

# SEMINOLE COUNTY GOVERNMENT

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



## Meeting Minutes (Draft) - Final

Wednesday, April 6, 2016

6:00 PM

BCC Chambers

## Planning and Zoning Commission

## CALL TO ORDER

**Present** 7 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

## Opening Statement

*The meeting convened at 6:02 p.m. with Chairman Dudley Bates 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

*Rebecca Hammock, Planning and Development Manager; Kathy Hammel, Principal Planner; Paul Chipok, Assistant County Attorney; Kim Fischer, Development Review Engineering Manager; Joy Giles, Senior Planner; Brian Walker, Senior Planner; and Tammy Brushwood, Clerk to the Planning and Zoning Commission.*

## Accept Proofs of Publication

**A motion was made by Commissioner Matt Brown, seconded by Commissioner Rob Wolf, that the Proofs of Publication be Approved. The motion CARRIED by the following vote:**

**Aye:** 7 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

## Approval of Minutes

**A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, that the March 2, 2016 Minutes be Approved as submitted. The motion CARRIED by the following vote:**

**Aye:** 7 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

## NEW BUSINESS

**Technical Review Items: None**

**Public Hearing Items:**

- 1     [2015-260](#)     **\* WITHDRAWN BY STAFF \* - Continued from the January 6, 2016 meeting - Shoreline Protection Ordinance - Consider amending Chapter 70, "Dredge and Filling" Land Development Code of Seminole County, Florida; designating the existing provision of Chapter 70 as**

Part 1, "General Dredge and Filling"; adding a new Part 2, "Seminole County Shoreline Protection Ordinance"; establishing findings, purposes, objectives and definitions for the shoreline protection ordinance; providing for the regulation of shoreline alternations on waterbodies within Seminole County, including requirements for permits and exemptions; providing for regulation of waterfront lots; providing for enforcement and penalties; clarifying provisions in Part 1; Amending Chapter 2, "Definitions", Land Development Code of Seminole County, Florida, to include a definition for fill; amending subsections 35.1, 40.2, 40.83, and 40.86, Land Development Code of Seminole County, Florida, to provide consistency with Shoreline Protection Ordinance; amending Chapter 53, "Code Enforcement", Seminole County Code concerning penalties; providing for codification in the Land Development Code of Seminole County and the Seminole County Code; providing for severability; and providing an effective date. Countywide (Kim Ornberg, Project Manager)

*Rebecca Hammock, Planning & Development Manager, stated that she was informed by Kim Ornberg, Seminole County Public Works, that Staff is withdrawing the item at this time. They may bring it back at a later date, but there is no date certain at this time.*

**2**      [2016-301](#)

**Vasant Vatika Small Scale Land Use Map Amendment and Rezone** - Consider a Small Scale Future Land Use Map Amendment from Low Density Residential (LDR) to Planned Development (PD) and a Rezone from R-1A (Single-Family Residential) to PD (Planned Development) for an age restricted 40 unit senior living community on 6.45 acres, located on the south side of Center Drive, approximately 600 feet east of Sunset Road; (Z2014-028) (08.14 SS 03) (Babuji Ambikapathy, Applicant) District1 - Dallari (Brian Walker, Project Manager)

*Brian Walker, Senior Planner, presented this item and stated that the applicant is requesting a Small Scale Future Land Use Amendment and Rezone to Planned Development (PD) in order to develop the subject property as an age-restricted, gated, senior living facility with a maximum density of 6.5 dwelling units per net buildable acre and a maximum of 40 lots with a minimum lot size of 3,850 square feet. Each lot will be fee simple and each unit will have its own garage for parking. There is a future land use designation and future rezone chart and a site analysis for the surrounding area*

*included in the Staff report. The request is consistent with the Seminole County Land Development Code and the surrounding area. The proposed project supports the objectives of the Planned Development zoning designation in that it provides the required minimum of 25% open space and it also provides adequate buffering to maintain compatibility between the proposed 40 age-restricted dwelling units and the surrounding home sites. Regarding consistency with our Comprehensive Plan, the intent of the requested Planned Development Future Land Use Designation is to provide for a variety of land uses and intensities. Flexibility in the design, lot size, buffer requirement, and open space can all be used to ensure compatibility with the surrounding development. The proposed development will have a maximum of 40 age-restricted dwelling units for seniors. All of the buildings will be accessed from an internal street leading to a common access point at Center Drive and will be separated from adjoining properties to the east and west by buffers of 10 and 15 feet, respectively. All of the buffers will comply with Chapter 30, Part 67 of the Seminole County Land Development Code and detailed buffering requirements will be included in the Developer's Commitment Agreement as part of the Final Development Plan. The applicant has indicated that they have coordinated with adjacent property owners through a community meeting and outreach. As a result of community input, the applicant has made several changes to the plan and the layout; which includes reducing the density, moving the parking to the interior of the development, reducing the size of the proposed clubhouse, and proposing fences and walls to mitigate for the increase in density. Based on this information, Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Small Scale Future Land Use Map Amendment from low density residential to Planned Development and adopt the Ordinance enacting a Rezone from R-1A Single Family Dwelling to Planned Development for 6.45 acres.*

