

# SEMINOLE COUNTY GOVERNMENT

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



## Meeting Minutes (Draft) - Final

Wednesday, July 6, 2016

6:00 PM

BCC Chambers

## Planning and Zoning Commission

## CALL TO ORDER

**Present** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused** 1 - Commissioner Richard Jerman

## Opening Statement

The meeting convened at 6:00 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 Division Manager; Kathy Hammel, Principal Planner; Paul Chipok, Assistant County Attorney; Jim Potter, Development Review Senior Engineer; 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 Rob Wolf, seconded by Commissioner Matt Brown, that the Proofs of Publication be Approved. The motion CARRIED by the following vote:

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

## Approval of Minutes

A motion was made by Commissioner Matt Brown, seconded by Vice Chairman Jay Zembower, that the June 1, 2016 Minutes be Approved as submitted. The motion CARRIED by the following vote:

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

## NEW BUSINESS

### Technical Review Items:

- 1     [A-2255-16](#)     Approve the Preliminary Subdivision Plan for the Matt Gillio subdivision containing 2 lots on 2.659 acres zoned A-1 (Agriculture), located on the west side of Lake Markham Road, north of Markham Road; (Matt Gillio, Applicant) District5 - Carey (Denny Gibbs, Project Manager)

*Rebecca Hammock, Planning & Development Division Manager, presented this item and stated that she is presenting this item on behalf of the Project Manager, Denny Gibbs. This is a proposed Preliminary Subdivision Plan for 2 lots in a single family residential subdivision. The property is zoned A-1 (Agriculture) and has a Suburban Estates Future Land Use designation, which allows 1.0 dwelling unit per acre. The property is located within the Wekiva River Protection Area and within the Urban Bear Management Area. The proposed 2 lot Subdivision complies with the Zoning and the Future Land Use of the subject property and Chapter 35, the Subdivision Regulations, of the Land Development Code. Staff recommends approval of the Preliminary Subdivision Plan. The property is located on Lake Markham Road north of Markham Road and both lots would access off of Lake Markham Road.*

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

**A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, that the Matt Gillio Preliminary Subdivision Plan be Approved. The motion CARRIED by the following vote:**

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

- 2     [A-2195-16](#)     Approve the Preliminary Subdivision Plan for the Orange Creek subdivision containing 21 lots on 5.02 acres zoned PD (Planned Development), located on the south side of Orange Boulevard, approximately 920 feet west of North Oregon Street; (Jim Stelling, Applicant) District5 - Carey (Kathy Hammel, Project Manager)

*Kathy Hammel, Principal Planner, presented this item and stated this is a Preliminary Subdivision Plan (PSP) for the Orange Creek Subdivision approximately 5 acres and located on the south side of Orange Boulevard and approximately 920 feet west of Oregon Street. This item was approved by the Planning & Zoning Board on March 3, 2016 for a PD Rezoning and also on March 22, 2016 by the Board of County Commissioners. The PSP is a 21 lot single family residential subdivision on 5.20 acres with a maximum density of 4.18 dwelling units per net buildable acre. This PSP complies with the Final Development Plan that was approved as part of the Rezone, the Developer's Commitment Agreement, and Chapter 35 of the Seminole County Land*

*Development Code. Staff is recommending approval of this Preliminary Subdivision Plan.*

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

**A motion was made by Commissioner Michelle Ertel, seconded by Commissioner Mya Hatchette, that the Orange Creek Preliminary Subdivision Plan be Approved. The motion CARRIED by the following vote:**

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

**3**      [A-2299-16](#)

Approve the Preliminary Subdivision Plan for the Suntera Park subdivision containing 11 lots on 13.5 acres zoned PD (Planned Development), located at the corner of Celery Avenue and N. Beardall Avenue; (Robert Horian, Applicant) District5 - Carey (Joy Giles, Project Manager)

*Joy Giles, Senior Planner, stated that this request is to approve the Suntera Park Industrial Subdivision for 11 lots located at the corner of Beardall and Celery Avenue. The Preliminary Subdivision Plan (PSP) complies with all conditions of the Suntera Park Final Development Plan, Developer's Commitment Agreement, and Chapter 35 of the Seminole County Land Development Code. The internal roadway will be private and water will be provided by the City of Sanford. Sewer will be provided by septic systems. Staff recommends approval of the Preliminary Subdivision Plan (PSP) for Suntera Park as requested.*

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

*Commissioner Matt Brown stated that this is Item #3 on the Agenda, which is 2299-16.*

*Commissioner Rob Wolf stated that Staff did present item 2299-16.*

*Chairman Dudley Bates stated that he read the wrong item title.*

**A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, that the Suntera Park Preliminary Subdivision Plan be Approved. The motion CARRIED by the following vote:**

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

**Public Hearing Items:**

- 4      [2016-361](#)      **Riverside Oaks PD Rezone** - Consider a Rezone from A-1 (Agriculture) to PD (Planned Development) for a single family residential subdivision on approximately 64.58 acres, located on the north side of Celery Avenue, approximately ½ mile west of Cameron Avenue; (Z2016-014) (Madden, Moorhead & Glunt, Applicant) District5 - Carey (Joy Giles, Project Manager)

*Joy Giles, Senior Planner, presented this item and stated that the applicant is requesting a Rezone from A-1 (Agriculture) to PD (Planned Development) on 64.58 acres located on the north side of Celery Avenue. The applicant proposes a single family residential subdivision of 130 lots with a minimum lot size of 6,000 square feet and a maximum density of 3.5 units per acre. The development will provide a minimum of 15% open space and a 25' perimeter buffer as shown on the Master Development Plan. The developer will be required to provide a left turn lane and a sidewalk along Celery Avenue. Utilities will be provided by the City of Sanford. The proposed development is compatible with the Comprehensive Plan as well as the Seminole County-City of Sanford Joint Planning Agreement, which has identified the site as suitable for a residential clustered development with smaller lot sizes and a maximum density of 3.5 units per acre. Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 to PD and adopt the associated Master Development Plan and Development Order for 64.58 acres.*

*Commissioner Rob Wolf asked the Future Land Use and current zoning of A-1, which is the current zoning and normally A-1 is a holding pattern for something in the future, but the Future Land Use is Suburban Estates, which is at least an acre. Here, we have a Low Density Residential in the middle of it, so is this consistent with our Future Land Use plan and Ms. Giles responded that the Future Land Use is Low Density Residential on the subject site, which allows for a maximum density of 4.0 units per net buildable acre and the land use is already in place.*

*Commissioner Matt Brown stated that LDR is reflected in yellow on the map shown on the overhead screen.*

*Commissioner Wolf stated that it is unusual to have Low Density Residential in the middle of Suburban Estates. He further stated, with respect to our Future Land Use and where we intend to go and sticking with that, it makes it easier for developers in the future to know what the County's intent is and what they will approve or not approve.*

*Ms. Giles stated that the land use of the subject site was approved by the Board of County Commissioners in 2010, so that was already set in place.*

*Charlie Madden, for the applicant, stated that Larry Dale is in the audience and Daryl McClain is the other property owner. As Joy stated, the land use was changed to LDR in 2010. He further stated the following:*

*\* The area on the map shown is being governed by the Joint Planning Agreement between Seminole County and Sanford.*

*\* Normally, he will have the customary community meetings, however in this case they didn't have one, because the development program that you're allowed to do in this particular area is very well-defined and strictly enforced on what the JPA says.*

*\* They follow the JPA to the tee and they are not asking for any variances from that.*

*\* They agree with Staff's recommendation.*

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

**A motion was made by Commissioner Michelle Ertel, seconded by Commissioner Rob Wolf, that the Riverside Oaks PD Rezone be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:**

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

5      [2016-376](#)

**Allure on the Parkway Large Scale Land Use Map Amendment and Rezone** - Consider a Large Scale Future Land Use Map Amendment from High Intensity Planned Development - Target Industry to Planned Development, and consider the associated Ordinance enacting a Rezone from PD (Planned Development) to PD (Planned Development) on 12.28 acres, located on the west side of International Parkway, approximately ½ mile north of County Road 46A; (Z2016-027) (David Bastos, Applicant) District5 - Carey (Kathy Hammel, Project Manager)

