

# SEMINOLE COUNTY GOVERNMENT

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



## **Meeting Minutes (Draft) - Final**

**Wednesday, September 7, 2016**

**6:00 PM**

**BCC Chambers**

**Planning and Zoning Commission**

## CALL TO ORDER

**Present** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent** 1 - Chairman Dudley Bates

## Opening Statement

The meeting convened at 6:04 p.m. with Commissioner Matt Brown asking the Board members if there was consensus for him to preside over the meeting as Acting Chairman until the Chairman arrived and the Board members stated yes. Commissioner Brown then introduced the Commission members and reviewed the procedure used for conducting the meeting and voting.

Commissioner Brown stated that there is one item on the agenda tonight, the San Pedro item, which has been requested by the applicant to be continued and that item will be moved back until all other items have been heard. He further stated that one of the Commissioners has a Conflict of Interest with this item and, therefore, will not be able to act on this item. As a result, the Board will not have the quorum required to move the item with only three members present.

Commissioner Brown asked those able to stand to join him in the Pledge of Allegiance.

Commissioner Richard Jerman stated that before the meeting begins he would like to make the statement that he has a conflict of interest as it relates to Item #3, the San Pedro PD Major Amendment and Rezone, and he will not be voting or discussing the request for continuation on that item. He further stated that he has filed the Conflict of Interest forms with the County Secretary.

## Staff Present

Kathy Hammel, Acting Planning and Development Manager; Paul Chipok, Assistant County Attorney; Kim Fischer, Development Review Engineering Manager; Matt Davidson, Senior Planner; Joy Giles, Senior Planner; and Tammy Brushwood, Clerk to the Planning and Zoning Commission.

## Accept Proofs of Publication

A motion was made by Commissioner Richard Jerman, seconded by Commissioner Michelle Ertel, that the Proofs of Publication be Approved. The motion CARRIED by the following vote:

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

## Approval of Minutes

A motion was made by Commissioner Michelle Ertel, seconded by Commissioner Mya Hatchette, that the Minutes of 8/03/2016 be Approved. The motion CARRIED by the following vote:

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

## NEW BUSINESS

### Technical Review Items:

- 1 [A-2530-16](#) Approve the Preliminary Subdivision Plan for Clifton Park Phase II subdivision containing fifty (50) lots on 15.26 acres zoned PD (Planned Development), located on the east side and south end of Deep Lake Road, approximately 300 feet west of State Road 417; (Dustin Lucas, Applicant) District1 - Dallari (Brian Walker, Project Manager)  
  
*Matt Davidson, Senior Planner, presented this item and stated that the applicant is requesting approval of the Clifton Park Phase II Preliminary Subdivision Plan (PSP) on 15.26 acres consisting of 50 single residential lots. The PSP complies with all of the conditions of the Clifton Park Phase II PD Final Development Plan and Chapter 35 of the Seminole County Land Development Code. Internal roads will be public and water and sewer will be provided by Seminole County. Staff recommends approval of this request.*  
  
*Larry Poliner, for the applicant, indicated that he did not want to make a presentation.*  
  
*No one from the audience spoke in favor or in opposition to this request.*  
  
**A motion was made by Commissioner Richard Jerman, seconded by Commissioner Mya Hatchette, that this Technical Review Item be Approved. The motion CARRIED by the following vote:**  
  
**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel  
  
**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower  
  
**Absent:** 1 - Chairman Dudley Bates

**2**      [A-2595-16](#)

Approve the Preliminary Subdivision Plan for the Riverside Oaks subdivision containing 130 lots on 64.58 acres zoned PD (Planned Development), located on the north side of Celery Avenue, approximately ½ mile west of Cameron Avenue; (Madden, Moorhead & Stokes, Inc., Applicant) District5 - Carey (Joy Giles, Project Manager)