*Commissioner Rob Wolf asked if the density adjustments have been reflected in the Staff report and Mr. Walker responded yes, the Board was provided with the latest version.*

*Commissioner Wolf further asked how Staff determines compatibility for density when there are different densities are either side and is it 3 times more dense than the R-1AA or 2 times more dense than the R-1A. Mr. Walker responded that with a Planned Development, they do not look to achieve the exact density of everything around the development. What they look at is using performance zoning and will use buffering or vegetation and with commercial developments, they may restrict the hours of operation. Mr. Walker further stated there are various tools that the Code provides to achieve compatibility, but it is not a match of density-for-density per se.*

*Commissioner Wolf stated that a match would be a 1 point something factor, but a factor of 3 and 2 seems difficult to imagine the Code allows for that stretch due to other buffering considerations. Mr. Walker stated that they present what the applicant is willing to do with regard to buffering and landscaping and they encourage they meet with the community, which they indicated to Staff that they had done. There are several factors that come into play.*

*Dave Sharma, for the applicant, stated that he is the Project Manager for the Hindu Society of Central Florida for the Vasant Vatika project and Babuji Ambikapathy is the President of the Hindu Society of Central Florida. He introduced his team on the project as follows:*

*\* Babuji Ambikapathy, Certified Traffic Engineer, VHB, Inc.*

*\* Suresh Gupta, Builder, CEO of Park Square Homes*

- \* The Principal Engineer for the project*
- \* Mala Karkhanis, President of the Hindu Society of Central Florida*
- \* Dr. Mohan Saoji, Member of the Advisory Council of the Hindu Society of Central Florida*

*Mr. Sharma stated that the land, which is on 1910 Central Drive, is owned by the Hindu Society of Central Florida. The land is 6.45 acres and presently zoned as R-1AA. The Temple is in close proximity to this land, which is located on 1994 Lake Drive, Casselberry, Florida. He further stated the following:*

- \* A lot of the congregation's activities, the Hindu Society of Central Florida, a non-profit religious organization, plans to develop this land for a faith-based, age-restricted, senior living facility.*
- \* They originally started with 56 units and a density of 9.5.*
- \* They met with the County on various occasions for guidance and assistance in the process.*
- \* Along with his team, he met with Commissioner Bob Dallari, on 3 occasions.*
- \* Upon the recommendation by Commissioner Dallari, they had a community outreach meeting that was held less than one year ago.*
- \* They wanted to talk to the people and hear their concerns and fears with the proposed planned senior development in their area.*
- \* After hearing their concerns, they restructured the entire proposal.*
- \* Instead of 56 units, they reduced it to 40 units.*
- \* Instead of 9.5 dwelling units per net buildable acre, they reduced it to 6.5.*
- \* One of the questions of concern was whether the traffic would increase.*
- \* Their traffic engineer prepared a study that determined the traffic would be much less with their development, then the allowed 26 units.*
- \* It will be a gated community with a wall and nice walkways.*
- \* He requested the Board's consideration for approval of this project.*

*Commissioner Jay Zembower asked if the community would be gated and Mr. Sharma responded yes.*

*Commissioner Zembower asked what the gate setback is from Center Drive and Mr. Shri Rao, Engineer from Landsmark Consultants, responded that the setback from the gate to Center Drive is about 40 feet and allows for at least two cars stacking. He further stated they can extend it further if needed.*

*Commissioner Zembower asked what their original proposed landscape buffers were prior to the community meeting, as the exhibit now reflects 15 feet buffers to the west, east and south of the property and 25 feet to the north. Mr. Rao responded that prior to the community meeting, the original proposed project was for 56 units in two large, two-story buildings with surrounding parking. He further stated that based on the concerns from the community, they went back to the drawing board and re-designed the project to make it look more like a residential subdivision and instead designed duplexes, as opposed to two large buildings. Prior to this, they had proposed a 10 foot buffer, which has now increased to 15 feet.*

*Commissioner Zembower asked if the community was happy with these changed buffers and Mr. Shri Rao responded that it was their impression at the conclusion of their meeting that this is what the community wanted. He further stated the following:*

- \* They did not go back to the community after they restructured their plans.*
- \* He did not know if they were happy with the change or not.*

*\* He thinks these changes meet most of the community's concerns in conforming to the perceived nature of the surrounding community.*

*\* The community's main concerns included the two-story buildings, increased traffic, and no garages in the original plan.*

*\* They completely amended the project to address the community's main concerns, which they think they did with the new proposed plan.*

Commissioner Zembower asked if it is correct that they have not met again with the community since the new proposed plan was amended and Mr. Rao said yes, that is correct.

