

SEMINOLE COUNTY GOVERNMENT

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



Meeting Minutes (Final) - Final

Wednesday, August 5, 2015

6:00 PM

BCC Chambers

Planning and Zoning Commission

CALL TO ORDER

Present 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused 1 - Commissioner Mya Hatchette

Opening Statement

The meeting convened at 6:00 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, Development Services Director; Kathy Hammel, Acting Planning and Development Manager; Melissa Clarke, Assistant County Attorney; Kim Fischer, Development Review Engineering Manager; Bill Wharton, Principal Planner; Joy Giles, Senior Planner; Brian Walker, Senior Planner; Jeff Hopper, Senior Planner; Matt Davidson, Planner; Tammy Brushwood, Clerk to the Planning and Zoning Commission and Connie DeVasto, Interim Clerk to the Planning and Zoning Commission.

Accept Proof of Publication

A motion was made by Commissioner Rob Wolf, seconded by Vice Chairman Dudley Bates, that the Proof of Publication be Accepted and Approved. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

Approval of Minutes

A motion was made by Vice Chairman Dudley Bates, seconded by Commissioner Rob Wolf, that the minutes from the July 1, 2015 meeting be Approved as submitted. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

NEW BUSINESS

Technical Review Items: None

Public Hearing Items:

- 1 [2015-149](#) **Audi Small Scale Land Use Amendment and Rezone -**
Consider a Small Scale Future Land Use Map Amendment from High Density Residential to Commercial and the associated Rezone from Planned Development (PD) to Retail Commercial (C-2) district for approximately 1 acre located on the west side of I-4, approximately 130 feet south of Grassendale Terrace; (Z2015-020) (Roger W. Holler III, Applicant) District5 - Carey (Brian M. Walker, Project Manager)

Brian Walker, Senior Planner – presented this item and stated the Applicant is requesting a Small Scale Future Land Use Map Amendment from High Density Residential (HDR) to Commercial (COM) and the associated Rezone from Planned Development to Retail Commercial (C-2) district, for approximately one acre, located on the west side of I-4, approximately 130 feet south of Grassendale Terrace. Mr. Walker further stated the property proposed for rezone will be used to expand the parking lot of an existing auto dealership. The zoning and future land uses surrounding the subject property are as stated in the Staff report. The site lies within the utility service area of Seminole County, which has provided documentation of available capacity to serve the project.

Mr. Walker added that Staff finds that the proposed amendment supports the Comprehensive Plan policies related to economic development and infill, and will not have significant adverse impacts on neighboring properties. The proposed rezone to the C-2 zoning designation has been evaluated for compatibility with the Land Development Code of Seminole County in accordance with Part 41, Section 30.761 of the Land Development Code of Seminole County and this section states that the C-2 “district is composed of lands and structures used primarily to provide services, supplies, and accommodations to the motorist”. The C-2 district permits auto dealerships and the property proposed for rezone will be used to expand the parking lot of an existing auto dealership; therefore, the rezone request is consistent with the Land Development Code of Seminole County. There is a site analysis provided in the staff report for the Commission’s review

Based on this information, Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Small Scale Future Land Use Map Amendment from High Density Residential to Commercial and the associated rezone from Planned Development (PD) to Retail Commercial (C-2) district, for approximately one acre, located on the west side of I-4, approximately 130 feet south of Grassendale Terrace.

Commissioner Rob Wolf asked if there is anything in the Development Order that precludes this from being sold in the future and be used for the higher intensities of

the C-2 zoning and Mr. Walker advised that when the subject property is rezoned, it will be able to be used for any of the C-2 uses that are allowed in the Code. He further stated it could come back as a C-2 use that is more intense than a parking lot, but it would be subject to site plan review and at that time, Staff would look at the appropriate buffers, etc. that would buffer from incompatible uses.

Chad Moorhead with Madden, Moorhead and Glunt, on behalf of the Applicant – advised that he is available for any questions the Board may have.

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

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, to recommend approval of the Audi SSLUA and Rezone request and refer this item to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

2 [2015-122](#)

Tuscawilla Estates Rezone - Consider Adoption of an Ordinance enacting a Rezone from R-1AA (Single Family Dwelling) to PD (Planned Development) for a 31 lot single family residential subdivision on 13.29 acres, located on the east side of Tuskawilla Road, approximately ½ mile north of Aloma Avenue; (Z2015-12) (Central Florida Housing Partners, LLC, Applicant) District1 - Dallari (Joy Giles, Project Manager)

Joy Giles, Senior Planner – presented this item and stated this is a request for a rezone from R-1AA single family dwelling to PD (Planned Development) for 13.29 acres.

Ms. Giles further stated the following:

- * The applicant proposes to develop the subject property as a single family residential subdivision with a total of 31 lots.*
- * The applicant proposes a 10 foot landscape buffer along the perimeter.*
- * Staff finds the request consistent with the trend in the area and consistent with the future land use designation.*

Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from R-1AA (Single Family Dwelling) to PD (Planned Development), and approve the associated Development Order and Master Development Plan for 13.29 acres, located on the east side of Tuskawilla Road, approximately ½ mile north of Aloma Avenue.

