what will happen if Express Oil does not adhere to their operating policies. Mr. Bogan cited examples of discarded tires being stored outside and what will become of the parcel if the business fails. They believe Express Oil should find a lot with current and correct zoning. Lastly, Mr. Bogan stated that the proposed facility and zoning change is not acceptable to Terracina residents and is not consistent with the Seminole County Comprehensive Plan for this location.

Laura Bloomberg of Sanford – stated that she is concerned about the impact from the cars entering and leaving the proposed business because of the fact that they will have to make a U-turn in front of the security gate. She further stated that customers could come into Terracina through the security gate while the gate is open for residents.

Jane Patton of Sanford – stated that she concurs with all of the concerns mentioned by Mr. Bogan. She further stated that Terracina is a blended community with all age groups living there. Mrs. Patton advised that she does not believe Express Oil will be successful with the proposed 35 cars per day, a 99% success ratio and the fact that the surrounding community not supporting them. She believes that by allowing an Express Oil business to be built on this parcel, it will only promote and allow these types of businesses to flourish in the area. She further believes that it is important to keep the caliber of any business surrounding this community the same as the caliber of the homeowners in this community. She is very concerned how this will affect the property values and questions whether Express Oil's interest is the first "bite" Mr. Chase has received for this property. Mrs. Patton advised that she believes there are several other types of businesses that would be more appropriate for this parcel and that would be able to be consistent with the architecture of the surrounding community. Lastly, she stated the application submitted by Mr. Chase was for a text change only and yet he seems to be requesting a zoning change as well and requested that the application be reviewed by the Commissioners.

Mayme Clinkenbeard of Sanford – stated that she supports the HOA's comments and concerns. She added that she is also concerned about the property values being impacted and if she had known that this type of business would be at the entrance to Terracina, she would have never purchased her home. Mrs. Clinkenbeard advised that she and her husband visited the Express Oil store that is located on Alafaya Trail and noted that it is a large facility and for that area, it is fine. However, if they want to stop the kind of sprawl and growth that they see in the County along SR 434, they do not want to perpetuate different types of buildings than the original plan for this area. She further stated that she is also concerned about the security and safety, especially with school buses dropping off children and the stacking of cars that currently exists now. She stated that when looking for an area to move to, they did not consider many of the other counties because they were changing their development plans all over the place, allowing zero lot-lines and sprawl. They chose Seminole County because it is keeping true to the conservation nature of the area. Lastly, she believes this is not an area that is under-served from a perspective of oil and mechanical facilities.

Lynn Colman of Sanford – stated that she does not want to sit on her porch or be at the community pool and hear the sound of tires being changed. She further stated she does not want an oil change business at her front door. She asked that the Board look at the lot and the proposed traffic plan and deny the proposed rezone request.

Harold Ewell of Sanford – stated when he purchased his home, he asked what would be developed on the surrounding lots and was told that law offices would be there to keep the level of the property up. He further stated that his expectations for this property do not include a red and blue building that contrasts with the surrounding property. He advised that it will be the first thing you see as you drive down SR 46 because of the color contrast. He further advised that what he considers the optimal standards being presented today (noise, setbacks, cleanliness) are very hard to maintain. He is concerned that there will be no "audits" on this building to make sure that the property is maintained at the optimal standards and that this will be an ongoing problem.

Erik Fernandez of Sanford – stated that he counted 5 locations in a 5.4 mile radius on SR 46 that can accommodate customers who need their oil changed. He further stated these particular businesses do not look like they are thriving. Mr. Fernandez stated that the suggested 94 decibel noise level would be the ideal operating noise level; however, when you add the open bays, the sound will carry. He believes that this use of the land will create long-term environmental concerns. He added that there are several residences that back-up to the gates and he believes it would be unfair for those homeowners to have this business next to their homes. Lastly, he believes that in evaluating the value of a home, this business would definitely be considered in the evaluation of the home value as well as the other businesses in the area.

