

SEMINOLE COUNTY GOVERNMENT

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



Meeting Minutes (Draft) - Final

Wednesday, August 3, 2016

6:00 PM

BCC Chambers

Planning and Zoning Commission

CALL TO ORDER

Present 4 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Michelle Ertel

Excused 3 - Commissioner Richard Jerman, Commissioner Mya Hatchette, and Vice Chairman Jay Zembower

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 Manager; Kim Fischer, Development Review Engineering Manager; Paul Chipok, Assistant County Attorney; and Tammy Brushwood, Clerk to the Planning and Zoning Commission.

Accept Proof of Publication - NONE

Approval of Minutes

A motion was made by Commissioner Matt Brown, seconded by Commissioner Michelle Ertel, that the July 6, 2016 Minutes be Approved as submitted. The motion CARRIED by the following vote:

Aye: 4 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Michelle Ertel

Excused: 3 - Commissioner Richard Jerman, Commissioner Mya Hatchette, and Vice Chairman Jay Zembower

NEW BUSINESS

Technical Review Items:

- 1 [A-2466-16](#) Approve the Preliminary Subdivision Plan for the Windsor Square Townhomes Subdivision containing 66 lots on 8.28 acres zoned PD (Planned Development), located on the south side of Ronald Reagan Boulevard, approximately 1,500 feet east of County Home Road; (David Evans, Applicant) District2 - Horan (Brian Walker, Project Manager)

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, that this Technical Review Item be Approved. The motion CARRIED by the following vote:

Aye: 4 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Michelle Ertel

Excused: 3 - Commissioner Richard Jerman, Commissioner Mya Hatchette, and Vice Chairman Jay Zembower

2 [A-2455-16](#)

Approve the Preliminary Subdivision Plan (PSP) for the Hickman Place subdivision containing two (2) commercial lots and a sign tract on Lot 1 on 2.76 acres zoned C-2 (Retail Commercial), located at the NE intersection of SR 46 and Hickman Drive; (Manhar Patel, Applicant) District5 - Carey (Rebecca Hammock, Project Manager)

A motion was made by Commissioner Matt Brown, seconded by Commissioner Rob Wolf, that this Technical Review item be Approved. The motion CARRIED by the following vote:

Aye: 4 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Michelle Ertel

Excused: 3 - Commissioner Richard Jerman, Commissioner Mya Hatchette, and Vice Chairman Jay Zembower

Public Hearing Items:

3 [2016-367](#)

CONTINUED FROM THE JULY 6, 2016 MEETING - 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) District1 - Dallari (Brian Walker, Project Manager).

Rebecca Hammock, Planning & Development Division Manager, stated that she is presenting this item on behalf of the project manager, Mr. Brian Walker. The San Pedro Major Amendment and Rezone request was continued from the Planning & Zoning Commission meeting of July 6, 2016 in order for the applicant to have an additional community meeting. The applicant held the community meeting on July 19, 2016. The request by the applicant, Richard Jerman, is for a Major Amendment and Rezone from Planned Development to Planned Development for a mixed-use development on approximately 468 acres. The subject property is located on the north side of Howell Branch Road east of S.R. 436 in District 1. The PD Amendment proposes the following:

** A maximum of 750 single family residential units with a maximum of 250 units being single family attached townhomes.*

** A 125 bed assisted living facility.*

** Up to 7,500 square feet of ancillary commercial uses.*

- * A maximum of 50,000 square feet for convenience retail and commercial development.*
- * A 60,000 square foot existing spiritual center.*
- * Expansion of the existing spiritual center to include 48 dorm rooms, 50,000 square feet of support facilities, and one single family home.*
- * Up to 4,500 square feet for use by clergy.*
- * Expansion of the cemetery to include 75,000 square feet of support uses including a shrine.*

The residential areas of the development are proposed to have detached single family home lots ranging in size from 34' by 110' to 50' by 120' and attached townhome lots, which would be 20' by 90' in Village 2A only as shown on the Master Development Plan. The commercial, convenience and retail portions of the development propose uses such as those permitted in the C-1 zoning district including, but not limited to, banks, restaurants, and charter schools. On July 6, 2016, the Planning & Zoning Board considered this item and after that meeting the applicant conducted another community meeting on July 19, 2016. As a result of that meeting, several changes were made to the proposed project and are as follows:

- * Restaurants with drive-thru are a prohibited use.*
- * Language added to the Development Order that states kayaks and canoes are permitted to be launched into Lake Howell.*
- * Dark sky standards are required.*
- * The assisted living facility allowable height has been reduced from 45' to 35'.*
- * Buffer A2 has been increased from 25' to 75' with a picket-style aluminum fence added with no supplemental plantings required.*
- * A portion of Buffer A that was previously 10' in width has been renamed Buffer A3 and the width increased to 55'.*
- * The Master Development Plan has lessed out a County retention pond along Howell Branch Road that was previously shown as being owned by the applicant.*
- * The Master Development Plan shows cross access from the main spine road to the commercial and townhome villages.*

Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from Planned Development to Planned Development and approve the associated Development Order and Master Development Plan for a mixed-use development on approximately 468 acres located on the north side of Howell Branch Road east of S.R. 436.

Commissioner Matt Brown asked if Buffer A2 runs along Lake Howell Lane and Ms. Hammock responded that is correct.

Ms. Hammock stated that she has a letter from Commissioner Jay Zembower which he would like entered into the record and the Board decided that it should be read during the Board discussion period.

Chris Gardner, for the applicant, stated he is a development partner with Jen 23 Florida, LLC, the applicant. Mr. Gardner thanked Ms. Hammock for summarizing where the project is to day and further stated the following:

- * The application before the Board today has some history.*
- * Approvals were secured for the project in 2010.*
- * At that time, the Diocese of Orlando was the sole applicant and secured the approvals that exist today and will continue to have until a sunset of entitlements in*

2018.