Randall Morris and Luke Classon - were present on behalf of the applicant and stated the following:

- * The Applicant held a community meeting and had good participation and attendance*

from the surrounding homeowners in the area.

** Agrees with staff that the proposed development is a compatible development and would enhance the area.*

** Under the current zoning, the original Conceptual Plan 1 would have eliminated all of the wetlands on the site. Because of this, the applicant changed to Conceptual Plan 2 and applied for the PD to maintain approximately three acres of wetland on the site.*

** By switching to Conceptual Plan 2, there were able to save approximately three (3) acres of wetlands and provide compensating storage for the FEMA flood plain and still keep the 31 lots and reduce the lot size from 91 square feet to 75 square feet.*

** The proposed Preliminary Subdivision Plan (PSP) that was presented to the neighbors at the community meeting, showed the layout of the homes, the proposed gated entrance along with the wetlands.*

** The property was rezoned in 2013.*

** Due to the traffic concerns on Tuskawilla Road as stated by the residents at the community meeting, the applicant is proposing no U-turn signs at the south and a new turnaround to the north, which does have a left turn lane.*

** There will be a buffer on three sides of the development with an entry gate.*

** The homes will be 3,000-4,500 square feet and will exceed the price of the immediate neighboring homes by \$250,000.*

Commissioner Rob Wolf asked Mr. Morris what the community residents' issues were and Mr. Morris responded that he couldn't speak for the residents, but the issues were traffic related with the associated resolutions already discussed. He also mentioned there was only one letter of concern already sent to the Board, which dealt with the flooding and wetland issues. There were no other known issues. Mr. Morris asked for the Board's support on this plan.

Commissioner Jay Zembower asked if the number of units would reduce from the plan of 31 based on the final impacts statement in the wetlands review and Mr. Morris responded that because of the unusual shape and condition of the property, it is difficult to give an exact answer. Mr. Classon added that since the rezoning application was submitted, the wetland line has been verified by St. Johns and their environmental consultant. Commissioner Zembower further asked if it was a natural or man-made wetland and Mr. Classon stated there was a man-made pond on the property for the horses and goats that currently occupy the property, which would be relocated. Mr. Morris added that the wetlands part of the property is the most pristine and would be saved as they develop their plan around it.

Commissioner Wolf commented that the Development Order reflects a minimum lot size of 75 x 127 with no reduction in units, but a reduction in lot size. Mr. Morris stated that due to the type of home being built and the price point, a smaller lot size than proposed would not be sufficient.

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

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, to recommend approval of the Tuscawilla Estates Rezone

request and refer this item to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

3 [2015-137](#)

Oregon Street Subdivision - PD Rezone - Consider adoption of the ordinance enacting a Rezone from A-1 (Agriculture) to PD (Planned Development) for 9.59 acres, located on the east side of North Oregon Street, approximately one-quarter mile south of Orange Boulevard; (Z2015-016) (CED Strategies, LLC, Applicant) District5 - Carey (Matt Davidson, Project Manager)

Matt Davidson, Planner – presented this item and stated the Applicant is requesting a rezone from A-1 (Agriculture) to PD (Planned Development), for approximately 9.59 acres of property, located on the east side of Oregon Street, approximately one-quarter mile south of Orange Boulevard.

Mr. Davidson further stated the following:

** Applicant proposes to develop the subject property as a 30-lot single-family residential subdivision having a maximum lot size of 6,250 square feet. The project proposes a maximum density of 3.99 dwelling units per net buildable acre, which is consistent with the property's Low Density Residential future land use designation .*

** The proposed development lies within the Low Density Residential (LDR) future land use designation, which allows consideration of a maximum of 4.0 dwelling units per net buildable acre where such units are configured as single family detached housing. The master development plan submitted by the Applicant indicates a maximum allowable net density of 3.99 units per acre. Since such a plan has been submitted, the proposed Planned Development is consistent with the Seminole County Comprehensive Plan.*

** The required open space is a minimum of 15% of the property, which is approximately 1.44 acres.*

** The Applicant is proposing a ten (10) foot landscape buffer around the perimeter of the subject property.*

** The Applicant is proposing to include a six (6) foot high masonry wall along the western property line that runs along Oregon Street.*

** There is no existing sidewalk along North Oregon Street; therefore, the developer will be required to construct a six (6) foot wide sidewalk along North Oregon Street.*

** The Applicant has provided a School Capacity Determination letter from Seminole County Public Schools. The letter concluded that there is sufficient capacity for the proposed 30-lot subdivision.*

** The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the west side of North Oregon Street and a 12-inch force main on the west side of North Oregon Street. The subject property is not in the ten-year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will not be required until reclaimed water becomes available; therefore, potable water will be used for irrigation.*

Based on this information, Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to PD (Planned Development); and approve the associated Development Order and Master Development Plan for 9.59 acres, located on the east side of North Oregon Street, approximately one-quarter mile south of Orange Boulevard.

Commissioner Richard Jerman stated the proposed lots are small for this general area and asked for the lot sizes of the PD across the street. Mr. Davidson advised Staff looked at that and feels it is still compatible as the density was very similar. He further advised that a document was handed out prior to the meeting which shows a 50-foot lot width at the building line.

