

SEMINOLE COUNTY GOVERNMENT

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



Meeting Minutes (Draft) - Final

Wednesday, February 1, 2017

6:00 PM

BCC Chambers

Planning and Zoning Commission

CALL TO ORDER

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

Excused 1 - Commissioner Mya Hatchette

Opening Statement

The meeting convened at 6:00 p.m. with Chairman Jay Zembower 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; Frank Consoli, Acting Development Review Manager/Assistant County Engineer; Jim Potter, Development Review Principal Engineer; Paul Chipok, Assistant County Attorney; Matt Davidson, Senior Planner; Brian Walker, Senior Planner; and Tammy Brushwood, Clerk to the Planning and Zoning Commission.

Accept Proofs of Publication

A motion was made by Commissioner Matt Brown, seconded by Vice Chairman Michelle Ertel, that the Proofs of Publication be Approved. The motion CARRIED by the following vote:

Aye: 5 - Commissioner Matt Brown, Commissioner Richard Jerman, Vice Chairman Michelle Ertel, Chairman Jay Zembower, and Commissioner Jennifer Dane

Excused: 1 - Commissioner Mya Hatchette

Absent: 1 - Commissioner Rob Wolf

Approval of Minutes

A motion was made by Commissioner Matt Brown, seconded by Commissioner Richard Jerman, that the Minutes from January 4, 2017 be Approved, as submitted. The motion CARRIED by the following vote:

Aye: 5 - Commissioner Matt Brown, Commissioner Richard Jerman, Vice Chairman Michelle Ertel, Chairman Jay Zembower, and Commissioner Jennifer Dane

Excused: 1 - Commissioner Mya Hatchette

Absent: 1 - Commissioner Rob Wolf

Commissioner Rob Wolf arrived at 6:07 p.m.

NEW BUSINESS

Technical Review Item:

- 1 [A-3112-16](#) Approve the Preliminary Subdivision Plan for the Goodsons Grove subdivision containing seven (7) lots on 39.879 acres zoned A-5 (Agriculture), located on the north side of Lake Harney Road, east of Harney Heights Road; (Larry Braddy, Applicant) District2 - Horan (Denny Gibbs, Project Manager).

Denny Gibbs, Principal Planner, presented this item and stated that this request is to approve a Preliminary Subdivision Plan for the Goodsons Grove Subdivision. This subdivision proposes 7 lots on 39.879 acres. The property is zoned A-5 and is located on the north side of Lake Harney Road in the East Rural area. Access to each lot will be provided by a private easement and utilities are provided by well and septic. Staff recommends approval of the Goodsons Grove Preliminary Subdivision Plan.

The applicant did not make a presentation.

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

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

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

Excused: 1 - Commissioner Mya Hatchette

Public Hearing Items:

- 2 [2016-524](#) **Mystic Cove PD - SSLUA and PD Major Amendment Rezone - *Requesting Continuance to the 3/1/2017 P&Z Meeting*** - Consider a Small Scale Future Land Use Map Amendment from Higher Intensity Planned Development - Core & Transitional to Planned Development, and Rezone from PD (Planned Development) to PD (Planned Development) on 1.79 acres, located on the north side of W. S.R. 426, east of S.R. 417; (Z2016-054) (Charlie Stocks, Applicant) District1 - Dallari (Joy Giles, Project

Manager).

Rebecca Hammock, Planning & Development Division Manager presented this item and stated that Staff is requesting a Continuance on this item as it was not ready to be brought forward to this meeting, but it had already been advertised. Staff requests a Continuance to a date certain of March 1, 2017.

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Richard Jerman, that the Mystic Cove PD Small Scale Land Use Map Amendment and Rezone be Continued to the Planning and Zoning Commission, due back on 3/1/2017. The motion CARRIED by the following vote:

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

Excused: 1 - Commissioner Mya Hatchette

3 [2016-479](#)

Estates at Wellington PD Rezone - *CONTINUED FROM THE 1/4/2017 P&Z Meeting* - Consider a Rezone from A-1 (Agriculture) to PD (Planned Development) for a twenty-four (24) lot single-family residential subdivision on approximately 36.79 acres, located on the south side of Mikler Road, approximately 1 mile south of Red Bug Lake Road; (Z2016-043) (Jim Mehta, Applicant) District1 - Dallari (Matt Davidson, Project Manager).

Matt Davidson, Senior Planner, presented this item and stated that the applicant is requesting a Rezone to Planned Development in order to develop the subject property as a single family residential subdivision with a proposed net density of .77 dwelling units per net buildable acre and a maximum of 24 residential lots with a minimum lot size of ½ acre. Two of the existing single family homes on the southern portion of the subject property will remain and the single family home on the northern portion adjacent to Mikler Road will be demolished. The subject property has a Suburban Estates Future Land Use designation, which allows a maximum net density of one (1) dwelling unit per net buildable acre. The applicant is proposing approximately 25% of the gross site area for open space and also proposing substantial landscape buffers along the perimeter of the subject property as shown on the Master Development Plan and detailed in the Development Order. A specific buffer criteria, as well as additional Staff analysis, are listed in the Board's Staff reports. Seminole County Public Schools conducted a school impact analysis based on the applicants request and determined that the proposed number of students generated would be accommodated without exceeding the adopted level of services. The proposed PD zoning designation and the associated Master Development Plan have been evaluated for compatibility with the Land Development Code of Seminole County in accordance with Chapter 30.25. 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 of 10% open space and provides substantial buffering to maintain compatible with the surrounding home sites. Staff also finds the requested PD zoning classification to be consistent with the Comprehensive Plan and compatible with the trend of development in the area. The proposed Master Development Plan provides an adequate buffer between the proposed development's net density of .77 dwelling units per net buildable acre and the

surrounding Suburban Estates Future Land Use designation, which allows a maximum density of one (1) dwelling unit per net buildable acre. Staff recommends the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to PD (Planned Development) and approve the associated Development Order and Master Development Plan for 36.79 acres.

Randy Morris, for the applicant, stated that he represents the applicant, Mr. Jim Mehta, whom is present at the meeting. He also introduced Mr. Luke Classon who will also make a presentation.

Rebecca Hammock, Planning & Development Division Manager, announced that just before the meeting, Mr. Davidson handed out additional information to the Board regarding Mikler Road and the waiver from the Engineering requirements. She further stated that the applicant has indicated to Staff that they didn't formally request the waiver or Variance and this language came to Staff via Public Works and Staff will clarify that with them.

Chairman Jay Zembower stated, in full disclosure, that he had ex-parte communication with the community on-site. He has been to the site and met with several of the residents.

Commissioner Matt Brown asked Staff what the distance of the road that will not be improved and Staff responded about ½ mile.

Commissioner Rob Wolf asked about the additional package they received with a Development Order (D.O.) condition that upon its acceptance or denial, will it automatically be entered or would the Board need to read it into the record. Ms. Hammock responded that if the Board wants to include the condition in the proposed D.O., then upon voting, the Board would make that part of their motion. Commission Wolf asked if that condition is what Public Works Engineering is recommending and Ms. Hammock said yes that's correct.

Randy Morris, for the applicant, stated that is not a request that the applicant has made and they understand it to be a request of Staff and he wanted to be clear on that, since they've had extensive discussions with the community and they need to know our position on that too.

Chairman Zembower stated for the audience in summary that Staff has made some statements regarding the roadway at Mikler Road that were not requested by the applicant.

Randy Morris said yes, it was the County Engineer's review.

Randy Morris stated that they agree with the recommendations of Staff, particularly the consistency with the Land Development Code of Seminole County, Chapter 30.25 and also consistency with the Comprehensive Plan regarding FLU 2.9. He further stated they agree with Staff's recommendation. Mr. Morris made the following comments in his presentation as follows:

- * The original proposal was shown and several location points were cited.
- * Three separate meetings occurred with community representatives, but it wasn't everybody on Mikler Road.
- * Multiple communications were also done by telephone or electronically.
- * The community didn't want to see the homes back-up against their property on Mikler

Road.

* They expressed concerns with how far they'd be setback and how close they would be to the roadway.

* An alternative was created, which was a cluster zoning concept.

* They are keeping the same density, which is 24 total units, of which 3 are currently there.

* Cluster zoning is done by the County usually for environmental purposes and a number have been done in northwest Seminole County, like the Markham Woods Road area, the Wekiva area, and rural protection zones.

* The concept was presented using the overhead screen.

* The entrance to the subdivision was on the extreme eastern side by the cul-de-sac.

* Mikler Road is a dead-end road with a cul-de-sac.

* It was closed off when the beltway was built and they think it was paved by the DOT.

* When they met with the neighborhood representatives and 5 or 6 homeowners from the immediate area, they asked them to move the entrance, since it was going directly into a driveway.

* The neighbors asked them to move it as far to the west as they could.

* The new development sets up the 100' setbacks, an easement that will be non-active, which they will add this as a condition in the D.O. if it is recommended, to be a no-active, no-passive recreation area.

* The buffer will be a true buffer with no use by the owner or residents.

* The community didn't want to see the standard privacy fence, because of the nature of the rural area, so they agreed upon a black aluminum fence, which is more of an estate type fence.

Commissioner Wolf asked for clarification of the non-active and non-passive terms they are using and what that means. Mr. Morris responded that there will not be any recreational uses at all, for example no swing-sets and no walking. He further stated that when the site is cleared, the trees and shrubs will be enhanced significantly to make it into a real buffer.

Luke Classon, for the applicant, stated that their Concept Plan met the requirements of the one (1) acre minimum lots and he further stated the following:

* They proposed 24 total lots, but after meeting with the adjacent property owners and reviewing some of the opposition letters, they agreed upon a 100' buffer on the north and west sides to help buffer the existing residents that have 3 to 5 acre lots.

* This is more of a cluster zoning where they are taking the one (1) acre minimum lots and reducing them to ½ to ¾ of an acre.

* Instead of calling it an undisturbed buffer, since there are existing storm water concerns with grading the sheet-flows to the north, they are calling it an enhanced landscape buffer.

* They would be able to grade and collect all of their own storm water, as well as enhance the existing trees and vegetation to create a 100' buffer and sound barrier.

Mr. Morris continued as follows:

* An additional restriction they are agreeing to no-passive or active recreational will be allowed within the 100' buffers on the north and west sides of the property.

* Developer's shall provide enhanced tree plantings in the non-wooded sections of the proposed 100' enhanced landscape buffer tract on the north and west property lines.

* The proposed tree plantings within the enhanced buffer shall be shown in the preliminary landscape plans as part of the Final Development Plan and included in the Developer's Commitment Agreement.