** Today, they are before the Board to seek an amendment to that as Ms. Hammock described.*

** A portion of the property has been acquired and there are now two owners and one application, which is why both parties are at this meeting tonight.*

** The project engineer, Mr. Chad Moorhead, and Dan O'Keefe, their counsel, is also here at the meeting.*

** They had a community meeting on July 19th with good turn-out of about 65 to 70 people.*

** They had representatives of Staff attend the meeting, including Ms. Hammock and Commissioner Jay Zembower.*

** Commissioner Zembower's notes from the meeting will be entered into the record as previously mentioned.*

** They had good dialog at the meeting and pieces have been included in the Development Order will likely improve and enhance the plan.*

** One item that wasn't mentioned that has been incorporated into the Master Development Plan is with respect to the Diocese portion of the property, which is the proposed location of a maintenance shed that abuts the north side of the Cedar Ridge property line.*

** There has been consensus to move that further around a wetland to provide more of a buffer for the Cedar Ridge residents.*

** They have a small PowerPoint presentation to show and they concur with Staff's recommendation.*

Dan O'Keefe, Attorney with Shutts and Bowen in Orlando, presented the PowerPoint presentation and discussed the following points:

** Previous approvals for this property were approved in 2010 and will exist until 2018.*

** The reason to highlight this is to talk about the down-zoning and less intensive uses they are proposing.*

** After the last Planning & Zoning Commission meeting, where clear direction was heard, they had the continuance and the applicant hosted an on-site visit and tour of the property with the County Staff and Commissioner Dallari.*

** On July 19th, they had the community meeting and it was very well attended by the community, County Staff, and Commissioners.*

** It was a productive dialog and not just one-sided, but a give-and-take that included changes to the plan and they were responsive to the community concerns.*

** They held several additional smaller meetings with other neighbors to address their comments and concerns.*

** They've had continuous communication with the County Staff.*

** Some of the proposed changes being discussed today is compared to the existing entitlements on the property.*

** They have a reduction from 900 living units to 750 units.*

** A reduction of assisted living facility units from 450 beds to 125 beds.*

** Elimination of the Skilled Nursing beds.*

** Reduction of the commercial, retail, and convenience square footage from 175,000 to 50,000.*

** Elimination of the hotel use.*

** Removal of the age-restriction on the residential uses.*

** It is a significant down-zoning compared to what is currently approved on the property.*

Commissioner Rob Wolf stated that most of the items he applauds and asked why the elimination of the age restriction as Seminole County has an older community base

moving into Seminole County. Mr. Gardner responded that they've had that question several times. He further stated the following:

- * Their program for the property includes a multi-generational development.*
- * They have been at this a long time and feel the best fit for this property is one that appeals to a broad audience.*
- * They've shared what was stronger than a cartoon, but not quite a site plan, with the residents.*
- * He believes they have it tonight, which they don't want to enter into the record, but they are happy to show it.*
- * It has a blend of product that would appeal to a wide audience.*
- * The age cap lift is because the market is stronger.*
- * There is market acceptance for senior housing and need-based housing and much of it is currently being met in the corridor already, which includes Allegro down the street and other communities proposed in the area.*

Commissioner Wolf stated that there is market demand and the balance of that is how Seminole County wants to grow. Mr. Gardner responded that is true and they have to strike a balance between market acceptance, financial feasibility, and right for community, which they agree with and think they are doing that.

Mr. O'Keefe referred back to the PowerPoint presentation and stated the following:

- * Improvements or enhancements to the 2010 approvals include maintaining the undisturbed upland buffer requirements abutting the neighborhood residential on the east and west sides of the Reserve at Lake Howell.*
- * They are reducing the proposed wetland impacts from 12.2 acres to 11.7 acres with the total number of wetland acres being preserved equaling 219 acres, plus or minus.*
- * They've agreed to enhance tree preservation commitments.*
- * Reduced building height in residential areas from as high as four stories to a maximum of two stories.*
- * Reduced the building height in the commercial areas from 55' to a maximum height of 35'.*
- * A number of these changes are new items that were a direct result of the community meeting that occurred after the last Planning & Zoning Commission meeting.*
- * They agreed to a proposal by Staff to provide funding for a third party peer review of their proposed future storm water drainage plan regarding flooding concerns voiced by the adjacent property owners.*
- * They agreed to the implementation of a dark skies lighting program throughout the community to reduce light pollution.*
- * The elimination of the possible drive-thru restaurant use in the commercial area.*
- * The shed relocation as Chris mentioned to help buffer the adjoining property owners.*
- * Proposed limited non-motorized vessel access to Lake Howell.*
- * The ultimate reduction in residential density and impact.*
- * They would like to thank and compliment the Chairman and the Staff for their hard work and diligence on this project.*
- * They agree with their findings and recommendations.*
- * They respectfully request approval of their request tonight.*

Mr. Gardner stated that it wasn't Staff's recommendation for the peer review and further stated the following:

- * Instead, it was something they brought forth as another option in assurance for neighboring residents regarding a storm water plan.*

- * When they get to that stage, they would offer the ability to have an independent third-party review.*
- * They would have their civil engineers design and have Seminole County review, water management district review, and an independent third-party civil engineering firm review.*
- * They would fund the review to ensure that neighborhood considerations are being met.*

Commissioner Wolf recalled that there were two homeowner community associations represented and asked if both of them were at their meeting. Mr. Gardner responded that leading up to the first hearing on July 6th, they had two community meetings and further stated the following:

- * They tried to do an east side and west side meeting and what they found was they had cross-collaboration in each meeting.*
- * The last meeting was a joint meeting.*

Commissioner Wolf asked if both communities were represented and Mr. Gardner responded that he can't say for certain that everyone who wanted to be there was there, but they had good, strong participation and since July 19th they have continued to meet, correspond, and dialog and he doesn't expect that to end.

Kathy Ford, of Winter Park, stated the following:

- * They are on the south side of the cemetery of the Diocese portion of the property.*
- * She is not against the development, but has a few concerns.*
- * The amount of wetlands being impacted, specifically in the middle of the property and owned by the developer.*
- * In the environmental impact survey that was done, there was no mention of the nesting Sand Hill cranes on the property.*
- * They've been there for 5-6 years and she has pictures of them with their babies.*
- * There are about 7-8 turkeys on the property.*
- * Her concern is with the cranes, because they come back every year and have their babies.*
- * Her other concern is with the wetlands.*
- * She needs to know that the cranes will be safe, because their habitat is diminishing daily and the same for the turkeys.*
- * She has pictures of the babies.*
- * She sees them every day.*
- * They conducted the survey in December of 2015 and the cranes didn't come back until February of 2016.*

Jon Jones, of Winter Park, stated that he used to be on the Country Lane Homeowner's Association Board, but is not now. He further stated the following:

- * They are adjacent to Cedar Ridge.*
- * This is his fifth meeting before the Board.*
- * They originally had an agreement with the Catholic Diocese that this would be a 55 and over community.*
- * One of the reasons they agreed to it was the lower impact of an age restricted community on their schools and traffic.*
- * They have constantly seen that agreement assaulted over the years to the point where people are too worn out to come to the community meetings.*
- * When the last traffic study was done, it was done one-half mile from the proposed*

entrance and it didn't address the S.R. 436 choke-point or the Aloma Avenue choke-point.