*Joy Giles, Senior Planner, presented this item and stated that the applicant is requesting approval of the Riverside Oaks Preliminary Subdivision Plan (PSP) for 130 lots on the north side of Celery Avenue 1/2 mile west of Cameron Avenue. The PSP complies with all conditions of the Riverside Oaks Final Development Plan and Chapter 35 of the Seminole County Land Development Code. The internal road will be public and utilities will be provided by the City of Sanford. Staff recommends approval of the Preliminary Subdivision Plan for the Riverside Oaks subdivision as requested.*

*Charlie Madden, for the applicant, indicated that he did not want to make a presentation.*

*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 this Technical Review Item be Approved. The motion CARRIED by the following vote:**

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

**Public Hearing Items:****3**      [2016-406](#)

**Water and Sewer Ordinance** - Consider adoption of an Ordinance amending the Land Development Code Section 35.96 (Sewer and Water) of Chapter 35, Subdivision Regulations, by adding subsection (d) permitting ownership of privately owned sanitary sewer lift stations under certain conditions; providing for Codification in the Land Development Code of Seminole County; providing for severability; and providing an effective date. Countywide (Johnny Edwards, Project Manager).

*Carol Hunter, Environmental Services Director, presented this item and stated that the Board has been provided with an updated version of the Amendment that shows the red-line redacted deletions. The item before the Board is an Amendment to Section 35.96, which is the Water and Sewer section of the Land Development Code. This section currently does not address, identify, or distinguish ownership of private wastewater lift stations. Seminole County currently allows private lift stations for*

commercial developments. In addition, this Amendment will distinguish and prohibit the ownership of private lift stations for residential development projects. This measure is to address a public health, risk and safety concern with residential developments owning, operating, and maintaining an industrial wastewater facility. Residential developments are managed by non-industry professionals who are not familiar with the risk of improperly maintaining, operating, repairing, or refurbishing a wastewater facility. For clarification, a sewer wastewater lift station is a receptacle with industrial pumps that pump raw sewage from the development through a series of pump stations to a wastewater treatment facility.

Commissioner Matt Brown asked if the DAB has looked at this item and Kim Fischer, Development Review Engineering Manager, stated yes they have looked at this item. Commissioner Brown stated that he knows there are some cases where there are multiple industrial buildings that share a lift station. Ms. Hunter commented that for those type of facilities, they would continue to be private and this Amendment is only addressing and prohibiting ownership for a residential development. Commissioner Brown asked even if it's factual where there are multiple owners commercially and Ms. Hunter responded that if a component of it does become residential in the future, then it would need to change.

Commissioner Richard Jerman stated that in Section 1, sub-paragraph D, in Number 2 in parentheses, it states, "private lift stations are prohibited from multiple owner projects or projects which may foreseeably lead to future ownership", and he asked what that means. Ms. Hunter responded that, for example, you have a development that has multiple zonings with perhaps a strip-mall and then a planned condo or multi-density apartment dwelling that was originally planned, but never developed; and later down the road the parcel is rezoned or re-developed to a single family residential, that is what they mean by fractured.

Commissioner Jerman asked if this was for one owner private lift stations and Ms. Hunter responded that this is only for commercial owners and non-single family residential. Commissioner Jerman commented that it doesn't say that. Ms. Hunter stated that they would have to come back and modify the lift station if changes occurred.

Commissioner Jerman commented that he doesn't think it is very well written and although he understands they want to get it done, he recommends that the County Attorney look at the language. He also stated to make it clearer, if there will be multiple ownerships, which it currently doesn't say, to add the word "multiple" and only applies to commercial, it should say that in the document.

Commissioner Brown stated that he read it as it is prohibited for residential projects, on Page 2 of 3, Line 30. It was crossed out, including single family, which is fine to remove it, but then it says 2) private lift stations are prohibited from multiple owner projects. They can change the verbiage to state "private lift stations are prohibited for multiple residential owner projects".

Commissioner Brown stated that the Board can make that change tonight by having the motion-maker insert the word "residential" in their motion for approval.