Randy Morris and Luke Classon were present on behalf of the Applicant and stated the following:

** Immediately to the west of the subject property are 60-foot lots and to the north are 50-foot lots.*

** This is an infill project.*

** The Smith-Lockhart Canal runs through the subject property.*

** The proposed project is compatible with the future land use and zoning designations.*

** The retention pond is bifurcated by the Smith-Lockhart Canal.*

** The proposed lot sizes are the most popular lot sizes that builders are looking for.*

** Regarding traffic studies, the Applicant dedicated an additional five (5) feet of right-of-way for a pull off area.*

When asked by Commissioner Rob Wolf for the square footage of the homes, Mr. Classon advised the Development Order states 2,000 to 4,500.

Commissioner Jerman asked for clarification regarding the square footage as the lots will be 6,200 square feet and the Applicant's representatives stated the following :

** Winter Park has 5,000 square foot homes on 50-foot lots.*

** The homes with the larger square footage will be two-story homes.*

** They believe the square footage of the lots will be in the range of 2,500 to 3,000 maximum.*

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

Algerina and James Paris of Sanford – stated they live next door to the subject property and have the following concerns:

- * The buildup of the subject property which would lead to flooding of their property.*
- * If there will be a wall on the north side.*
- * What will be done about the drainage ditch in the center of the property.*
- * Who the water provider is.*
- * They would like to keep a very large, 30-foot Magnolia tree that is on the property line if it belongs to them.*

Commissioner Jay Zembower asked for clarification regarding the location of the Magnolia tree and their request for a wall as it looks like both are located on the property line and Mr. Paris stated if the tree belongs to them, it will be located on their property and the wall will be on the Applicant's property. He further stated they believe the tree is on their property; however, if it is not, he understands the Applicant can do whatever they want to with it.

Commissioner Wolf advised that if a wall is placed there and the Magnolia tree is that close, the footer for the wall could damage the tree.

Chairman Matt Brown stated the Applicant could place the wall a few feet inside their property line to help preserve natural vegetation and Staff will work with them to try to protect the tree.

Commissioner Zembower asked if the Applicant will work with Mr. and Mrs. Paris to try to preserve their tree and Mr. Morris stated yes and advised that he does not know who marked the trees as they are not at the stage for a tree survey. Once a tree study is done, they will know whose property the tree is on and work from there.

Mr. Morris stated the following in response to Mr. and Mrs. Paris' concerns:

- * There will be a six-foot fence on the north.*
- * The masonry wall will be on the Oregon Street side.*
- * If the tree is on the property line, they will be able to move the fence back or curve it to accommodate the tree.*

Commissioner Wolf inquired as to the type of fence and Mr. Morris advised it will be a vinyl fence. It will not be chain-link.

Mr. Morris and Mr. Classon continued:

- * The water sheet flow runs from west to east directly to the canal.*
- * The ditch collects off of Oregon Street and runs to the east and feeds into the Smith-Lockhart Canal. They will be filling it in and providing compensating storage for that.*

Mr. Paris stated the ditch floods in the winter and would like clarification regarding how

filling in the ditch will prevent this.

Chairman Brown advised that the County Engineer will address any issues with respect to flooding and drainage in order to improve the water quality and prevent any flooding.

Mr. Morris advised that when the canal is closed, they will be piping the canal. The sheet-flow runs through that and there will also be a dual-pond system that will improve water quality.

Chairman Brown asked for clarification regarding the water that is flowing from the right-of-way and whether it will be piped to the canal or to the retention pond and Mr. Morris advised that it will be piped to the canal. Mr. Morris added that all of the water that currently flows from the subject property is untreated and sheet flowing.

General discussion ensued regarding the benefits of the proposed project with respect to compatibility, open space, buffering, and the six-foot wall.

A motion was made by Commissioner Michelle Ertel, seconded by Commissioner Jay Zembower, to recommend approval of the Oregon Street Subdivision PD Rezone request and refer this item to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

4 [2015-134](#)

ZDA at Markham Road Small Scale Land Use

Amendment and Rezone - Consider a Small Scale Land Use Amendment from Suburban Estates to Planned Development, and the associated Rezone from A-1 (Agriculture) to PD (Planned Development) for a 17 lot single family residential subdivision on 9.11 acres, located on the north side of Markham Road, approximately ½ mile west of Orange Boulevard; (Z2015-22) (Allan Goldberg, Applicant) District5 - Carey (Joy Giles, Project Manager)

Joy Giles, Senior Planner – presented this item and stated this is a request to consider a Small Scale Land Use Amendment from Suburban Estates to Planned Development, and the associated Rezone from A-1 (Agriculture) to PD (Planned Development) for a 17 lot single family residential subdivision on 9.11 acres, located on the north side of Markham Road, approximately ½ mile west of Orange Boulevard.