Dr. Mohan Saoji, of Longwood, stated that he is a practicing dentist in Casselberry and has been since 1979. He further stated that he is part of the project and has heard the concerns of the community. He feels this project will enhance the lives of the whole area as a peaceful community, bringing value to their homes, and how nice they can be as a different culture in the community.

Suresh Gupta, of Orlando, stated that he is a CEO of Park Square Homes and they have been building homes in Central Florida for 32 years. He provided exhibits that were shown on the overheard screen and further stated the following:

*\* The proposed duplex will have a tile roof as shown on the conceptual elevation of the duplex.*

*\* It will have a Spanish architecture.*

*\* All of their products that have been built in Central Florida are something to be very proud of.*

*\* This project is about the only community in the area that will have tile roofs.*

*\* There were concerns about the quality of homes being built and bringing down the values of the existing homes.*

*\* Tile roofs last 50 years.*

*\* This will make the neighborhood look good and there should be no worries of diminished property values.*

*\* Every house has a green area around it.*

*\* Each unit is a two bedroom, one car garage unit.*

*\* The property is meant for seniors and is all one floor living.*

*\* They will provide some options for a second floor and a third bedroom, but most of the demands will be for a two bedroom unit.*

*\* The type of person who will be living in this community will be 55 years old and older.*

*\* Residents will be able to walk to their Temple, which is an attractive part of this project.*

*\* There are various activities at the Temple during the day and evening.*

*\* There will be very little traffic.*

*\* This is a safe community and a very good neighborhood.*

*\* They would be proud to be good neighbors.*

Mala Karkhanis, of Oviedo, stated that she is the President of the Hindu Society, which is a non-profit organization, for the next two years. She further stated the following:

*\* They have a lot of their senior population who are looking forward to this project.*

*\* She feels this development would be a good place for the seniors to walk to the Temple and feel fulfilled with a good life.*

*\* They surveyed their people and they don't want big houses in their retirement.*

*\* They don't want two-story houses, since they can't climb the stairs.*

*\* They looked at the logistics and only a few people will need a third bedroom, but most people will only need the two bedroom.*

*\* To make it easier for their seniors to serve, live a dignified life, and make the community proud.*

*\* There is a lanai and a lot of green space with each unit.*

*\* They hope they have met the needs of the community.*

*Shri Rao, of Winter Garden, stated that he is the Engineer of Record on this project. Personally speaking, his parents would love to move into this community. This would provide them with an opportunity to engage with the Temple that is nearby and get to know their peers. They don't have a community that caters to what they need as a Hindu community.*

*Shub Dev Sharma, of Longwood, stated that they really need a place for their seniors to come to the Temple, walk in and out, and enjoy the autumn of their life.*

*Kish Pathare, of Merritt Island, stated that he comes to the area three times per week. He is an architect for the Hindu Temple and has been involved with the Temple for many years. Seniors are buying houses in this area, because they want to walk to the Temple. Because of that, they have a new senior age group going to their Temple. They think it would be nice to have a community like this for seniors to walk to the Temple and engage in the various activities at the Temple.*

*Rosalie Bouley, of Casselberry, stated that her questions are not necessarily pro or con, they need some things cleared up because they haven't yet been exposed to this new plan. She further stated the following:*

*\* Are the retention ponds in the front of the property next to Center Drive?*

*\* Where will the overflow of the ponds be directed to go?*

*\* They have lived there for 24 years and have seen high amounts of rain and they have a retention pond very close to them that has flooded.*

*\* If their retention ponds flood, it could threaten the surrounding properties.*

*\* How many people will be allowed in each dwelling? Will it be a senior couple in each unit and can they bring in two or three friends and senior couples to live with them?*

*\* Will there be a limit to how many people can occupy a dwelling?*

*\* Will the grandchildren move in with them and will that be allowed?*

*\* They have seen a lot of changes over the past 24 years.*

*\* They love the Temple and think it is magnificent, which they have visited on several occasions.*

*\* Did the Temple close down at any time and was it unoccupied?*

*\* It became overgrown and uncared for and they wondered what had happened to the beautiful Temple and the people.*

*\* She isn't sure if they had closed temporarily.*

*\* If this happens again and the Temple closes permanently, would the retired Hindu people no longer want to live near there vacate their homes?*

*\* Then, they could be occupied by anybody.*

*\* Who will manage the development once it is occupied and will they have a management company in case there is a problem.*

*Darrell Malcomb, of Casselberry, stated he lives on the corner of Center Drive and Sunset Road. He welcomed the new people and although he wrote down in opposition, he just has questions regarding the traffic issues. He further stated the following:*

*\* He knows they have done a traffic study, but he doubts they really looked at the*

corners.