Sara Hayes of Sanford – stated that she is a realtor and a resident of Terracina. She had over 20 showings of a home in Terracina and the only negative feedback she received was Terracina's proximity to retail establishments. She believes that if prospective buyers are turned-off by proximity to retail, they will be increasingly turned-off by a car service center sharing the entrance to Terracina. She further believes the homes will become less desirable and harder to sell. Ms. Hayes advised that at the community meeting with Express Oil, they asked the residents what they wanted on this parcel and they stated something that fits the current zoning. She further advised that many businesses could thrive at this location and does not want the zoning to be changed. She added that when she purchased her home in Terracina, she was sold on the total package, including the current zoning and her expectations were set. Lastly, she asked the Board to recommend denial of this request.

Scott Koenig of Sanford – stated that he is a resident of Lake Forest and when he bought his home, he understood that there would be opportunities for the surrounding land to be developed; however, he trusted that the County would stick with the plan and place something like a law office or doctor's office on these parcels because he believes that is progress. He further stated that when the Terracina property was developed, changes were made to accommodate that and they were told that the lots would remain zoned the way that they are and the zoning would carry with future owners of the property. Mr. Koenig advised that he understands Mr. Chase's desire to sell his land, but believes that an oil-change place is not really the highest and best use of that parcel. He stated that they were told the existing zoning would stay in perpetuity and now there is a request to change it. Lastly, he added that if this was something that brought 50 or 100 jobs to the area or something that materially changed the neighborhood in a positive way, he might be able to consider it.

William Marcum of Sanford – stated that he does not want to see this change as it is not called for and the only reason why this request is being made is because the owner wants to maximize the value of his property. He added that there are approximately 217 homes or about 400 residents that are opposed to this and one person who wants it. He believes they will assume a loss in value of their property to accommodate the owner of one piece of property. He believes the property owner should sell his property for less to someone who will develop it into something more desirable and compatible with the residents of Terracina. He further believes if this is approved, it will set a precedent for the area between the Walgreens and the bank. Lastly, he believes it is in the interest of the community to maintain the zoning.

Chairman Brown stated for the record that the Board received several speaker forms in opposition to this request where the citizens did not want to make oral comments. The following speaker forms were entered into the record:

Brenda Knight, Stephanie Northcutt, Ellen Ryan, Vivian Roy, Alfredo Pagan, Jr., Linda & Sam Tarallo, Joe & Rita Rothwell, Marleen Segall, Anne & Brian Skinner, Ritchie Stevens, Vincenza Riley, Jared Sherman, Daniella Russell & Clyde Chaney, Ken & Lynn Realander, Bill & Genevieve Miller, Marilyn & John McCall, Kishor & Jyotsna Maniar, Ramona Mancuso, Marilyn Lugo, Penelope & Clyde Hopple, Mark Hayes, Annette & Nick DeMauro, Jeff Elia, Jean Conner, Jacqueline Rees-Adams

Frederick Patton of Sanford – stated that he is on the Terracina Architectural Committee and pointed out that all of the buildings immediately adjacent to the proposed development, including the shopping center next door, have tile or tile-like roofs. He further stated that Terracina is designed to emulate an Italian village. Mr. Patton believes the Express Oil facility is completely out of character with the surrounding area and is opposed to the request.

Sally Reis of Sanford – stated that she is opposed to this request and asked the Board to deny it.

Chantal Roy of Sanford – stated that she is not opposed to developing this property; however, she is opposed to changing the classification as she believes it should be consistent with the SR 46 Lake Forest PUD Final Master Plan that was finalized in 2006. She further stated that she lives and works in Seminole County and loves the quality of life that it represents. She advised that she owns three properties in Terracina and if this request is approved, it will financially devastate her. Ms. Roy further advised that when she bought the properties, she was told the zoning would remain the same and she would have never purchased the properties if she knew an Express Oil would be built in front. She added that this area does not need another auto repair place and the C-1 zoning does not allow this type of business. She further added that the SR 46 Lake Forest PUD Final Master Plan stated that anyone who bought these properties would be bound to this agreement. She asked the Board to deny this request.

Allan Ryan of Sanford – stated that he and his wife live in Lake Forest. He referred to the SR 46 Lake Forest PUD Final Master Plan and stated he does not see what the legal basis is for changing the zoning when the agreement states the zoning will not change. Mr. Ryan advised that he does not believe the proposed project fits with the characteristics of the neighborhood.