- * They have agreed to show all of these plans and work with the neighbors so they can see exactly what they're doing, as this is not just a promise.*
- * This will be entered into the record and the Clerk accepted the document for the Board's consideration.*

Mr. Classon stated the following:

- * To further explain the reason for the enhanced buffer, in looking at the buffer requirements per Code, it requires a 10' buffer along the north and the west sides.*
- * They would like to increase the 10' buffer with .2 opacity, so they want to go from a 10' buffer with the .2 opacity to a 100' buffer and they will coordinate the opacity with the adjacent property owners through the Developer's Commitment Agreement at the PSP and Final Development stage.*
- * They want to propose to voluntarily increase the buffer.*

Mr. Morris stated the following:

- * They moved the entrance to the extreme west of the property and there is only one house to the east.*
- * They made a T-intersection at the entrance.*
- * County Engineering has looked at and agrees with it.*
- * He believes Staff will also endorse this change too from their original request.*
- * This takes away the curve with all of the traffic coming around the curve.*
- * This also addresses the privacy issue of the property owner to the east on their northern side.*
- * This is an extensively re-worked plan.*
- * They have reached all of the compatibility factors that the Code calls for.*

Mr. Classon stated the following:

- * From their initial plans, there are wetlands on the south side, which is called a higher quality wetland.*
- * They have always proposed to save those wetlands.*
- * There are also wetlands on the east and north side that were cut-off with the construction of S.R. 417.*
- * With the revised site plan and having moved the entrance, they are not proposing any wetland impacts and all wetlands will be saved with this proposed site plan.*

Mr. Morris stated the following:

- * In the northwest area, there is also a wetland that gets a sheet-flow from their property, which is across the roadway and goes into a property owner's back yard.*

Commissioner Jennifer Dane asked about the drainage issue that a homeowner had concern with of flooding his property. Mr. Morris responded yes that is what they are resolving for a number of properties. He further stated that Mr. Classon is the Civil Engineer on this project and will answer this questions.

Mr. Classon stated that there is roughly 8 acres of the site on the northwest corner and all of the sheet-flows down to a depression area that splits the property line between the property owner to the northwest and their property. He further stated that they want to grade into the proposed enhanced landscape buffer to help them collect all of their storm water run-off from their property. They will take the 8 acres that currently drains there and will take it into their storm water pond.

Mr. Morris asked Mr. Classon to discuss the eastern current drainage and how that sheet-flows over the roadway.

Mr. Classon stated the following:

- * There is an existing pipe that goes under the roadway.
- * About 20 acres of this site sheet-flows to the northeast and along the existing roadway, which is Token Road.
- * It then flows into the wetland that stages up and pops over the roadway right now.
- * By putting in a pond, they are able to control it and capture the run-off, which will release the drainage at a lower rate than what is currently happening.

Mr. Morris stated there are currently drainage pipes that are fairly small under the roadway. Mr. Morris asked Mr. Classon to address any western flow of drainage.

Mr. Classon stated the following:

- * There are approximately 3 acres on the west corner of the property that sheet-flows over before going into the wetland on the southern side.
- * They will also capture that flow and taking it to the pond.
- * They are trying to capture the entire site and to reduce any impacts to the southwest corner and the northwest corner, again to reduce the impacts on the adjacent neighbors.

Mr. Morris stated that this is a purchase contract by the applicant, Mr. Mehta, and they do not have any responsibility for any current activities if the public speaks to those issues. He further stated they are attempting to purchase and improve the property.

Commissioner Wolf stated for those in the audience that didn't have a chance to review the engineering handout, then asked Staff to read Page 3, so they understand what the engineering variance is and also include the D.O. condition.

Mr. Davidson stated that it was determined by Staff that the applicant did not make a formal request and this came directly from Public Works Engineering. He read the letter from them as follows:

The Applicant has requested a variance from Section 1.2.3 of the Seminole County Public Works Engineering Manual (SCPWEM), in order to allow Mikler Road to remain at its current width and not have to be improved to County standard south of Morning Star Place. The standard for roadway pavement width in the Engineering Manual is twenty (20) feet. The pavement on the section of Mikler Road between Morning Star Place and the subject property ranges from approximately seventeen (17) feet to approximately twenty (20) feet. In accordance with Section 1.1 of the SCPWEM, the County Engineer has reviewed the requested variance and finds that it can be granted based upon the following findings:

1. It has been determined that access for public safety purposes is not impeded by the current width of the pavement;
2. The proposed project would not result in an increase in density over the existing Suburban Estates Future Land Use maximum density of one (1) dwelling unit per net buildable acre;
3. Mikler Road is a dead-end road with a cul-de-sac and the number of lots and trips being added is minimal;

4. Bringing the road to County standards would necessitate widening the asphalt pavement, constructing sidewalks and installing drainage improvements, which would result in the removal of existing decorative driveways with standard driveways and the relocation or replacement of mailboxes;
5. South of Morning Star Place, the area has been policy-restricted by action of the Board of County Commissioners to one (1) dwelling unit per net buildable acre through the Bear Gully Creek Small Area Study (1995) and adoption of the Suburban Estates Future Land Use designation. The intent of the Suburban Estates Future Land Use designation is to preserve the rural lifestyle of the area; and
6. The roadway and the associated improvements would detract from the rural lifestyle intended for the area.

D.O. Condition:

1. A variance is granted from the design standards of Section 1.2.3 of the Seminole County Public Works Engineering Manual (SCPWEM) for the section of Mikler Road between Morning Star Place and the subject property. In this section, Mikler Road can remain in its current configuration, and does not have to be brought into compliance with the County standard design.

Ms. Hammock reiterated that the applicant is not in agreement with the first part of the narrative, which stated they requested the waiver and that they would like that part struck from the language.

Chairman Zembower stated that he has first-hand knowledge on the ground of the area. He further stated that he requested information from Staff asking about the road, since the community had a great deal of concerns about the roadway and in his opinion, rightfully so. He commented that he had not yet received an answer from Staff and at tonight's meeting there is a document that says the applicant has requested it. He asked Staff why do we have a request from an applicant, but didn't come from an applicant, and was he going to get an answer to his question tonight or what happened.

Ms. Hammock responded and apologized that Staff did not get back to him with an answer, however they didn't have an answer until late yesterday and they were discussing it with the Public Works Director. She further stated that they didn't have an answer until the last minute on what would be required, but said they should have provided that to the Board before the meeting.

Vice Chairman Michelle Ertel stated that she lived in the area and she knows the road. She asked why Staff did this variance, because it seems to her that there is stuff that needs to happen out there.

Frank Consoli, Assistant County Engineer, responded as follows:

- * Public Works looked at the roadway width, drainage, and considered several things.
- * One of the things they were looking at was whether an undue burden would be placed on the Developer to widen and resurface the road.
- * They didn't feel it was realistic to burden them with this.
- * They did their own due diligence by checking the right-of-way widths and Public Safety.
- * That is how they arrived at the determination about not coming back and doing the widening.

Commissioner Brown asked if the right-of-way was a 40' or 50' right-of-way and Mr. Davidson responded that it is between 50' and 60' in certain sections. Chairman Zembower commented that he saw the document and he thinks it's as much as 60'.

Ms. Hammock commented that if the road is widened then a lot of mailboxes, decorative fencing, and things like that would have to be removed.

Mr. Consoli commented that is something else they took into consideration. He further stated that for instance, they wouldn't replace a decorative driveway, but they would come back with a concrete or asphalt replacement. He stated that the mailboxes may need to be moved for safety reasons.

Greg Love, of Oviedo, stated that he is at the meeting on behalf of himself, his family and the residents of Mikler Road. He asked the residents in the audience to stand up whom were also representing Mikler.

Chairman Zembower asked that he address the Board.

Mr. Love further stated the following:

- * When the residents of Mikler Road heard about the possible subdivision development at the end of their road, they called their own town meeting of about 40 neighbors at his house to discuss their concerns.
- * The drainage issue was one of their concerns.
- * The neighbor's to his south are currently dumping 8 acres of water onto his property.
- * The also had privacy and property value concerns.
- * He asked if the homes to be built will be custom homes and congruent with their homes, as everyone on that end of the road lives on 2.5 to 5 acres with custom homes.
- * The one main thing that all of the residents on Mikler Road had an issue with was Mikler Road itself.
- * Mikler Road is in great disrepair as it is.
- * It is not wide enough for 2 vehicles to pass, and when you travel down that road you make a decision if you can get past the power pole or mailbox before the other person catches up to you.
- * In their current state, they are family and friends and provide courtesy to each other.
- * He heard that Mikler Road was a rural setting and it is in its current state, however by adding 200 trips to it, in their opinion it won't be.
- * He appreciates the County Staff speaking for all of them and protecting their mailboxes.
- * He agrees with Mr. Morris that they met with Mr. Mehta and his team on 3 occasions.
- * They had progressively better meetings and he is there unopposed to the project.
- * If the item is approved, they will not stand in the way and they are not opposed to the neighborhood, but they are at the meeting to discuss Mikler Road and its current state.
- * He and his family feel that they would be able to accept the new development should the Board approve it.
- * They would like the entire length from Morning Star south to be brought up to the minimum County standard of 20' wide prior to the start of construction.
- * They are changing their lifestyle and his children are now free to move about the road and that will change with construction vehicles and eventually service vehicles.
- * They have no fire hydrants and none within a mile from them.
- * He is in public safety and he thinks that's a shame.
- * While they are doing these things, they might as well bring them up-to-speed on

Mikler Road.

** There's going to be fire hydrants in the new community, but they won't have access to them because it will be gated.*

** They would like sidewalks added and make it ADA compliant, since it currently is not.*

** The road is not in the right-of-way in certain spots and they have other residents will show that and also in the Board's packet.*

** Any proposed widening of Mikler Road should go to the west side where the people have longer driveways, so the people on the northern end of Mikler prior to Morning Star are not affected.*

** Some of those residents are only 26' away from their front door right now.*

** Currently, the road is so narrow and less than 17' in some places that 2 vehicles cannot safely pass.*

** They would like their road to be widened and taken care of just like anyone else.*

** This is the perfect time to do it, regardless of whether the development goes through or not.*

** They are only asking for the minimum County standard.*

** He would like to have considered in the D.O. that all tree mitigation done on the property with any existing tree removal on the site be replaced with newly planted trees within the surrounding buffers as presented.*

Commissioner Wolf asked if what he heard was that he doesn't agree with what Engineering submitted regarding the roads, but he is in favor of the development and Mr. Love responded that he received a copy of the letter from Engineering, but in favor is a strong word, but he is accepting of the new neighborhood. He further responded that they have had great talks with the developer and they have gone to great lengths to appease them. He stated that the road, however, is an issue.

Commissioner Wolf asked with respect to this specific variance does he have edits to it or in its entirety he doesn't support it. Mr. Love responded that they do not support Mikler Road staying under the County standard of 20' and the not the variance implemented. He further stated that he didn't have the chance to wholly read it.

Vice Chairman Ertel asked Staff what the standard is for the number of fire hydrants per residence or square mile. Board discussion ensued regarding fire hydrants.

Jonathan Davis, of Oviedo, stated the following:

** They went down this road before about 10 years ago.*

** In 2006, they tried to subdivide the property called the Mikler Subdivision.*

** Back on November 3, 2016 his wife, Sandra Davis, received a document of a Staff Comments Review regarding their application to subdivide the Mildred Mikler property at 2127 Mikler Road, Oviedo, FL.*

Mr. Davis read from this document regarding traffic and pavement width being less than County standards and provided that report to the Clerk for the record.

** In the document, Staff commented that they would have to improve the road to County standards for one small home.*

** Other issues included hiring an Engineer to improve the road.*

** They had already spent thousands of dollars on wetland studies.*

** His wife suffered a stroke from stress after that, although he can't relate it to that, he's sure it didn't help.*

** He submitted the Minor Plat Preliminary Evaluation that was submitted to them in*

April, 2006.