*Kathy Hammel, Principal Planner, presented this item and stated that this is a Large Scale Land Use Amendment from High Intensity Planned Development Target Industry (HIP-TI) to Planned Development (PD) and a Rezone from Planned Development (PD) to Planned Development (PD). This change is for an existing approved project, which was known as Gunter Village. It was approved in 2009 for 350 multi-family units, 15,000 square feet of restaurant, 40,000 square feet of retail, 80,000 square feet of Class A office space, and a 200 room hotel. It was also approved to be consistent with the HIP-TI requirement that residential cannot exceed the Class A office space and Target Industry uses. This is why we are here tonight. In looking at the trend of development in the area, on the west side of International Parkway, this piece of property is now an in-fill development and surrounded by multi-family to the north and south and single family homes to the west of the property. Allowing for residential to increase will allow it to be more consistent with the development trend. Staff believes that this is consistent with the development trend happening along International Parkway and also complimentary to all of the Target Industries approved on the east side of International Parkway, which is where the Colonial Town Park DRI is located and has more than one million square feet of Class A office space. Town Park Commons was approved last year, which is 800,000 square feet of Class A office space. With this development, and even with the increase in residential, it would still be 25% residential use, including the recently approved 800,000 square feet of Class A office space. Staff recommends that the Board of County Commissioners transmit this request to the State for approval.*

Vice Chairman Zembower asked how this provision affects our HIP-TI moving forward as his concern is potentially getting ourselves in a quagmire by allowing this item to move forward and a subsequent request expecting the same. Ms. Hammel responded that it was an excellent question and something that was very important when they were reviewing this request. She further stated the following:

- \* This parcel of land is more of an in-fill development.
- \* The location is very unique with it being surrounded by residential property.
- \* It is connected to the Wekiva Trail.
- \* It is also directly across the street from Colonial Town Park Commons and the Colonial Town Park DRI.
- \* Proximity and connectivity to the Trail and also Class A office spaces are unique.
- \* They only have a couple of Target Industry sites, but they don't have the connectivity as this site does.

Vice Chairman Zembower asked if whether this connectivity is going to pre-empt other parcel requests from occurring and does Staff feel this is okay. Ms. Hammel responded as follows:

- \* The other parcels do not have the connectivity, nor do they have the trend of development as this project has.
- \* There is one parcel still vacant to the north of the property, but that parcel is located on the west side of International Parkway and not adjacent to the residential uses or adjacent to all of the very high square footage Class A office spaces.
- \* The entrance is changing to align with the Colonial Town Park area and Staff is having them match all of the landscaping to make it look like one project.

Vice Chairman Zembower asked how far up is the Trail being brought up through this project and will it run all the way to International Parkway. Ms. Hammel responded as follows:

- \* The Trail is located on the west side of this property.
- \* She has contacted the Trails Department, because it is an old railroad bed and used to go all the way to International Parkway.
- \* The dilemma is that when they did the retention pond to the north, they took up so much of the right-of-way that there isn't enough land to construct a trail.
- \* The retention pond is causing there not to be enough land, but the applicant is connecting entrances onto the Trail.
- \* This project will be connected to the Trail system, but it will not go all the way up to International Parkway because of the retention pond.

Vice Chairman Zembower asked if there is any latitude with the retention pond or perhaps a walkway over or through the retention pond, similar to what is in Casselberry and Ms. Hammel responded that she would look into that.

Jonathan Martin, for the applicant, stated that he is available to answer any questions as this is just a transmittal to the State and when it comes back they will do their full presentation when the Board is taking true action on the property.

Commissioner Rob Wolf asked if the trail will dead-end into the project as it is right now and will it continue onto International Parkway for continuity and flow. Mr. Martin responded as follows:

- \* Their goal is to not have a full trail, but there will be a sidewalk and parking for bikes within their project.*
- \* The connectivity to the Trail is really important and has always been important for this project.*
- \* The problem with a true trail is that the clear zone outside of that needs to be salvaged, but they have committed to the connectivity.*
- \* It won't be a customary trail, but you will be able to walk a bike through it and access the retail and convenience of access to International Parkway.*
- \* Contiguous access and space will be provided.*
- \* There are plans in the future, but it is not required for their project, for a possible signal at their entrance that they are re-aligning it to share with the neighbor across the road.*
- \* Once that signal is installed, there will also be a secondary egress across International Parkway that will be much safer.*

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

*Commissioner Mya Hatchette commented that she agrees that the proposed amendment goes along with the trend of increasing the residential area. But, with the trail, if the Board is making the decision now that it would have to only be a walking portion of the trail and is that something that can be later brought up to the Board at a later time. She stated that she feels this has serious and substantial issues with the project.*

*Commissioner Matt Brown stated that this is private property and if the Trail System wanted it, they would have to do eminent domain or something to take the property and there is nothing in our Code that says they have to give us property.*

*Vice Chairman Zembower stated that they are asking for a Major Amendment, which Commissioner Hatchette agreed and with this amendment are they precluding that from being able to happen.*

*Commissioner Rob Wolf stated that was a great point and he believes that the developer talked about space for biking and walking, so he would like to withdraw his motion and amend it to include what the applicant said he was going to provide.*

*Commissioner Brown stated that is was included in the Development Order and Commissioner Wolf asked where in the D.O. the right-of-way for the connectivity was and Mr. Martin responded that it is included in DP1. Commissioner Wolf asked if it is a narrative or just a diagram and Mr. Martin stated that it is a narrative.*

*Mr. Martin showed the diagram and read from the document that states the following: the applicant recognizes the importance of the Seminole Wekiva Trail and it connecting various amenities and land uses in the mixed-use area and they will agree to provide a semi-public 8' wide trail connection to the multi-family units and the commercial uses proposed. He further read that the trail connection will serve both residents of the development and uses and would provide such amenities as benches, bicycle racks, and way-finding signage to the commercial offerings proposed in the development of the east side of International Parkway. Mr. Martin stated that once the signal is installed, then people will be able to go further east across the signal and that was their commitment.*

*Vice Chairman Zembower agrees that if they want to include this language as an amendment or withdraw the motion to include this part, then Commissioner Wolf stated*



*that if that statement is already in the Development Order, it is not needed, because it is part of the Development Order. He further stated that his initial motion stands based on the Development Order having this language.*

*Commissioner Hatchette stated that she agreed as long as it is in the Development Order.*

**A motion was made by Commissioner Rob Wolf, seconded by Commissioner Matt Brown, that the Allure on the Parkway Large Scale Land Use Map Amendment and Rezone be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:**

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

**6**      [2016-367](#)

**San Pedro PD Major Amendment and Rezone -**

Consider a Major Amendment and Rezone from PD (Planned Development) to PD (Planned Development) for a mixed-use development on approximately 468 acres, located on the north side of Howell Branch Road, approximately 400 feet east of Jergo Road; (Z2016-023) (Richard Jerman, Applicant) District 1 - Dallari (Brian Walker, Project Manager).

*Tammy Brushwood, Clerk to the Planning & Zoning Commission, stated that the Board was provided a copy of Form 8B: Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers. This was submitted by Planning & Zoning Commissioner Richard Jerman, disclosing that he will not be voting on this item, which inured to his special gain or loss, as the applicant of this item, Richard A. Jerman, Jen Florida 23, LLC.*

*Brian Walker, Senior Planner, presented this item and stated that the applicant is requesting a Major Amendment and Rezone to the San Pedro Planned Development in order to develop the subject property as a mixed use development. The property is currently part of the San Pedro Planned Development and was approved by the Board of County Commissioners on July 27, 2010. The existing PD allows the following:*

- \* An age restricted community with a total of 900 independent living units.*
- \* A 450 bed assisted living facility.*
- \* Skilled nursing with up to 150 beds.*
- \* A maximum of 225,000 square feet of commercial and retail development.*
- \* A 110 room hotel.*
- \* A 60,000 square foot existing spiritual center.*
- \* Expansion of the existing spiritual center to include 48 dorm rooms and 50,000 square feet of support facilities.*
- \* Expansion of the cemetery to include 75,000 square feet of support uses.*

*The proposed Major Amendment includes the following changes to the current PD:*

- \* A reduction of living units from 900 to a maximum of 750 units. This represents a residential density reduction from 6.9 dwelling units per net buildable acre to 4.4 dwelling units per net buildable acre.*
- \* A reduction of 325 beds in the assisted living facility, for a maximum of 125 beds, and subject to additional beds to be added as stated in the Development Order.*
- \* Elimination of the skilled nursing beds.*
- \* A reduction of 175,000 square feet of convenience, retail, and commercial development for a total of 50,000 square feet.*
- \* Elimination of the hotel use.*
- \* Removal of the age restriction for residential uses.*
- \* The residential areas of the development are proposed to have detached single family home lots that would range in size from 34' x 110' to 60' x 120' lots and attached townhome lots that would be 20' x 90' in Village 2A only, as shown on the Master Development Plan.*
- \* The commercial portions of the development will allow uses that are permitted in the C-1 zoning district; including, but not limited to, banks, restaurants, and charter schools. Additional details regarding the setbacks, buffers, permitted and prohibited uses for the commercial areas, cemetery, preserve and spiritual center are outlined in the proposed Development Order. A site analysis is as stated in the Staff report.*
- \* Buffers will be provided along the east, west and south perimeter of the property ranging in size from 10' on the east to 75' on the west. Buffer details are also shown on the Master Development Plan and outlined in the Development Order.*
- \* There will be 25% common, usable open space that will be provided on the entire subject property.*
- \* Seminole County Public Schools has conducted a school impact analysis based on the applicant's request and the School Board has determined that the proposed number of students generated could be accommodated without exceeding the adopted levels of service.*