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

Commissioner Brown stated that on Line 32 between the word "multiple" and "owners", if they were to include "multiple residential owner projects", it might be better. He

*asked if that was okay and would not ruin what they want to accomplish and Ms. Hunter said no it would not.*

*Commissioner Brown stated that typically private ownership equipment isn't the same standard as a County lift station and there's a lot more involved in a County lift station than there is in private ownership lift stations.*

*Ms. Hunter said yes and at any type of heavy industrial facility there needs to be regular maintenance and repair done and it is a significant amount of oversight that most residential developments aren't aware of or familiar with, or understand the risk or concerns of not keeping up with that type of maintenance.*

*Commissioner Mya Hatchette asked if there is a definition somewhere in the Ordinance as to what multiple residential means. She said there was an example provided, but asked if there are multiple examples and is it something they want to include, as she would recommend they define what the term means.*

*Commissioner Brown stated that single family duplex, multi-family subdivisions, condominiums, townhouses, short-term residential, and timeshares were crossed out on Line 30, so you'd almost want that to go back in as the non-allowable uses to better define it.*

*Ms. Hunter stated that the County Attorney's office deleted the items because it is already stated in the Definitions section of dwelling types. It was a duplication and that would cause confusion, which is why it was removed.*

*Commissioner Hatchette stated that answered her question that there already are Definitions that address this.*

**A motion was made by Commissioner Richard Jerman, seconded by Commissioner Michelle Ertel, that the Water and Sewer Ordinance item be Approved and Referred to the Board of County Commissioners, with the condition to amend Subsection D to add the word "residential" on Line 32 between multiple and owner. The motion CARRIED by the following vote:**

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

**4**      [2016-438](#)

**Advanced Eye Care Rezone** - Consider a Rezone from OP (Office) to OP (Office) for 1.85 acres, located on the northeast corner of Orange Boulevard and Wayside Drive; (Z2016-029) (Dr. Ben Larson, Applicant) District5 - Carey (Matt Davidson, Project Manager)

*Matt Davidson, Senior Planner, presented this item and stated that the subject property was rezoned to OP (Office) in 2005 in order to permit an Eye Care Clinic as well as the uses permitted in the OP (Office) zoning district. The applicant is requesting to amend the original Development Order and site plan in order to add approximately 11,175 square feet of office space on the subject property. The subject property has an Office Future Land Use designation which allows a maximum of a 0.35*

floor area ratio. The proposed additional buildings and required parking will increase the floor area ratio to 0.18. The intent of the Office Land Use designation is to function as a transitional land use between the more intense commercial development to the north and west and the residential uses to the south and east. The request is consistent with the Land Development Code of Seminole County and the surrounding area. The proposed project supports the objectives of the OP zoning designation in that it provides adequate buffering and proposes office uses that are compatible with the adjacent commercial and residential zoning classifications. The future land use designation of the subject property is Office permitting a variety of office uses and a maximum floor area ratio of 0.35. The proposed development through the submitted site plan will be limited to office use and an intensity well within the allowable limits. The proposed OP Office zoning classification is compatible with the surrounding trend of development in the area and is consistent with the allowable uses of Office Future Land Use designation. Consequently, Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from OP (Office) to OP (Office).

The applicant did not speak on this item.

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

**A motion was made by Commissioner Mya Hatchette, seconded by Commissioner Michelle Ertel that the Advanced Eye Care Rezone be Approved and Referred to the Board of County Commissioners. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

5 [2016-425](#)

**Brookmore Estates PD Rezone** - Consider a Rezone from A-1 (Agriculture) to PD (Planned Development) for a thirty-six (36) lot single-family residential subdivision on approximately 14.36 acres, located on the north side of Chapman Road, approximately 4,000 feet west of Alafaya Trail; (Z2016-032) (Chad Moorhead, Applicant) District1 - Dallari (Brian Walker, Project Manager)