*\* Looking at the maps on the overhead, at the intersection of Lake Drive and Sunset Road, it is difficult for attentive drivers because people tend to cross the yellow line and he is worried there will be lots of accidents if people aren't as fast as they use to be.*

*\* Maybe Seminole County needs to remedy that issue before they double their traffic in the area.*

*\* He knows they said there won't be a lot of drivers, but there will be support people coming in, such as health care workers and cleaning people.*

*\* He welcomes them, but thinks this needs to be looked at.*

*\* Across the street from the development is a relative's home and he is worried about what happens if one of the residents confuses the gas pedal with the brake pedal and will they end up in his front yard or inside the house.*

*\* The road is barely above paved. It used to be a dirt road and now it is paved.*

*Theresa Kewley, of Casselberry, stated that her house is still under construction. She further stated the following:*

*\* Her family owns the largest piece of property on the entire road.*

*\* It was their family farm since the 1970's.*

*\* Except for one other person, they have lived there the longest of anybody.*

*\* Her biggest concern is she feels they have lost their lifestyle.*

*\* She has 10 horses and does farm animal rescue.*

*\* She can't ride her horse with her daughter down the road anymore without almost getting killed.*

*\* There is so much traffic with the developments already there.*

*\* There is only one sign that says Careful for Equestrians and it is on one of the side roads where no one owns a horse.*

*\* On Center Drive, where there are three horse farms, there is not a single sign.*

*\* Sunset Road is the road of choice for all the traffic to Center Drive, instead of Florida where the Temple is located.*

*\* It would be nice if all of the traffic was kept on Florida and not on Center Drive.*

*\* Sunset Drive is a dirt road and, through begging, got a sort of graveling pavement laid down and is not even a real roadway.*

*\* There is a lot of dead spots where Sunset Road hits Center Drive.*

*\* There is almost a daily accident.*

*\* She is very upset that they are losing their lifestyle and can't go anywhere on her animals because she is afraid they are going to get killed.*

*\* She really appreciates the accommodations that the applicant has made and the new house plan looks lovely.*

*\* The smaller number of people is great.*

*\* If she had to pick neighbors, she would pick them over a development, because there would be less traffic.*

*\* Her biggest concern is what this opens them up to.*

*\* Since her family has been there since the 1970's, she has seen one development turn into multiple developments encroaching upon her family's property.*

*\* If this is approved, the next people who sell acreage could build duplexes and apartment complexes.*

*Stefan Herzog, of Casselberry, stated he lives about 1,500 feet from the proposed site. He echoes the previous speaker's comments. He further stated the following:*

*\* He lives in one of the developments, but what attracted their family and neighbors is that it is semi-agricultural.*



*\* The traffic has increased within the past year with another development that was built to the east.*

*\* Their homeowner's association had a car hit a gas pedal instead of a brake and ran into their development's boundary wall causing catastrophic damage to the wall.*

*\* It doesn't seem like there's much of a plan and it seems like anyone who buys the land, can do with it whatever they want, regardless of how it is zoned.*

*\* He would appreciate more time to comment on the proposed plan with their neighbor's, because it looks like they put a lot of thought and effort into it and they are good neighbors to have.*

*Andrew Kacso, of Casselberry, stated that his property is directly to the east of the proposed development. He attended the community meeting, but he still has a lot of questions about the HOA or if there will be an HOA. He further stated the following:*

*\* The design that has been proposed is completely different than what was originally submitted.*

*\* He isn't sure if they are individual homes, row homes, or townhomes.*

*\* There are inconsistencies with whether the homes are one story or two story.*

*\* Seniors want to live on one story, but it was mentioned several times that it would be one story, then an option for two stories.*

*\* Is that option for all of the units and will they all be two stories?*

*\* The last thing he wants to see out of his back yard, 15 feet from his fence, is a row of two story houses from one end to the other.*

*\* He would prefer the other plan, having a more of a buffer with a parking lot next to his fence.*

*\* In terms of consistency in the area, the current zoning of R-1 A is what is consistent with everything on Center Drive to Lake Drive.*