Ms. Giles further stated the following:

** This property is located within the Wekiva River Protection Area and the East Lake Sylvan Transitional Area.*

** The applicant proposes a 10 foot buffer along the west and east perimeter; a 5 foot buffer along the north perimeter adjacent to the Wekiva Trail; and a 40 foot buffer adjacent to Markham Road.*

** Staff finds the request to be compatible with the trend of development in the area.*

** The properties on the north, west and east are zoned A-1 Agriculture, the properties to the south and further to the west are single family residential homes.*

Staff recommends the Board of County Commissions adopt the ordinance enacting a Small Scale Future Land Use Amendment from Suburban Estates to PD and adopt the associated ordinance and enacting rezone from A-1 to PD and approve the associated Development Order and Master Development Plan for 9.11 acres.

Commissioner Rob Wolf asked if there was a county road easement to the north, and Joy Giles responded that it is the Trail.

Chad Moorhead, on behalf of the applicant - stated that they met with community residents on the project.

Blaine Darrah, on behalf of the Heathrow Master HOA – stated the following concerns:

- * The trees were very high along the 40 foot buffer on Markham Road and it wasn't a true buffer.*
- * They would like to see a wall built that closely matches the other neighborhood walls in the area.*
- * They believe this area would require an added left turn lane, due to Markham Road being a heavily traveled road, and would like the developer to utilize the 40 foot buffer land area to create the road.*
- * They would like a heavily landscaped buffered area added along the road.*
- * With respect to the entrance to the property, they would request that the road be designed as flat as possible, so that when cars exited the property, the headlights did not bump up and down.*
- * Lastly, they believe the proposed project was a good use of the land.*

Commissioner Wolf asked for clarification that the request was for trees to be added on another property and Chairman Matt Brown responded that the issue was for the road to be flat at the entrance to prevent car headlights from bumping up and down.

Chairman Brown advised the audience that he had one public comment form from Justin Gatzemeyer who did not want to speak, but would like clarification regarding whether a tree buffer removal permit is required by the County.

Walter Tanner of Heathrow – stated that he agrees and concurs with Mr. Darrah's comments and added the following comments:

- * He would like the east/west buffer on the 10 foot section shown as part of the open space concept, so that when the tree survey is done, it can be counted as part of the 50% tree retention and part of the application.*
- * He wants to make sure that a 50% tree save and tree study be done to confirm the number of trees remaining on the subject property.*
- * He would like to see the renderings for the home styles and types of homes to be built and would like to confirm that the homes will be built by one builder for consistency purposes in order to retain their property values for future sales.*

Commissioner Richard Jerman advised Mr. Tanner that the Development Order states if the trees can't be saved, they'd be replaced. Mr. Tanner responded that he understood and wanted to make sure the current open spaces would provide 50% tree coverage.

Ms. Giles confirmed that if this request is approved tonight, the conceptual plan will be submitted at a later date and it will include the tree buffers and more detail.

Dau Bansal of Lake Mary - stated that the surrounding area includes one to two-and-a-half acre lots and he believes the proposed lots were too small for the neighborhood. He also stated that Markham Road was a very busy road.

Steve Thomas of Heathrow – stated he agrees with Mr. Bansal's comments and further stated he believes the turn lane is necessary on the north side of the property. He further stated his concern was that the road would be too close to the wall and wanted to make sure that adding the turn lane and widening of the road wouldn't push the road against the wall, which would adversely affect the properties and the property values.

Allan Goldberg, applicant – stated the following in response to the issues discussed by the audience:

** Regarding the issue of the right-of-way and where the turn lane would have to push to. Currently, the access right-of-way is on the south side of the property and they can't go north of the property, because it would cut into the 40 foot undisturbed buffer which is required by the County on Markham Road. If it pushes onto the subject property, it will take down the 40 foot buffer and they don't want to do that.*

** A 10 foot buffer on both sides of the property would show up on the PSP plan and would be an undisturbed buffer on the east and west side of the property.*

** The subject property will be on County water and sewer.*

Commissioner Wolf mentioned there was still the issue of the wall and Mr. Goldberg stated they have a 40 foot buffer and it is their understanding they cannot put in a wall in the buffer, but would ask for clarification on this. When they come before the Board with their PSP, the type of buffer would be based on the recommendation from staff.

Mr. Goldberg also stated they would engineer the entry to the property to prevent the bouncing of the vehicle headlights. He added that the current planned entry point is set at a good place to reduce the headlight bouncing issue.

Justin Gatzemeyer of Lake Mary – stated the following concerns:

** He was advised by Staff that the 40 foot zone of canopy trees will not be touched and would like to know if this is a County requirement.*

** The realignment of the turn lane.*

** Whether the power lines could be placed underground.*

** Any future plans for the widening the roads in this area.*

Kim Fischer, Engineer – stated that the County was at the rezone stage, so no details are available regarding the turn lane requirement, other than it will be required since Markham Road has a posted speed limit of 40 mph. If a turn lane is needed on the north or south side, it will be decided based on the taper and transition as it currently exists. This information is not yet available.

Ms. Giles stated that the property is located within the Markham Woods Scenic Corridor Overlay, which requires the 40 foot buffer to include no canopy trees be removed, unless it interferes with power lines. Fencing is permitted within the buffer,

but must be made of natural materials such as stone, brick or wood.

Mr. Moorhead stated that work on the turn lane has not commenced, but in his experience, there isn't enough room on the north side, so the turn lane will have to be on the south side.