** It was from that report that they moved forward with surveys, wetland tests, and legal documents to comply with what the County required them to move forward to subdivide the small piece of land.*

** Now they are considering a subdivision of significant size that is south of Mikler Road, which would more than double the size of the homes in that area.*

** Will this be given the same scrutiny and evaluations that they were .*

** They hope the Board will carefully consider the needs of all of the people who live on Mikler Road.*

Stephen Colbert, of Oviedo, presented a document with signatures of residents on Mikler Road and provided that document and pictures to the Clerk for the record. He further stated the following:

** Rather than each of them sign in to speak and repeat the same information, he read the text and submitted it into the record.*

** This contained the residents concern of the section of road north of the proposed development that doesn't meet County minimum standards of 20' in width, road safety, and double traffic impacts.*

** Concerns of only resurfacing the road is not an option.*

** Installing a sidewalk along the widening the pavement to the 20' minimum standard and resolving road drainage will solve all pedestrian and vehicle safety.*

** They can accept the new community, but the road must be brought up to minimum standards prior to any construction.*

** They understand the rights of property owners.*

** However, they do not have the legal right to ruin their way of life.*

** There is .7172 miles of road that was paved in the mid-1990's related to the S.R. 417 roadway.*

Tracy Duda Chapman, of Oviedo, stated they are not objecting to the development. She further stated the following:

** Mikler Road needs improvement.*

** She finds it amazing, since her family is in development, that the developer didn't even request a waiver, but Public Works has recommended a waiver on a road that is clearly below standards for Seminole County.*

** There are no sidewalks on Mikler Road and she is worried that she will hit the runners on the road.*

** There are many safety issues on this road.*

** Even for 24 homes that is a lot of cars.*

** There is going to be a bus stop and a bus cannot go down the road with another car passing it.*

** It is already difficult with trucks, so construction and lawn vehicles will cause safety issues for family's that live there and ride bikes.*

** All of the development in the front, those people will use Mikler Road all the way down to the cul-de-sac to run and ride bikes with no sidewalks.*

** They are running in the middle of the road sometimes.*

** She will move her own mailbox at her own expense to get the road improved to a standard that they deserve.*

Mark Stinson, of Oviedo, stated that he has been a resident of Mikler Road for 17 years. He further stated the following:

** The road is a problem and a safety issue.*

** When UPS and Fedex makes deliveries every day, he cannot get his truck around them and normally he pulls over to allow them to pass.*

** He agrees with Tracy Duda Chapman and he doesn't understand why there isn't a proposal with a sidewalk or some type of improvement that includes a divider line to know where the middle of the road is.*

** There is very little crown on the road, which creates other issues.*

** Those issues have been addressed where Regency is and where Ryland's neighborhood is located.*

** He doesn't understand why it is not also being addressed here.*

Ron Shulman, of Oviedo, stated that he is opposed to the project, but did not want to speak.

Rick Hanas, of Oviedo, stated that he is in favor of the project but he is not in favor of it if the road isn't improved.

Mary Beth Rozell, of Oviedo, stated that she is opposed to the project and further stated the following:

** The picture in the Board's packet of her flooded back yard is what they were referring to.*

** She shares a wetland with this property and the picture shown prove it.*

** She has aquatic plant life on the fence line.*

** Her property floods the majority of the time.*

** She has not been approached by anyone.*

** Although she appreciates what the folks on Mikler Road have done, it doesn't meet her needs.*

** She has wildlife, goats, donkeys, and goats on the pasture land and it is critical to their survival.*

** She doesn't want to lose the wildlife that lives on the surrounding land.*

** There is an abandoned 30' roadway that is the border property and has not been addressed.*

** That land needs to be re-surveyed to make sure that the Garlanger Trail properties are properly vetted for the 15' of abandoned roadway.*

Those that didn't indicate if they would speak, in opposition or in favor for the record are Thad Olivent, Katherine Mikler, and Robert Olliff.

Mr. Morris, responded with his rebuttal as follows:

** He appreciates those in favor of the project.*

** The estimated price value of homes will be in the high \$500's to \$700's, so they are compatible in price point to the neighborhood.*

** He spoke to David Johnson, the County's property appraiser, and asked him if one acre home subdivision have any effect on the home values next to them based on this price valuation and his answer was no.*

** Regarding fire hydrants in the subdivision, the County Fire Department has access to the subdivision even though it is a gated subdivision.*

** Public Safety has access to this subdivision.*

** This is a discussion they could have later regarding the enhanced water lines, as this is an incredible expense since the current water lines don't have proper pressure.*

** He owes a debt of gratitude to Mr. Love for organizing the meetings at his home.*

** They saw the flooding problems he has and this will go a long way to solve the flooding sheet-flow problems from his property.*

** Mr. Davis's discussed the subdivision denial years ago and depending on what happens with their request may allow him to potentially re-apply.*

** They can't really discuss what happened 10 years ago, but he knows Staff has significantly changed over the last 10 years.*

** They have no objections to anything Mr. Colbert said.*

** He agrees with everything Tracy Duda Chapman said, except he objects to the sidewalk issue she addressed.*

** Runners and bicyclists will still be on the road and not on the sidewalk if there was one.*

** Ms. Rozell wrote a good letter regarding livestock and the abandoned road.*

** To clarify, they are not disturbing her pasture at all.*

** A fence can be put up at any time on this property, if the Board wants that.*

** Relative to the easement of the road, it is an abandoned road and the easement is in the buffer area that they presented and called the western buffer, which they have no effect on that.*

Mr. Classon stated that on the western property, there is roughly 8 acres and a low-lying area that splits the property line on the northwest. He pointed to these points on the map provided. He further stated that there is roughly 3 acres that drains to the southwest and some of the water goes off-site and some to the wetland, which they will collect this run-off and bring it into their system.

Chairman Zembower stated that Ms. Rozell's property is adjacent to the drainage area just discussed and Mr. Morris responded yes and he's not confident this solves Ms. Rozelle's problem, but their engineering will remove sheet-flow going to her direction now.

Vice Chairman Ertel stated that she's hearing people having no problem with the development, but they have a problem with the road and Mr. Morris responded that is correct.

Vice Chairman Ertel further asked about the random variance and if it that is something they asked for and Mr. Morris responded that they received this information today.

Vice Chairman Ertel stated that Planning & Zoning is not in the road building business, so she's not sure this is even something they can or should consider at this meeting. She further stated that it seems like the folks here really just want a better road and asked Mr. Morris if there is anything they would be willing to do to help make that happen. Mr. Morris responded that the County Engineer has provided his opinion and his personal opinion is that this is a policy decision for the Board of County Commissioners. He further stated that there is a pre-existing condition on the road and it is not of their doing. He commented that they have discussed this with County Staff with what they might do to share.

Vice Chairman Ertel asked if this is something that his client would be willing to contribute toward to help fix the road and Mr. Morris responded that this should not be negotiated at this meeting and they don't even know what is being proposed on an engineering basis.

Mr. Morris stated they are adding 21 lots for 24 total lots and an off-site contribution by the developer is limited due to the number of lots. He further stated they don't know what is required and would need more information.

Mr. Morris commented that typically, the BCC could consider this on a policy basis. He further stated that there are substandard roads all over the County and they don't disagree with the comments made by the public.

Commissioner Wolf asked if Seminole County had any rural standards for roadways and if not, he would encourage this as something we should look at and develop, because he has seen sidewalks go up in rural areas with new neighborhoods and that breaks the trend of development for the rural area. He asked Staff if they could propose a rural standard and bring it back to the Board within 90 days for recommendation, which would not include a sidewalk. He further stated that this is something they should put into our Code so when people want to build in a rural area for clustering, they don't have to put a sidewalk on the main road when there's no relevance to it.

Ms. Hammock responded that there are rural standard roadways and urban roadways. Commissioner Wolf stated that in this case the variance recommendation was not to the rural standard and asked if it applies now. Ms. Hammock stated this is something that needs to be clarified with the Public Works director.

Jim Potter, Development Review Principal Engineer, stated the following:

- * There is a rural standard that usually includes not having the curb and gutters.*
- * It usually does include some type of a swale, but doesn't require sidewalks.*
- * The minimum width standard is 20' for anything up to collector and arterial roads.*
- * As far as Mikler Road is concerned, he agrees with Staff in that they need to get clarification on the letter.*
- * The County Engineer who is also the Public Works Director does have the authority to reduce any of those standards.*
- * There is nothing Staff can do to object to it or do anything different.*

Commissioner Wolf commented that in the last sentence of the Public Works letter states that the intent of the Suburban Estates Future Land Use designation is to preserve the rural lifestyle of the area, so anytime they see this they should implement the rural road standard with a clear definition between rural and urban standards.

Commissioner Brown commented that the rural standard may be 16' to 18'. He asked Staff if there is any budgeted funding to improve Mikler Road right now. Mr. Potter responded as follows:

- * It has been made clear by the County Engineer that there is definitely a need for repairs to the road.*
- * The County intends to make those repairs to the existing roadway, not including any widening, but to repair it.*
- * In reference to the 2006 repair, it was stated they would have to do Corings and they were not aware at the time that it had been built to standard, as they don't normally go into that depth at their pre-meetings.*
- * It was determined that the road was built to a standard for structure, but at this time it is the County Engineers opinion that the road is standard for structure and that most likely they will need to mill, resurface and put down another layer of asphalt.*
- * It is not on the books within the next 2 years, but it's definitely planned.*

Commissioner Dane asked if there is a rural road standard that is 20' in width and Mr. Potter responded yes it's the same for urban and rural. She asked if the Public Works Engineer has the ultimate veto authority and Mr. Potter responded yes.

Commissioner Dane stated that for the citizens who are here today, this is not the correct place to deal with that issue, but it is an issue that needs to be dealt with by the County Commissioners and Mr. Potter responded yes either the County Engineer or the County Commissioners.

Chairman Zembower commented that this is a policy issue that needs to be addressed by the Board of County Commissioners.

Chairman Zembower commented that he visited the area and stated the following:

- * This is a policy issue for the Board of County Commissioners to address.
- * There are significant issues with this road.
- * There are areas where the power poles are literally within inches of the pavement.
- * There are areas where mailboxes are within inches of the pavement.
- * Even within a 50' to 70' area in front of someone's home, the pavement width is not consistent and has cracks in the road.
- * There will be multiple issues with this project and we know what the Code says regarding the share the Developer has to pay.
- * In this instance, the BCC will look at this from a fairness doctrine and whom should bear the costs.
- * He thinks that the citizens, in his interaction with them, seem to be very reasonable people.
- * If Staff and the decision-makers approach this properly, he thinks they can find a cure to getting the road fixed and working with the residents to make it happen.
- * He thinks that is something for the BCC to strictly consider.

Commissioner Rob Wolf concurred with the Chairman's comments and said the road is a concurrency issue and not a Planning & Zoning Commission issue. He further stated that considering what has been heard tonight, up against S.R. 417, that it is the net buildable and clustering, which has less of a footprint on the environment he will recommend this item for approval.