Matt Davidson, Senior Planner, presented this item and stated that the applicant is requesting a Rezone to Planned Development (PD) for 14.36 acres located on the north side of Chapman Road approximately 4,000 west of Alafaya Trail. The applicant is proposing to develop the subject property as a single family residential subdivision with a density of 2.51 dwelling units per net buildable acre and a maximum of 36 residential lots with a minimum lot size of 7,700 square feet. The current zoning classification is A-1 (Agriculture), which requires a minimum lot area of 1 acre and a minimum lot width of 150'. The subject property has a Low Density Residential Future Land Use designation, which allows a maximum net density of 4 dwelling units per net buildable acre. The intent of Low Density Residential Future Land Use designation is to provide appropriate locations for standard detached single family residences. Lots adjacent to the south and west property lines will be a minimum of 90' wide. Lots

adjacent to the north and east property lines will be a minimum of 70' wide. The applicant is proposing a 10' buffer along the north, south and west property lines. There is no buffer required along the east property line due to the existing Light Wood Knox Canal, which is a 25' drainage easement that is located on both the subject property and the parcel to the east. The proposed PD zoning designation and associated Master Development Plan have been evaluated for compatibility with the Land Development Code of Seminole County and in accordance with Chapter 30, Part 25. The request is consistent with the Land Development Code of Seminole County and the surrounding area. The proposed project supports the objectives of the PD zoning designation in that it provides the required minimum 15% open space and provides adequate buffering to maintain compatibility between the proposed 7,700 square foot minimum lot sizes and the surrounding home sites. The proposed Planned Development zoning classification is compatible with the surrounding trend of development in the area in that it is consistent with both the allowable use and density provisions of the Low Density Residential Future Land Use designation. The proposed Master Development Plan provides an adequate buffer between the proposed development's maximum density of 2.51 dwelling units per net buildable and the surrounding Low Density Residential Land Use designation, which allows a density of up to 4 dwelling units per net buildable acre. Consequently, Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to PD (Planned Development) and approve the associated Development Order and Master Development Plan.

Charlie Madden, for the applicant, stated that they are representing Pulte Homes who is the contract purchaser and a representative of Pulte is in the audience tonight if there are any questions for the builder. He further stated the following:

- \* They had a community meeting and at a subsequent follow-up meeting they showed them a concept plan.
- \* Especially as it pertains to the folks along the west property line, they have 90' lots, and when they met with them, they were able to work out a number of issues.
- \* They received letters of support from the HOA, the property owner to the north, Jeff Brockhaus, and folks across the canal along the east property line.
- \* All of their neighbors are supporting them.
- \* One of the issues that came up at their community meeting was from Huntington, which is the community to the east of the proposed project, is about their entrance.
- \* The entrance is down at Huntington and there are full median breaks on Chapman Road.
- \* Chapman Road is a 4 lane divided road.
- \* They can't get to one of those, so they're going to have a right-in and right-out only.
- \* One of the issues that came up at the community meeting with Huntington is that cars will have to go down and make a U-turn at their intersection, which is true.
- \* At their request, they had a traffic study done.
- \* During the peak hour in the evening, there would be 18 U-turns total, or about 1 U-turn every 3.33 minutes.
- \* They don't feel that is substantial.
- \* It has been reported that there's been a couple of accidents at that intersection.
- \* They know that accidents happen sometimes.
- \* The majority of their trips will go westbound out of their subdivision.
- \* In the evening, there would be less trips leaving their subdivision.
- \* They felt that the potential conflicts are minimized and they would have 1 U-turn every 3 minutes didn't seem like a big impact to that intersection, but they were concerned about it.
- \* The HOA president is here tonight and has an idea that he will discuss with the

*Board.*

*Ronald Cartwright, of Oviedo, stated that he is the President of the HOA for Huntington. He further stated the following:*