*\* It is not a Planned Development community.*

*Michael Martin, of Casselberry, stated that he lives in the White Sand Cover Subdivision, which is about 100 yards from the proposed project. Stefan Herzog, is the President of their HOA and echoes his comments. To their knowledge, they were never made aware of or invited to any meeting of the adjacent community. Their first exposure to this is what they're seeing tonight.*

*Michael Crawford, of Casselberry, stated that he lives directly to the east of the proposed property. The proposed development is not consistent with the existing neighborhood. What is currently there are single family dwellings and farmettes. That's what is there, what they would like to see there, and what the existing zoning is and not duplexes.*

*Helga Thomas, of Casselberry, stated that she lives next door to the proposed development and doesn't think they should be allowed to build this development. She further stated the following:*

*\* She has lived in her home since 1988.*

*\* If anyone went by there and saw their yard, you could understand what she is talking about as they don't keep up with the landscaping.*

*\* They don't say hi when they see you.*

*\* Their fence is right on her property and she has five acres.*

*Dennis Fontaine, of Casselberry, stated that his concern was whether or not the applicant is requesting to vacate South Drive. He further stated the following:*

- \* South, Center and Sunset roads were dirt roads not that long ago.*
- \* On Sunset and South Drive, the County put down millings and the roads are wide enough for one car.*
- \* Currently, four families live on South Drive, which is designated as a non-maintained County right-of-way.*
- \* They don't have rights to keep anyone off of it, but it is not a paved road made for traffic.*
- \* They regularly endure traffic by sightseers, but the road dead-ends and there is no place to turn around, so drivers turn around on their front lawns or in their driveways.*
- \* Referencing the map shown on the overhead screen, it appears that South Drive will be vacated by the applicant.*
- \* If this part of South Drive is vacated, then all traffic will turnaround using his driveway.*
- \* A Seminole County fire truck came down for a safety survey and it couldn't turn around at the end of the street, so they turned around onto his driveway and cracked it.*
- \* He didn't have a problem with that as they were there for a good reason.*
- \* If they vacate, they should be allowed to restrict public access on the road to only the residents.*

*Commissioner Rob Wolf asked Staff if the County road is an easement or if it is private property and Brian Walker, of Staff, responded that South Drive is a County road. Commissioner Wolf further stated that since the road is owned by the County the applicant cannot vacate it.*

*Babuji Ambikapathy, the applicant, stated he is a logistical traffic engineer and also the Principal and Chief Transportation Engineer for VHB. He further stated the following:*

- \* In the existing R-1A zoning, the allowable density is 4 dwelling units per acre.*
- \* Using the maps on the overhead screen, the report showed the comparison of the low density residential, in R-1A zoning, with 36 units will create 304 daily trips and 31 pm peak hour trips.*
- \* Based on what they are proposing, as an age-restricted senior living community, they will have 40 units for the whole community and it will only generate 140 daily trips, which is 164 less trips on a daily basis.*
- \* The main difference is this development is an age-restricted and senior living and the traffic will be lower than what is currently approved.*
- \* The County will do a traffic study and if there is an impact on the traffic, they will do that.*
- \* It has been shown there will be reduction in the traffic with this proposed development.*

*Shri Rao, for the applicant, stated that he is speaking as a licensed Principal Engineer. He stated that they will comply with all of Seminole County's Code requirements with regards to the retention ponds and flooding issues. He further stated the following:*

- \* They have met with County Staff and they have included an additional area to account for flood plain storage if needed.*
- \* This is part of their Development Plan.*
- \* They will do everything that they can to meet and comply with the County Codes and standards.*
- \* Regarding whether or not children will live with the senior residents, the proposed property will be deed-restricted and meant for seniors only.*
- \* The residents will have children as visitors, as all grandparents do.*

- \* There will not be any school going children living on the property.*
- \* Most of the residents will be couples or widowers.*
- \* They will have visitors, but there won't be a group of people living in a small two bedroom unit.*
- \* Regarding managing the development, there will be a property manager.*
- \* At this point, Parks Square Homes has taken on the responsibility of running the project.*
- \* There will eventually be an HOA that will be responsible for maintaining the property.*
- \* Regarding the vacating issue, they will stay within the confines of their ownership of the property.*
- \* They are not asking the County to vacate.*
- \* They can restrict any access from the back of the property, so it will be a closed community.*
- \* They will have fences, brick walls, and gates around the property.*

Commissioner Matt Brown asked if they will be storing or popping off the water in the retention area and Mr. Rao responded there will be an outfall if they need to hard pipe it, they will pipe it to the wetland further to the east, but they will follow the drainage pattern that they planned during pre-development. Mr. Rao further stated that they will add a sidewalk too.