*The proposed Planned Development zoning designation and the associated Master Development Plan have been evaluated for compatibility with the Land Development Code in accordance with Chapter 30, Part 25.*

*The proposed project supports certain objectives of the PD zoning designation, which provides the required minimum of 25% open space, buffering against existing single family homes, enhanced protection of natural resource areas, and mixed use development.*

*Staff recommends that a single row of lots along the western buffer, south of Lake Howell Lane, to be a minimum of 60' wide and a single row of lots along the western buffer, north of Lake Howell Lane, to be a minimum of 70' wide with an average width of 75'. However, it is Staff's understanding that the applicant has come to an agreement with the neighbors regarding lot sizes that may differ from this recommendation.*

*The applicant will discuss the agreement in further detail and Staff may be in full agreement with this once the details are revealed.*

*Regarding consistency with the Comprehensive Plan, at the time of the first approval, the San Pedro Planned Development was found to be in compliance with the Comprehensive Plan and it remains in compliance with the current application.*

*In establishing a Planned Development regarding the Future Land Use classification of the subject property, the County approved a broad program of allowable uses,*

*densities and intensities of such uses. The plan that is now under consideration is less intense than the limits set in the original approval outlined in the July 27, 2010 Development Order.*

*Based on this information, Staff recommends that the Board of County Commissioners adopt the Ordinance enacting a Rezone from PD to PD and approve the associated Development Order and Master Development Plan with Staff's recommended conditions for a mixed use development on approximately 468 acres located on the north side of Howell Branch Road approximately 400 feet east of Jergo Road.*

*Vice Chairman Jay Zembower asked if Staff has heard the proposal of the lot size issue and Mr. Walker responded that they had a very preliminary discussion, but have not had a chance to review everything. He further stated when Staff hears the details of the agreement and it seems to be in harmony with good planning practice, and the neighbors' are in agreement, then Staff will be in agreement as well.*

*Commissioner Mya Hatchette asked about the increase in beds at the assisted living facility (ALF) that is now set at 125 beds and the statement that it could increase under the Development Order. Mr. Walker responded that there is an option in the Development Order to add additional beds utilizing a conversion rate of 500 square feet of commercial space for each bed to be added to the ALF use. If they want to utilize that conversion rate then they can reduce their commercial square footage by 500 square feet and add a bed to the ALF. This effects the overall commercial allocation.*

*Commissioner Hatchette asked if the Seminole County Public Schools' analysis shows current schools would be able to accommodate the projected levels and would it be at capacity in the high school. Mr. Walker responded that the report was generated by a representative of the School Board and they make those determinations, not the Board of County Commissioners. He further stated they rely on their report and based on the information that the applicant submitted in their letter, they could accommodate these levels without exceeding the adopted levels of service.*

*Rebecca Hammock, Planning & Development Division Manager, stated that the School Board looks at concurrency service areas and there are multiple high schools within that service area. Therefore, it may not be the closest high school to the subject property that has capacity and in that case, the School Board would provide transportation for the student. She further stated that as long as a school has capacity within the concurrency service area, then there is available capacity to serve the proposed development.*

*Paul Chipok, Assistant County Attorney, stated that Staff has reviewed the application as presented to them and there is a general recommendation of approval on the site plan as submitted. He further stated the following:*

*\* The settlement agreement with some of the neighbor's creates some additional restrictions, so it is more restrictive, and it would not be inconsistent with what Staff's recommendation is now, but it may be more restrictive on the property.*

*\* Once the settlement agreement is proposed and talked about, the Board can move forward with the approval of the project as it is, or some of the conditions can be included as additional conditions, which is within the Board's purview as well.*

*Vice Chairman Zembower asked if, based on that and regardless of what is decided, will it be more restrictive on the applicant and Mr. Chipok responded that if they agree*

to something less restrictive it is irrelevant, because the County is setting the minimum standard for the zoning. Vice Chairman Zembower asked if Staff still needs to understand what that is before they can make a decision to approve and Mr. Chipok said that was correct.

Commissioner Matt Brown asked unless the density increases, then would everything be good, since they've advertised a certain density and Mr. Chipok responded that was correct, but if they are agreeing to larger buffers and larger lot sizes, then it will only decrease the density. Mr. Chipok further stated that the Board is looking at the PD in general, and the Board is setting the zoning today. He added that if it is drastically different that would be a problem, but if there is a little tweaking that would be okay.

Mr. Walker stated that the preliminary discussion, regarding the agreement, primarily had to do with buffer and lot sizes along the western buffer of the property. He further stated the following:

- \* Staff is recommending a minimum of 70' with an average of 75'.
- \* They have come to an agreement of 70', which Staff is okay with.
- \* They are also okay with the buffers that have been presented and as the County Attorney correctly stated, they have been made larger in many areas.
- \* The reason why he is saying preliminary is because it was a very quick discussion and he will be able to listen to it in more detail, as will the Board, to see if there are any additional items.

Chairman Dudley Bates asked if the Board could come back to Mr. Walker after the discussion and decisions were offered to see if he concurred and Mr. Walker said yes.

Chris Gardner, for the applicant, stated that he would like to provide the back story from 2010 and how they got to where they are today, as follows:

- \* The first time this item came before the Planning & Zoning Board and the Board of County Commissioners, was from the applicant in 2010, which was the Diocese of Orlando.
- \* The Diocese again in 2014, attempted to amend the application.
- \* A portion of the property was, through some introspection from the Diocese, ultimately sold to Jen Florida 23, LLC with a portion of it remaining for the residual Diocese and property, which includes the cemetery and the expansion of the spiritual center.
- \* There was a transaction that transpired in March of 2016, and that is how they have come to where they are today.
- \* He thanked Staff and the neighbors who have been very informed, intelligent and communicative and he hopes as they move through this process they will find more common ground with this project.
- \* They are excited to bring it before the Board.
- \* Mr. Walker did a good job of explaining their request and they feel it is a better fit for the community and it reduces the intensity of the project and in-keeping with the Diocese and continuance of their spiritual center.
- \* They think they'll be a good partner and neighbor and they hope they'll be the same for the community.
- \* Charlie Madden of Madden, Moorhead & Stokes is with him to answer any technical questions.

Commissioner Rob Wolf asked if they are going to address the densities and the buffers for their rebuttal on possibly amending their motion either pro or con. Mr.

Gardner responded that the buffers have been met and the 2010 buffers are consistent with what they are seeking, with the exception of one change, which Mr. Walker mentioned regarding some lot sizes. The buffers did not change on the western side. He further stated that they will not use it as a rebuttal, that it is simply technical knowledge from their civil engineer to speak more about the project.

Commissioner Brown stated, so that everyone is clear, in 2010 there were 75' buffers and they still have 75' buffers on the western side of the proposed development. They had originally proposed to go back to a 10' buffer, which is a standard buffer when residential meets residential property lines. Mr. Gardner stated that they were seeking a less intense buffer, but they are now back to keeping with the original buffer. Commissioner Brown further stated that in some places they are literally buffering a driveway for hundreds of feet.

Commissioner Wolf asked the applicant if the handouts provided were different than what was provided in their packets, since they looked identical and Mr. Charlie Madden responded that there were slight modifications on the handouts, which he will explain in more detail.

Board discussion ensued regarding how the School Board and legislature determines capacity and school choice.

Charlie Madden, for the applicant, stated that a lot of progress has been made in the past couple of weeks and he further stated the following:

- \* In working with some of the neighbors on a continual basis, in the beginning they had two community meetings; 1) with the folks on the east side of the project on different issues and, 2) the folks on the west side of the property.

- \* They continued the dialog in order to get to where they are today.

- \* What he will discuss is indicative of some of the feedback and agreements they have had with the neighbors; in fact, with one of the neighbors at the meeting, there is a written and signed agreement between the parties.

- \* Everything that is highlighted in the handout is different from what was provided in their packet.

- \* Shown on the map, a minimum of 75' buffers were on the western border of the property and it is in their agreement.

- \* He has briefly talked to Staff about it and they are okay with not having the average 75' language in the agreement.