* When the traffic checks were done, the last one was on Memorial Day weekend and not even on a school day, and asked how that could be valid.

* Regarding the school board evaluation, every case has disappeared during that time and the person has not returned any phone calls.

* Because of the 55 and over change, and this is the big change that he thinks impacts the most on their infrastructure, is that there are 1,100 kids being dumped on schools that have just now gone from B to A schools in the area.

* He's talked to several of the Principals and they are packed.

* There have been 300 homes with 4 to 5 bedrooms built in the area where they have yet to see the real impact on the schools.

* There are more than 1.8 students per home impacted.

* His concern is that these schools are going to be hurt very badly and when you hurt the schools, you hurt the community.

* One of the Board members at the last meeting, and who voted for the developers, changed and said that it is their property and they have a right to do with it what they want to do with it.

* If that is the case, then they don't need a zoning board who are their only protection.

* Right now, they have a 4 to 5 traffic light waiting time in the morning at S.R. 436.

* The traffic at those choke-points is terrible.

* The traffic checks only go one-half mile and don't check the other points.

* He likes the idea that they brought down the heights of the buildings, which will have less impact on the Fire Department.

* Four of their five Fire Departments have not been expanded due to money being held up.

* They need tower trucks when heights increase.

* He knows that area will be developed.

* What the developer says about not having a market for 55 and older, he doesn't buy it.

* He knows two people in their HOA whom have said they would move there if they opened one.

* The 55 and over is what he is concerned about because of the traffic and the schools.

* If you hurt the schools, you hurt the community.

* There is an environmental impact in that area.

* He's not against development, but he is against impact on infrastructure including fire, school and traffic.

* A lot of kids walk to Eastbrook.

* There will be 4,000 or more traffic trips per day, if not more, through one intersection to the development.

* He thinks that will impact their neighborhood.

Chairman Dudley Bates stated that any materials presented by the audience, becomes part of the public record and is retained by the County. Please do not bring forth anything that you do not want to be kept or entered into the public record.

Chris Maness, of Winter Park, provided handouts to the Board and also showed it on the overhead display. He stated the following:

* He thanked the developer, Jen Partners, for having the community meeting and also thanked the Board members for recommending it.

* He feels the meeting was worthwhile and thinks there are opportunities to push the envelope forward.

- * They've seen some items added to the Development Plan and he thinks they are great steps, but thinks some items are missing before a vote can be made and to move forward with the project.*
- * The amendment that is before them today is something that changes the plan completely.*
- * Taking away the 55 and up community, they've heard it over and over again, that it will impact traffic, schools, and the characteristics of this community.*
- * In his opinion, he thinks that a lot of the confusion and why they've been before the Board at least 5 times, is because they are looking at an amendment instead of a new plan completely.*
- * San Pedro has sold the property, but they're still comparing wetlands that are FEMA protected and the majority are on the San Pedro property.*
- * In looking at true comparisons, the only way to do that is to strip away the amendment and start with a new project.*
- * He will speak to what is in front of them today.*
- * On the screen and what was passed out to the Board relates to the traffic.*
- * They keep hearing that traffic is better than the 2010 plan.*
- * However, they're not comparing apples to apples from the original plan to now.*
- * What is being compared is residential peak hours that has extremely increased from the original plan.*
- * They're looking at a 57% increase in residential density from the original plan.*
- * The 2010 units that let them know about peak hour trips are being used for the same single family homes and it is not a true comparison.*
- * Senior living is one-third less in peak hour trips than a normal family.*
- * When you have a congregate care of 700 individuals versus 500 in single family homes, that's a huge comparison difference regarding the traffic impact.*
- * It's been said that the overall traffic may be reduced, but that doesn't fix the peak hour service maintenance thresholds that will be going over by 29-30% with this plan.*
- * What he is asking today, is for the Board to take a look at what this residential density will do to their daily life and what can they do to stop it.*
- * The taxpayers will have to pay to fix the roads and not the developer.*
- * He asks the Board to look at these impacts to see what can be done now to mitigate the issue before it gets worse.*
- * A 30% increase is unacceptable.*
- * It has been stated over and over that the commercial space is being reduced, however, looking back at the 2010 plan, he asks why the commercial space was approved for such high intensity.*
- * It was approved because medical services in an interconnected community was going to be part of the plan.*
- * They were going to have medical services for an aging population within the community, so it made sense to have that high intensity.*
- * The commercial space was going to be right off of Howell Branch Road and not near their homes.*
- * Now, they have residential that is going to be closer to their homes and they're still going to have commercial on Howell Branch.*
- * At this point, he believes the 2010 plan is better and he supports the 2010 plan.*
- * He would be happy to have an age-restricted community.*
- * He takes his mother to therapy every day at I-4 in Orange County because there isn't a Stroke Clinic near them.*
- * This 2010 plan could have provided this to a community that is lacking in these services.*
- * It was stated earlier that Seminole County is projecting an increase in an aging population, so what is Seminole County going to do to help protect them and the aging population.*

** He hopes the Board takes this into consideration, because once this gets approved, there is no going back.*

** He does not support this plan because the peak hour service thresholds will exceed Seminole County's recommendation.*

** He would like the Board to take a look at this to see what it will do to rush hour traffic.*

Ralph Mazza, of Winter Park, stated the following:

** Looking at the educational part of this, data provided by the Seminole County Schools for this project was determined by a formula that was based on a population study done in 2007.*

** Michael Rigby, the person who prepared the report, said that the report was only for this project and it doesn't take into consideration all of the other homes in the area being built on Dodd, Dike, two communities in Bear Gully, and one to be built on Tuskawilla Road.*

** The current formula, represents .48 children per single family home, and only .234 children per townhouse.*

** Since 2007, they know there are many new communities and expansion of other communities in the County.*

** Until a new study is done, these are the numbers they are working with.*

** The State did a 25 year study that was published on June 30, 2015, that reflected an annual school growth of 4.84% and 4.18% permanent students.*

** Currently, the Eastbrook School is at 85% capacity and three of the grades are at full capacity.*

** If they use the County's formula, they would be one student over capacity.*

** Tuskawilla Middle School is at 86.5% capacity and they would be 90 students under.*

** Lake Howell High School is at 95% capacity would be 17 students under.*

** This is not looking at any other students coming from these other communities.*

** If they use the State's 2015 study, which was the 25 year study, they would be way over capacity.*

** In the July 20, 2016 Orlando Sentinel, it was stated that 5 years ago the School District anticipated losing students.*