Commissioner Richard Jerman commented that he felt it was inappropriate that this Board deny a variance as proposed by Public Works. If it were proposed by the applicant, then we can reject it, however this one is being proposed by Public Works. He further stated that he thinks this is a policy issue and out of the Board's hands, but rather between the Commission, Public Works and the applicant.

Commissioner Wolf acknowledged Commissioner Jerman's statement and commented that the Board has discussed it and it is not within their purview to accept or reject it. He further stated that the County Commission can take up the policy with respect to the road variance.

Chairman Zembower commented that he doesn't know who drafted the variance. It states that the applicant requested it and Staff states that the applicant really didn't request it, so this needs to be sorted out, but he supports the motion.

Commissioner Jerman commented that what is being said is to let the Board of County Commissioner's hands to determine where it belongs and he supports that.

Commissioner Matt Brown commented that he also feels this needs to be determined by the Board of County Commissioners. He stated that most of the time when they see something like this, they're dealing with 200' to 300' of a road improvement, which

might add \$1,000 to \$2,000 to each lot cost and this is unreasonable. He further stated that he is impressed that the people who live on this street recognize what they have and are working together. He also stated that he appreciates Mr. Morris's work with the neighbors. He commented that the road is substandard, but we can't put the burden on the last person and respects that the County recognizes there is a problem to correct by giving them a variance so they can move on.

Commissioner Jerman asked Commissioner Wolf if his motion was to reject the variance and Commissioner Wolf responded yes.

Commissioner Jerman stated that the BCC could put it back in if they desired.

Commissioner Wolf said yes or to modify it to take out the sidewalks, since right now it is urban concurrency.

Commissioner Jerman said that he is good with the motion.

A motion was made by Commissioner Rob Wolf, seconded by Vice Chairman Michelle Ertel, that the Estates at Wellington PD Rezone be Approved and Referred to the Board of County Commissioners with the following conditions; 1) No passive or recreational activity be allowed within the 100' buffers on the north and west sides of the property; 2) the Developer shall provide enhanced tree plantings on the north wooded sections of the proposed 100' enhanced landscape buffer tract on the north and west property lines with the proposed tree plantings within the enhanced buffer area and shall be shown in the Preliminary Landscaping Plans as part of the Final Development Plan and included in the Developer's Commitment Agreement; and 3) DENY the incorporation of the Development Order condition for the Variance. The motion CARRIED by the following vote:

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

Excused: 1 - Commissioner Mya Hatchette

4 [2016-511](#)

Brookmore Estates PD Rezone Phases I and II -

Consider a Rezone from A-1 (Agriculture) and PD (Planned Development) to PD (Planned Development) for a fifty-four (54) lot single-family residential subdivision on approximately 28.27 acres, located on the north side of Chapman Road approximately 4,000 feet west of Alafaya Trail; (Z2016-049) (Doug Hoffman, Applicant) District 1 - Dallari (Brian Walker, Project Manager)

Brian Walker, Senior Planner, presented this item and stated that the applicant is requesting a Major Amendment and Rezone to Planned Development in order to develop the subject property as a single family residential subdivision that would have a density of 2.49 dwelling units per net buildable acre and a maximum of 54 lots, which would have a minimum lot size of 7,700 square feet. The current zoning classifications are Planned Development and A-1 Agriculture. The current PD allows a maximum density of 2.51 dwelling units per net buildable acre and the A-1 zoned property requires a minimum lot area of one (1) acre and a minimum lot width of 150'.

The subject property has a Low Density Residential Future Land Use designation and this allows a maximum net density of 4 dwelling units per net buildable acre. The Future Land Uses and the Zoning surrounding the subject property are as stated in the Staff report. The Board of County Commissioners approved the Brookmore Estates PD consisting of 14.36 acres and 36 single family homes on October 11, 2016. The purpose of this Major Amendment and Rezone is to add approximately 14 acres to the Brookmore PD and up to an additional 18 lots. The currently approved 36 lots will be known as Phase I and the previously approved conditions have not changed. The additional land consisting of approximately 14 acres and up to 18 additional lots will be developed as Brookmore Estates Phase II. The new PD will consist in total of 28.27 acres and up to 54 single family lots. A site analysis has been included in the Staff report. Seminole County Public Schools have conducted a School Impact Analysis based on the applicant's request and determined that the proposed number of students generated could be accommodated without exceeding the adopted levels of service. 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 of 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 also compatible with the surrounding trend of development in the area and 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 2.49 dwelling units per net buildable acre and the surrounding Low Density Residential Land Use designation, which allows a density of up to 4 units per net buildable acre. Based on this information, Staff recommends that the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 Agriculture and Planned Development to PD Planned Development and approve the associated Master Development Plan and Development Order for approximately 28.27 acres.

Commissioner Richard Jerman asked what is different in this Development Order from the first Development Order for the smaller PD and Mr. Walker responded that everything has remained the same with regard to the original Brookmore Estates on the west. The Development Order now includes the original properties on the west and includes the additional 18 lots on the east. Commissioner Jerman further asked if the minimum lot size, setbacks and other items are the same as what was originally approved and Mr. Walker responded yes.

Charlie Madden, for the applicant, stated that he doesn't have a presentation, but they concur with Staff's recommendation. He further stated the following:

- * They made commitments with neighbors when they originally did Brookmore and all of those commitments are still in place and will be honored.*
- * This came about as one of their neighbors when they submitted the first request and they approached Pulte Homes and asked what about her property, so they added that neighbor's piece across the ditch.*
- * Everything is the same, they've just added a little more.*

Lewis Lobel, of Oviedo, stated that he lives in Huntington and his only concern is with the no U-turn that was conditionally agreed to at the last Board meeting he attended. He further stated there was going to be analysis whether that was going to be feasible or not and he doesn't know whether that has been approved or not by the Board. He commented that there is significant traffic that comes out of Huntington and when

there is an occasional U-turn now, it becomes dangerous especially at rush hour and his primary concern.

Mr. Madden responded that there is a condition in the Development Order (D.O.) that addresses the U-turn. He further stated the following:

** They are agreeable to putting in the No U-turn sign.*

** This became a Public Works issue, but the wording has been included in the D.O.*

** During construction, if they tell them they can put in the NO U-turn, they will do it.*

Chairman Jay Zembower stated to Mr. Lobel that Public Works will work with the Developer during the course of construction and if they feel the necessity and it can be permitted, they will do that.

A meeting recess occurred from 7:30 to 7:45 p.m.

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Richard Jerman, that the Brookmore Estates PD Rezone Phases I and II be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:

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

Excused: 1 - Commissioner Mya Hatchette

5 [2016-509](#)

The Retreat at Orlando II (AKA The Station) Large Scale Future Land Use Map Amendment and PD

Rezone - Consider a Large Scale Future Land Use Map Amendment from Industrial, Commercial and High Density Residential to Planned Development and a Rezone from M-1A (Light Industrial), C-2 (Retail Commercial), and R-3 (Multi-Family Dwelling) to PD (Planned Development) for a 187 rooming apartments (750 bedrooms) for student housing on approximately 33.8 acres, located on the east side of Alafaya Trail (SR 434) and on the north side of Park Road; (Z2016-051) (2016-FLUM-LS.04) (Jason Doornbos, Landmark Properties, Applicant) District1 - Dallari (Rebecca Hammock, Project Manager)

Rebecca Hammock, Planning & Development Division Manager, presented this item and stated that this request is for a Large Scale Future Land Use Map Amendment from Industrial, Commercial and High Density Residential to Planned Development and a Rezone from M-1A (Light Industrial), C-2 (Retail Commercial), and R-3 (Multi-family Dwelling) to PD (Planned Development) on approximately 33.8 acres located on the east side of Alafaya Trail and the north side of Park Road approximately 1 mile north of the University of Central Florida. The applicant, Jason Doornbos with Landmark Properties, is requesting a Large Scale Future Land Use Map Amendment and Rezone to Planned Development in order to develop the subject property as rooming

apartments for student housing with a density of 7.92 dwelling units per net buildable acre for a maximum of 187 units and 750 bedrooms. The proposed project also includes recreational amenities as well as surface and structured parking. The proposed building height is a maximum of 35' and 3 stories. Currently, the portion of the project site that has Future Land Use and Zoning designations of Industrial is developed with under-utilized industrial warehouse uses. The HDR and Commercial portions of the subject property are currently vacant. There is an existing cell tower on the subject property that is not included within the proposed PD, however the access to the cell tower is included within the PD. The subject property is located within the Econ River Corridor Protection Zone (ERCPZ). The ERCPZ development regulations only permit residential uses within the 1,100' ERCPZ restriction zone and no development activity within 550' of the stream's edge. The project proposes access onto Park Road, which is classified as a 2-lane local roadway. It is anticipated that the proposed development will generate approximately 3,668 daily trips. The project will utilize Park Road to access S.R. 434, a principal arterial road, where the level of service in this section is B. Based on the Seminole County existing and committed roadway database, this segment of S.R. 434 has available capacity to serve the anticipated daily trips. The applicant is requesting a waiver to Section 30.1221 of off-street parking requirements of the Land Development Code as part of the planned development approval. The waiver is from the requirement of 1.25 spaces for each bedroom to 1 space for each bedroom, plus a minimum of 20 guest parking spaces. The applicant has committed in the Development Order (D.O.) to provide a daily shuttle service to the University of Central Florida (UCF) from 7:00 a.m. to 7:00 p.m. Monday through Friday. The subject property is located in an area with a mixture of uses including light industrial, self-storage, multi-family residential, student housing, mobile homes, townhomes, and single family residential. The proposed project supports the objectives of the PD zoning designation in that it provides 25% open space and is providing adequate buffering to maintain compatibility between the proposed student housing project and the adjacent residential subdivisions to the east. The proposed east buffer is a 25' minimum undisturbed buffer with a meandering 6' SimTek fence with supplemental plantings. There is also a proposed 75' building setback along the east property line. The proposed use is compatible with the surrounding area by employing sensitive sight design, such as buffering, sound decibel restrictions, lighting restrictions, and limited hours of operation of recreational amenities all conditioned by the Development Order. The proposed project will not generate school-age children and Seminole County Public Schools has issued a letter of no impact. Staff finds that this request is consistent with the Comprehensive Plan, Land Development Code of Seminole County, and is compatible with the trend of development in the area. Staff recommends the Board of County Commissioners transmit the proposed Ordinance enacting a Large Scale Future Land Use Map Amendment from Industrial, Commercial, and High Density Residential to Planned Development to State and Regional review agencies subject to final approval and adoption of the Large Scale Future Land Use Amendment Ordinance adopt the associated Ordinance enacting a Rezone from M-1 (Light Industrial), C-2 (Retail Commercial), and R-3 (Multi-Family Dwelling) to PD (Planned Development) and approve the associated Development Order and Master Development Plan.

Commissioner Jerman asked if the height restriction under the Industrial zoning is 35' or could it be taller and Ms. Hammock responded it is still 35'. He also asked if the setback under the Industrial zoning would it be 25' for the property to the east. Ms. Hammock responded that there is a 10' side yard, 10' rear, 50' front, and a 50' side street setback. She further stated that along the east property line would be considered a side setback or 10'. Commissioner Jerman stated that it could be smaller than what the applicant is proposing and Ms. Hammock responded that is

correct.