- \* A Development Order (D.O.) was drafted and provided to the Board in their packets.

- \* He marked-up the proposed D.O. with a red line cross-out and consistent with the agreements that they have with the neighbors.

- \* Showing the specific part on the west boundary of the project, they are limiting the lots to a minimum of 70' wide.

- \* Showing the specific part on the map, where the buffer was 25' and now proposed to be 75', which is an increase.

- \* Showing a specific part of the map, on the west boundary of the project, they are limiting the lots to a minimum of 70' wide.

- \* Showing a specific part on the map, where the buffer was 25' is now proposed to be 75'.

- \* The neighbors' asked them to build a 6' picket-style aluminum fence along the southern right-of-way line of Lake Howell Lane, which will turn to the north and tie-in to the split rail fence that is existing on Connie Whitman's property.

- \* These are the things that were not on the plan that are in the Board's packet.

- \* Further specific areas to the south of the property, which were pointed to on the map

was a 10' buffer and up to 225,000 square feet of commercial, could now be single family detached homes or attached townhomes, if they do those, would be limited to that specific area.

\* The Sanctuary at Lake Ann was shown on the map, which used to have a 75' buffer.

\* There is a County-owned retention pond, shown on the map, that the Diocese donated 20' of right-of-way access for pond maintenance,

\* There is a 20' road that the County owns.

\* They agreed with the neighbors to a 55' undisturbed buffer in the area shown where the County-owned retention pond is located.

\* This is the equivalent of the 75' in 2010, but now 20' is now owned by the County as an access road to the pond.

\* There were no concerns about having a 10' buffer against the County-owned and maintained retention pond, shown on the map.

\* Village 2B, in the old plan, was a very large area where the commercial could be and is now limited to 7 acres, as shown on the map.

\* Everything else on the entire property, except for the piece shown on the map, is residential.

\* The ALF and commercial areas were shown on the map, which is Village 2B.

\* A prohibited use that stated camouflage communication tower has been removed and there are now no communication towers at all.

\* Another specific area on the map shown, is buffer A2, and is a 75' undisturbed natural buffer tract, which references the 6 foot style picket aluminum fence that would run from the upland buffer and tie into Connie Whitman's fence.

\* Buffer A3 is the 50' buffer previously shown on the map.

\* Everything else is identical to what is already in the Board's packet.

Mr. Madden stated that the Board was provided an exhibit, which was also shown at the community meetings, of the net reduction in what is being proposed today versus what is currently approved. He further stated that the 2010 PD entitlements are still valid today, through 2018.

Mr. Madden presented the net reductions as follows:

\* 150 less residential units

\* 325 beds less for assisted living

\* 150 beds eliminated for skilled nursing

\* 175,000 square feet of commercial

\* 225,000 in current entitlements down to 50,000

Mr. Madden stated that in 2014, the hotel was a very controversial item, so they eliminated the hotel and everything else is exactly the same as what is entitled today. He further stated that they received questions from some of the neighbors and referenced emails in the Boards packets and in addition, commented as follows:

\* Overall, on the entire San Pedro property, there are 229 acres of wetlands, floodplain and lake area of which they are preserving 217 acres and potentially impacting 11.52 acres.

\* In the current 2010 San Pedro approval, which is currently in force, it shows that 12.02 acres would be impacted.

\* All of the undisturbed buffers on all sides of the San Pedro property, both east and west, that was undisturbed in the 2010 approvals have been met and they have not reduced any undisturbed buffers that are in the current approvals.

\* If you add-up the undisturbed buffers, on the east and west of the property, and the 25' upland buffer, which is required and undisturbed, adjacent to all of the preserved

wetlands, it totals 18 acres undisturbed upland preservation area.

\* That is a lot of oak trees.

\* Additional tree preservation was not addressed in the 2010 approvals, however they have agreed to locate specimen trees throughout the property and they will make an effort to save the trees that they can.

\* They are looking at planning ideas now on how to lay out the trees.

\* They will get the specimen trees surveyed, so they can be laid out throughout the property and will save as many of the nice trees that they can.

\* Their traffic engineer did a traffic report that was reviewed and accepted by Seminole County.

\* The handout shown is a comparison of the proposed versus approved development plan, which was also shown at the community meeting.

\* Comparing the entitlements on the approved plan with what is being proposed today, it would yield 5,357 less trips.

\* The modified school letter provided to the Board is for 500 single family detached dwelling units and up to 250 single family attached or townhomes, which is included based on the current Master Development Plan.

\* They didn't have time to include the updated school letter in the packet provided by Staff, however the handout includes the updated letter.

Mr. Madden stated that the Development Order in the packet is the same as the handout provided, except for the changes indicated on the document. He further stated the following, while referring to specific points on the map shown on the overhead projector:

\* Page 5, is exactly what was provided by Staff with their proposed revisions and it is being updated to match the Master Development Plan.

\* One thing that is different is a row of 60' lots that they are requesting to be 50' lots instead.

\* They feel this is a suitable transition from the larger estate lots near the lake.

\* They are providing a 75' buffer.

\* If a concrete Rinker plant were to be built next to a subdivision, the largest buffer required in the Land Development Code is 50'.

\* They are exceeding that by 25'.

\* Townhomes could be built that is entitled today.

\* They feel that 50' lots are a reasonable request compared to what is entitled today.

\* The Code would require a 10' buffer along the area shown on the map and they are doing a 75' buffer, which they feel is a fair request.

\* The Development Order was written up with Staff's recommendation and their changes are a minimum of 50' wide rather than 60' wide lots.

\* The average of 75' buffer has been taken out.

\* They adjusted the wording for Buffer A2 to increase it from 25' to 75' and include the 6' picket style aluminum fence.

\* No supplemental plantings are needed in Buffer A2.

\* They are agreeable to do supplemental plantings in the undisturbed buffers.

\* In a lot of the places on the property there will not need to be supplemental plantings.

\* The County has language in the Land Development Code about 3 plant units per 100 linear feet.

Mr. Madden stated they are asking the Board to approve their form of the Development Order and Master Development Plan provided to them. He further stated that it takes into account the agreements with the neighbors and they don't think these changes will substantially effect the project or cause the Board to not make a decision tonight.

Commissioner Zembower stated that he is dancing all over the paperwork trying to follow where he is going with this and asked Mr. Madden if the project was ready for prime time. Mr. Madden stated he couldn't be more ready. He further stated that with the revised Development Order, that includes minor changes from Staff's and this plan, other than that he doesn't feel this is difficult to grasp.

Commissioner Wolf asked if Mr. Walker would be prepared to speak to the changes in the Development Order after everyone speaks and Mr. Walker said yes. Mr. Madden stated that he provided Mr. Walker a copy of the packet that was provided to the Board.

Tim Eggers, of Winter Park, stated that he is speaking on behalf of his mother who was unable to attend. He further stated the following:

- \* He is seeing a lot of gray area that is not in final writing.
- \* He has definite concerns about the fence that is in front of their house.
- \* He was under the impression that the fence would be 75' back in the woods, so the wildlife, along the 75' buffer, would have a chance to be wildlife in the agriculture area of their houses.
- \* The fence, from what he just saw, is against the road and all of the wildlife in the 75' buffer is going to be trapped inside the community.
- \* He feels that Chris's letter addresses all the points and he defers to him and those that are invested in this.
- \* It really makes him angry that the fence is right against the road.

Deborah Schafer, of Chuluota, stated that she doesn't live in the area, but what bothers her is that, as a Seminole County resident, these poor people who, have to come back with changes that they've gone through year after year after year, which she knows how painful it is. She further stated the following:

- \* PD zonings can change constantly.
- \* These poor people need reassurance that if this is truly going to come out of the ground, that it is written in stone and that they get everything they need to be comfortable and not have to come back in a few years.
- \* As a Seminole County resident, this is one of the largest projects in the urban area.
- \* What will the project look like?
- \* It would be nice for these folks to know what the houses and townhomes will look like, even though it is not required at this point.
- \* What is the flavor of the commercial development?
- \* It is a lot smaller, but it doesn't mean it is going to be fabulous and she thinks this project should be fabulous when there is this much acreage.
- \* These folks have lived and committed to this area for many years and what about their property values?
- \* She hears a Development Agreement, but she thinks a lot more needs to go into it.
- \* She thinks this project should be delayed in order to get some things in stone that the neighbors really want and to work on it a little bit longer.
- \* It's been 6 years now and what's another month or two for these folks?
- \* As a Seminole County resident, she feels this project should shine and she asks the Board and Mr. Madden to think about that.
- \* This is their last chance to really have something unique and from what she can see it looks like the same old thing.
- \* They have every right to push this project forward at this point, but there is no rush.
- \* She thinks a lot more can be done.
- \* She thinks design is critical.