Chairman Brown asked why the lots were less than one acre and Ms. Giles advised that the property immediately adjacent to this property are one acre lots, but the property to the west, Buckingham Estates, is 2.5 units per net buildable acre and the Heathrow acre is three units per net buildable acre. Ms. Giles added that the subject property is located in the East Lake Sylvan Transitional Area, which allow for a higher density.

A motion was made by Commissioner Richard Jerman, seconded by Commissioner Jay Zembower, to recommend approval of the ZDA at Markham Road SSLUA and Rezone request and refer this item to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

5 [2015-140](#)

Creekside PD (Planned Development) Major

Amendment and Rezone - Consider a Major Amendment to the Creekside PD (Planned Development) and the associated Rezone from (PD) Planned Development to (PD) Planned Development for light industrial uses on 19.82 acres, located on the west side of Sanford Avenue, south of E Lake Mary Boulevard; (Z2015-15) (Kemco Properties, Applicant) District2 - Horan (Joy Giles, Project Manager)

Joy Giles, Senior Planner - presented this item and stated the applicant is requesting a Major Amendment and Rezone from Planned Development (PD) to Planned Development (PD) on 19.82 acres.

Ms. Giles further stated the following:

** In 1987, the Board of County Commissioners approved the Creekside PD on 155 acres consisting of single family residential, multi family, commercial and light industrial uses.*

** The subject property, Tract E, was designated in 1989 for light industrial uses and further amended in 1992 to be used as a borrow pit during the construction of SR417.*

** The applicant is requesting a major amendment in order to construct a 20,000 square foot warehouse allowing for those uses listed under the M1 A very light industrial classification.*

** To minimize the visual impacts on adjacent properties, the applicant proposes a 25 foot landscape buffer along the east perimeter and a 10 foot landscape buffer along the north and south perimeter.*

** The maximum building height will be 35 feet and hours of operation will be limited from 7:00 a.m. to 7:00 p.m.*

** Outdoor storage will not be permitted and all manufacturing will be conducted within the enclosed building.*

** Staff finds the request to be consistent and compatible with the trend of development in the area, given that industrial and commercial uses have been established along Sanford Avenue since the early 1990's.*

Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from PD (Planned Development) to PD (Planned Development) and approve the associated Master Development Plan and revised Development Order for 19.82 acres, located on the west side of Sanford Avenue, south of E Lake Mary Boulevard.

John Frith, Frith & Associates, Inc., on behalf of the applicant – stated he is the Engineer on the project and was available for any questions.

Commissioner Rob Wolf asked for clarification that since it was light manufacturing, will the doors be open where sound could travel or will they be shut to enclose the sound and Mr. Frith stated the doors will be open. Commissioner Wolf also asked if there are any noise limitations, such as decibel restrictions from a distance and Ms. Giles confirmed the hours of operation are from 7:00 a.m. to 7:00 p.m. to minimize noise impacts.

Chairman Matt Brown confirmed that M-1 is heavy industrial and M-1A is light industrial and much cleaner in nature.

Commissioner Wolf asked if there was anything that specifically addressed decibel levels and Ms. Giles advised there was not.

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

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, to recommend approval of the Creekside PD Major Amendment and Rezone request and refer this item to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

6 [2015-141](#)

Sanchez Rezone - Consider the adoption of an Ordinance enacting a Rezone from R-3 (Multiple Family Dwelling) to R-1B (Single Family Dwelling) for a single family residence on 0.24 acres located on the west side of S. C.R 419, approximately 200 feet south of 8th Street; (Z2015-28) (Victor Sanchez, Applicant) District1 - Dallari (Joy Giles, Project Manager)

Joy Giles, Senior Planner – presented this item and stated the applicant is requesting a Rezone from R-3 (Multi-Family Dwelling) to R-1B (Single-Family Dwelling) on 0.24 acres.

Ms. Giles further stated the following:

- * The applicant proposes to construct a single family residence on the subject site.*
- * The existing R-3 multi-family zoning classification permits apartment buildings, townhomes, and condominiums; however, it does not allow for single family residential.*
- * The requested R-1B zoning district is less intense than the surrounding R-2 and R-3 zoning classifications. Therefore, the request would not impose adverse impacts onto the adjacent properties and is consistent with both the allowable uses and density provisions of the existing high density residential future land use designation.*

Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from R-3 (Multiple Family Dwelling) to R-1B (Single Family Dwelling) for 0.24 acres, located on the west side of S. C.R. 419, approximately 200 feet south of 8th Street.

Victor Sanchez, Applicant – stated he was available to answer any questions.

Deborah Schafer on behalf of the Chuluota Community Association – stated she is in favor of this request and commended Mr. Sanchez on his decision to reverse the zoning.

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

General discussion ensued regarding the benefits of this request as it will improve the blighted area.