Suresh Gupta, for the applicant, stated that the units are more like villas than duplexes. He further stated the following:

- \* The buildings are two unit, detached villas.*
- \* They are not townhomes or a row of homes.*
- \* Each individual building will only have two residences.*
- \* There will be twenty buildings with 40 residences.*
- \* To clarify on the two bedroom or three bedroom, they asked their seniors what they liked, the majority said they want two bedrooms.*
- \* Because they have kids and relatives coming to visit, some of the residents wanted an option to have a third bedroom.*
- \* The third bedroom would be upstairs.*
- \* The seniors will not be living upstairs.*
- \* He is not sure how many people will take the three bedroom option.*
- \* He could restrict it to 40%, as they will only have a few buyers that are talking about the three bedroom option.*
- \* There will be a Homeowner's Association. In the beginning of any development, there aren't enough funds to take care of the HOA, so they, the Developer, will run the HOA.*
- \* If there is any negative funding, the Developer will finance it.*
- \* Regarding whether or not the Temple ever closed down, and it never did.*
- \* It may have looked like it during a slow period, but they never close down the Temple as it is against their beliefs.*
- \* Their community is strong and they support the Temple.*
- \* They have regular fund-raisers and a lot of activities.*
- \* The Temple will never close down.*

Commissioner Wolf stated that he applauds the applicant for bringing something that the County needs, which are senior living facilities and also commented that their renderings looked good. Mr. Wolf added that he doesn't see that the zoning compatibility is there and for that reason he is recommending that the Board of County Commissioner's deny the request.

Commissioner Matt Brown stated that these are duplexes in the middle of a residential area. He further stated that it is a great plan and wished it go somewhere, but does not see it on this property. Commissioner Brown added that the Hindu religion is well-respected, but this development is open to anyone aged 55 and above and anyone can live there. He does not see a duplex setting on that street and not up against single family homes.

Commissioner Wolf added that it is a great plan and a great concept, but in the wrong location.

**A motion was made by Commissioner Rob Wolf, seconded by Commissioner Matt Brown, that the Vasant Vatika Small Scale Land Use Map Amendment and Rezone be Denied and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:**

**Aye:** 7 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

3      [2016-300](#)

**Lake Sylvan Oaks Ph 2 Small Scale Future Land Use Map Amendment and Rezone** - Consider a Small Scale Future Land Use Map Amendment from Suburban Estates to Planned Development, and the associated Rezone from A-1 (Agriculture) to PD (Planned Development) for a 14 lot single family residential subdivision on 9.64 acres, located on the south side of S. Sylvan Lake Drive, approximately ¼ mile west of Orange Boulevard; (Z2016-005) (Joseph Schwartz, Applicant) District5 - Carey (Joy Giles, Project Manager)

Joy Giles, Senior Planner, presented this item and stated that the applicant has requested a Small Scale Land Use Amendment from Suburban Estates to Planned Development and a Rezone from A-1 (Agriculture) to PD (Planned Development) for 9.64 acres. The applicant proposes to develop a single family residential subdivision of 14 lots with a minimum lot size of 9,000 square feet and a maximum density of 2.5 dwelling units per net buildable acre. The property is located within the Wekiva River Protection Area and the East Lake Sylvan Transitional Area, which allows a maximum of 2.5 dwelling units per net buildable acre when utilizing a clustered design plan to minimize impacts. Staff finds the request for a Planned Development future land use designation and Planned Development zoning classification to be consistent with the Comprehensive Plan and compatible with the trend of development in the area. The property directly adjacent to the west, as well as the property directly adjacent to the east, are both Planned Developments with the same densities of 2.5 dwelling units per net buildable acre. Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Small Scale Land Use Amendment from Suburban Estates to Planned Development and adopt the associated Ordinance enacting a Rezone from A-1 to PD and approve the associated Master Development Plan and Development Order.

Ms. Giles further stated that there is a correction to the Development Order on Page three, which references a 15 foot minimum, 25 foot overall average buffer requirement for the 100 year flood plain, as well as the wetlands. The requirement is only for the

wetlands and not for the flood plain area and this has been corrected.

Charlie Madden, the applicant, stated that he does not have a presentation as they are proposing exactly what is on both sides of the property. He further stated the following:

- \* They have been in communication with some of the neighbors to the west of the subject property.
- \* They are matching the development trend on the west and east of the property.
- \* To the south is Pearl Lake.
- \* They are keeping with what is exactly adjacent to this property.
- \* In this particular case, they didn't feel like they needed to have a community meeting.