*\* A definite, tight agreement with these folks, should be done so they don't have to come back and do this again.*

*Troy Williams, Public Record exempt from identifying his location, stated the following:*

*\* The reason why they are here is to remove the age restriction of 55 and older going to the Board of County Commissioners.*

*\* He is leaning for approval of this property, but he still has a lot of unanswered questions and concerns.*

*\* Will there be a restaurant with a drive through?*

*\* Will there be assisted living and where is it going?*

*\* Why are there now 4 entrances to the property, instead of 1 as they were told in the community meeting, which was located off of Eastbrook?*

*\* What are the lot sizes and where are they going?*

*\* The Board and community neighbors should be looking for a detailed lot plan with buffers.*

*\* This lot plan would enable everyone in this room and the Board of County Commissioners to make a final decision accurately on what is being developed.*

*\* This community has not been able to understand what is actually going to be developed by looking at the Master Development Plan.*

*\* This is the last remaining wildlife preserve in the metropolitan area of Seminole County.*

*\* The neighboring communities and the Diocese of Orlando have been debating over this property for the past 12 years.*

*\* We all want to see what's in store for this piece of prime real estate.*

*\* Once this detailed lot plan has been submitted to the Planning & Zoning Board, it should be made available to the public.*

*\* We should all see what the detailed lot plan with buffers looks like prior to your recommendation to the Board of County Commissioners.*

*\* This Board and the Board of County Commissioners have a great opportunity to make an ideal location for a great community, but we need to see something in writing to meet community standards.*

*\* He strongly encourages the Planning & Zoning Board to ask the developer now to provide a detailed lot plan with buffers, prior to submitting your recommendation.*

*\* He is withholding his personal opinion on the development until such documents are provided.*

*Pete Barr, of Winter Park, stated that what is very unique about their spot is that they are between Lake Ann Road and State Road 436, which is quite a cut-through. He further stated the following:*

*\* He strongly agrees with the few comments that were made in opposition already.*

*\* This project is not ready and there is no question about it.*

*\* It is being made on the fly.*

*\* This is gorgeous property and it could be fabulous.*

*\* Some of his concerns have been addressed tonight, but not all of them.*

*\* The density has not yet been addressed.*

*\* Is this property appropriate for lots as narrow as 34'?*

*\* This is not an urban in-fill area.*

*\* This is not Baldwin Park.*

*\* This current proposal is too dense.*

*\* Regarding traffic, clearly this plan would overload our roads.*

*\* He lives on narrow Lake Howell Lane and it is a bad cut-through, avoiding the intersection of Howell Branch Road and State Road 436.*

- \* Does the Board know the area?*
- \* Both Lake Howell Lane and Lake Ann Roads are narrow, old and cannot handle any more.*
- \* Please consider this problem when considering the density of this project.*
- \* Both of these roads are also race tracks.*
- \* His next door neighbor to the east, has been visited by not 1, but 2 cars right through his wall from the drivers who miss the Stop sign at Lake Ann Road and Lake Howell Lane.*
- \* The Plan is too dense.*
- \* From his point of view, he would like to see a wall added to the end of Lake Howell Lane.*
- \* An aluminum picket fence is not going to stop people from cutting through there in the future and into their rural setting.*
- \* The Plan is too dense.*
- \* Regarding the lighting, as he understands it, there is no dark sky lighting in the plan and they will lose their dark sky.*
- \* The current Plan is too dense and too bright.*
- \* The Developer is Rich Jerman and as he understands it, a member of this Committee.*
- \* While he is not here tonight and will not vote on this proposal, in his opinion, that is pretty fishy.*
- \* How can he not have an inside track on the details?*
- \* He challenges the Board to consider this potential issue as the word gets out of his connection to this Committee in this rushed Plan.*
- \* He strongly urges the Board to reject the current Plan and tell Rich to start over and pay attention to what would be reasonable and appropriate.*
- \* Remember the County slogan, on the wall, Florida's Natural Choice.*

Chris Maness, of Winter Park, stated that he wants to clarify that the plan Ms. Whitman had with Jen Partners is not something that they, as neighbors, were a part of and that was her sole agreement. He further stated the following:

- \* They are fighting for their 75' buffers.*
- \* They are fighting for the density.*
- \* Ms. Whitman's proposal and her conversations with Jen Partners is completely separate.*
- \* Regarding the 75' buffers, they keep hearing that Jen Partners is doing them a favor by giving them the 75' buffer, but it was a 75' buffer that was in the original agreement.*
- \* They are going back and fighting for something that they have already fought for.*
- \* This is wasting time, resources, and energy to keep something that was promised to them in 2010.*
- \* Jen Partners stated that this plan is much better than the original plan.*
- \* This is going to be young families and not the retirees of 55 and up.*
- \* The Diocese plan had 94 detached homes and this plan has 500 homes.*
- \* The Diocese plan had 104 attached homes and this plan has 250 homes.*
- \* The Diocese plan had 702 congregate care, condos, apartments and up to four-story buildings.*
- \* That was 250' away from their residential community.*
- \* They are losing green space because the density is closer to their homes.*
- \* Instead of looking at Ms. Whitman's horses, they will look at potentially homes.*
- \* Regarding noise from the proposed development, how are they going to save trees with the size of these lots?*
- \* It's going to be impossible.*
- \* It is not consistent with Ms. Whitman's 10 acres and his 3 acres or other large*

homes on Lake Howell, Cedar Ridge and also Lake Ann that have either one house per acre or 3 houses per acre.

\* They are putting almost 6-7 houses on one acre.

\* This is not consistent with the community.

\* He hopes today, when the Board votes, that you look at the full picture, because you are impacting a community that is agricultural and has roots that goes beyond the zoning that they can get away with.

\* We can do better.

\* He looked at the Lake Picket project with the GROW, which is a unique concept that has opportunities to be different, be sustainable and be part of a community.

\* Why do we need these huge developments that continue to take over our area and their natural resources?

\* He hopes that the Board takes a look at the density, because it is a major concern and also the uniqueness of their area.

\* He said that Mr. Brown earlier mentioned that it would be a better fit for the community, but not consistent with surrounding neighborhoods.

\* Residential against residential isn't the case with their neighborhood.

\* They are zoned agriculture and they have the larger lot sizes.

\* It is not consistent, because it is not a normal neighborhood.

\* They don't live next to duplexes and they have a unique situation.

\* He hopes the Board will take this into consideration.

\* He thanked Ms. Hatchette for bringing up Lake Howell High School, which he went to.

\* He doesn't think that people in their community who come there for a school should have to be bussed elsewhere.

\* That is why they come to these communities.

\* He hopes the Board looks at the study, because if it is inflated like Mr. Zembower stated, then that is something that needs to be addressed.

\* According to this study, there is not room.

Scot Myers, of Winter Park, stated that he is the President of the Eastbrook Homeowner's Association and represents 908 homes in that subdivision. He further stated the following:

\* The reason why he is at the meeting that no one talks about this is the traffic.

\* Traffic is a huge problem for their neighborhood.

\* All of the traffic studies are dealing with trips on Howell Branch Road.

\* The proposed entrance to the development will turn Eastbrook Boulevard into a 4-way intersection.

\* Right now, Eastbrook Boulevard is the only entrance and exit for their subdivision.

\* This will turn Eastbrook Boulevard into a thru-way connecting Howell Branch Road to Aloma Avenue, which is State Road 426 and one of the most traveled roads in the area.

\* No study has taken that into consideration, which is adding all of the traffic to their purely residential neighborhood and is filled with pedestrians and bicyclers where they only have sidewalks on Eastbrook Boulevard.

\* They are a very undeveloped kind of a neighborhood.

\* These are huge safety issues for their neighborhood and it will have a dramatic impact on their neighborhood with traffic.

\* It will have a dramatic impact on the property values of those residents on Eastbrook Boulevard.

\* There is zero absorption potential from Eastbrook Boulevard, where you come in and out.