A motion was made by Commissioner Rob Wolf, seconded by Vice Chairman Dudley Bates, to recommend approval of the Sanchez Rezone request and refer this item to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 6 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Michelle Ertel, and Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

7 [2015-138](#)**Legacy Pointe Large Scale Future Land Use**

Amendment and Rezone - Consider transmittal of the Ordinance enacting a Large Scale Future Land Use Map Amendment from Low Density Residential and Higher Intensity Planned Development - Transitional, to Planned Development and transmittal of the associated Ordinance enacting a Rezone from Single Family Dwelling District (R-1A) and Agriculture (A-1) to Planned Development (PD) for a continuing care retirement community on 59.28 acres, located on the southwest corner of Nak Nak Run and Old Lockwood Road; (Z2015-021) (George Kramer, Applicant) District1 - Dallari (Jeff Hopper, Project Manager)

Jeff Hopper, Senior Planner – presented this item and stated this is a Large Scale Land Use Amendment from Low Density Residential and Higher Intensity Development to the Planned Development Future Land Use Designation and also a Rezone from R-1A and A-1 to the Planned Development Zoning District on approximately 59 acres, located on the southwest corner of Old Lockwood Road and Nak Nak Run

Mr. Hopper further stated the following:

- * The applicant is requesting approval of a continuing care retirement facility for seniors and support services along with medical offices and health services, skilled nursing and memory care.*
- * Early phases of the project would include 298 multi-family type units and 40 detached single family villas.*
- * A future development phase would consist of 54 non-age restricted single family units developed as a subdivision for fee simple ownership.*
- * The units would be located at the north end of the property at a density consistent with the existing LDR future land use.*
- * Some or all of the allowable units in this future development area could be converted to senior restricted units at a rate of up to four senior units for each one non-age restricted unit.*
- * The maximum number of living units in the future development area is 216 in this scenario.*
- * The overall development potential for the project is a maximum of 554 dwelling units.*
- * The facility would also include a maximum of 221,500 square feet of support uses.*
- * The maximum building heights are 45' and 75' for buildings in the central portion of the site, while the villas on the south and the future development on the north are limited to 35'.*

** At this time, the property carries future land use designations of LDR and Higher Intensity Planned Development - Transitional (HIP-TR). This designation occupies 17 acres of the site, approximately the south 670 feet, with the rest in LDR.*

** LDR allows up to four (4) units per acre and as much as seven (7) units per acre with affordable housing. While HIP-TR allows up to 20 units per net buildable acre.*

** All study area roadways currently operate at acceptable levels of service with the exception of McCulloch Road from Lockwood Boulevard to Old Lockwood Road where the existing volume of traffic causes the level of service to fall below the adopted level of service for that section of McCulloch Road.*

** The Developer's traffic consultant used the Institute for Transportation Engineers Trip Generation Manual, 9th Edition, to determine project traffic for single family senior adult housing and assisted living and determined the traffic for the proposed site would be 2,093 daily trips. In comparison, if the property were developed with the existing future land use, the total traffic would be 18,076 trips per day. Therefore, the proposed development generates less traffic than what would be created by existing allowable uses.*

** Staff has received one letter of opposition to the application, which has been entered into the record.*

Staff recommends transmittal of the Large Scale Future Land Use Map Amendment from Low Density Residential and Higher Intensity Planned Development - Transitional to Planned Development to the State Land Planning Agency; adoption of the associated Rezone from Single Family Dwelling District (R-1A) and Agriculture (A-1) to Planned Development (PD); and approval of the associated Development Order and Master Development Plan for 59.28 acres, located on the southwest corner of Nak Nak Run and Old Lockwood Road.

Commissioner Jay Zembower asked if Orange County has been notified since they border the area and Mr. Hopper responded that he was aware there were conversations with Orange County, but he has no information on what the comments were.

Aaron Gorovitz, on behalf of the applicant – stated the following:

** They had a community meeting and received position input from the neighbors.*

** The premise for developing this property is that the senior population will continue to increase and as the retirement age increases, they are looking for opportunities to address that.*

** The new trend is a Continuing Care Retirement Community (CCRC), which allows the residents to age in place and eventually transition to assisted living and so on.*

** The average age of the seniors will be 78 to 84 years of age. They will not be working, and most of what they do will be on site. Off site activities will be nominal and won't require them to drive.*

** A host of activities will be on-site with many rooms for seniors to interact and recreate together.*

** In Seminole County over the next five years, the population of seniors will increase by 44%.*

** The design is compatible with the surrounding community with the intensity at the middle of the site.*

** The traffic impact will be minimal, the residents don't make a lot of noise, and are a great neighbor.*

** At the community meeting, the residents voiced a concern regarding an easement on Nak Nak Way and the applicant will address this concern during the course of planning.*

** Lastly, they feel there are no adverse impacts to the community.*

Mike Chatham with HHCP Architects, on behalf of the applicant – stated the goals of the project are as follows:

** To be a good neighbor, to protect the natural area of the site and to minimize the impact on the surrounding area.*

** To create an open space in the design.*

** The density is concentrated in the middle of the site, which creates open areas around it that include walking trails, gardens, pools, ponds and open space that create great views for the residents and benefits the entire community.*

** The plan site on the south side has 40 villas.*

** The independent living tower is the tallest building on the site, which is five stories over parking and includes 140 units for residents. This area minimizes the walking distance to the common areas.*

