

SEMINOLE COUNTY GOVERNMENT

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



Meeting Minutes (Final) - Final

Wednesday, May 6, 2015

6:00 PM

BCC Chambers

Planning and Zoning Commission

CALL TO ORDER

- Present** 5 - Chairman Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Commissioner Jay Zembower
- Excused** 2 - Vice Chairman Dudley Bates, and Commissioner Rob Wolf

Opening Statement

The meeting convened at 6:03 p.m. with Chairman Matt Brown leading the Pledge of Allegiance. Chairman Brown then introduced the Commission members and reviewed the procedure used for conducting the meeting and voting.

Staff Present

Rebecca Hammock, Planning Manager; Melissa Clarke, Assistant County Attorney; Kim Fischer, Engineer; Kathy Hammel, Principal Planner; Joy Giles, Senior Planner; Brian Walker, Senior Planner; Matt Davidson, Planner; and Hilary Padin, Clerk to the Planning and Zoning Commission.

Accept Proof of Publication

A motion was made by Commissioner Richard Jerman, seconded by Commissioner Jay Zembower, that the Proof of Publication be Accepted. The motion CARRIED by the following vote:

- Aye:** 4 - Chairman Matt Brown, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower
- Excused:** 3 - Vice Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Mya Hatchette

Approval of Minutes

A motion was made by Commissioner Richard Jerman, seconded by Commissioner Jay Zembower, that the April 1, 2015 Minutes be Approved. The motion CARRIED by the following vote:

- Aye:** 4 - Chairman Matt Brown, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower
- Excused:** 3 - Vice Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Mya Hatchette

5 [2015-090](#)

Rescission of the Flea World Development of Regional Impact Development Order - Consider adoption of the Resolution to rescind the Flea World Development of Regional Impact (DRI) Development Order pursuant to Section 380.115, Florida Statutes, for 103 acres located on the north side of Ronald Reagan Blvd., and east of County Home Road and US Hwy.17-92; (Richard Wohlfarth, P.E.,

Applicant) District2 - Horan (Brian Walker, Project Manager)

Brian Walker, Senior Planner – presented this item and stated that on December 16, 1986 the Board of County Commissioners approved the Flea World Development of Regional Impact Development Order pursuant to Section 380.06 of the Florida Statutes. The Development of Regional Impact Development Order had subsequently been amended in 1991, 1994 and 2000. The 2000 DRI Development Order, which was terminated on December 15, 2010, was automatically extended until January 1, 2016 by the Board of County Commissioners on June 28, 2011 via ordinance and response to the economic downturn. Mr. Walker stated that the Applicant is proposing to rescind the DRI Development Order pursuant to section 380.115 Florida Statutes, which states that if requested by the developer or land owner, the DRI Development Order shall be rescinded by the local government having jurisdiction upon showing that all required mitigation related to the amount of development that existed on the date of the rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency. Mr. Walker advised that all of the mitigation related commitments were satisfied at the time of the adoption of the Second Amended and Restated Flea World Development Order on February 22, 2000. This request for the rescission is to provide for the redevelopment of the property as a mixed used development which would contain residential, office and commercial uses and is known as the Reagan Center. The County is concurrently reviewing a Land Use Amendment and a Rezone for the subject property so that the property may be developed as the Reagan Center. Based on this, staff recommends that the Board of County Commissioners adopt the Resolution to rescind the Flea World Development Order of Regional Impact pursuant to Section 380.115, Florida Statutes, for 103 acres located on the north side of Ronald Reagan Boulevard, east of County Home Road and U.S. Highway 17-92.

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

Lynn Farrelly of Sanford – spoke in opposition to this request and advised where her property is located. She stated that in the early 1970's, they had a problem with the water running through their yard and their neighbor's yards and it ran to the back yard of their property. Ms. Farrelly stated that the water ran to a dedicated wetland and the County advised she would not need to be concerned about it and that no one would be building in the wetlands. She stated that their concern is about the water that is going to run towards that wetland will now be blocked. Ms. Farrelly asked where that water will now go and if anyone has been out there to look at that area when it is raining. She advised that there have not been any changes to the roads or properties since the 70's and their concern is when the buildings fill in the wetlands, what will happen to their roads and properties.