Ralph Mazza, of Winter Park, stated that he lives in the Cedar Ridge complex and they are in the middle of the complex. He further stated the following:

- \* They are in the middle of the complex and most of this will not affect them.
- \* Having been in education for 41 years, this is his chance to speak for the children coming up.
- \* One of the proposed items was that the company had a letter from the School Board that this would not impact on them.
- \* Regarding bussing, he emailed the School Board Chair and she sent him information about the three main schools in the area; Eastbrook, Tuskawilla and Lake Howell.
- \* In doing his research, he found out a lot of things about Florida schools.
- \* In elementary, we have the highest number of students that are way over the national average in our schools.
- \* In middle schools, we are second highest.
- \* In high schools in Florida, we are twice the national average per school.
- \* Eastbrook Elementary School had 777 students and a capacity of 919, so they are 85% full.
- \* Tuskawilla Middle School had 1,073 students and they are 86% full.
- \* Lake Howell High School is at 95% capacity.
- \* If you look at the total numbers of available space, there are 371 spots available in those three schools, if his math is correct.
- \* If there are 750 new family units going in and each sends one child, they will double what is available.
- \* If they look at that separate from everything else that is going on in their community, and he thinks they should look at everything that is going on, they have buildings and homes going in on Dike Road, Dodd Road, in Bear Gully and 31 estates being proposed on the corner of Tuscawilla and Aloma.
- \* On Howell Branch Road is the Allegro project for assisted living.
- \* They have everything that is being proposed already being done.
- \* They will lose all of the open land and part of the reason he lives in Seminole County is because we are the Natural Choice.
- \* He hopes that in looking at this that there isn't a need to continue to build and he doesn't want us to be Orange County.
- \* He wants us to have open space.
- \* This was 55 and older zoned property.
- \* If more families are allowed here, the schools will be bursting and there isn't room for them.
- \* We don't want to go back to portables.
- \* We have good schools and we want to continue to have them.

John Kern, of Winter Park, stated that he has experience with some of the earliest Planned Developments. He further stated the following:

- \* In the original intent of the Planned Development, it was not to allow increased density.
- \* The original intent was to preserve sensitive aspects of a particular piece of property and to allow increase in density just in certain areas, but not to increase the overall density allowance.
- \* That has changed, but he would like for the Board to keep in mind that the original intent was not to increase density of a piece of property.
- \* He would like an appropriate transition of land uses from existing residential and agricultural into the Planned Development.
- \* He would like protection of sensitive wetlands on the site.
- \* With regard to the transition issue, some of the things discussed tonight help in that

regard, but most of the proposed development area is surrounded by areas zoned for substantially larger lots.

\* These areas need to be shielded from the more intense development proposed and with generous buffers, larger lot sizes, and height restrictions within 300 feet of those borders.

\* That is the only way that you can have an effective transition from an intense development to one of lower development.

\* Many of the people living in the surrounding communities saw that the property was originally zoned Agriculture and rightly or wrongly, their supposition is that the property would be developed in a manner appropriate and consistent with where they chose to live.

\* Not properly shielding those properties could lead to substantial reduction in their property values.

\* The proposed site includes extensive wetland areas, but from the development plan it is really not clear how those delineated wetlands are being adequately protected.

\* There is particular concern for the shallow marsh mixed hardwood wetland near the center of the property.

\* That is probably the wetland that is proposed to be changed into something else.

\* This is a substantial wetland that is at least 10 acres and the proposed plot plan doesn't show buffers to any of the existing wetlands.

\* There is concern with the centrally located wetland area that it will receive substantial run-off from the intense development.

\* If that is to remain as a wetland, he isn't sure how that will happen.

\* If you look at that wetland, the shallow marsh and hardwood areas of that wetland, it is a substantial resource with a lot of wildlife and a very active and substantial wetland.

\* The wetlands on the San Pedro property are likely a major recharge area for the wells on the surrounding properties.

\* If they are not properly protected, the water quality and availability of water could be adversely affected.

\* The development offer should also include restrictions on activity, such as the use of fertilizers to mitigate damage given the intensity of the development.

\* With all of the properties, everybody's going to want to have a lawn and shrubbery.

\* Everyone is going to want to fertilize it.

\* As we know, most of the fertilizer will wind up in the wetlands and the lake.

\* A reminder of Bishop John Newnan's comment in his March 17th e-scroll remarks:

"the Diocese of Orlando is confident that the new owner will put forth a plan for development that honors and compliments all neighboring properties in this area".

\* That is a commitment from the original owner that he hopes they will keep.

Cindy Burrows, of Winter Park, stated that her backyard is directly adjacent to the eastern border of the proposed property. She further stated the following:

\* She was getting very discouraged until the last speaker and she is appreciating his comments and why she was holding back to see if some of her concerns were already shared.

\* She spoke out against the development of the property since the beginning.

\* She has lived in her home for 28 years, where she lived with her family, attended the schools and taught in the area.

\* She would like for the age limitations to remain.

\* She would like the wetlands be protected and preserved on the property.

\* She would like clarification on some of the vocabulary that she didn't understand, such as specimen trees, and would like to see the reduction from 24" to 12" in the survey being conducted.

\* She is greatly concerned about the impact to the wildlife and the environment and

*she hasn't heard any mention of impact studies and analysis done.*

*\* She agrees with the storm water run-off, as they already have an issue with that in their neighborhood.*

*\* She knows there are rules and regulations that are not enforced and people don't respect them even with kind reminders and offers for alternatives.*

*\* She has a lot of concerns that have not been addressed in the current or past Development Order.*

*\* One of the things she read said that it was going from a PD to a PUD or vice versa and she didn't understand the lingo and what that meant, nor could she find it.*

*\* A lot of what she read in the Development Order is still vague and left up to personal interpretation.*

*\* It would be nice to see a lot of this laid out and defined with clarity of a lot layout or a Development Plan in more detail.*

*\* The more she looked into it the more confused she got.*

*\* That leads her to believe that, in agreement with some of the other comments, that we are just not quite there yet, but have made a lot of progress.*

*\* She appreciates the reduction in density and the efforts that have been made in talking to the western residents, as they have larger properties and a lot more to lose than those to the east.*

*\* She thinks their concerns are just as real and important.*

*\* She would like to see the conversation continue and more efforts made in studying the environmental impact and what will be done to protect and preserve the wildlife that is there.*

*\* They play a vital role in our community and she would like to see them considered in this plan.*

*Robert Ford, of Winter Park, showed his residence on the overhead map and stated that he has lived in his home for 21 years and they have been involved with this project all along. He further stated the following:*

*\* His concern is that the original project plan that was presented to him and his neighborhood wasn't even close to what they were told it would be.*

*\* He is finding out new information tonight.*

*\* He went to the original two meetings for this plan and things have changed again.*

*\* There was only going to be 1 entrance to the main project and 1 to the cemetery.*

*\* There are now 4 entrances along Howell Branch Road and one into the cemetery.*

*\* It concerns him that he doesn't know what is planned that is trying to be passed.*

*\* The lesser impact now that is being presented is only because the project is less than in 2010.*

*\* There is a big reduction in the amount of land being developed now, so there should be a big reduction in the amount of impact.*

*\* Statements were made that they had agreements with the neighbors, but there was only one neighbor and not neighbors and they were never involved.*

*\* Clarification and transparency comes into question.*

*\* Why is the church property that retains ownership of their portion tied into this tonight?*

*\* Why does that have anything to do with this as he thought it would be two separate things?*

*\* Is the sale of this property contingent on getting the 55 age restriction reduced or eliminated?*

*\* It seems like it is tied in with the church somehow.*

*\* They were told at the meeting that the schools were not being impacted.*

*\* At capacity, with no additional students that can come to the school, it would not be impacted, but if you take something all the way to zero it has been impacted rapidly.*

- \* It is a big impact and not a no impact.*
- \* They have seen coyotes, turkeys, wildlife, eagles, and tortoises in the 21 years he has lived there.*
- \* There is a tremendous impact to the wildlife.*
- \* Regarding the traffic on Howell Branch and State Road 436, you have to leave early to make the traffic lights.*
- \* There are impacts all over and to him, the clarity is not there yet.*
- \* He would like to see a better idea as to what they are dealing with, so that when the decision is made, it is made with good knowledge.*
- \* He would like there to be a real plan in order for the decision to be made.*

*Curt DiPasqua, of Winter Park, stated that as they compare this to the previous project, there is a lot of talk about how reduced it is, but everyone he's talked to in his neighborhood are on 1 to 10 acres. He further stated the following:*