Ramona Mancuso of Sanford – advised that she attended the community meeting with Mr. Chase and the Express Oil executives. She further advised that Mr. Chase stated tonight that there will be 6 employees and when she asked the Express Oil executives for the number of employees, they told her they will start with 6 employees, but will go up to 11 employees if the business is successful. She does not believe that many cars can park on this piece of property. She stated he said Walgreens will have a lot of traffic going in and out of the entrance of Terracina and when she asked, she found out that Walgreens will have their own entrance off of SR 46 into Walgreens which she believes will alleviate a lot of the traffic going into the Express Oil and down to Terracina. Lastly, she stated once this business is built, which she believes will not be built to the standards and codes of the Lake Forest area, it will decrease the desirability of people buying in this area because they do not want to drive by an Express Oil and those residents who live directly adjacent to the Express Oil will be forced to reduce the price of their homes which will in turn, force everyone in Terracina to do the same.

Andrew Tellep of Sanford – stated that he is opposed to this request. He further

stated that he attended the community meeting and asked what they plan to do about delivery trucks and they told him that the trucks would enter the short driveway close to SR 46 and then back out of the driveway. Mr. Tellep advised that this is a one-way driveway. He stated that maybe it's because the trucks are too big to go out the other way or the turns are too tight. Mr. Tellep believes this will cause a significant back-up in cars as well as a traffic hazard if customers are trying to turn into the Express Oil store from SR 46. He also believes there will be a safety issue for pedestrians on the sidewalk as well as on the bike path.

Yuri Debevc speaking on behalf of his mother Vera Yaremenko of Sanford – stated that his mother is vehemently opposed to the change in zoning as she appreciates the quiet enjoyment of this community. They do not believe the proposed business will survive with the estimated number of customers per day and feel that if the business is to be successful, the Express Oil executives grossly understated the number of customers they are anticipating each day. They further believe this type of business will negatively affect their property values, especially from the architectural standpoint of the proposed red and blue color scheme.

Sam Knight of Sanford – stated that he is opposed to this request and does not believe this project is good for the County as a whole because it allows an individual to benefit when there is no clear benefit for the rest of the community.

Chairman Brown stated that every citizen in Seminole County and the state of Florida has the right to come before the Board and ask to make a change to their property. He further stated the Board does not necessarily have to approve it, but every citizen has that right.

Bill Clinkenbeard of Sanford – stated that he concurs with all of the statements made by the neighbors and believes this project will be a terrible thing to happen. He is concerned about the ground water and how the concrete bays will affect it. Mr. Clinkenbeard advised that the subject property is about 20 feet above sea level.

Mr. Chase stated the following in response to the comments made by the audience:

- * There will be 7 bays – 4 for regular car service and 3 limited to oil changes*
- * Delivery trucks will be small with the biggest one being the oil truck which has a pump on the back of it.*
- * The proposed Italian cypress trees will compliment the Italian Village look of the Terracina area.*
- * Express Oil is a reputable company with a proven record of maintaining its standards. He likens it to a Chick-Fil-A.*
- * He advised that this is not the only sale. He further advised that he considered putting a law office on this parcel, but it is not large enough and would create more traffic. He added that he talked to Starbucks, but they said no because they feel there are not enough houses to the west and the lot is on the wrong side of the street.*
- * He stated that the zoning will remain C-1 and he is just adding a single use that is allowed in C-2 and only applies to this specific lot. He doesn't believe anything else will work on this lot.*
- * Referring to the decibel levels of the equipment, he stated that it will make as much noise as a kid blowing into a straw into a coke. He further stated the Ingersoll Rand 2135 is really quiet. He added that he tried to show a video of how quiet the equipment was and all but a few got up and walked out.*
- * He stated that the peak periods of traffic for Terracina are early mornings and rush hour in the afternoon. The peak periods for Express Oil will be from 10 a.m. to 2:00*

p.m. so it would not conflict with Terracina's traffic.