** Based on the State's projections, they are now expecting 900-1,000 students yearly for the next 5 years.*

** This was stated by Joseph Rainaldi, the Executive Director of Operations for Seminole County Schools.*

** The only solution would be building new schools or rezoning.*

** Both of these will cost money and rezoning will cause forced bussing.*

** Right now, students that live along Howell Branch are being bussed to English Estates and Sterling Park and are 1.8 miles from Eastbrook Elementary.*

** According to Seminole County Schools, it won't matter how long you've lived in a community, you'll be bussed if you're rezoned.*

** If you look at the 900 zoned 55 and older units with 2.0 people per unit versus 750 proposed family units at 2.41 people using the schools, the numbers are a wash.*

** 1,800 versus 1,807.*

** If you look at more realistic numbers, where there are 3 people per family, that's 350 more people in the proposed community.*

** In the July 31, 2016 Orlando Sentinel, an article stated that Seminole County is sinking State aid to prevent Orange County from building a development that is known as the Lake Pickett North.*

** Two of Seminole County's Board Commissioners are asking the same questions that they're asking.*

** Where will the traffic go?*

** The article continues that residents fear by adding new homes to their community, or in their case their homes, will spoil the tranquility of the community.*

** Commissioner Lee Constantine stated that he thinks their case needs to be stated for the sake of their citizens and for the sake of our transportation, storm water, and environment.*

** Also taken from the article, Thomas Hawkins, Director of Smart Group 1,000 Friends of Florida, has an organization filing objections with concerns of the impact on traffic and harming the environment.*

** Orange County Commissioner, Ted Edwards said that Seminole County is being hypocritical by allowing developments of 1,000 homes in their own County.*

** It seems like they're fighting the same issue that the Commissioners have spoken against in Orange County.*

** He would like to see when the vote is made that this is taken into consideration.*

John Kern, of Winter Park, stated the following:

** In reviewing the Master Development Plan submitted for the Reserve at Lake Howell and the Concept Plan presented at the July 19th community meeting, there are a number of concerns regarding off-site impacts from storm water runoff and degradation of unmitigated wetlands that are slated to be included in a dedicated conservation easement.*

** Many of these issues are within the St. Johns Water Management District purview, however the District's rules and regulations are designed to cover a fairly standard range of conditions.*

** In his experience, following the rules and regulations does not always provide a positive result.*

** The San Pedro site presents concerns not adequately covered by the District's regulations that can be addressed with special conditions added to any approvals that the Commission may grant.*

** Regarding storm water runoff, the St. Johns Water Management District current design guidelines for storm water management systems, requires that those systems accommodate a maximum 24 hour rainfall event of 8.6 inches and a mean annual event of 2.33 inches.*

** These numbers do not cover the highest rainfall events recorded in Seminole County.*

** Table A39, as presented in the St. Johns publication SJ88-3, shows the highest observed 24 hour rainfall event to be 9.12 inches and an annual mean rate of 4.26 inches.*

** Since there is high potential for property damaging floods north of Lake Howell Lane and in the Lake Ann area, any plan approval should, at a minimum, require the use of the highest observed rainfall events for the design of all storm water management systems.*

** Any plan approval should require that tail water from any storm management system that flows into unmitigated wetlands include features to ensure that any discharge into those wetlands meets or exceeds current water quality for those wetlands.*

** He doesn't mean the water quality standards that are in the regulations, which allows a degradation.*

** This is to prevent the wetlands from becoming part of the filtration process, which would over time degrade them.*

** This is important given the large amount of impervious urbanized surface area in the proposed development that will produce significant amounts of oil, nutrients, and detritus that will be entrained in the storm water.*

** In fact, it appears from the plans that have been presented, that the amount of impervious surface area will be greater in this plan than the previous plan submitted.*

** No storm water structures or alterations of any kind should be permitted within the*

required 25' setback from all unmitigated wetlands.

** Current St. Johns District wetland maps are years out-of-date.*

** Prior to any plan approval, the wetlands delineation should be updated by the St. Johns Water Management District to make sure the amount of proposed wetland mitigation is properly understood and that all unmitigated wetlands are accurately identified.*

** It is their understanding that the developer is currently in discussions with the water management district and they are requesting approval to perform re-contouring of the site and to construct water diversion swales.*

** Plan approval should be conditioned to require that no such permits be requested by the developer and no such work should be approved until the water management district has a current wetland delineation.*

** Also require that no significant site alteration or preparation activity begin until the detailed plan has been presented to and approved by the St. Johns Water Management District.*

** There is evidence that the Florida Sand Hill Crane, which is a State designated threatened animal, and other protected species, not wetland species such as gopher tortoises, utilize the upland wetlands on the site for habitat and nesting.*

** Prior to any on-site work, a plan should be developed with and approved by the Florida Fish and Wildlife Commission, to make sure that all threatened and endangered species are properly protected.*

Commissioner Rob Wolf asked how he made a determination that the impervious surface area was greater in the current plan and Mr. Kern responded that looking at the proposed construction, he made some estimates of the single family homes with driveways, pool enclosures, and compared that to the multi-story structures that had been proposed. He further stated that the increase in the number of single family homes in the current plan increases the amount of impervious surface area.

Daniel Hyman, of Winter Park, stated the following:

** He works for the Department of Agriculture and has been an Entomologist and Surveyor for the San Pedro property for about 12 years.*

** He knows the property better than anybody because he's walked it for years.*

** On the site, right now, there are gopher tortoises and dozens of burrows.*

** There are also Sand Hill Cranes.*

** There are a few species of endangered flowers that grow annually.*

** No matter what, they will have to do a horticulture and animal survey before one shovel or bulldozer hits that property.*

** He has Florida Fish and Wildlife on speed dial too.*

** He doesn't see this happening with all of the endangered and protected species on the property.*

Jennifer Musser, of Winter Park, stated the following:

** Aside from all of the other concerns that her neighbors have mentioned, she has one additional concern.*

** It may seem small compared with all of the other things.*

** In the original 2010 plan, only a walking dock was permitted and no one would be able to launch anything on the dock.*

** Now, they've asked to change this and provide for their residents to be able to launch kayaks and canoes.*

** This was one thing that they actually won in 2010.*

** They didn't win much, but this was one thing that they got Seminole County to agree*

to and there would not be any access to Lake Howell.

* Now, that's being taken away.

* There are 1,600 houses right now that have access to Lake Howell, including all of the communities and condos.

* They want to add 750 homes to this.

* That's half of what is existing right now.

* This would make them have one-third of the houses that have access to Lake Howell.

* They don't own one-third of the lakefront property.

* They don't need to add this to get their money out of this property.