- \* Everyone is shocked at the density of the original plan.*
- \* When we compare this plan it is better, but he can't understand the density with the lot sizes about as big as this room.*
- \* When they look out from their acreage, they will see nothing but roof tops.*
- \* The fence doesn't cure it.*
- \* 75' sounds like a lot, but it's nothing.*
- \* He doesn't understand with planning and zoning that it seems like the goal in Central Florida is to cram in as much as you can, instead of trying to make the best community.*
- \* Regarding the traffic studies, the intersection at Howell Branch Road and State Road 436 doesn't work.*
- \* All of the traffic generated from this project and the project that is under construction on the corner of Lake Ann and Howell Branch will not go down onto Howell Branch Road and to S.R. 436.*
- \* Instead, it will go through Eastbrook and coming through Lake Ann Road, which is already collapsing and it can't handle the traffic it has.*
- \* It is their wall that they've run into 3 times.*
- \* He doesn't understand the logic behind this kind of development.*
- \* He appreciates the concessions that have been made by the developers, but he doesn't understand the logic behind it.*
- \* It really ruins a wonderful area and this is the last big project in Seminole County and why not make it great.*
- \* This is just another crammed in, shoulder-to-shoulder development with overcrowded roads and overcrowded schools.*
- \* The project that was approved in 2010 and the project today, he doesn't think they are good projects or good for the community at all.*
- \* He thinks they could have done a lot better.*
- \* In 2009, when he bought his 2.5 acres and built his home, he looked at the property and he knew it would not remain open, but he thought that common sense would dictate the outcome.*
- \* It is a beautiful piece of property and there won't be any property left.*
- \* There is so much hard-scape in this project and all the fertilizers will find their way into the lake.*
- \* He thinks the bar can be set higher for Seminole County to build a better community.*

*Jenny Musser, of Winter Park, stated that she has 8 acres on Lake Howell and is very protected from what is going on. She further stated the following:*

- \* Her mom and dad live in Lake Ann Estates, which is where she lived for 18 years until she moved to Lake Howell Lane.*
- \* She wasn't going to speak tonight, but she lives on a piece of pristine property and so do the rest of the area residents.*
- \* There is not much like it left.*
- \* They look to the Board to protect that.*
- \* She doesn't necessarily disagree with some of the things planned, but everything she hears tonight is that it is not planned well enough.*
- \* This is a piece of pristine property and it should be a great plan to make sure that it stays that way.*
- \* She has a creek on her property that she maintains.*
- \* When there are a lot of rains, the creek flows down to Lake Howell.*
- \* No one has come to her and asked her what happens when it rains.*
- \* With this development, she is sure there will be a lot of concrete added across Lake Howell Lane.*
- \* The water will have to go somewhere and when it rains it will go right down her creek.*
- \* Those are the questions that Staff should be asking.*
- \* No one has called her or her neighbors.*
- \* She isn't saying that she disagrees with what is proposed, but they need better plans.*
- \* Keep it a great piece of property and don't let it be haphazard to deal with when it is done.*

*Mr. Madden stated that there is a process and this is step one of the process. He further stated the following:*

- \* He thinks that the proposal on the table is teed up to do a fantastic development.*
- \* As he reviewed the buffers, all of the folks that are on Lake Howell Lane, he doesn't know how they could isolate them more.*
- \* They are only entitled to one community dock on Lake Howell for the residential part.*
- \* In looking at the amount of frontage they have on the lake, in a normal lake front community, every one of the homes on the lake would be entitled to have their own dock.*
- \* There is already a community dock for the San Pedro Center.*
- \* He doesn't know how to isolate the Lake Howell Lane folks more than what they have.*
- \* The 6 foot aluminum picket style fence is what was requested and they said okay.*
- \* They will be responsible for maintaining the buffer and the fence needs to go on the exterior property line so that the HOA will be able to maintain that buffer. \* You wouldn't put the fence on the inside of the buffer to where it couldn't be maintained.*
- \* Regardless of where the fence goes, the wildlife will be stopped somewhere at the fence.*
- \* They were asked to put the fence there and it wasn't their idea.*
- \* They are moving forward with what they think the majority want.*
- \* A lot of the comments are those who aren't happy with the 2010 approval, which is in place and could be acted upon today through 2018.*
- \* The residential subdivision is limited to 35' two story buildings, except for the ALF, which is 45'.*
- \* Previously, you could go up to 55' and be 250' away.*
- \* Along the entire western property line, where the 75' buffer is, they would have put the townhomes in that area in the 2010 plan, because they were limited to the 55' buildings further away.*
- \* All of the things that they could do in the 75' to 250' would have been single story, detached and attached products that they were allowed to do against the 75'.*
- \* They agreed to limit it to a minimum of 70' lots to the north of Lake Howell Lane and*



50' lots south of Lake Howell Lane.

\* Regarding the schools, the School Board controls that and not the Board or the developer.

\* They show that this one project would produce 304 students for elementary, middle and high school students.

\* They are saying they have the capacity to handle those students.

\* Regarding the traffic concerns, there can't be an argument when comparing the existing 2010 plan with what is being proposed, by decreasing the trips by over 5,000.

\* He understands they don't like the traffic that is there today, but this is an improvement over what is approved today.

\* He thinks what is being offered is a big improvement in that area.

\* The buffers are the same.

\* The San Pedro property was part of the entire tract and you can't separate the PD into two, but if you look at the comparison change handout, everything is exactly the same.

\* Nothing has changed on the east side.

\* If you look at the plan, the Diocese will still own the green strip, which is over 200' wide.

\* At the Cedar Ridge property line, besides the undisturbed buffers, there wouldn't be any commercial or potential ALF until further than 200' away from that east property line.

\* Regarding the buffers, they are proposing a much less intense development than what is currently approved, but they are honoring the same size buffers and the 75' exceeds the largest buffer that the Code requires by 25'.

\* It is very dense in those buffers.

\* They will do supplemental plantings if there is any lines of sight to block it.

\* The idea of anyone staring at rooftops is not true.

\* Someone would have to run through a fence and a 75' natural buffer to get to Lake Howell Lane.

\* He had never worked on a project in Seminole County where it was more isolated.

\* This plan has been carefully and well thought out.

\* They don't have a plan to show at this point, because the owners of the property are negotiating with several different potential builders.

\* It is public record what was paid for this property.

\* Regarding property values, you can do some simple math and quickly figure out that unless they're selling high end housing, somebody's going to lose a lot of money.

\* The price of the real estate was just so exorbitant.

\* This is going to have to be a high quality development in order for anyone to possibly make a profit in building homes.

\* It is a beautiful piece of property and he agrees with that.

\* They will do the tree survey and during the preliminary subdivision plan stage and they plan to save the existing trees the best that they can.

\* He doesn't know, at the stage they are at now, could be thought out better.

\* He thinks they are teed up to do a fantastic plan and development that Seminole County and the neighbors will be proud of.

Commissioner Wolf stated that Mr. Madden has previously come before the Board with a lot of different programs and developments and he typically has the details he's referenced that he cannot have for this project; with roads, lot plans, elevations and renderings. He asked if that could be done in 30 days. Mr. Madden responded that it is just not available at this time, because they don't know who they will sell the property to. He further stated the following:

\* It is a step thing.

*\* They need to figure out what the bones are in order to have an effective planning process.*

*\* The next stage in this is the Final Master Plan and Preliminary Subdivision Plan, which also comes back to the P&Z Board.*

*\* At that stage, they will have all of things done that has been requested.*

*Commissioner Wolf stated that due to the size of the development, it would be nice to see that now from the different offers as to their vision and Mr. Madden stated that it is just not available at this stage.*

*Commissioner Michelle Ertel stated that there were some very passionate residents and we have heard wonderful things from Mr. Madden. She further stated the following:*

*\* She is not inclined to vote to deny the project, but she is not inclined to vote to approve it either.*

*\* She thinks that with what Ms. Shafer said, there are so many opportunities to make this the most fabulous project Seminole County has ever seen.*

*\* She is not sure that we're there yet.*

*\* She has heard so many things that makes her believe they are close, but not yet.*

*\* She is a property rights person and she would love nothing more than to do what a property owner wants, because they own the property.*

*\* However, the problem is that if this project gets approved with all of these questions, and it then goes to the Board of County Commissioners, they will have the same questions and then it's done.*

*\* She wants this project to go forward and she doesn't think it is ready for prime time yet.*

*\* Unless she hears something different, she will probably ask for the item to be delayed for more tweaking.*

*\* On another note, and for everyone to be aware, Commissioner Jerman has a job and that job is to do projects like this.*

*\* There is nothing fishy going on.*

*\* He could have chosen to come in to sit in the back of the room and he chose not to.*

*\* He is not in the building and they do not speak to each other about these projects, other than the packet that is a public record and they hear what you have to say.*

*\* No matter what happens, this is not something that we're doing for or against Mr. Jerman, but we do hold him to a higher standard because he is on our Board.*

*\* When we go forward, she wants to thank him for sending who he sent because they presented very well.*

*Mr. Madden stated that in the Code, there are things that they are mandated to do and it sounds like the Board is asking them to do more than that. He further stated the following:*

*\* They have respectfully met every obligation that there is and they are not asking for waivers.*

*\* They are asking for things that are consistent with what was approved in 2010.*

*\* Respectfully, he thinks they have all of the information they need to make an informed decision tonight in comparing what was approved in 2010.*