Randy Morris, for the applicant, stated that he represents the applicant and with him to also present is Charlie Madden from Madden, Moorhead & Stokes Engineering. He further stated the following:

- * Also at the meeting are representatives from Landmark Properties, who are Jason Doornbos, Jim Bob McElroy, the landscape architect and project manager, and Aaron Emerson from Mills Landscape Architects in Oviedo.
- * They have worked diligently with Staff for the past 5 months on this project.
- * For the public's information, tonight's hearing is a transmittal hearing.
- * The results will go from this meeting as a recommendation to the Board of County Commissioners (BCC), and they are asking for this Board to approve this transmittal at tonight's meeting.
- * Once the BCC hears the item, it then goes to the Department of Economic Opportunity and then it comes back for an adoption hearing at the BCC.
- * Tonight there will be more detail than what is normally presented at this hearing.
- * The cell tower is under a completely private and separate ownership and is a pre-existing tower.
- * There is a current industrial site at the subject property now and that sight is in a somewhat state of disrepair and is a pretty depressing sight.
- * The owners, Mr. Doornbos and his partners, Landmark Properties do not own the property, but it is rather a purchase contract with multiple sellers.
- * The industrial park is a non-conforming use and it could not be built today, because it would be in violation of the County code on the Econ Protection Act.
- * It is also a commercial property on the corner that could also be a McDonald's or a variety of other uses.
- * They've combined this property to get a compatible use of residential next to this as the County Code calls for.
- * The shuttle will run during the school year only, or the Fall and Spring semesters and will not run over the summer, because there is fall-off in student attendance over the summer by 70-80%.
- * UCF has a transit line that runs by the property, however they are over-capacity and they haven't had student rate increases in many years, which pays for that student bus line.
- * They can't afford to add another bus out there to handle the volume they currently have and that is why they're providing the shuttle service.
- * Landmark Properties is a national builder and they've been considered the Student Housing Builder of the Year in 2015 by the industry as well as winning awards and commendations around the country for their design work.
- * They have another site located in Orlando.
- * They are not representing something that is a design idea, but rather has been built before.
- * Students sign a one-year lease and it is a higher-end student housing price.
- * The design is a townhouse cottage design and not a big apartment building.
- * The student leases require a guarantor, which is usually the parent.
- * On their website, there is a parent portal site.
- * They do security checks beyond the standard security checks, because of the kind of client they want to have there.
- * The security check consists of full criminal database searches with each student.
- * Because of foreign students that attend UCF, this is a concern from some of the neighbors.
- * The Office of Foreign Asset Control is reviewed with each student's application to see if they're on the list.

- * Other reviews are done using the Terrorism Knowledge Base, various FBI wanted lists, INTERPOL, and the National and International Sex Offender Registries.*
- * This is not a typical application.*
- * This is a closed, gated community.*
- * They have a private security service 24/7.*
- * They invite the local County Sheriff's office a unit where they can live at a reduced price on-site with a minimum patrol.*
- * The student's get to know the law enforcement officer on a first name basis.*
- * This is beyond any security requirement the Code would require.*
- * They have a 3-strikes-and-you're-out policy, which means that if a student has 3 violations of the Code of Conduct Rules, they are removed from the facility.*
- * They have a personal liability that goes beyond just the bedroom the student is living in, because they're living in a townhouse unit and sharing it with other students.*
- * They are requesting a down-zone from Industrial and Commercial to residential housing, which the Code calls for and complements the use.*
- * This complies with the Comp Plan and Future Land Use Codes.*
- * They agree with Staff findings and in the Board's packet it includes the Amendment Review Criteria for this transmittal, the compatibility issues that Staff has reviewed regarding the zoning and the FLU.*
- * There is also a justification report that the applicant wrote and Staff has reviewed for compliance.*
- * All of these will be submitted in the record.*
- * They are in compliance with anything related to flood-prone and with FEMA and they will continue to be in compliance as they do the Final Engineering, which will come later in the process.*
- * They are in full compliance with the Econolockhatchee River Corridor Protection Zone and in fact, they are bringing the land back into compliance, which is currently out of compliance because of the Industrial zoning that is currently there.*
- * They are complying with the 550' setback and operating within the second 550' setback.*
- * They are providing a 50' upland buffer to all wetland areas.*
- * In the Board's packet there is a request for an archeological survey, which has been done and will be submitted into the record too.*
- * Staff did not find a direct relationship to the FLU compatible land use, because this is a PD Master Development, however it does fall into all of the issues with Staff findings regarding Future Land Use designations in the public interest, which is cited on the report and has been entered into the record.*
- * They agree with Staff findings and they are consistent and compliant with FLU policy 1.10: Econolockhatchee River Basin Protection, indicated by items A through G in this section and included in the Board's packet.*
- * They support Staff's findings on FLU policy 2.9: Determination of Compatibility in the Planned Development Zoning Classification, and they are exceeding the setback requirements.*
- * They agree with Staff's findings on FLU policy 4.5: Encourage Infill and Redevelopment of Existing Development Corridors and Centers and within the Energy Conservation Overlay.*
- * They agree with Staff's findings on FLU policy 11.14: Protection of Natural Resources and the protection overlay as to how we comply with that.*
- * TRA 2.5.6: Discouraged Direct Access; Park Road is not a through road and closes at its terminus to the east.*
- * CON 3.5: Planned Development PD/Cluster Developments; they are in compliance with Staff's findings.*
- * CON 7.3: Future Land Use Designations; they are in compliance with that.*
- * As this deals with The Strategic Regional Plan Policy (SRPP) and since they are*

near the Orange County border, they are in compliance with this.

** They are in compliance with the Natural Resource Policies 3.9, 3.10, 3.11, 3.13, 3.17, 3.18, Economic Development Policy 4.2, and Transportation Policy 5.24 and 5.25.*

** All of these have been submitted into the record and are included in the Board's packet.*

** Staff finds there is capacity for all utilities for this project.*

** An environmental assessment was done by BioTech Consulting on September 7, 2016 and submitted into the record.*

** The Justification Report dated November 8, 2016 was submitted into the record.*

** A preliminary transportation analysis was done by VHB.*

** If the use stayed Industrial and was developed, the number of trips would be higher than what they're proposing for their use.*

Charlie Madden presented the details of the trips considering the build-out of the Light Industrial and Commercial property and comparing it to the student housing the average daily trips would be 1,821 trips less than the potential for the existing zoning.

Mr. Morris stated the following:

** An overall preliminary traffic study report was included in the Board's packet.*

** A micro study was done prior to December 9, 2017, when the school was operating at full capacity.*

** The study concluded that it is operating at acceptable levels of service.*

** A Cultural Resource Assessment Survey of The Retreat was done December of 2016, although not required at this time, and they are submitting this into the record.*

** The adequate capacity to serve water and sewer services is available and confirmed by Seminole County, which is being submitted into the record.*

** Some of the residents in the area are not on County sewer and water, but are on an alternative private source, such as Palm Valley.*

** They tried to see if they too could work with the private provider, but it is a separate district.*

** This facility is an over-18 years of age student housing and does not permit children, therefore there is no effect on Seminole County Public Schools.*

** They held one large community meeting held at a similar facility to this build, which is located on S.R. 50 in Orange County, to see the nature and quality of this facility.*

** They had several meetings with individual residents who requested them.*

** This was one of the delays they had in bringing this project before this Board.*

Mr. Madden presented the following:

** At the community meeting in November of 2016, they met at a site that is very similar to the proposed site, called The Retreat at Orlando located on S.R. 50, as Mr. Morris stated.*

** The mailing list they used to notify homeowners of this meeting is the same mailing list that the County uses.*

** Landmark Properties built that project and will build this project.*

** Although it was dark, they were able to have the meeting in the clubhouse, all of which will look similar to that facility.*

** They are aware of the single family homes along the east property line.*

** They proposed a 25' setback and a 15' landscape buffer.*

** There was a lot of feedback and conversation at that community meeting.*

** After the meeting, they asked those who wanted to communicate with them in a smaller group to do so.*

** They continued to have dialogue via email with those residents.*

- * The residents provided him with a list of things they would like to see.*
- * One of these items was a request for a larger building setback and a 25' undisturbed landscape buffer along the east, rather than what they were proposing, as well as some kind of fence along that property line.*
- * In response to that, they re-drew the plan including the undisturbed buffer.*
- * They also increased the building setback to 75'.*
- * If this property somebody were to buy this now under the existing Industrial zoning, would be 10', although the required landscape buffer would exceed that.*
- * In the second meeting with a smaller group with mainly residents that live on Hunt Lane, they heard concerns about the name of the facility, which was called The Retreat at Orlando, and this location is in the Oviedo mailing area.*

Mr. Madden used the map projected on the overhead screen and pointed out the different points of interest; including the facility entrance and gated entry, and further stated the following:

- * The entrance was moved further away from Hunt Lane, which they thought was a big improvement.*
- * The residents wanted to know what the project look like from Hunt Lane, so renderings were created and presented showing the buildings with front porches that fronted on Hunt Lane.*
- * The buildings are cottage style and you get a good idea about what the product looks like from the renderings shown.*
- * A tree survey was done along the east property line in the 25' buffer.*
- * Proposed supplemental plantings and existing trees will be in the buffer.*
- * One of the items the residents didn't want were balconies on the buildings that faced the homes to the east.*
- * There are no balconies, but there are windows.*
- * The buffering with plantings creates a visual block between the properties.*
- * There is an existing wall on 3 of the adjacent residential lots and they want that wall to remain.*
- * They also want to put the 6' fence inside the buffer, so it looks like the 25' buffer is their buffer.*
- * The residents requested the buffer, fence and existing wall be maintained by the builder/applicant.*
- * The fence product is SimTek, which is a sound resistant fence.*
- * There are strict sound requirements in the D.O.*

Commissioner Wolf asked if there are no balconies on the east side and Mr. Madden said yes, no balconies are facing east.

Mr. Madden further stated the following:

- * They tried to get very specific at this zoning stage and they wanted to show the neighbor's exactly what they'll be doing.*
- * They feel their buffer plan is superior than what it could be if it were developed as an industrial park.*

A rendering was shown on the map projected on the overhead screen of what a development could be done with no public input in the current zoning. This rendering depicted a large industrial building with limited buffering.

Mr. Morris stated that not all of the neighbors agree with their proposal. He further stated the property is interesting in terms of its usage when you look at the Future

Land Use.

Mr. Madden provided a map of the area and pointed out the proposed property and adjacent properties that included student housing and apartments, condominiums, townhomes, single family homes, a storage facility, and Palm Valley mobile home park.

Mr. Madden further mentioned the densities of each of the surrounding zoned properties and stated that they are proposing a density of 7.92 units per acre, which is less than all of the existing surrounding properties except for one.