- \* Mr. Madden pretty much described their concern and they have no other concerns with this neighborhood beyond the traffic impact that it has on them.*
- \* They have had 2 serious accidents at the entrance.*
- \* Typical problems of getting out on a 4-lane highway out of the neighborhood and the most common way that it's done, especially during busy times, is to go half-way out to the middle and then make your way across.*
- \* Right now, the left turn lane, which is the eastbound area, is almost never used.*
- \* There is no left turn.*
- \* There are about 3 families that have to U-turn.*
- \* They rarely see anyone coming from that direction.*
- \* This development will precipitate considerable change.*
- \* They have an idea that they think would overcome the problem.*
- \* 1/10th of a mile down the road going east there are an eastbound and a westbound left turn lane that has no cross street and it is only good for U-turns.*
- \* They are suggesting to take some yellow paint and shut down the left lane on the east bound side of their neighborhood and put in a no left turn and no U-turn.*
- \* Instead, they would drive 1/10th of a mile further down the road and would have an unimpeded U-turn, which they feel would be safer.*
- \* They would only have to concern themselves with is oncoming traffic rather than all of what's going on in Huntington.*
- \* The same thing with Huntington traffic coming and going, they wouldn't have to concern themselves with them.*
- \* He feels it would be safer way to do it and a good answer to remove the objections.*

*Kim Fischer, Development Review Engineering Manager, stated that once they get to the preliminary engineering, they will take more of a look at it, but typically full leading openings and even directional median openings will require certain distance separation between the two. That is something they can look at further.*

*Commissioner Matt Brown stated that what Mr. Cartwright is suggesting is to prevent the left turn or the U-turn at the Huntington intersection and to force them further up the road. They don't have an aerial picture of the area, but that is something Ms. Fischer can look at between now and the Board of County Commissioner's meeting. Ms. Fischer said yes and they would look at the separation between Huntington's entrance and Brookmore's entrance. That has to meet a separation requirement, which they will look at all of them.*

*Mr. Madden stated that spacing isn't the issue and no one is talking about a new median opening. He further stated the following:*

- \* The County decided where the median openings would go.*
- \* The County paid a lot of money to have the road built.*
- \* There's nothing to say that the property across from Huntington wouldn't someday be re-developed and they might need an entrance there.*
- \* The U-turns are going to happen in the evening and not in the morning.*
- \* He knows there's a perceived problem, but he really doesn't think there is a problem.*
- \* He doesn't think that the 3 home owners currently using that intersection for their U-turns wouldn't be very happy having to drive another 1/10th of a mile down the road to make a U-turn.*

*\* He understands what is being said, he just doesn't think it's needed or necessary.*

*Commissioner Richard Jerman stated that it does sound like it's an issue, however this is just a Rezone and the PSP will come later and there is time to figure out a solution.*

*Commissioner Mya Hatchette stated that if there isn't a solution needed, she thinks they've done an analysis and it seems like it is a reasonable amount would be using it.*

*Commissioner Brown stated that 18 people is very few, but he would still like it to be looked at by the engineers.*

**A motion was made by Commissioner Mya Hatchette, seconded by Commissioner Michelle Ertel, that the Brookmore Estates PD Rezone be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:**

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

**6**      [2016-383](#)

**Donnie Myers PD and Lake Monroe Center PD Major Amendment and Rezone** - Consider a Major Amendment and Rezone from PD (Planned Development) to PD (Planned Development) for a three (3) lot mixed-use subdivision on approximately 15.69 acres, located on the southwest corner of Orange Blvd. and Monroe Road; (Z2016-019) (Bryan Potts, Applicant) District5 - Carey (Brian Walker, Project Manager)

*Joy Giles, Senior Planner, presented this item and stated that this request is for a Major Amendment and Rezone on 15.69 acres for a commercial development located at the corner of Orange Boulevard and Monroe Road. The applicant proposes to combine two existing Planned Developments together to create the Sanford I-4 Planned Development consisting of three lots. The previously approved Donnie Myers PD was approved in 2011 and the Lake Monroe Center PD was approved in 2000. Those Planned Developments permitted the uses of C-2 Retail Commercial, C-3 General Commercial and Wholesale, and M-1 Industrial permitted uses, excluding those that are listed in the Development Order. The applicant proposes to keep all of those uses and combine the two PD's together. The development will provide perimeter buffers and access will be from Monroe Road. Utilities will be provided by Seminole County and the maximum building height will be 50'. The request is consistent with the existing HIP-TI Future Land Use designation, which promotes higher intensity commercial and industrial uses and is compatible with the surrounding development in the area. Staff recommends approval of the Major Amendment and Rezone from PD to PD and approval of the Development Order and Master Development Plan.*