*\* If the Code isn't how they like it, then maybe a proposal to change the Code should be made that requires house renderings and road layouts at this stage.*

*\* It is not currently required at this stage.*

*\* What is required is to make sure that we are buffering our neighbors in an appropriate way and he thinks more than any other project brought before this Board, he has never had buffers like this.*

*\* He doesn't think they could do any better in protecting the neighbors around the property.*

*\* He thinks they did a great job in 2010 on that and he thinks they've done a great job here.*

*\* The difference in 2010, is that you could do 5 story buildings throughout, which there were setbacks for, but we are not doing big buildings any more.*

*\* He thinks they have enough information to make an informed decision tonight.*

*Chairman Bates asked if there had been an ownership change from the 2010 plan, which is in force today, and Mr. Madden responded that was correct, the left side of the map is the part that Jen Partners purchased.*

*Chairman Bates asked if this buyer was to withdraw from this contract, what would happen and Mr. Madden responded that there is no contract and that it is closed, done, signed and sealed.*

*Chairman Bates asked if the new owners could proceed with the 2010 plan, if they chose, and Mr. Madden stated yes, anybody could. He further stated that is not what they are voting on tonight, but anybody could act on the 2010 approvals today. Chairman Bates further stated he was not suggesting that they do, by any means, but he is suggesting that we be mindful that those approvals and that plan are already in place and they could move forward if they had chosen to do so until 2018. Mr. Madden responded that is correct.*

*Vice Chairman Zembower asked what the expectation of build-out would be and Chris Gardner, for the applicant, responded that was a good question and it would likely be a 5 year buildout from the opening phase.*

*Vice Chairman Zembower asked what the timeframe is to break ground and Mr. Gardner responded that, as Charlie mentioned, they are at the first step and still have to go through the Master Development Plan finality, the Preliminary Subdivision Plan process and the full agency entitlement process as well. He further stated the best case scenario might be one year.*

*Vice Chairman Zembower stated that some residents here tonight alluded to a couple of community meetings that they attended and others indicated that there had been some commitments given to some property owners in the same location, but it was not afforded to them. He asked what their understanding of that was and Mr. Madden responded as follows:*

*\* What they are referring to is that the first plan presented to them had the Code required buffers around the perimeter.*

*\* As they kept having discussions, they would respond to people reaching out to them and vice versa, which became clear that people were really wanting to have the 2010 undisturbed buffers honored.*

*\* For the folks in Cedar Ridge, they weren't changing anything on the San Pedro property or their buffers, they didn't have further discussion with them because they were honoring those.*

*\* The ones where they really had to have a separate negotiation was with the folks that we were asking to decrease their buffers, based on them lessening the intensity of the development on the west side.*

*\* They mainly focused on the west side, because on the east side nothing changed.*

*Commissioner Wolf asked if it is true that any developer can come in and do what is in*

*the 2010 approvals without coming before the P&Z Board and Mr. Madden said that is correct.*

*Commissioner Wolf asked if was correct that in 2014 it came before the Board again and was that more dense than the 2010 approval and Mr. Madden said that it was approved by the P&Z Board in 2014, but denied by the Board of County Commissioners.*

*Mr. Gardner stated that the request in 2014 was simply to lift the age restriction cap and they left the entire density in place and there was no reduction in density. They maintained the hotel component and still sought the density that was afforded them in the 2010 approval and in addition, they would not limit and restrict themselves on further expansion. It was very vague in 2014 and uses that they were not in a position to commit to, they are today.*

*Commissioner Wolf asked if the property is still 468 acres and is the 2010 approval for 468 acres less than that and Mr. Madden responded that the acreage is the same for the overall property and it is not less.*

*Commissioner Wolf restated that there is nothing to stop them right now without coming back to the Board to build what was already approved in 2010 and Mr. Madden said that is correct; every bit of it and including the hotel.*

*Commissioner Brown asked if the Diocese continues to be mentioned because they are part of the same Master Plan even though their property is not changing and Mr. Madden said yes, there was no way to break it in two parts.*

*Commissioner Wolf asked for renderings from Mr. Madden, that they normally provide and present to the community, but tonight they heard a 2.6 acre, a 5.0 acre and 4 items under 15 acres, which is a huge in-fill of 468 acres and way out of scope from what they normally see. He further stated that he would like to see, from the prospective buyers, of their visions on how they would utilize the property with roads and renderings and asked if that is something they could turnaround within a month's time. Mr. Madden responded that it would not happen within a month and there is a lot of interest in this property. He further stated that kind of detail is not available at this point and it won't be available in one month. He also said that this is not a contract purchaser, he owns it and, with all due respect, he would like to move forward one way or another.*

*Chairman Bates asked if the owner anticipates several buyers for the different categories of product and Mr. Gardner responded that they don't know yet. He further stated that they have talked about varying lot sizes, which would dictate different product sizes and likely dictates an assortment and range of buyers.*

*Mr. Madden stated that one of the challenges is that the buyer wants a good road map on the parameters, such as what are their buffers and do they need to do a tree survey. He further stated the following:*

- \* It is not the normal 10 acre project that normally is requested.*
- \* They need the tree survey and it will be a long planning process in order to just get the trees located and plan the project accordingly.*
- \* It is complicated and that is why he doesn't have the normal stuff that they otherwise would have; like what they had on the Klinger property.*
- \* What they do have, however, is a basis for comparison, which he thinks is very*

important.

*\* Normally when they come in, the property is zoned A-1 and they're going to PD.*

*\* In this case, there is an existing PD with a lot of entitlements that we can compare it to in order to make a sound decision on whether or not their request is responsible and reasonable.*

*Chairman Bates stated that he has been honored to sit on this Board for 16 years and Mr. Madden has brought numerous projects before them. He further stated that there haven't been many of this scope with 450-500 acre projects. Mr. Madden stated that the 468 acres includes the San Pedro property and the project isn't quite as big as they think it is. He further stated that the upland acreage on the residential side is under 200 acres, and the total acreage includes the wetlands, lake area, flood plain and the San Pedro property.*

*Chairman Bates asked Mr. Madden that on a project of this size if there would be anything to be gained if we deferred or postponed this item for another 30 or 60 days and Mr. Madden responded that with the planning process they are about to go through, it just wouldn't gain us anything, because he wouldn't have it done. He further stated that before significant expenses are incurred, you have to know what you have beforehand; such as what the buffers are and maximum lot yield.*

*Mr. Madden stated that he was very excited to do the project on Lake Mary Boulevard and Steeple Chase, which are beautiful projects. He further stated that he is equally excited to be involved in this project and it is an opportunity to do a fantastic project. He also stated that for him*

**A motion was made by Vice Chairman Jay Zembower, seconded by Commissioner Michelle Ertel, that the San Pedro PD Major Amendment and Rezone be continued to the August 3, 2016 Planning and Zoning Commission meeting, with the condition that the Developer hold a community meeting within two weeks from today. The motion CARRIED by the following vote:**

**Aye:** 6 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, Commissioner Mya Hatchette, Commissioner Michelle Ertel, and Vice Chairman Jay Zembower

**Excused:** 1 - Commissioner Richard Jerman

## CLOSING BUSINESS

### Planning & Development Manager's Report

*Rebecca Hammock, Planning & Development Division Manager stated that there was no division report this month.*

*Commissioner Matt Brown asked Rebecca Hammock about the Bear Ordinance and how is it important to the Board, since it has nothing to do with the Land Development Code. Ms. Hammock responded that they are providing the information because when a subdivision gets developed, they would need to comply with the Bear Ordinance. Commissioner Brown asked if it is a Land Development thing or is it an Ordinance and Ms. Hammock responded that it is an Ordinance and part of the County Code and the information was being included as an informational item.*

*Commissioner Brown stated that they never saw the Bear Ordinance and it is not part of Section 30. Ms. Hammock commented that it is not part of the Land Development*

*Code, but single family homes will have to comply with the Ordinance and also when construction occurs, the construction sites will have to comply with the Ordinance.*

*Commissioner Brown stated that he understands the Code, but he doesn't know why it is being brought up at a Planning & Zoning meeting, because it doesn't have anything to do with the Board. Ms. Hammock stated it is being brought up as an informational item and she will see if that is something they should be including in the Staff report.*

*Commissioner Brown stated that it said it ran with all land, so he thought it was actually a Land Development item.*

*Vice Chairman Jay Zembower stated that it is only because it's in the Wekiva area and Ms. Hammock stated that it is in the Wekiva River Protection Area and it is west of I-4.*

## **ADJOURNMENT**

**There being no further business, the meeting adjourned at 9:40 P.M.**