Commissioner Rob Wolf asked if they intend for this community to be gated and Mr. Madden responded yes.

Mr. Madden further stated the following:

- \* Their client, who is the builder on the lots to the west, Winston Shorts, will also be building the homes on this property and is the contract purchaser.
- \* This is called Phase 2, since it is a second phase of what they have already built.
- \* The road out front has been improved and installed in Phase I.
- \* This request will be a follow-up with the same size lots and everything consistent with what was previously approved.

Vice Chairman Jay Zembower asked if there would be buffering on the Phase 2 parcel, as one of the neighbors to the west had some issues about the buffering plan. Mr. Madden responded that they will have a 10 foot landscape buffer on the east and west property lines. The existing projects already had a buffer of their own. There are still buffers on both sides of the property line, just like there is with Pearl Lake Estates.

Chairman Dudley Bates stated that he has heard concerns about South Sylvan Lake Drive road and asked if it is deemed okay and not on the capital improvement program for the County. Mr. Madden responded that was correct, it is not on the improvement program, but it was on the Phase I improvement program. There is a brand new road that was built during the Phase I construction. Part of their requirements were to improve the road to County standards from the entrance of the Phase I driveway and back to where it was improved, to the west side of the school. Phase 2 is between Phase 1 and Orange Boulevard, so the road has already been improved.

Greg Gaston, of Sanford, stated that he lives on Katie Cove, which is the street directly parallel to the east of the proposed development. He further stated the following:

- \* He received notice two weeks ago.
- \* He has had no contact from the developer about what is being proposed.
- \* He doesn't know what buffer zone he is talking about and they don't have one.
- \* They look at 100 to 300 year old southern oak trees and apparently they will be torn down and they'll be looking into somebody's living room.
- \* The immediate area, from S.R. 46 to County Road 46A, on Orange Boulevard is drastically over-developed.
- \* It's been around 40% occupancy for the past couple of years.
- \* He is concerned about his property value being diminished if another neighborhood is built.
- \* The oldest one, which is the Estates at Pearl Lake, is currently at a 75% occupancy

*and they can't sell their houses.*

*\* He questions the logic of building another neighborhood when all of the research is showing we are going into a housing and market slump.*

*\* A summary of concerns that he researched was provided to the Board for their review and consideration.*

*Eric Vinacke, of Sanford, stated that he lives on Katie Cove and the property is directly behind his house. He further stated the following:*

*\* He just received notification two weeks ago.*

*\* He has had no conversation or notice of the project from the applicant.*

*\* There is a lack of preparation with no presentation tonight that would show what the development will look like.*

*\* This is the first time he has seen the proposal for the 14 single family homes.*

*\* A 10 foot landscape buffer still has everybody looking into each other's windows.*

*\* He doesn't think that is desirable for the current residents of Pearl Lake, nor for the 14 homes being sold.*

*\* He would like more information on this.*

*\* He requests they completely slow down the process for additional thought and consideration, not only for the potential homeowners but also for the existing residents whom have spent hundreds of thousands on their homes and paid thousands of dollars in additional costs for premium lot upgrades, which will now be torn down to look into neighboring windows.*

*\* He thinks the neighbors and future residents would appreciate more thought, consideration and preparation.*

*Commissioner Richard Jerman asked what Mr. Vinacke's address was and Mr. Vinacke showed where he lived using the maps provided on the overhead screen.*

*Commissioner Rob Wolf stated that he sees the Future Land Use showing a lot of Planned Development and then it has isolated pockets of Suburban Estates. He asked, with respect to the current zoning and future land use, does the County leave it as Suburban Estates or do they pick out compatible land use in the future as a smooth transition. Ms. Giles, of Staff, responded that most of the properties in the area have a Future Land Use Amendment to Planned Developments. There are not very many left in the area that are Suburban Estates. There have been a couple of developments, to the west and east, come in over the past few years where the applicant requested and was approved for a Land Use Amendment and Rezone. It is up to the property owner to come forth and request the change. The County does not do it administratively.*

*Charlie Madden, for the applicant, stated that he appreciates the comments that the two neighbors just received their notices two weeks ago and are learning more about the project tonight. He further stated the following:*

*\* He would like to get their business card and they will continue a dialog with them by informing them of what they are doing, which is very similar to exactly what they did with the Pearl Lake Estates project.*

*\* Everything is the same as Pearl Lake Estates, such as the setbacks.*

*\* They are doing exactly what they did.*

*\* This is a private piece of real estate and if somebody wants to sell it, they can.*

*\* He appreciates the concerns and they will be glad to reach out to them between now and the Board of County Commissioner's meeting to show they are doing a similar project to their development.*

Commissioner Jerman asked what the County Code is for the buffer and Mr. Madden responded it is 10 feet and they are meeting the Code.