** Regarding the proposed color of the Express Oil, he advised that the Fairwinds has a big blue roof and the Ace Hardware has the color red everywhere which is not in character with Terracina's Italian Village feel.*

** He advised that the allowable height is 35 feet and the proposed Express Oil will be lower and lower than the buildings surrounding this parcel.*

** He stated that the residents are concerned about the traffic and the quality of their neighborhood and yet he developed these townhomes after having to come before the Board and mitigate a zoning change because the Lake Forest residents bought with the understanding that this is what the zoning was. He further stated that he fought to build the Terracina townhomes over the vehement objections of most of the Lake Forest residents and he believes the townhomes turned out nice. He added that the reality is that the Terracina residents bought the townhomes behind Ace Hardware and all other commercial parcels on SR 46 at I-4. He further added that some of the other uses that could go on this parcel are cell towers, dry cleaners, apartments over businesses, plant nurseries, private lodges, funeral homes, employment agencies and believes that something has to go on this parcel and no matter what it is, it will change the way this area looks. He is trying to bring in a reputable, upscale company on this parcel. Express Oil is not a bad thing; it's just a company that can do business on this piece of property where other businesses can't. He believes the Express Oil Company will maintain its standards and has proven that it can do so.*

Vice Chairman Katrina Powell stated that she drove to the Alafaya Trail Express Oil store and spent some time there to see how the store operated. She further stated that the Alafaya store is not blue and red like the picture that was shown tonight. It is brick with a green roof and entered into the record pictures that she took of this store. She advised that there was no trash and no parked cars at the store.

Vice Chairman Powell asked Mr. Chase what type of buffering he would propose for the entry way in addition to the Italian cypress trees that would make it more attractive and more appealing than the blue and red building shown in the picture and he advised that the Express Oil executives stated they are open to other ideas with regard to the aesthetics. He further advised that the Express Oil provided the picture with the blue and red building because they thought it would blend with the Fairwinds building, but he believes they would not have a problem putting up a green roof.

Regarding the landscaping, Mr. Chase stated he would suggest tall, opaque landscaping along the side and the back with low landscaping in the front so that the building is visible from the street. He said he could picture Italian cypress with viburnums mixed in with that so that when you are driving into Terracina, you will see a pretty landscaped entry way and not see the Express Oil store. He further stated that along the back, he believes viburnums are the best buffer plants because they grow to 12 to 15 feet and are fully opaque. Mr. Chase advised that they are open to suggestions regarding the landscaping.

Mr. Chase further advised that they are happy to comply with all of the conditions suggested by Staff and maintain the standards. He added that all of the Express Oil stores have the same hours – 8:00 a.m. to 6:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturday and closed on Sunday. He further added that the perspective owners of the proposed Express Oil store are a retired couple who want to move to the Lake Forest area and have a business for their retirement. Lastly, Mr. Chase stated because this is a unique lot, the Express Oil store will be a great transition and will be good for the area.

When asked by Vice Chairman Powell if there was a way to cut the median at the security gate to eliminate some of the traffic congestion there or find an easier way to get people out of there so they are not backing up traffic for the gate and having to make a U-turn, Lee Shaffer, Principal Engineer with Public Works stated the Applicant would have to submit a traffic impact analysis showing all of the peak hour trips, daily trips as well as traffic movement. Mr. Shaffer further stated that it is possible that they could recommend restricting this to a right-in and no out which would eliminate the vehicles making U-turns at the north end of the median.

Vice Chairman Powell stated that behind the property, there is a road, Via Pontina Run, that dumps the vehicles right out in front of the security gate.

Chairman Brown asked if there is stacking in front of the gate before it gets to the intersection and Mr. Shaffer stated that for an entrance off a more heavily-traveled road, typically there is room for a few vehicles to stack so they don't block, in this case, SR 46.

Vice Chairman Powell asked if this business will dump cars out onto Via Pontina Run and have to stop at a 4-way stop and Mr. Shaffer stated that was correct. Vice Chairman Powell stated they would not be backing up cars there because that's a stop sign. Mr. Shaffer advised that traffic heading either east or west on Via Pontina Run will have to stop. He further advised that there is a stop sign for traffic heading south on Terracina.