** Other facilities within the complex are fitness, spa, educational, health care, activity areas.*

** The main entry road is hidden from Old Lockwood Road and will be a residential type entrance.*

** The proposed three story skilled nursing facility and the three story assisted living will have extra courtyards and views of the natural surroundings. These units are upscale residences with good architecture and relatively luxurious units.*

** A loop road surrounds the property which makes for an easily serviceable area, plenty of buffer, and minimal to no impact to the surrounding neighbors.*

George Kramer with Littlejohn Engineering, on behalf of the applicant – stated the following:

** He is proud to be a part of the effort to provide a community resource to the aging population.*

** He believes there is the potential for significant, positive impact to the community.*

** The tallest building will be located in the center of the property which will create less impacts.*

** There is a fifty-foot right-of-way for Nak Nak Run and they are proposing a tree line in this location in addition to the buffers.*

** There will be 15.6 acres of open space as required by code, but that does not include the green space.*

** The proposed project would have significantly less impacts to the surrounding areas compared to a project that could be done under the current zoning designation.*

Mr. Gorovitz added the following:

** The public facility impacts are reduced by this project. Compared to what could be built under the current zoning, the proposed project will show a 88% reduction in traffic.*

** Over time as the project develops, they will determine whether to convert the future development to senior housing, which would have no impact on schools.*

** There will be a minimal impact on water and sewer.*

** They have spoken to Orange County staff and Mr. Kramer went to the Orange County Board of County Commissioners meeting and while they are concerned about the traffic in the Lake Pickett area, believes they are supportive of the project.*

** The 40 villas will be between 1,400 and 2,000 square feet with one car in the garage.*

** A study of the home values in the surrounding areas showed that the cost of the villas would be about the same.*

** They believe the home values will improve in the future as residents want to live near this type of facility to be close to their relatives and will pay a slight premium for this convenience.*

** They agree with Staff's conditions and asked for approval of their request.*

Commissioner Michelle Ertel advised that in her personal experience with senior facilities, there was a constant path of emergency vehicles in the area. The fire station on Lockwood is a co-fire station used by both Orange and Seminole County and would like to know what the projected budget would be with the increase in the number of trips by emergency vehicles and Mr. Gorovitz stated they didn't consider that impact and wasn't sure about the increase in emergency runs. They will look into that and provide more information.

General discussion ensued regarding the number of planned parking spaces, projected parking spaces, the location of the spaces for each area, the number of spaces per resident and for visitors. The applicant's representatives stated this will be shown on the final site plan.

Deborah Schafer of Chuluota – stated she is not opposed to the project; however, her concerns are as follows:

** The impact on the traffic. She advised the applicant states the impacts to traffic will be minimal, but her experience is quite the opposite as Lockwood and McCulloch can be totally locked up when there are football games.*

** Impact on traffic as it relates to the proposed number of employees and the number of deliveries this facility will generate. In her experience, traffic studies can vary and in reality, the impact is usually greater than what the study shows.*

** She believes the proposed project needs more consideration and review before it can be approved.*

R.J. Mueller of Orlando – stated he is not opposed to the project, but has concerns regarding the traffic impact in the area. He provided a map that reflected 105 accidents in the past two years within one mile of McCulloch. He believes that every road in his area is already over capacity and McCulloch Road is one of the worst.

Gordon Pearson of Oviedo – stated he is opposed to this project as he is concerned about the preservation of the trees and wildlife in this area.

Joshua Fenton of Oviedo – stated he is opposed to the project for the following reasons:

** He believes this project will impact residents who have lived in the area for many years.*

** The potential for a public nuisance due to increasing traffic and noise generated from traffic and emergency vehicles.*

** Potential light pollution will impact those in the area who enjoy the night sky.*

** The smell of the animals that live in the surrounding area will be a nuisance.*

** General environmental concerns from losing the flora and wildlife as a result of the development.*

** He stated if the developers are concerned with the environment in the area, then they need to voluntarily submit to an environmental impact assessment under NEPA (National Environmental Policy Act). If the environmental results are positive, then he would support the development.*

Mr. Gorovitz advised that there will be a medical team on site that should mitigate some of the concern with respect to the EMT traffic. Regarding the traffic, he advised that their impacts would be significantly reduced from what could be developed under the current zoning and this project has had a thorough review by Staff.

General discussion ensued regarding the number of EMT and 911 calls that could be generated by this project.

Commissioner Zembower stated he believes both Seminole and Orange County should discuss the mutually shared traffic concerns and impacts in the area. He also stated he thinks some very clear traffic studies need to be done for on/off peak times.

Mr. Gorovitz advised that they know the traffic needs to be dealt with and they believe the impact of their development would lessen the impact on the community from its current zoning. They did a small traffic study, but were advised by Staff that a more extensive study needs to be done at site plan approval. He further advised they will present data to Staff and have a solution to this issue before they go before the BCC.

He stated during a UCF football game, it could adversely affect the response availability from emergency vehicles and it would be incumbent on them to do a study.

Vice Chairman Dudley Bates asked if the villas will have two parking spaces and Mr. Gorovitz stated there will be a one car garage and one separate space for each residence.

Commissioner Jay Zembower asked for clarification that the 54 future units could be either assisted living, independent living or something other than those and Mr. Gorovitz advised depending on how this builds out, it could be a regular community, an assisted living or an independent living facility.