* They're going to get their money from other places.

* Nobody's not going to buy here because they don't have the ability to put in a kayak on Lake Howell.

* If the Board can protect one thing, and remember they won this one point back in 2010, that is easy and will not impact the value for what they will get for the value of their land, she asks the Board to at least consider that.

* It comes down to a privacy thing and the impact on the environment.

* The more people who are on the lake, the greater the impact and what the existing homeowners enjoy.

Troy Williamson, of Winter Park, stated the following:

* Chris Gardner and he have been working together.

* He is not in objection to development of this property, but he still has some outstanding issues.

* He met with the church and the developers for about two hours.

* He requested that opportunity, but at the community meeting the church wasn't involved.

* He knows that Chris has a lot of involvement with the church.

* He got to meet with the number two person, the Chief Operating Officer.

* The meeting was good, but he thinks they need to meet some more with the community as a whole.

* He also would like to see Commissioner Zembower's point of view, since he is not at the meeting.

* He thinks it would be important to know his thoughts from the community meeting.

Chairman Bates stated that Commissioner Zembower's comments will be discussed during their Board discussion.

Mr. Williamson further stated the following:

* He has been working with Chris on a number of issues, such as the restaurant, the reduction of height, the maintenance shed that's been moved around, and a number of issues that have come up and he has worked really well with him.

* He just doesn't think they're quite there yet.

* He thinks they have a number of outstanding surveys that are not completed and he thinks they need more time before a decision is made.

* He thinks they need to wait until another Board meeting and he asks for another postponement.

Mr. Gardner stated that their meetings with the residents have been very good because they are informed, intelligent and thoughtful. He further stated the following:

* He has lived here a long time and sprawl to him is outlying parts of Seminole County

and this property, while the surroundings have larger lots, is not sprawl and is urban in-fill in Seminole County.

* While they are respectful of their neighbors, he is adamant that this is an in-fill project and that is why they are looking at the project the way they are today.

* There was an independent living component of the project that was approved in 2010. Congregate care doesn't necessarily categorize those 900 units.

* Independent living in many cases is active adult.

* When he was 12 years old, his father was 55 years old.

* That doesn't preclude children in this community.

* They've talked a little bit about their plan, which includes attached small single family, detached, and larger detached homes in a multi-generational community.

* With respect to the comments about population growth in this community, they agree that they would be adding residents, but they see a blend and is why he uses the word multi-generational, which is a widely used term.

* The wetlands were delineated in 2015 and have been reviewed by the District.

* In 2010, some of the wetland impact areas that were talked about being impacted were part of the 2010 approval.

* The comment made by Mr. Hyman about the wildlife is correct. They will have to identify all of the species on the site.

* They are familiar with it and they know they can't do anything without Florida Fish and Wildlife's permission.

Mr. Hyman stated that he would like to be present for those surveys and he would point out the gopher tortoises' burrows as he knows where they are.

Mr. Gardner continued stating the following:

* Regarding storm water, they are currently at zoning and that is why they've put forth the proposal for yet another peer review, an independent third party review at Final Engineering, to provide another set of eyes for checks and balances of their design, County Staff, and the water management district.

* They will provide those.

* You don't make this kind of investment without being prepared to provide those things.

* They are for community meetings and they will continue having them, but they are asking the Board to go forward, so they can move forward with the project and commit to a development program.

* The community meetings will not stop and that they can commit to.

Chairman Bates asked if there was any further information on the comparative traffic impacts between the 55 and over community and the new mixed generational community. Mr. Gardner responded as follows:

* Ms. Maness is right and they had a good meeting.

* It is true that a traditional 100% non-age restricted community creates that factor he used, which was one-third.

* He has seen .72 and .75 and there is an ITE manual that we can take a look at.

* He would say that 100% of a traditional community does create peak hour traffic.

* However, they are reviewing 2010 and 2016.

* In the event that they choose not to proceed with this plan, they will fall back on the 2010 plan.

* When they underwrote the purchase of this property, they knew the underlying entitlements on the property.

* Those peak a.m. hours are a wash and the peak p.m. hours are an actual reduction

when factoring the residential and commercial.

** They don't disagree that any kind of methodology you look at, that there isn't more traffic created by 100% traditional community as opposed to that.*

** They are not there yet and they have agreed to do additional traffic analyses.*

** The request by Staff at the time was a certain distance from their entry.*

** They have one point of entry at Eastbrook Boulevard.*

** A trip is a trip, in their mind, for commercial or residential.*

** There is a net reduction based on the 2010 plan versus the 2016 proposed approvals.*

Commissioner Wolf asked if it was true that they did the traffic study on the Memorial Day weekend and Mr. Gardner responded that he didn't know. Commissioner Wolf said that one resident stated it was when the traffic markers were put out over the Memorial Day weekend. He further stated that is very important, because if that's the case then the data is skewed. Mr. Gardner stated they'd be happy to update the traffic report. Commissioner Wolf stated to include those congestion points as well and Mr. Gardner stated that if Staff desires that, they will do it.

Mr. Maness stated that he has a copy of the trip generation manual, which he provided, that shows peak hour trips and the difference between senior-living versus multi-family.

Commissioner Matt Brown asked Kim Fischer of Staff if this is in a non-concurrency area and even if the traffic was an absolute nightmare, they couldn't use that as a basis for denial and Ms. Fischer responded that is correct. She further stated the following:

** We are in the TCEA, which is the Transportation Concurrency Exception Area, and we cannot deny a development based on capacity of a roadway.*

** This is based on the TCEA, which was adopted by the Board several years ago.*

** That is part of being in an urban area and in Seminole County is pretty much everything west of Geneva and Chuluota.*

** So anything that is in that urban area is in the TCEA.*

Commissioner Brown asked if that decision was made by the Board of County Commissioners and Ms. Fischer responded that was correct. He further asked if that was something the State gave as an option and Rebecca Hammock, Planning & Development Division Manager responded as follows:

** That is correct.*

** The legislature allowed local governments to remove concurrency from their Comprehensive Plans.*

** Because Seminole County is a dense urban land area, we don't have to have traffic concurrency and we actually adopted a TCEA for the urban area.*

** However, even without that, there is an adopted level of service for Howell Branch and it is a level of service E.*

** Even with the addition of the trips that this project creates, it will not degrade the road below its adopted level of service.*

** There is still available capacity.*

Commissioner Brown stated that our idea of capacity is not necessarily us being able to go where we want when we want to and asked if the level of service is at an E now. Ms. Hammock responded that with the new trips generated it will remain at an E. She further stated that when the County adopted a TCEA, by policy, it was willing to accept a certain amount of congestion.