Mr. Morris stated that Park Road to the east runs into a gated entrance, which is Palm Valley. He further stated the following:

- * Palm Valley is a 55-plus planned community with 790 homes.*
- * Palm Valley is owned by a company called Hometown America.*
- * There is approximately 2,100' along Park Road where there is a pre-existing condition along multiple points where people are cutting across Palm Valley property and you can see the tire tracks.*
- * He went to the property and met with the community manager and a member from the Board of Directors of the pre-existing condition.*
- * They said people were also walking across that area in-between the homes and across someone's yard.*
- * They are short-cutting to something, but they don't know for sure.*
- * They looked at this problem and started a conversation as to what they could do for them, since this has the potential to be exacerbated with increased students.*
- * They are still in negotiations with them to resolve this cut-through problem and any contractual resolution would need to be made with Hometown America.*

Commissioner Jerman stated that there are 750 bedrooms with 1 student per bedroom and they are requesting a variance to reduce their parking by .25 of the total bedrooms, which is 187 spaces. He further stated that 750 spaces plus 20 guest spots is all of the parking they have and they think there will only be 20 guests there at any one time. He commented that this sounds like a recipe for disaster.

Mr. Morris responded that this is very similar to other student housing projects and this was not magically determined. He also stated that they are building a parking garage and street parking, but not on Park Road.

Commissioner Jerman asked how many stories there would be in the parking garage and Mr. Morris responded it will be 3 stories.

Commissioner Wolf commented that there is still only 20 spaces over capacity for guests. Mr. Madden responded as follows:

- * One of the things they've relied on extensively similar and unique in nature like this is the Urban Land Institute Parking Analysis.*
- * This was submitted as part of their application.*
- * Landmark Properties has student housing projects all over the country and the typical ratio is .85 per bedroom.*
- * The reason they use this ratio is that many of the students don't have automobiles and they commute, especially on a site like this.*
- * Like at The Retreat, which is full, they give out parking passes so they can control the parking.*

** Again, at The Retreat, 85% of the people who live there have an automobile and 15% do not.*

** They have specific suggested parking ratios in the Urban Land Institute Study and for sleeping rooms, which is the equivalency of this project, they recommend 1 space per unit, plus 2 for owners and managers.*

** They will have 750 plus more than 20 extra guest spaces.*

Commissioner Jerman stated that their application only says 20 guest spaces and Mr. Madden responded yes, it does, which they are committed to that at a minimum. He further stated that Landmark has a very good track record of what parking ratio works for them.

Commissioner Jerman asked what the parking ratio is in their other communities and Mr. Madden responded that it varies from .85 to 1.0.

Commissioner Wolf stated that it depends on the environment and UCF is not where you can walk to the school and Orlando requires you to have a car. He further stated this is a high-end property and these kids are going to have cars.

Mr. Madden responded that he doesn't agree with that.

Mr. Morris stated that they've gone one step further and continued as follows:

** They took a look at Northview, which was approved by this County.*

** This facility is very close to the college and within walking distance.*

** Some of these students won't have cars.*

** They can't have parking problems for their own customers.*

** They came up with additional language, which has been included in the D.O. and is Item M that states the following:*

Within the first two consecutive years of the project that has issued its final certificate of occupancy, if Seminole County receives consistent complaints or information indicating problems with the availability of parking on the development, the County may, at its option, require the developer or successor perform a parking demand monitoring report. If the report indicates a problem with the availability of parking, then the developer or its successor shall be responsible for providing additional parking required in the report by either re-striping the number of spaces or by reducing and limiting the number of parking passes with the new leases.

** He doesn't know what more they can do to prove they will keep the parking problem from being a problem.*

Mr. Madden stated that this is exactly the same ratio that was used for Northview, which is a student housing project and they had the 2-year clause, which has subsequently been removed because there wasn't a problem.

Mr. Morris stated that Northview is a destination project with 2 religious centers. He further stated they have students going there for religious services and instruction. He commented that he believes they are under compliance under every condition including the extraordinary condition in the D.O.

Vice Chairman Ertel asked if the parking analysis numbers provided were for student housing or for all housing and Mr. Madden responded that was for student housing.

Vice Chairman Ertel stated that she has had two children in student housing at UCF and there was not enough parking.

Mr. Madden asked if they issued parking passes in her case and Vice Chairman Ertel said yes. She further stated that even though the student lives near the college and can walk there, they have jobs at night and other activities, so they do have cars.

Mr. Morris stated they are mimicking Northview and he doesn't think they can do anything better than that. He further stated they've increased their original request to meet compliance with what Staff would accept.

Mr. Madden stated that if they have a parking problem, that's just bad for business and they will lose customers.

Commissioner Wolf stated that Northview has a bus line that continually picks-up students and it looks like there are 43 different buildings and 1 extra space for every 2 buildings. He further stated that it doesn't seem intuitive that it would be sufficient. He asked if they could put in more pavement. Mr. Morris responded that if they re-striped they could get more parking spaces.

Further discussion ensued regarding parking.

Commissioner Wolf asked if they could put down more pavement without encroaching into the Econ Protection Area and Mr. Madden responded that they are not going to do that and they will stay out of the 550' setback. Mr. Morris said they would not put down more asphalt, but could re-stripe or limit the number of parking permits.

Commissioner Wolf asked if they had given any thought to making the east wall 8' and the remainder 6' to stop the cut-throughs and fence-hopping. Mr. Morris said there is no cut-through on the east. He said that in his experience, students can jump 6' walls.

Commissioner Jennifer Dane asked the applicants to point to where the cut-through areas are located. Mr. Madden responded by pointing to Park Road and Palm Valley.

Further discussion ensued regarding the cut-through areas.

Commissioner Dane asked how far is from this development and Mr. Madden responded that it would be an easy bike ride. He further stated he wouldn't walk either, but he would ride his bike.

Mr. Morris stated that immediately to the south of Park Road is Palm Valley Road, then McColluch Road and is the Orange County border and UCF.

Ms. Hammock responded that to the main entrance it is 1 mile.

Mr. Morris responded that the northern entrance is 3,000 feet south of the facility.

Mr. Madden stated that everything south of McColluch is UCF property.

Further discussion ensued regarding the proximity of the proposed project to UCF.

Commissioner Jerman suggested that maybe another story on the parking garage and Mr. Morris responded that he feels they meet all parking requirements. He also stated they also thought of that, but then you'd be able to see the parking garage, which

they've tucked in behind the line of sight.

Mr. Madden stated that they originally had a .85 parking ratio per bedroom and similar to their other facilities, but they increased that by adding another floor onto the parking garage in order to get to the 1.0.

Chairman Zembower stated that in full disclosure, he had a conversation with Mr. Lee Day via telephone and he is a resident in the area of this project. He further stated that Mr. Day is represented by legal counsel, Mr. Ralf Brookes, who is also present at the meeting. Mr. Brookes stated that he and his client will also speak at tonight's meeting.

Jolene Burns, of Oviedo, stated that she represents the residents of Palm Valley, who are approximately 1,200 people that live in Palm Valley and that she is also employed by Hometown America Communities, the management company for CDS Communities LP, who are the owners of the property. She further stated the following:

- * The reason why she didn't answer whether she was in opposition or support was because they do have some residents whom are very much opposed to this project and they have a list of concerns that include security, traffic, environmental, noise and light pollution, and declined property values.*
- * She is here to address the two issues that Mr. Morris has spoken about that includes the security of their residents and the traffic cut-through.*
- * They have worked with the owners of Landmark Properties and she feels that they may come to an agreement on what can help them.*
- * There is a lot of foot and bicycle cut-through traffic towards the entrance of UCF, especially on game day.*
- * Cars drive through their vacant lots and she believes they do to get to the traffic light to turn left onto Alafaya Trail going south to UCF.*
- * With 750 more people living in the area, this will greatly multiply their current situation.*
- * However, if they can work at getting the more improved security gate at the end of Park Road where their property meets it and also come to an agreement with the type of fence wall for the entire length of Park Road to alleviate the cut-through traffic, she believes they can be in support of this project.*

Chairman Zembower asked if she is working with Landmark Properties and does she feel that is going well and is she satisfied at this point. Ms. Burns responded she believes so.

Rod Jobman, of Oviedo, stated that he just left Palm Valley, he is familiar with their issues. He further stated the following:

- * They met at the original meeting at The Retreat and voiced several issues and concerns.*
- * They've subsequently met with them a few times and they've met all of the concerns that many of them had.*
- * Part of that was the parking issue.*
- * They, too, felt that the .85 was an acceptable number and that has been raised.*
- * The 6' tall fence being moved is very much appreciated.*
- * If it is increased to 8' tall that would be fine with him.*
- * The issues of security and "peeping Tom's" have been addressed with dropping the balconies on the east side.*
- * Raising the parking garage to 3 stories, which keeps it under the 35' limit.*

** He was a project manager for a large construction company in Omaha and he has managed many projects.*

** They've had lots of discussions about the project with the developers.*

** He believes they have made a good faith effort to match what they've asked them to do.*

** He is in support of this project and the transmittal of this project.*

Mr. Jobman pointed to his property on the map shown on the overhead screen.

Mr. Lee Day, of Oviedo, stated that he opposes this development for many reasons.

He further stated the following:

** This is an inappropriate transition from a Low Density property to a High Density property.*

** They bought their house contingent that these properties were existing on Commercial and Industrial zoned parcels, which take up the entire length of Park Road.*

** The undeveloped conservation parcel has never been developed before and 50% of that parcel cannot be developed because it is in the Protection zone.*

** They've painted themselves into a corner and only able to use the part that is next to them, which doesn't allow them, in their opinion, to create a buffer which would be satisfying many residents on their street.*

** He is one of the 7 or 8 that is most affected by this and he was not invited to the subsequent meetings.*

** He was at the first meeting and he did not attend any of the others, because he was not invited.*

** The developer needs to learn to invite all of the residents in the area to their meetings.*

** He made a request for a crime analysis from the Seminole County Sheriff's Office (SCSO) on calls for service.*

** On Park Road, the first police call made at The Retreat I occurred on August 14, 2014.*

** He took the statistics from The Retreat I to the present and there were a total of 559 calls for service and on the 3 parcels, which have developments, within that same time, period had 21 calls.*

** That is an inappropriate transition in crime.*

** The complaints at The Retreat I included burglary, arson, fire, assault, prowling, battery, weapons, fights, suspicion person, trespassing and so on.*

** In the same parcels they want to rezone, the most egregious police calls were alarms to the business and patrol calls.*

** They use to have Siemens/Westinghouse there.*

** The developers said that these are dilapidated buildings, but the only buildings that are really dilapidated are what Siemens/Westinghouse use to occupy until last year.*

** The other two properties run just fine.*

** They have a ¼ mile conservation behind their house and they want to put in a 2-story building that is 75' behind their house.*

** They are not willing to negotiate on what he considers to be a reasonable buffer for acoustic sound and visual buffers.*

** When they bought their house, they had a reasonable assumption that this zoning would stay the same and that their quality of life would not differ.*

** They have had a lot of college students in their area since 2008 and the statistical analysis that he did shows an increase in crime.*

** When you add 750 beds times 2 people per room, which is really common, then you have 1,500 students and 1,500 cars.*

** He is being represented by an attorney tonight who will go over the legal points.*

Chairman Zembower early in his talk that he had purchased his property contingent on certain things and asked if that was a contractual agreement that he signed with the property owner or seller and what that was. Mr. Day responded that when you purchase a home you look at the existing conditions and the buildings are already established and zoned. They based their decision to purchase their home on price and the conservation. He further stated that the top parcel is Econ River based conservation.