*Bryan Potts, the applicant, declined to speak on this item.*

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

**A motion was made by Commissioner Mya Hatchette, seconded by Commissioner Richard Jerman, that the Donnie Myers PD and Lake Monroe Center PD Major Amendment and Rezone be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:**

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

7      [2016-399](#)

**Chateaux at Markham Small Scale Future Land Use Map Amendment and Rezone** - Consider a Small Scale Future Land Use Map Amendment from Suburban Estates to Planned Development and a Rezone from A-1 (Agriculture) to PD (Planned Development) for a ten (10) lot single-family residential subdivision on approximately 6.7 acres, located on the northwest corner of Markham Road and Orange Boulevard; (02.16SS03) (Z2016-008) (Jean Abi-Aoun, P.E., Applicant) District5 - Carey (Brian Walker, Project Manager)

*Joy Giles, Senior Planner, presented this item and stated that this request is for a Small Scale Land Use Amendment from Suburban Estates to Planned Development and a Rezone from A-1 (Agriculture) to PD (Planned Development) for 6.7 acres located at the northwest corner of Markham Road and Orange Boulevard. The applicant proposes a single family subdivision of 10 lots with a maximum density of 1.6 units per acre and a minimum lot size of 8,264 square feet. The property is located within the Wekiva River Protection Area and the East Lake Sylvan Transitional Area, which allows for a maximum of 2.5 units per acre with a cluster plan. The development will provide a minimum of 25% open space, direct access to the Seminole Wekiva Trail, and a 40' buffer along Markham Road in accordance with the Markham Road Scenic Corridor Overlay. The request is consistent with the Comprehensive Plan and compatible with the trend of development in the area. Staff recommends approval of the Small Scale Land Use Amendment and Rezone and approval of the associated Development Order and Master Development Plan.*

*Commissioner Matt Brown asked if the Trail was to the north of the location and Ms. Giles responded yes it is. He further asked if direct access means it would come off of their property or would it just be the sidewalk in front of their property and Ms. Giles responded that it would be internal in the subdivision.*

*Commissioner Mya Hatchette asked what the current zoning is for the development directly south of the property and Ms. Giles responded that there is a PD development and also A-1 Agriculture zoning to the south.*

*Jean Abi-Aoun, for the applicant, stated that they concur with Staff's recommendation and he asks the Board approve their request.*

*Matt Burk, of Sanford, stated that he lives on the adjacent property to the west of this development and he is on about 2.4 acres. He further stated the following:*

- \* He has lived at this location for 15 years.*
- \* Approximately in 2012, there was a wet summer, but not exceeding wet and they experienced a pretty good rainfall.*
- \* At that point, the property under review in the front low area along Orange Boulevard capped off the swales built on the property toward the Wekiva Trail.*
- \* A bunch of water came down the north side of the Trail and flooded his property severely.*
- \* He had 4' of water in the back of his property and his house sits about 130' or so off of the Trail.*
- \* The water came all of the way up to his house, which was between knee and ankle deep.*
- \* It all happened within one hour or so.*
- \* Originally, the development was planned for 4 lots of Suburban Estates and now it is increasing to 10 lots.*
- \* His concerns are regarding the flooding and at the time there was no impervious material on the property, although it had been engineered for the development.*
- \* He wanted to bring this to the Board's attention and he doesn't feel that the retention or the engineering is adequate at this time for anywhere near 10 homes.*
- \* He has a neighbor to the west of him who has lived in the area for 50 years and he has never experienced any flooding in all of those years in that area.*
- \* Pearl Lake, which is down the Seminole Trail, also probably takes a lot of run-off from some other developments further down Orange Boulevard that are brand new.*
- \* Then there's been other developments further down Markham Road that would all drain to Pearl Lake and they are concerned about that too.*