Commissioner Wolf asked if Commissioner Zembower's statement could be read into the record. Ms. Hammock stated that this was the letter provided to her by Commissioner Zembower and she read this letter as follows:

Fellow Commissioners,

My apologies for my absence, however I want to take the opportunity to provide my input on the San Pedro project. I was able to attend the community meeting that was sponsored by the developer at our request which was held at the Elks Lodge of Howell Branch road.

In attendance was approximately 90 local residents including HOA presidents and board members from the adjacent subdivisions. The following are the highlights of discussions;

- 1. Developer is uncertain if assisted living will be part of the plan, but for now will keep a portion of that option open.*
- 2. Developer proposes office and light medical in the commercial area.*
- 3. Developer agrees to honor all buffers from the 2010 PD and all promises that the church made to the community on buffers.*
- 4. Agrees to dark sky lighting.*
- 5. States will be a gated community*
- 6. Agrees to a maximum 2 story height in residential area instead of 4 story.*
- 7. Agrees that commercial height will not exceed 35 feet in height.*
- 8. Agrees to not have a restaurant with a drive thru.*
- 9. Agrees to perform supplemental plantings in the buffer areas as needed.*
- 10. Many residents voiced concerns about removing the 55 and over restriction, stating it loads the roadways and schools more and is not what they were promised in 2010 and also was not granted in 2014.*
- 11. School Board states capacity is okay, but residents have unanswered questions and several stated they have had trouble communicating with the school board. The developer indicated that they would make a school board representative available to answer questions at the next meeting.*
- 12. Residents voiced concerns about firefighter capacity, stating with recent increases in assisted living facilities in the area and possibly more to come, they perceive the response time is already being impacted.*
- 13. The community has concerns that the traffic trip counts on the proposal will have significant trip count increase with removal of the over 55 restriction removal if granted.*
- 14. Numerous residents stated they have had flooding during the 2004/2006 hurricane seasons and this property mainly floods 3 inches deep at times, stating the water runs to Lake Howell and Lake Anne, stating the wetland removal is a huge concern for water flow and resident wildlife. Residents and developer stated 7.44 acres and 11.7 acres of wetlands, developer indicated it would be mitigated, the residents don't really understand that concept, needs further explanation.*
- 15. Residents voiced concerns that the church would come back at a later date and change their remaining portion of the PD to higher density.*

Several residents stated they have talked to a church representative and that person is not familiar with the property or the plans. The developer indicated that person was relatively new, residents want a church representative made available to answer questions, the developer indicated they would accommodate this request and would have this person available at the next meeting.

16. Developer stated they plan a viewing pier and perhaps a boardwalk along the lake and committed to no motorized boat access and only a single access point for canoes/kayaks.

17. Numerous residents voiced concerns about run-off into lake Howell and Lake Anne

from the impervious surfaces proposed and the loss of the wetlands on the property and wanted assurances the run off would be filtered better and as good as currently being naturally filtered. The developer stated they would commit to additional drainage filtration but was uncertain what that would include. The developer stated they are paying into the Lake Howell MSBU and don't want to impact the lake either.

18. One resident requested signs that state don't feed the alligators.

19. Several residents indicated they are not comfortable unless additional plans are submitted related to drainage, storm water and actual street view of proposed development.

20. Access road points were discussed and pointed out, but for the most part it is not totally clear where these will actually go, Cedar Ridge residents are concerned about U-turns at their entrance.

21. The buffers need nailed down, there was some confusion on a portion where a work shed is located and what the actual buffer there is. Also it appeared the developer was either not familiar as to the exact place on his map that specific buffers and depth of the same would be, at best somewhat vague, but numbers of 75 feet on the west, but other areas would be 200 feet and another number of 67 feet, then 50 feet, then others at 55 feet.

22. Community wants additional discussion on traffic, storm water, wetlands impact and with the church on their portion of the property.

23. Numerous discussions were taking place between residents and the developer and between other residents on fence placements for security and for visual impacts, this is still ongoing.

24. The developer stated one access road will be moved because it was on County property and they learned the drainage pond actually belongs to the County.

The San Pedro Project is one which stands to be a center piece for the area. The experts involved with this developer are ones whom we are familiar with and are known for working with the communities on their projects, which we typically arrive at a reasonable and amicable result for all interested parties.

In this immediate case, it is simply my observation that the community needs solid answers to valid concerns. The smaller lots proposed are not a typical product we often see. In the case of the small lot proposal, I would urge us to nail down the actual locations of these on the property, as well as elevations and details of accessory components such as garages, porches, A/C units, detached supporting structures etc. Likewise, a detailed caliper plan for the existing trees and a detailed plan for any and all replacement trees needs developed.

Finally, my overall sense is that since the entitlements have changed numerous times through the years and the local communities continue to observe these changes, this within itself induces uncertainty for the residents.

I believe the developer needs to provide some justification for removing the age restriction aspect already requested and previously granted, as well as provide additional detail of buffers, ingress, and egress locations, as well as specific locations for each proposed product. As a Planned Development previously and continued requests under a PD plan, these issues can and should be fully vetted for the best interest of all community partners.

It is my suggestion that an additional community meeting take place to include the church representative, school board representative and a better detail which the community can see and understand the majority of the aspects of which is being requested. Respectfully submitted, W. Jay Zembower- Planning and Zoning Commissioner.

Commissioner Michelle Ertel stated that she is a property rights person and she really likes this developer, but that doesn't mean she will rubber stamp something because the neighbors have property rights too. She further stated the following:

- * Her impression is that the community meeting would include the church.
- * It is her understanding that it did not.
- * The age restriction that has been lifted makes her very uncomfortable.
- * In hearing that a traffic study was presented to the Board that was done on Memorial Day, she is not ready to say yes to this project.
- * As a matter of fact if there is an actual vote tonight, she will vote to deny it.
- * She thinks this needs to be continued and it is not ready for prime time.
- * The community needs another meeting to include exactly what Commissioner Zembower said.
- * She is hoping that her fellow Commissioners will go along with her and see if they can get another community meeting.
- * This doesn't need to be decided tonight.
- * The Board of County Commissioners isn't even going to hear it for a couple of months, so there is no reason why they have to vote on this tonight.

Chairman Bates stated that it is his understanding that the Board of County Commissioners will hear this item on September 26th (meaning the 27th) at the earliest.