Commissioner Richard Jerman explained to Ms. Farrelly that the item before them now is not about the future development for this property and advised her to keep an eye on this project for when it comes before the Board for development, so that she can address her concerns at that time.

Randy Morris, on behalf of the Applicant – advised that he will make sure to meet with Ms. Farrelly to address her concerns. Mr. Morris stated that between 20 years ago and now, things are far better in terms of the protections and promises being made regarding the environment. He further stated that he believes it is inappropriate to address those questions at this meeting, as this item is regarding the rescission of the DRI.

Chairman Matt Brown stated that these issues are highly looked at, not only for the

storage of water, but the quality of water and any water that is flowing on neighboring properties. Chairman Brown advised that those issues will be addressed.

A motion was made by Commissioner Jay Zembower, seconded by Commissioner Michelle Ertel, that the Rescission of the Flea World DRI be Approved. The motion CARRIED by the following vote:

Aye: 4 - Chairman Matt Brown, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 3 - Vice Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Mya Hatchette

1 [2015-079](#)

Approve the Jakubcin Place Planned Development (PD) Preliminary Subdivision Plan for 8.52 acres, located on the west side of W. SR 426, ¼ mile south of Red Bug Lake Road; (B&S Engineering Consultants, LLC, Applicant) District1 - Dallari (Joy Giles, Project Manager)

Joy Giles, Senior Planner – presented this item and stated that this item came before this Board on April 1, 2015 and the Board made a recommendation that it be continued to this meeting to allow staff to discuss a right-turn lane with the Florida Department of Transportation as well as a stacking issue at the entrance of the development . Ms. Giles advised that on April 2, 2015, Jim Potter of Public Works spoke with FDOT and discussed the right turn lane, where FDOT stated that a formal application had not been reviewed for this project, but he did do an informal review and stated that a right-turn lane would not be required. Ms. Giles advised that FDOT also stated that given the limited right of way area as well as the location of the trail, a right-turn lane would cause the trail to be realigned. Ms. Giles stated that regarding the stacking of the cars, the developer did make changes to the plan and they provided two entrance lanes, one for visitors and one for residents, and they also pushed the key pad to the west so that there would be a 90 foot distance between the travel lanes to the keypad, allowing approximately four to five cars to stack in two lanes, instead of one. Ms. Giles lastly stated that Staff has determined that it meets the requirements for additional stacking purposes and with FDOT stating that a right-hand turn lane not being required, Staff feels that the Preliminary Subdivision Plan as shown is sufficient.

Commissioner Jay Zembower asked Ms. Giles about the issue raised at the last meeting regarding parking and Ms. Giles responded that there was a concern about people parking on the street and possibly blocking the driveway of the other residents, but there is a condition of approval in the Developers Commitment Agreement, that no parking shall be allowed on the street blocking the entrance of anyone's driveway .

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

A motion was made by Commissioner Ertel, seconded by Commissioner Jerman, that this Public Hearing be Approved . The motion CARRIED by the following vote:

Aye: 4 - Chairman Matt Brown, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 3 - Vice Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Mya Hatchette

3 [2015-075](#)

Center Drive (1820) - Rezone - Consider a Rezone from R-1A (Single Family Dwelling) to A-1 (Agriculture) for 4.57 acres, located on the south side of the western terminus of Center Drive; (Z2015-010) (Laura Johnston, Applicant) District1 - Dallari (Matt Davidson, Project Manager)

*** Commissioner Mya Hatchette arrived at 6:21 p.m. ***

Matt Davidson, Planner – presented this item and stated that the Applicant is requesting a Rezone from R-1A to A-1 for 4.57 acres located on the south side of the western terminus of Center Drive. The Applicant is currently residing on the property in an existing single family home for fourteen years and would like to have agricultural uses permitted in order to add a greenhouse and livestock. Mr. Davidson stated that the Applicant plans to grow organic vegetables and flowers in the greenhouse for her personal use and that she would also like to have a horse, a few chickens and possibly a sheep. The property has a Low Density Residential Future Land Use designation, which allows a maximum net density of four dwelling units per net buildable acre and the A-1 zoning classification is allowable within the LDR Future Land Use category. Mr. Davidson stated that the properties adjacent on the south and east has a Low Density Residential Future Land Use designation with an A-1 zoning classification and the properties adjacent on the west have a Low Density Residential Future Land Use designation with an R-1A zoning classification. He advised that the proposed Rezone is compatible with the surrounding properties Future Land Use and zoning designations and that Staff finds that the proposed Rezone to the A-1 zoning district is consistent with the Comprehensive Plan. Staff recommends that the Board of County Commissioners adopt the Ordinance enacting a Rezone from R-1A to A-1.