Chairman Zembower referred back to his previous question and asked that his specific question was whether he had a contractual agreement for purchase contingent on some existing condition and Mr. Day responded no.

Ralf Brookes, legal counsel representing Mr. Lee Day and Jenica Fahey who owned the property that was just shown. He further stated the following:

- * He is certified in city, county, and local government law.
- * He is the former assistant county attorney for Sarasota County.
- * He was a land use litigation attorney for Monroe County, which is the Florida Keys.
- * He has served as city attorney for Bradenton Beach, St. Pete Beach and currently a town attorney for Yankeetown.
- * He has a private practice called Ralf Brookes Attorney.
- * He is representing the people that are challenging the Lake Pickett North and South project.
- * There is a legislative decision today that is Plan Amendment and a Rezone, which is a quasi-judicial decision.
- * The hearings have been combined to this one hearing.
- * Because it's quasi-judicial and we live adjacent or own property that is adjacent, they are really entitled to more than 3 minutes to present their case.
- * He sees that legally what is lurking is spot zoning.
- * Looking at the cell tower, you're leaving a clear spot zoning in the middle of this PUD.
- * What's also lurking is a variance for parking that is self-created and the reason they don't have enough spots is because of the number of units they're putting in.
- * If they reduce the number of units and number of beds, then they will reduce the number of parking spaces required.
- * This is a self-created hardship, which is not a legally permissible ground for a variance.
- * What is important about this site is that it is so close to the Econ River.
- * The Econ River is at issue in Lake Pickett North and South.
- * The Econ River is a special area and is an OFW.
- * It is a resource of statewide significance.
- * The Econ River Basin Protection Ordinance that establishes minimums not maximums.
- * In this particular case, you can see behind the existing industrial area there is clearly an undisturbed swath of native vegetation and what they call unfragmented forested habitat.
- * They have the ability to preserve more of this than just the 550' that is the minimum required, because this is a PUD rezoning at the same time that requires clustering.
- * They can further cluster this development to preserve more of this habitat.
- * The Code and Comp Plan encourage clustering that would also provide other purposes compatibility to the neighbors on Hunt Lane.
- * We are asking for a 125' native vegetative undisturbed buffer.
- * The applicant is proposing 25' and a 50' water retention pond for 75' and in this area they would be looking 125' as a reasonable setback buffer that serves a dual purpose of providing compatibility with the adjacent single family homes, but also offers

additional habitat connected to the Econ River to the north.

** Policy 2.9 FLU asks for compatibility through setbacks, buffers and natural areas and this would promote that.*

** Policy 4.5 FLU encourages infill.*

** CON 3.5 and CON 7.3 he thinks would all promote the idea of having 125' native buffer in that area.*

** The conditions are not restrictive enough on outdoor amplified music.*

** The conditions state that outdoor amplified music cannot continue past 11:00 p.m. and that is simply too late for an area that close to a residential area.*

** The outdoor amplified music can begin as early as 7:00 a.m. and too early.*

** If there were larger buffers, that might be better with outdoor amplified music.*

** There is clearly an intent to use outdoor amplified music when you have students.*

** Windows can be opened and indoor amplified music can sometimes also be heard.*

** He encourages the Board to allow the 125' buffer.*

** Policy 1.10-H requires the minimal removal of native habitats.*

** Policy 1.17 requires clustering in the presence of environmentally sensitive lands, to use open space for aesthetic and buffering properties, as well as for environmental native forested habitat.*

Chairman Zembower asked where they are asking for the 125' buffer and Mr. Brookes showed on the map viewed on the overhead screen, which was Mr. Day's house and the land behind his house. Chairman Zembower summarized and stated that he is asking for 125' buffer between the back of his client's home and the project itself. Mr.

Brookes responded yes. Chairman Zembower asked how that would help the Econ River Basin as far as the ecology and water flow. He further asked Mr. Brookes to help them understand how that helps his conveyed concerns with the 125' buffer.

Mr. Brookes responded as follows:

** If they were to extend the 125' buffer along the east side along Hunt Lane the entire way, there would be a contiguous forested leg piece that would come down from the Econ and adjacent wetlands.*

** This is currently heavily forested and his client's enjoy the wildlife that is in that area.*

** It would also serve as a buffer between the more intense use of the student housing and the single family residence.*

** It makes sense not to just have spot like the cell tower, but to have an entire 125' buffer.*

** The water retention pond wasn't there in the first site plan and that arose out of meetings with the neighbors and as a way to try to utilize that buffer area.*

** It's not that much more than what would actually be there and would be 50' more.*

** There's 75' and this would be 50' more.*

** They think that the water retention features, which haven't yet been permitted by the water management district, could be accommodated elsewhere on the property.*

Chairman Zembower asked if his client's home one of the homes that currently have a wall at the rear of it and Mr. Brookes responded that it does not. Chairman Zembower asked if it had at one time and Mr. Brookes responded no and his understanding is that the wall only effects 2 or 3 lots to the south and doesn't include the lots to the north. He further stated that this is upland and not wetland, but upland transitions to the river and are important wildlife corridors.

Maria Soto, of Oviedo, stated she was opposed.

David Bass, of Oviedo, stated the following:

- * He is in the subdivision just behind Hunt Lane and he has been there for 18 years.*
- * He showed pictures of flooding after a heavy rainstorm and submitted as public record.*
- * They've had issues with flooding for some time.*
- * Park Road is a two-lane road and nothing has been discussed about the infrastructure.*
- * They have 3 subdivisions and the back way for Palm Valley to get to on Park Road.*
- * Since Walden Chase has been built, there's a problem with the gate and you can't turn off of Alafaya onto Park Road.*
- * You sit there and the traffic beside you is going 55 to 60 miles per hour and you're hanging out there trying to turn onto Park to go home, because of the issue with Walden Chase's gate.*
- * This backs up daily.*
- * They have a lot of children and families in the single family homes in that area and there is a problem with speeding on the road.*
- * He's contact the Seminole County Sheriff's Office and met with them twice on the speeding problem.*
- * Someone hit a power pole and knocked out power to the community for several hours.*
- * They are concerned with crime in the area.*
- * There was a triple shooting at The Retreat in Louisville, KY on December 10, 2016.*
- * He use to work in the insurance industry and as crime rates go up, policy prices go up. * These rates increase and are passed on to the insured.*
- * They've seen an increase in homeowner's insurance due to global warming and global climate changes that is changing the planet.*
- * The extra traffic in the area has changed the ratings in that area for automobiles, which costs more money.*
- * This is supposed to benefit UCF and that is in Orange County.*
- * We are in Seminole County and he feels like this is a big mistake and once it's done, it's done.*
- * Developer's leave and leave the rest of us holding the bag.*

Commissioner Wolf asked about the pictures submitted doesn't look like it is from the Econ flooding, it looks like it is from poor drainage from the neighbor or does he think it is sheeting from the neighbor's property. Mr. Bass responded that the ditches on Park Road flow towards Alafaya Trail. He further stated that there is drainage system at the corner and the water goes into that and into the Econ River.

Commissioner Wolf asked if he felt this development will contribute toward his drainage problem and Mr. Bass responded definitely. He further stated that there is more concrete and it is 27,000 gallons per acre, per one inch of rain.

Donna Campbell, of Oviedo, stated that she opposes this project and further stated the following:

- * She doesn't have a fence in her yard and it is open to the wilderness.*
- * She loves her back yard the way it is now.*
- * This project is going to change everything.*

Michael Dambro, of Oviedo, stated that he expressed most of his concerns by email. He further stated the following:

- * On either side of the Econ River and for miles and miles, is a corridor that allows the*

wildlife and provides protection for the river.

** Putting 550' between 750 college students and their friends is going to violate everything that's been done up to this point in order to protect that waterway and to protect the wildlife that surrounds. It.*

Jennifer Webb, of Oviedo, stated that that she is on the opposite side of Hunt Lane from the other neighbors. She further stated the following:

** As an architect she saw that they did everything possible to be in compliance with law, Codes, zoning and also trying to work with the community.*

** She felt they did an excellent job to bring everything together, however there's a bigger issue, which she's not sure if it can be addressed in this forum, while Low Density use of residential is a great area because it complements the overall neighborhood they are a very quiet and connected community.*

** The use of college students to fulfill that need may not be the best use of that space.*

** She understands for development, you don't have the right to pick or choose who buys a property.*

** Thinking about the overall usage of the space and how it would impact the overall character of the neighborhood she thinks is a bigger issue and why she's opposed to it.*

** She has to admit that the developer's tried to reach out to them.*

Chairman Zembower asked if she attended the community meeting and was she happy with what transpired and Ms. Webb responded yes, she attended the community meeting and she was invited to the follow-up meetings with the developer to discuss the concerns in how they addressed the buffers and parking. She further stated that even though some of the college students bike, the majority of them drive their cars. She commented that there are a few college students who rent houses in their neighborhood. She stated that some of them are very respectful and some they've had issues with.

Commissioner Dane asked how she was invited to the meeting and Ms. Webb stated that the developers contacted them through email. Commissioner Dane further asked if she provided her email at the first meeting and Ms. Webb responded yes.

Jenica Fahey, of Oviedo, stated that it is hard to not get emotional when you're talking about your property and you see the beautiful wilderness. She further stated the following:

** We don't have control over who is going to buy the property or what they're going to do with it to some degree, but she agrees that there would be a better use for it than college students.*

** Not that college students are bad and they are our future.*

** She thinks no one wants to live that close to them and participate in their noise and fun that comes along with it.*

** That is one of the reasons why she is opposed to it.*

** The 125' buffer would be beneficial.*

Corrine White, of Oviedo, stated that she is passionate about where she lives. She further stated the following:

** She lives in a really neat neighborhood and she wants it to stay that way.*

** She has had college students live with her and she knows what they're like.*

- * Her niece has told her if you want to go to a good party, we go to The Retreat, because it's high-end and those parents have money.*
- * Would you want apartments next to your house?*
- * She thinks the property needs a little help, but it doesn't need college students and more traffic.*
- * They need to keep that Seminole feel and that's why she moved here.*
- * She thinks UCF is great, but she wants to keep it on the Orange County side.*

Chris DiDonna, of Oviedo, stated that this is a difficult decision for him and he was going to stay neutral, but he decided to oppose it tonight for self-respect for himself. He further stated the following:

- * One of the dreams he had after graduating from UCF was to own a home that he could raise his family in one day.*
- * He ended up buying that home last March on Hunt Lane.*
- * He bikes in the back of the industrial area to see the wildlife and it's not in that bad of shape if someone would come in and take up rent there.*
- * It never provided any noise to their neighborhood.*
- * He thinks Charlie and his crew have gone above and beyond with what they had to do.*
- * He was part of the meetings and they were very kind and they met all of their request.*
- * In the end, he has to go against it because of home value and increased crime in the neighborhood.*
- * He doesn't want to lose the nature aspect of the area.*
- * He knows it will be noisy.*
- * He's a college pastor at UCF and he goes to a lot of college parties and he knows it is noisy.*
- * When 750 college students are added to a very small area there is traffic.*
- * Leaving the neighborhood is already an issue at rush hour.*
- * There is no traffic light and during rush hour it is dangerous to get across all of the lanes and he has to make a U-turn to go south on Alafaya.*
- * He doesn't leave his house during rush hour because he doesn't want to deal with it.*
- * With 750 18-year olds, they're just driving for the first time and this will create a dangerous situation.*
- * He knows that the developers have tried to make some ground on that, but the County denied any ability to change the traffic pattern in that area.*
- * It really would be a dangerous situation and will slow down traffic on Alafaya Trail.*

Cameron White, of Oviedo, stated that he mainly wants to focus on the traffic patterns and further stated the following:

- * He lives on Seminole Avenue and that cross-through goes from his street into and through Palm Valley.*
- * This is mainly due to the traffic.*
- * You have to do a U-turn to go south onto Alafaya Trail.*
- * In the morning, Alafaya Trail is backed up all the way to the previous light at Carrigan.*
- * Often times, it's not even possible.*
- * A shuttle doing that will make it even worse.*
- * On December 9th to track their traffic patterns was during finals at UCF and the campus is at 50% capacity and that is not at all a good time to check it.*
- * Traffic needs to be checked in August, September, October, November, or January, February, and March.*
- * At the end of the semester, most kids are already done with their classes and he is a*

UCF student and he knows it and knows the experience.