Commissioner Wolf stated that he completely supports this request. He further stated it is 100% compatible with all of the properties south of Lake Sylvan Drive and around it. There is no difference between the property on the south, east or west of the proposed property. For that reason, it is a natural transition and is compatible. They will be living next to the same kind of houses, buffers, and spaces that is next to them. The applicant is not asking for a higher density and for that reason he supports the project.

Commissioner Jay Zembower stated that he concurred with Commissioner Wolf's statement. He further stated that if the diagrams are correct for the Katie Cove area, he doesn't see any trees or any buffer on that property. He feels that Mr. Madden and his group will work with these folks, as they have done with others in the past, to afford them the best buffer they possibly can.

Commissioner Matt Brown stated that he has experienced trees behind his home being cut down and he realizes that his property line stops there and somebody else owns the other property. If he had bought the other property, he could have kept the trees there. He agrees that it is sad, but the project is compatible.

**A motion was made by Commissioner Michelle Ertel, seconded by Commissioner Mya Hatchette, that the Lake Sylvan Oaks Phase 2 Small Scale Future Land Use Map Amendment and Rezone be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:**

**Aye:** 7 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

## **CLOSING BUSINESS**

### **Planning & Development Manager Report - Final Bylaws**

*Planning & Development Manager's Report – Planning & Zoning Commission/Land Planning Agency (LPA) Bylaws - Rebecca Hammock, Planning & Development Division Manager, stated that she provided a final version of the proposed Bylaws to the Commission and she is requesting they adopt them as presented or make changes to be brought back to the next meeting for review.*

*Commissioner Richard Jerman asked if the Bylaws would need to go to the Board of County Commissioners after they adopted them and Ms. Hammock responded that her understanding is that the item does not need to move forward to the Commissioners for their consideration and approval.*

*Paul Chipok, Assistant County Attorney, confirmed that these are the Planning & Zoning Commission's Bylaws, which is their operational tool and that they, the Planning & Zoning Commission, can adopt and amend them accordingly.*

*Commissioner Jay Zembower asked Mr. Chipok if he was able to review the Bylaws and he responded that he made a couple of tweaks in order to be consistent with case law and clarified a couple of points. He further stated the following:*

*\* Regarding the question on conflicts from the last meeting, the language in the Bylaws is correct and consistent with case law.*

*\* Regarding a Board member's abstention on voting, the law changed in 2014.*

*\* Previously, a Board member could only abstain from voting if they had a financial conflict and it directly benefited the Board member or a close relative.*

*\* In 2004, an additional provision was included that in a quasi-judicial hearing, which is how this Board operates, a Board member can abstain if it creates a potential for or appearance of prejudice or bias.*

*\* In looking for guidance on that, there is no case law on that section yet.*

*\* His recommendation is for the Board to use their best judgement if they are in that type of situation.*

*Chairman Dudley Bates stated that he is still not comfortable with a Board member withdrawing from voting on an item because of personal enhancement, but they are still allowed to participate in the discussion. Chairman Bates further stated that if a Board member withdraws because of a possible enhancement then that is okay, but to then be able to argue the case, he is not comfortable with that.*

*Mr. Chipok stated that he is correct and that is the way the Statute is written and in practice and procedure, which is supported by case law. When a Board member announces a conflict, they are allowed to participate in the discussion, but not allowed to participate in the vote.*

*Commissioner Brown asked if participation in discussion be from where the Board sits on the dais, or would participation be from the podium, just like an audience member speaks for their 3 minutes. Mr. Chipok responded that he spoke with other attorneys in the office and he was informed of the process as follows:*

*\* The Board member announces the conflict.*

*\* The Board member completes the appropriate paperwork (Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers).*

*\* The Board member can participate in the discussion.*

*\* The Board member does not need to leave the dais.*

*Commissioner Rob Wolf asked if the term "majority" can be used instead of "two-thirds" for voting, as reflected in Paragraph 15, Amending the Bylaws. Rebecca Hammock stated she can make that change in the Bylaws.*

*Further discussion ensued regarding majority voting.*

**A motion was made by Commissioner Matt Brown, seconded by Commissioner Richard Jerman, that the Planning and Zoning Commission/Land Planning Agency (LPA) Bylaws be Approved, with a change of majority vote instead of two-thirds vote, as reflected in Section 15 of the Bylaws. The motion CARRIED by the following vote:**

**Aye:** 7 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Richard Jerman, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

## **ADJOURNMENT**

**There being no further business, the meeting adjourned at 7:29 p.m.**