*Jean Abi-Aoun, for the applicant, stated that this is the first time that he has heard about it and they will look into this to see what their contribution is to this problem. He further stated the following:*

- \* He doesn't know exactly where the house is located, but they can work with Mr. Burk as they get into the engineering part of the plan.*
- \* It is not a problem to look into this and they want to make sure there are no issues coming out of their property.*
- \* When they get to the engineering part, they will definitely look into it and will contact Mr. Burk to see what the issues are.*

*Commissioner Matt Brown asked if there is a down-stream and do they have a place to pop-off retention or do they have to hold their retention and Mr. Abi-Aoun responded that they have a place to pop-off. He further stated the following:*

- \* The project has been designed and the infrastructure is in place.*
- \* The pond is designed to hold a 100 year storm event from this site, so it doesn't really have any discharge.*
- \* But, when it pops-off, on the northeast corner, there is a low depression that they created and it goes under Orange Boulevard to tie into the big flood plain to the east.*
- \* It has already been looked at, so that is why he wants to see more, how often it happens, and when, so they can really look into real hard and make sure if they are the reason for it, they don't want to be and will look into it.*

*Commissioner Brown asked if the retention pond for the previous one was already designed and put in place and is there any impervious that would collect the water to*

take it to the pond and Mr. Abi-Aoun responded that right now, there is only the two cul-de-sacs that are built and the extent of the impervious. He further stated the following:

- \* They don't have any homes to take drainage from into that pond*
- \* He is a little bit surprised that the pond, which is fairly big, and when they built it they raised it and is built on fill and has a good percolation.*
- \* But, not knowing the details and this is the first time they've heard about it, they need to get into more of the details.*
- \* If they are the reason, then they will make sure they are not contributing to it.*

A gentleman from the audience, who did not give his name, identified his property on the map shown and pointed out that on the other side of Orange Boulevard is Lake Gussy and when Orange Boulevard was put in years ago, it cut-off part of Lake Gussy. He further stated the following:

- \* He has some plats at home that indicate that.*
- \* When the flooding occurred, the County ROW division came out and spent about three days trying to fix everything.*
- \* His concern is that he is not opposed to a development, but more so the density of the development and the future cost to taxpayers through County ROW division having to come out and correct issues that occur in the future.*

Commissioner Brown stated that he didn't visit the site, but there is very little asphalt to collect water for a retention pond and there is very little impact or road surface, so he would hate to have the problem as mentioned. He further stated that he knows Engineering will look at it and solve the problem.

Kim Fischer, Development Review Engineering Manager, stated that they would definitely look at the area and considering that when Public Works was out there working, there may have been another issue going on. She further stated that she will check with Public Works and find out exactly what the issue was and will relay it to the Engineer of Record.

Commissioner Mya Hatchette commented that she would like to see Engineering really look at the issue as to the flooding on the neighbor's property and that be addressed and clearly identified with results.

**A motion was made by Commissioner Richard Jerman, seconded by Commissioner Michelle Ertel, that the Chateaux at Markham Small 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:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

8 [2016-395](#)

**Buck Creek Plantation Small Scale Future Land Use Map Amendment and PD Rezone** - Consider a Small Scale Future Land Use Map Amendment from Planned Development to Planned Development and a Rezone from PD (Planned Development) to PD (Planned Development) for a mixed use development on approximately 5.31 acres, located on the south side of CR 419 (Chuluota Road) west of Twin Rivers Blvd. and east Willingham Road; (Z2016-009) (Dave Axel, Applicant) District1 - Dallari (Rebecca Hammock, Project Manager)