Commissioner Wolf asked for clarification regarding Staff's recommendation of denial with conditions of approval if the Board chooses to approve this request and also asked why Staff isn't working with the developer to make sure they incorporate the conditions of approval in their submittal so that Staff will only have a recommendation of denial or approval based on what is submitted and Mr. Walker stated that Staff's recommendation is to deny; however, if the Board decides that this request does constitute a neighborhood commercial use and it is a compatible, transitional use, then in that case, Staff recommends that the conditions be attached to the approval. Mr. Walker further stated that if, after input from the public and after considering the neighborhood, the Comprehensive Plan, and the Land Development Code, the Board decides that this would be a good transitional neighborhood use and it is compatible, then Staff would recommend the conditions apply to the approval.

Commissioner Wolf also asked why Staff isn't working with the developer to make the proposed project either approved based on whatever is submitted or not and Mr. Walker stated that Staff considered the area, the adjacent zonings, and the Planned Developments in the area, and made the recommendation to deny this request. Mr. Walker further stated that the Board will come to their own conclusion based on public input and analysis of the area and if it is the Board's decision to approve, Staff recommends the conditions be added to the approval.

Vice Chairman Powell stated that some of the conditions that Staff is recommending might need to be tweaked and asked if Staff is opposed to working with the developer to work out these issues and bring this request back to the Board and Mr. Walker stated that Staff would never be opposed to working with the developer on this request and if it is the desire of the Board for Staff to get with the developer and work on changing the verbiage and then come back to the Board with a new presentation based on additional information, Staff would be willing to do so.

When asked by Commissioner Wolf if these conditions were part of the Development

Order or just recommendations, Mr. Walker stated that they would be in the Development Order.

Commissioner Wolf asked for additional clarification regarding the conditions and Kathy Hammel, Principal Planner, stated that the conditions recommended by Staff are basically an insurance policy to assure they are met if the Board deems this a good transitional use and approves this request.

Vice Chairman Powell asked if the developer adheres to all of the conditions, would Staff change their recommendation and Ms. Hammel stated no, Staff is recommending denial based upon other developments like this. She further stated Staff would like to have these conditions of approval if the Board decides to approve it.

Commissioner Richard Jerman made a motion to deny this request.

This motion died for lack of a second.

Vice Chairman Powell made a motion to continue this request to the May 7, 2014 meeting since there are still a lot of questions on this issue that need to be answered by Staff and the developer.

Commissioner Jerman stated that he does not believe this request should be continued given all of the citizens who came out in opposition and then stated he assumes by this motion, that Vice Chairman Powell believes this is a compatible use to this neighborhood and is in favor of it. Commissioner Jerman further stated that he does not believe this is a compatible use regardless of the conditions. He advised that this is not a use that is permitted in this zoning district or anything around it.

Commissioner Rob Wolf seconded the motion to continue for purposes of discussion.

Commissioner Wolf stated that he has a problem with the way the request is presented. He believes recommendation should be to deny the request or Staff works with the developer to come up with something that is usable going forward and then Staff recommends approval. He believes it should be one or the other.

General discussion ensued regarding Staff's recommendation of denial, Staff's recommended conditions if the Board decides to approve the request, whether this is a compatible use and whether continuing the request for another month would be of benefit to the Board.

Chairman Brown stated that all of the testimony given to the Board tonight will be made part of the record and can be used as a basis for the Board's decision even if this item is continued to next month. He further stated that those that spoke tonight do not necessarily have to return next month if this request is continued because their opinions are now on the record.

Further discussion ensued regarding the issues and merits of this request and whether continuing this request is needed for the Board make a decision.

A motion was made by Vice Chairman Katrina Powell, seconded by Commissioner Rob Wolf, that the SR 46/Lake Forest Planned Development Major Amendment and Rezone be Continued to the May 7, 2014 Planning and Zoning Commission meeting. The motion CARRIED by the following vote:

Aye: 3 - Commissioner Michael Bowdoin, Vice Chairman Katrina Powell, and Commissioner Rob Wolf

Nay: 2 - Chairman Matt Brown, and Commissioner Richard Jerman

Excused: 2 - Commissioner Dudley Bates, and Commissioner Kathy Veon

CLOSING BUSINESS

ADJOURNMENT

There being no further business, the meeting adjourned at 8:20 P.M.