Commissioner Wolf stated that when property rights were introduced, he wasn't sure where that would go. He further stated the following:

- * He is an advocate of property rights, but he thinks there are neighbors/homeowners than there is this one developer.
- * He is for property rights, but for the people that are already there.
- * He thinks with the community meeting that occurred and the number of issues heard tonight, both at the meeting and what was heard tonight, he expected to have a little more consensus.
- * He thinks there are a number of outstanding issues.
- * He agrees with what Commissioner Ertel has stated and thinks there needs to be another meeting.
- * He knows that the developer does not have to provide it, but he thinks it would be in their best interest to provide a draft site plan with some draft elevations to address what this community would look like.
- * Yes, it is in-fill, but it is one of the largest in-fills that Seminole County has.
- * He thinks the County really needs the 55 plus community and he thinks in the 2010 plan, the densities for the property were given because it was 55 plus.
- * He knows they are backing off of the densities some, but he doesn't think that it is sufficient for a non-age restricted community.
- * He thinks there was some kind of a trade-off there.
- * He knows that it is one or the other, but he doesn't think that the offset of the density, given the 55 plus restriction removal, balances out.
- * He would like to see the 55 plus community back in the plan with the densities, which would also impact the traffic.
- * He has heard a lot of things tonight and he is for another meeting with the community, the School Board, and the Diocese.
- * He would like to have the community see a draft site plan with some elevations to see what this is really going to look like.
- * There is too much up in the air and not enough on the table.

Commissioner Brown stated that there is someone from the school board here tonight, if they could talk about the capacity and developments that have already been platted and what the schools' occupancies will be.

Michael Rigby, Seminole County Public Schools, Facilities Planner, stated the following:

** He got a message today and he called that person back and they spoke for almost one-half hour regarding the process where these reviews come from.*

** The school district does not take a stand, he does not speak for the school district, and he is not speaking as an elected official.*

** He is at the meeting speaking as a technical representative to explain how the system works.*

** The process is this:*

1) The developer submits an application to get a snapshot review of the capacity based on the Interlocal Agreement (ILA) with the County and all of the municipalities.

2) They determine the level of service.

3) The capacity is taken at an annual time based on the State requirement of Florida Inventory of School Houses (FISH).

4) They are compared against the enrollment at a particular date, October 2, referred to as the second survey and are included in the ILA, which is signed and enforced for all of the municipalities in Seminole County.

5) That document produces a snapshot that says at a particular time, if the development were to come to fruition, here are the capacities of the schools based on the concurrency management system.

6) If one of those schools fails at any particular level, the adjacent concurrency service areas are required to be utilized. It's up to the school district to provide those numbers and if there's any capacity in the school district, it is to be used for those facilities.

7) In this case, they submitted the document was provided to the Board.

8) All of the technical processes are approved and in the record.

Commissioner Brown asked if there is capacity in the area for the homes to be built and Mr. Rigby responded that the document submitted indicates that there is capacity in elementary and middle school and an adjacent capacity in high school. When and if those students arrive, they are to be accommodated by the school district.

Commissioner Wolf asked if he was here on his own accord or was he asked by the school district to be at the meeting and Mr. Rigby responded that he was asked to be at the meeting by Rebecca Hammock and there was never any contact by the developer regarding this project, nor any of the citizens other than the one today. He further stated that he answers his phone calls and returns his phone calls.

Commissioner Wolf asked Mr. Rigby if there was a request by the developer or the community association, would he attend that meeting and Mr. Rigby responded that he would have to speak to his supervisor. He further stated that he doesn't think the school district is part of this dialog between the developers and the community. Mr. Rigby also stated that if his boss asked him to come, he would come, but he is on his own time, and he couldn't emphasize enough that what he says here is important to his job and so he will limit it to what he thinks is appropriate and what is his position as a Staff member.

Mr. Rigby asked if there was a question regarding the process and Commissioner Wolf

stated no, but he was interested in knowing if others from the community association wanted to hear some of his input at another meeting, if he could attend and share that. Mr. Rigby stated yes, he would consider that.

Commissioner Brown stated the following:

- * What he is up against is that the entire development would have to be designed and like they mentioned before, they don't know who they're selling the parcel to yet.*
- * This could create a problem, because if they build apple crates and somebody wants peach crates, everything changes.*
- * The Sand Hill Cranes are still going to be there and they have a machine that takes care of that.*
- * When they bring down building heights, they expand impervious and they are, in a way, counter-productive.*
- * If you go higher, you can have a smaller footprint on the earth.*
- * They can't do anything about traffic.*
- * The schools, cranes, and water have all been taken care of.*
- * He would like to know what else would hope to be gained.*

Commissioner Ertel stated that she would like to see a traffic study that wasn't done on Memorial Day in order to get an actual number for them.

Commissioner Brown responded that if the traffic study says it's a Level F, you can't turn it down, based on that.

Commissioner Ertel stated that the Board of County Commissioners are not seeing this item for months and because of that, there's no reason why they have to vote on it tonight. She further stated that these folks will continue to show up at the BCC meeting with the same problems and the same questions and that is their last shot. She commented that she thinks it is in the developer's best interest to continue this item, she wants this development, but she wants the neighbors to like it better than they do now and she'd like another meeting.

Commissioner Wolf stated that the variation in what could be and how it is allocated on the property, since it is a large in-fill, is really what is outstanding. He further stated the following:

- * He knows that site plans are expensive and it could be different based on the potential buyer.*
- * He thinks there should be some draft concepts that would be representative of their client base.*
- * He would like to think that the client base would be 55 plus.*

Chairman Bates asked if those draft concepts would mean anything and Commissioner Wolf responded that right now it is wide open. He further stated that he really would like it to go through, but it seems after three community meetings that there is still a lot of angst and too many outstanding issues that are unresolved.

Further Board discussion ensued regarding this item.

Commissioner Wolf stated that he heard there are close to 1,000 beds and commercial real estate and he thinks that is a huge in-fill. He further stated that there is no other property that is this large in the County and this is our last shot at doing something right the first time. He commented that he would like to see some of the

initial agreements with 55 plus and access restrictions.

Commissioner Brown stated those are valid points to look at because that actually changes things.

Commissioner Wolf stated that he would have a hard time supporting this project as proposed. He further stated that the best thing for the developer is to hope for a continuance to keep it alive.

A motion was made by Commissioner Ertel, which was not seconded, to continue this item to November 2, 2016.

Commissioner Ertel amended her motion to continue this item, which was not seconded, until October 5, 2016.

Board and Staff discussion occurred regarding meeting dates and re-advertising the item.

Commissioner Ertel withdrew her previous motion.

Commissioner Ertel made a motion to continue this item, seconded by Commissioner Brown to continue the item to the November 2, 2016 meeting. The motion failed 3-1.