Commissioner Jay Zembower asked Mr. Davidson when this property was last rezoned and he responded that as best that staff records would show, it was part of the Sterling Oaks Rezone from A-1 to R-1A approved in May of 1975, but it was never part of the plat or the development.

Laura Johnston, Applicant – stated that she has resided at this property for fourteen years and it is very rural and secluded. Ms. Johnston stated that she has no intentions of clearing the land, because she loves nature and wants to keep the sanctuary for the animals. She stated that she would like to be able to have a greenhouse, have a few chickens and grow her own food.

Commissioner Zembower asked Ms. Johnston what size greenhouse she intends to have and she responded very small as they are not looking for anything commercial size, probably less than 100 square feet that they can start plants in and move to outside growth. Ms. Johnston further stated that she would like to have a sheep for her weaving. Commissioner Zembower asked if any of her neighbors have voiced any concerns and she stated that she had one neighbor in front of her call and they discussed his concerns. Ms. Johnston also stated that they would also like to have a beehive.

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

Thomas Mullins of Casselberry – spoke in opposition to this request and advised that he owns property to the west. Mr. Mullins stated that they love that the Applicant has no intentions of clearing the land and advised that he purchased his land 25 years ago because it backed up to the woods. Mr. Mullins stated that his concern is regarding

the land clearing and what could potentially happen with the property in the future, such as raising hogs or cattle. He stated that he would like to know if there is any way to put a condition of approval for a buffer to be left. Mr. Mullins stated that the zoning is not the issue, but they would just like for the woods to be left alone. Chairman Matt Brown responded that because this is a straight Rezone, they cannot place conditions of approval on the property.

Ms. Johnston stated that when she purchased the property, she looked into splitting up the property but she does not want that and has no intentions to sell.

A motion was made by Commissioner Richard Jerman, seconded by Commissioner Jay Zembower, that the Center Drive (1820) Rezone be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 2 - Vice Chairman Dudley Bates, and Commissioner Rob Wolf

4 [2015-082](#)

Beasley Property Small Scale Land Use Amendment

and Rezone - Consider a Small Scale Land Use Amendment from Low Density Residential to Planned Development, and the associated Rezone from A-1 (Agriculture) to PD (Planned Development) for approximately 4.63 acres, located on the east side of Alafaya Trail, north of Beasley Road; (Z2015-008) (Dustin Lucas, JEL Land Development, Inc., Applicant) District1 - Dallari (Matt Davidson, Project Manager)

Matt Davidson, Planner – presented this item and stated that the Applicant is requesting a Small Scale Future Land Use Amendment from Low Density Residential to Planned Development and an associated Rezone from A-1 to PD for approximately 4.63 acres located on the east side of Alafaya Trail north of Beasley Road. The Applicant proposes to develop the site as a 120 unit assisted living facility, however the Applicant would also like to be able to potentially develop the site with any of the permitted uses in the CN, CS or C-1 commercial zoning districts excluding multi-family, furniture stores, appliance stores, laundry mats, plant nurseries, theaters, dry cleaners, veterinary clinics, communication towers, self-service laundries, physical fitness studios or tobacco shops. Mr. Davidson stated that the PD proposes a floor maximum floor area ratio of 0.65, a maximum gross building square footage of 131,013 square feet and a maximum building height of 45 feet, which is three stories. The Applicant is proposing a minimum open space of twenty-five percent. Mr. Davidson advised that Section 30.451(e)(2) of the Land Development Code requires a PD consisting of non-residential uses to provide a minimum of twenty percent of open space. The adjacent property to the north has a Medium Density Residential Future Land Use designation with a Planned Development zoning classification, permitting single family dwelling and office uses. The Applicant is proposing a ten foot landscape buffer along the northern property line with a twenty foot building setback. Mr. Davidson stated that the property adjacent to the south abutting Alafaya Trail has an Office Future Land Use designation with an OP zoning classification permitting various office uses. The adjacent properties to the south have a Low Density Future Land Use designation with an R-1AA zoning classification. Staff finds that the requested Rezone

and Small Scale Future Land Use Amendment is consistent with the PD zoning district and Comprehensive Plan and based on the information Staff recommends that the Board of County Commissioners adopt the Ordinance enacting a Small Scale Future Land Use Amendment from Low Density Residential to Planned Development; adopt the associated Ordinance enacting a Rezone from A-1 to PD; and approve the associated Development Order and Master Development Plan for 4.63 acres located on the east side of Alafaya Trail north of Beasley Road.