Commissioner Richard Jerman stated the Board is being asked to approve the Development Order and the Master Development Plan tonight and neither document addresses any of the traffic concerns.

Chairman Brown stated that generally during UCF football games, the college provides extra ambulances and EMTs for the game. Commissioner Ertel advised that she is still uncomfortable with the EMT issue and the possible additional cost to the taxpayers.

Kim Fischer, Development Review Manager – advised that there are no pending improvements scheduled on McCulloch. There is a failing level of service on Lockwood and McCulloch. Currently, neither Orange County nor Seminole County have plans on widening of roads in the area, but stated all would agree that a widening in the area is needed. The applicant's property falls within the Transportation Concurrency Exception Area, so they are exempt from concurrency, so staff cannot ask for improvements because it's beyond a quarter mile radius of the property.

Chairman Brown asked for clarification regarding the rating of the roads and the fact that this development can be built with a F rating because they have the exclusion so they can proceed and Ms. Fischer advised it's because they're in the Transportation Concurrency Exception Area, not because of the rating. She further advised that because of that, Staff can only request improvements to the area of failing intersections that are within a quarter mile radius of the driveway entrance.

Commissioner Michelle Ertel stated the applicant advised that they would go to staff between now and their BCC date and asked if it is possible for them to come back to the Planning and Zoning Commission due to the many issues that have not been addressed. Melissa Clarke, Assistant County Attorney, advised only if the Planning and Zoning Commission continues this item. Commissioner Ertel also asked if the Board could give the applicant the opportunity to withdraw the application before they make the motion tonight and Mrs. Clarke said it's possible, but the Board would need to check with the applicant.

General discussion ensued regarding whether to continue this item and whether the Board can require the applicant to provide a more extensive traffic study and an EMT response study.

Chairman Brown asked if there is anything in the code that requires the applicant to provide a fire concurrency or a response level study and Mr. Hopper advised that he does not believe so.

Chairman Brown stated that the Board should not hold up an item for information that

the Board does not have a legal right to ask for.

General discussion ensued regarding the next step the Board can take regarding this request, stipulating that the applicant provide the requested studies to the BCC and the concerns and positive impacts to the area.

A motion was made by Commissioner Rob Wolf, seconded by Vice Chairman Dudley Bates, to recommend approval of the Legacy Pointe LSFLUA and Rezone and refer this item to the Board of County Commissioners with the stipulation that the applicant address the traffic issues and the ambulance issue during UCF football games at the upcoming BCC meeting.

General discussion ensued with respect to the merits of this request, the traffic issues, the EMT/ambulance availability concern and what could be done on this property under the current zoning.

Commissioner Jerman asked if Commissioner Wolf would be agreeable to amending his motion to state that the Board recommends approval of the Development Order and Master Development Plan subject to an expanded traffic study being provided and a resolution of the emergency needs of this development.

Commissioner Wolf advised that because he feels the applicant would not have an issue providing an extended traffic study and working with Orange and Seminole County Fire, he would amend his motion as follows:

Recommend approval of the Legacy Pointe LSFLUA and Rezone and refer this item to the Board of County Commissioners with the stipulation that the applicant conduct a more expanded traffic study and resolve the conflicts during football games with Orange and Seminole County Fire Departments.

Vice Chairman Dudley Bates agreed to the amended motion.

General discussion ensued regarding whether the Board can or should require the Developer to incur the cost of an expanded traffic study.

Mr. Gorovitz suggested that the Board could recommend approval of the transmittal of the comp plan at this time and approve the rezone request with the stated conditions.

General discussion continued with respect to the cost of the expanded studies and whether the Board can require this and/or base their decision on something that the applicant is not required to do.

The Commission asked Mr. Gorovitz to discuss the financial impact an expanded traffic study and EMT study would have and whether he believes he can have these studies done in time to present them to the BCC and Mr. Gorovitz stated they are required to have a traffic study done at site plan, but will, for the record, assure the Commission that they will have a traffic study and EMT study done.

Commissioner Wolf asked if these studies will be accelerated in time to present them to the BCC and Mr. Gorovitz stated they will definitely make sure that happens.

General discussion continued regarding the need for an expanded traffic study, the information that needs to be in this study, and what could be built in this area at the current zoning.

A motion was made by Commissioner Rob Wolf, seconded by Vice Chairman Dudley Bates, to recommend approval of the Legacy Pointe LSFLUA and Rezone request with the stipulation that the Applicant conduct a more expanded traffic study and resolve the conflicts during football games with Orange and Seminole County Fire Departments and refer this item to the Board of County Commissioners. The motion CARRIED by the following vote:

Aye: 5 - Chairman Matt Brown, Vice Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, and Commissioner Michelle Ertel

Nay: 1 - Commissioner Jay Zembower

Excused: 1 - Commissioner Mya Hatchette

CLOSING BUSINESS

Planning and Development Manager Report

Kathy Hammel, Acting Planning and Development Manager - confirmed that Rebecca Hammock sent out an email with information regarding the proposed By-Laws for the Commissioners' information and discussion at the next meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:03 P.M.