*Kathy Hammel, Acting Planning & Development Manager, presented this item and stated that this is request is to consider a Rezone from Planned Development (PD) to Planned Development (PD) and a Small Scale Land Use Amendment from Planned Development (PD) to Planned Development (PD) for 5.31 acres. This is located on the south side of C.R. 419 Chuluota Road and the west of Twin Rivers Boulevard and east of Willingham Road. This property was approved for a Planned Development land use and a Planned Development zoning in 2009 and that was an approval for the 5.31 acres to have Residential Professional and Commercial Office uses. The applicant, at this time, would like to have additional entitlements for permitted uses for the potential development of the site. Right now, they have Residential Professional and C-1 uses and would like to add Office and Residential uses. When it was approved in 2009, it was for a maximum of 30,000 square feet and a maximum of 1,545 average trips. They do not want to increase that and want to be able to have the flexibility to add the office uses, single family, and multi-family uses. They would also like to have the opportunity to be able to have an assisted living facility for a maximum of 78,000 square feet. Staff feels this use is compatible with the surrounding area and feels that the 25% open space, not increasing the average trips, and not increasing the square footage of the non-residential uses are compatible with the adjacent uses. They will maintain compatibility with existing land uses and proposed planned development with adequate buffering. Staff recommends that the Board of County Commissioners approve this Small Scale Land Use Amendment from Planned Development to Planned Development and the associated Rezone from Planned Development to Planned Development.*

*Charlie Madden, for the applicant, stated that they are basically amending the existing PD that is in place. He further stated the following:*

- \* There is a church on either side of the property.*
- \* Behind them are single family residential properties.*
- \* In the original PD, there was a 100' building setback and a 25' buffer that has not changed.*
- \* The churches are fine with their request.*
- \* They are honoring larger than Code requirements for buffers in the PD that they had.*

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

**A motion was made by Commissioner Mya Hatchette, seconded by Commissioner Michelle Ertel, that the Buck Creek Small Scale Land Use Amendment and Rezone be Approved and Referred to the Board of County**

**Commissioners. The motion CARRIED by the following vote:**

**Aye:** 4 - Commissioner Matt Brown, Commissioner Richard Jerman, Commissioner Mya Hatchette, and Commissioner Michelle Ertel

**Excused:** 2 - Commissioner Rob Wolf, and Vice Chairman Jay Zembower

**Absent:** 1 - Chairman Dudley Bates

**9**      [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).

*Commissioner Matt Brown stated that the applicant is requesting a continuance of this item and since there are only three members present who can vote on this item and the requirement is for four members to vote on this item. Assistant County Attorney Paul Chipok stated that since the Board is not taking official action, they can defer it to the end of the meeting.*

*Commissioner Brown stated that he knows there is one person in the audience who would like to speak if the item is denied for a continuance and he asked Mr. Chipok what would the Board do if the fourth member doesn't attend at all tonight. Mr. Chipok responded that unless there is quorum for the item, no official action can be taken on the item and if they can't take official action on it there is no action and the item would be carried over to the next meeting. He further stated that it wouldn't specifically be continued, so it would have to be re-advertised.*

*Commissioner Brown stated that this item was changed to be heard at the end of the meeting and asked that Commissioner Richard Jerman leave the platform temporarily.*

*Assistant County Attorney stated that on Item #3, the rules and procedure states that a quorum is required to hear the item, which is the majority of the members of the Board, to take any official action. There is no quorum now because of the conflict with Commissioner Jerman. There is a quorum to conduct business, but lost the quorum for this item. That being the case, the Board cannot take any official action on this item, there is no action, and the item will naturally roll over to a future meeting.*

*However, this item has been continued in the past and continued by a specific action. The Board is not taking any specific action tonight and while the item is, in effect, being continued to a future meeting, it is going to have to be re-advertised and in abundance of caution he recommends that Mr. Jerman re-up the Conflict of Interest statement for the next meeting. The Board can say that no action is taken and move on to the next item of business.*

*Commissioner Brown stated that no action will be taken on #2016-367, the San Pedro PD Major Amendment and Rezone, because of a lack of quorum to conduct business on that item.*

## **CLOSING BUSINESS**

### **Planning and Development Manager's Report - None**

## **ADJOURNMENT**

There being no further business, the meeting adjourned at 7:02 P.M.