Tom Sullivan, on behalf of the Applicant – advised that he is with the law firm of Gray Robinson and is in agreement with Staff's recommendations. Mr. Sullivan stated that they are available for any questions.

Frances Dixon of Oviedo – spoke in opposition of this item and stated that they want that property to stay the way that it is or it should be a park, because that is where the kids play as there aren't any parks for miles around. Ms. Dixon stated that she thought it was going to be apartments, but she would like for a ten foot wall to be required along the south side on Beasley Road, because they don't want the traffic or the noise.

Bill Hyde of Oviedo – spoke in opposition of this item and stated that his concern is regarding the PD allowing so many different uses in the future. Mr. Hyde stated that another concern that they have is that in June of 1986, his wife's cousin disappeared from a house right next to the property with no trace and the case has recently been reopened by the Sheriff's Office and so he would like for someone to work with them in case there may be any evidence on the site.

Dale Hitchcock of Oviedo – spoke in opposition of this item and asked if the three story nursing home is just a proposal. Mr. Hitchcock stated that one of his concerns is the traffic and would like to know where the entrance is proposed to be. Mr. Hitchcock discussed an issue from 2009 where the Department of Health determined that their water was not to be consumed originating from that property.

Commissioner Jay Zembower asked Mr. Hitchcock where his water currently comes from and he responded from the County because the well water was so contaminated.

Shari Ganewell of Oviedo – spoke in opposition of this item and advised that she is from Canterbury Cove. She stated that she agrees that having a park there would be wonderful, but she would like to be sure that an environmental study is performed. Ms. Ganewell stated that they are also concerned about the floor area ratio being almost double the maximum. She advised that with the three story building, she is concerned about the privacy of all of their one story homes in their subdivision. Ms. Ganewell inquired as to a buffering wall and would like to see that the setbacks be increased.

Tina Chatterton of Oviedo – spoke in opposition of this item and stated that she is also concerned about her privacy with the three story building and would like to have a buffer.

Commissioner Jay Zembower stated that before anything even begins, staff will oversee the project and make sure it conforms to the Code. Chairman Matt Brown added that the environmental study would also be done.

Mr. Sullivan stated that they would be more than happy to meet with the residents to be sure they are communicating with them. He stated that they believe this is a reasonable request as it is compatible with the surrounding area. Mr. Sullivan advised that they are hoping to have the flexibility and leave the additional uses open. He

stated that they have a threatened and endangered species report that states that there are none at the site, but they will do their due diligence to ensure it is handled appropriately. Mr. Sullivan stated that in response to the missing person, they will work closely with the family to handle it accordingly.

Commissioner Zembower asked Mr. Sullivan what he perceives going in on the property and he responded that they aren't thinking of anything too intense, which is why they excluded the ones that they did.

Commissioner Richard Jerman asked Mr. Davidson to discuss the floor area ratio issue and he responded that for commercial uses, it is generally 0.35 but because it will be a Planned Development, it can be a variation of that.

Chairman Brown asked Mr. Davidson if a gas station would be allowed under C-1 or CN and he responded that they are allowed to have a convenience store, but for gas pumps, they would need to go before the Board of Adjustment for a Special Exception.

A motion was made by Commissioner Michelle Ertel, seconded by Commissioner Mya Hatchette, that the Beasley Property SSLUA and Rezone be Approved. The motion CARRIED by the following vote:

Aye: 5 - Chairman Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 2 - Vice Chairman Dudley Bates, and Commissioner Rob Wolf

CLOSING BUSINESS

Rebecca Hammock, Planning Manager, advised the Commission that there is additional training available to them and discussion ensued regarding scheduling such training.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:15 p.m.