Board discussion ensued regarding when the meeting should be continued to.

Mr. Gardner, the applicant, stated that regarding the transportation analysis, it was performed in January and finalized in mid-May.

Commissioner Wolf stated that traffic is not a factor.

Mr. Gardner stated that a continuance to come back before this Board with the requirement of another community meeting, he is not sure what they would accomplish. He further stated the following:

- * He can't go forward with architectural renderings, although he would try.*
- * They don't have a builder yet.*
- * If this is processed, he would do two community meetings between now and the Board of County Commissioners' meeting.*
- * He heard the comments and he suspects they will continue to have the same comments, which they will work at.*
- * These meetings won't stop and that is his commitment.*
- * They will continue to meet.*
- * This is not a small project.*
- * It is a multi-year build-out.*
- * He suspects they will have these meetings long into the future.*
- * This isn't the last opportunity*
- * This gives them the assurance that they can spend the additional resources to provide the things they're seeking.*
- * There might be additional traffic and site planning work.*
- * He will work his tail off to pull renderings together, although without a builder, they wouldn't be 100% accurate.*

Commissioner Wolf asked about the 55 plus and Mr. Gardner responded that it is not part of their development program at this time.

Commissioner Wolf asked if it is because their margins aren't close enough for that to work and Mr. Gardner responded that he doesn't know and has never developed a 55 and older community. He further stated that he is suggesting that in a 750 unit community that they would not appeal to or draw any seniors and he thinks that is inaccurate.

Mr. Gardner stated that he is requesting approval to process with the commitment to condition themselves at least one and perhaps more community meetings if processed tonight. He further stated that another community meeting, while tabling this, doesn't provide him the assurance that he can spend additional resources to do the work.

Additional Board discussion ensued regarding this item.

Commissioner Wolf stated that the 55 community is a concession and a change from the original plan and one he has an issue with. Commissioner Ertel stated she did too.

Commissioner Wolf stated that they can do draft renderings in 30 days if they want to and if it doesn't work out, they can push it again.

Commissioner Brown stated that the Board has to be comfortable with it because they are representing the community, but no one in the community has asked for it.

Commissioner Wolf stated that Commissioner Zembower gave his testimony from the community meeting that the neighbors did want the 55 plus development.

Commissioner Ertel stated that she wants the developer to have the best chance of approval at the Board of County Commissioners meeting and until the 55 age restriction issue is taken care of, she sees a community that will show up and it won't get a majority of votes from the County Commissioners. She further stated they need to work this out before it gets there because that is their last stop.

Commissioner Brown asked if he pulled his seconded motion would Commissioner Ertel go to 30 days and she stated they need 60 or 90 days. Commissioner Ertel further stated that now there is the 55 community issue and she thinks they need to do a 60 or 90 day continuance in order to give everyone time.

Additional Board discussion ensued.

Commissioner Wolf asked if an additional 30 days is reasonable or do they prefer 90 days and Mr. Gardner responded that they are not in a position to agree to the continuance and he thought he was clear.

Commissioner Wolf asked if there would be any difference in the product that they would bring back in 30 days versus 90 days and Mr. Gardner responded that he doesn't think so.

Commissioner Ertel asked if the developer wanted an up or down vote and Mr. Gardner stated yes, he thinks so, because he is trying to get to a development program where they can move to the next step. That will give the neighbors, Staff and other agencies an opportunity to review a further plan.

***** A meeting break occurred at 7:44 p.m. *****
***** The meeting resumed at 7:55 p.m. *****

Commissioner Wolf stated that since they've heard from the developer that 30 or 90 days won't make a difference to them, he doesn't see the benefit in continuing to 90 days and dragging it on for everybody. He further stated that he doesn't support the 90 day continuance, but would support a 30 day continuance.

A motion was made by Commissioner Wolf, seconded by Commissioner Ertel to continue this item to the September 7, 2016 meeting. The motion carried 4-0.

Commissioner Wolf stated that the developer had not looked at the 55 plus numbers or the correlation and he thinks if they do that, it might help with a different opinion when they come back. He further stated that they could choose to drop it and let it come back too, but that is their call.

Commissioner Brown stated they could make a section of the project a 55 plus community.

Commissioner Wolf stated that he thinks everyone has heard enough discussion tonight and the property rights of the community.

Mr. O'Keefe, legal counsel for the applicant, asked the Board to consult with their counsel to see if the applicant is entitled to an up or down vote, because their application is supposed to be heard tonight on a yes or no vote and he thinks the continuance is at the discretion of the applicant. He further asked if they could treat the Board's proposed extension as a denial, because he thinks they are entitled to an up or down vote, respectfully.

Mr. Chipok, Assistant County Attorney, stated that one of the makers of the motion could ask that the motion be reconsidered on the prior vote. He further stated that it is within the Board's discretion to ask for a reconsideration of the prior vote to vote the matter either up or down.

Commissioner Wolf asked if it is the applicant's right to ask for an up or down vote or can the Board grant the extension or do they have to vote up or down. Mr. Chipok responded that the rules in the Code are silent and it says that the Board is to consider items at a public hearing and make a written recommendation to the Board of County Commissioners. He further stated that as far as continuances, it is silent, but to continue something in perpetuity to avoid making a final decision would not be looked upon favorably by the court. There is no definitive yes or no answer if the applicant was needing to move forward and if this Board refused to move forward, the applicant would then have the right to go to court to get a mandamus action to force the Board to take action, but he recommended they approach the matter practically.

Commissioner Wolf stated in response, that he doesn't think another 30 day continuance is in perpetuity and thinks that is a finite date with what they discussed would be a final up or down vote based on what was presented at that time.

Commissioner Brown stated that he would like to reconsider the previous question and made a motion to reconsider the previous question with no second heard. The motion failed.

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Michelle Ertel, that the San Pedro PD Major Amendment and Rezone be CONTINUED to the Planning and Zoning Commission meeting on 09/07/2016. The motion CARRIED by the following vote:

Aye: 4 - Commissioner Matt Brown, Chairman Dudley Bates, Commissioner Rob Wolf, and Commissioner Michelle Ertel

Excused: 3 - Commissioner Richard Jerman, Commissioner Mya Hatchette, and Vice Chairman Jay Zembower

CLOSING BUSINESS

Planning & Development Manager's Report

Rebecca Hammock stated that she doesn't have a report tonight, but she will not be at the next Planning and Zoning Commission meeting because she will be attending the Florida American Planning Association Conference at that time. She further stated that Kathy Hammel will be attending in her place, as the Acting Planning Manager.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:02 P.M.