** They use Northview as their example, and that is a very different environment.*

** His fiancé lives on Lockwood and he goes on that road all the time.*

** It does not have nearly the amount of traffic as Alafaya.*

** It's a terrible example to use to do comparisons.*

** He is a big biker and they often drive away from the community because it's so dangerous on Alafaya.*

** Very few kids will bike from this apartment complex to UCF because of how dangerous it is.*

** He's had many close calls and his roommate was hit by a car.*

** He works at Siemens and is one mile from where he lives and he cannot get himself to ride a bike there because of how dangerous it is and it should not even be considered that people will bike.*

** He knows the traffic will get significantly worse with 750 new beds.*

Tonya Tolson, of Oviedo, stated that she is the President of the East Point HOA and further stated the following:

** Their community is very concerned that they scheduled a special meeting for February 6, which is the following Monday to vote on this issue.*

** One of the things she's hearing from individual homeowners is the transportation issue.*

** That is a big concern for them.*

** They are also concerned about the imbalance of residential with the student housing.*

** She walks often throughout the neighborhood and she picks up garbage off of Park Road.*

** Most of the garbage comes from students throwing their lunch bags out.*

** She wears gloves and sometimes she comes up with hypodermic needles.*

** As a homeowner she has a lot of concerns about this development.*

** As the President she can't speak for the whole community, because they haven't voted on it yet, but they will make their statement at the next Commissioner's meeting.*

Mr. Morris, for his rebuttal, stated the following:

** He appreciates all of the speaker's comments.*

** They will continue to speak with all of the neighbors including the last speaker and her HOA.*

** He's not sure how many people were at their first community meeting, but guesses about 60 to 70.*

** They asked the participants at the meeting to star their name on the sign-in sheet and they would be back in contact with them.*

** They offered to put right-turn only signs in the Development Order, if they have a solution for Palm Valley.*

** There is no conservation behind Mr. Day's house, it is just unused land that is zoned Industrial and it could be expanded any time without coming to a public hearing.*

** Mr. Day said that he was not invited to a meeting and his neighbor's may not have invited him to the meeting in his neighborhood that 5 attended, but he is entering to the record an email that was sent by Mr. Madden that invited all of the people to a meeting and he was one of them.*

** Mr. Day responded to Mr. Madden and stated that we will not be attending meetings with you in small groups in future meetings and he refused to come to the meeting.*

** The neighbors chose to not invite him when they held the neighborhood meeting.*

** They did meet with him later, with Staff and also with Commissioner's.*

** Mr. Day spoke of 559 calls for services in a period of years, which was on S.R. 50,*

and that could have been for any call.

** They don't know what 559 calls for services means and they don't know of any crime wave at this location.*

** He will research that thoroughly before they go to the County Commissioners.*

** You have to look at each crime individually.*

** They don't allow 2 students to a bedroom.*

** This can be allowed in any rented residential unit in Seminole County, because you can't control that.*

** It won't happen in a commercial establishment being run by management that does not permit double occupancy.*

** Mr. Day gave no substantial evidence regarding crime and conservation and he's not an expert witness.*

** He is not sure what Mr. Brookes is referring to with spot zoning, but he'd like to speak with him privately and ascertain what he is referring to.*

** He thinks it relates to the cell tower, which is a property they don't have control over and it is a pre-existing condition.*

** They are down-zoning the property from Industrial to residential, which is exactly what the Comp Plan calls for.*

** Staff and the applicant has presented substantial evidence in the compatible use of this project with the County's Future Land Use and with zoning for this transmittal.*

** They didn't hear that from Mr. Brookes, although we heard opinions relative to the Econ River Ordinance, which they are in compliance with and also bringing the property into compliance.*

** Outdoor amplification is only permitted in the common area known as the pool and clubhouse.*

** The restriction is at 11:00 p.m.*

** The pool house at Palm Valley is open until 10:00 p.m.*

** Looking at the site map of where the pool and common area is located, it is separated by hundreds of feet from any other residential area.*

** The parking garage and a row of townhomes block it.*

** He can talk to their client about morning amplification times, although it's only going to bother their residents and not neighborhood residents.*

Mr. Madden showed on the map where the pool and common area is located, which is where the outdoor amplification would be allowed and it is in the D.O.

Mr. Morris continued as follows:

** The outdoor decibel level is much lower than what they originally asked for.*

** No one is going to hear the music from other neighborhoods, because the decibel rate is included in the D.O.*

Commissioner Wolf asked if the windows on the east side can open to where the music could go to the east and he responded yes, the window's open and asked if they would like the windows not to open. Commissioner Wolf thinks that is something they put in the Northview project. Mr. Morris said that Northview was a 5-story building overlooking residential and they are 35' within the County height limit.

Mr. Morris continued as follows:

** They are improving the storm water retention system.*

** When their engineer went out to the retention pond for the first time, he couldn't get to the retention pond as it was completely vegetated over and he needed a machete to get to it.*

- * There is an existing condition on this property for improving the engineering relative to flooding.*
- * When they researched the flooding issues on Park Road, they found 2 cases of flooding that were due to blocked drains.*
- * They were cleaned out and the flooding ended.*
- * They know of no other flooding, but they don't have to do with the proposed development.*

Mr. Madden responded to the flooding issue by showing on the map where the water flows and it is away from the property and Park Road. He further said that there are swales on Park and a mitered section that has been clogged, but none of that water came from the proposed property.

Mr. Madden stated that between the 550' and the wetlands, they are permanently preserving 9 acres of forested uplands, which he showed on the map. He further stated they are preserving very nice hardwood upland/wetland areas and open space.

Mr. Morris continued as follows:

- * They understand that a number of neighbors are concerned about protecting the Econ.*
- * They have provided substantial and competent evidence from Staff and their consultants and they are improving the status of the Econ by this down-zoning.*
- * What is there now is much more intrusive and risky to the environment.*
- * They are less dense than most of the developments around them.*
- * Jennifer Fahey is the owner of the property that Mr. Lee is renting from.*
- * They have to do another big traffic study, but the date of the traffic study that was done on December 9th was when the study was dated, but the study was actually done pre-exam at peak hours when full occupancy occurred at the University.*
- * They deliberately did the study at peak performance.*
- * The traffic on Lockwood is much lighter than on Alafaya and that is correct as one is a 4-lane road and the other is a 6-lane road.*
- * The Lockwood and McColluch intersection has a Level of Service F, which is a complete failure.*
- * That is nothing remotely close to what Alafaya, Park or Palm Valley roads.*
- * The number of trips generated is more if this zoning and Future Land Use stays Commercial.*
- * If Tonya would like them to speak to their HOA, they'd be happy to do that.*

Commissioner Jerman asked his help in understanding the traffic situation and asked what they are doing when the residents come home from the University going north on Alafaya and are they putting in a deceleration and turn lane onto Park Road. Mr. Madden responded as follows:

- * The trend along Alafaya, since it is a 6-lane road, most of the side streets like Park do not have decel lanes.*
- * That would be a DOT question and you would have to have the right-of-way to put in the decel lane.*
- * In a road like this, the pattern up and down Alafaya is that none of them have right decel lanes.*

Commissioner Wolf stated that is a State road too.

Commissioner Jerman asked about the traffic movement going to campus would

require them to make a right, then drive 700' and they have to make a U-turn.

Mr. Madden responded that compared with the existing Industrial and Commercial zoning, they are 1,800 trips per day.

A motion was made by Vice Chairman Michelle Ertel, seconded by Commissioner Matt Brown to approve The Retreat at Orlando II (AKA The Station) Large Scale Future Land Use Map Amendment.

Commissioner Brown stated that he didn't like the parking at first, but that was explained well to him. He agrees that this should stay in Orange County, because Seminole County doesn't have a voice on UCF's Board, which he'd like to see one day. He further stated that this is a private development and people have development rights. He commented that he is happy that the buildings were moved back from the houses and it is a great neighborhood back there. He stated that this project sits on a 6-lane highway next to a University, so this is a tough one.

Chairman Zembower stated that he can support this motion and he was one of the most outspoken person on the Lake Pickett North and South project on the Econ River. He further stated that it is a unique body of water and we need to look after it. He further commented that he doesn't know how we got Industrial and Commercial on the Econ River and it's because of the grandfather clause before us and you couldn't build that today. He further stated this is a way to get a non-conforming use out of there. He said that he hears from HOA associations is that college students rent their homes and they can't keep them out. He stated the University has been there for many years and we should expect in this general area there will be an impact from this size University. He supports the motion for these reasons.

Vice Chairman Ertel stated that this is about property and development rights. She further stated that Mr. Madden goes much further than anybody else in having public meetings. She commented that she saw the email that Mr. Day refused to attend the meeting, but everyone was invited. She stated that she doesn't see any reason why they shouldn't put this development so close to UCF where there are plenty of other student housing developments around the area and it is consistent with the trend in that area. She is all for this project.

Commissioner Wolf stated that he heard from one person who asked if the Board would want apartments right behind them and he would not want it. However, he contrasts that with the fact that it is an Industrial area that is grandfathered and someone could come in and build it to its fullest extent and it would be way worse than what it is now. He stated that he thinks it was very smart of the developer to put the retention pond on the east side to create a further buffer to 75' and they eliminated the balconies. He commented that he doesn't think an Industrial area here does not suit the needs of the County and it is a rock and a hard place, since neither decision is an easy one, but this is probably better for the County than an Industrial area that is not compatible nor compliant. He is supporting the motion, because there's not a better option.

Paul Chipok, Assistant County Attorney, stated that the motion made was for approval of the project and technically the motion is for a transmittal of the Large Scale Comprehensive Plan Amendment and contingent approval of the PD pending final approval of the Land Use decision.

A motion was made by Commissioner Jennifer Dane, seconded by Commissioner Matt Brown, that The Retreat at Orlando II (AKA The Station)

Large Scale Future Land Use Map Amendment and PD Rezone be Approved and Referred to the Board of County Commissioners. The motion CARRIED by the following vote:

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

Excused: 1 - Commissioner Mya Hatchette

CLOSING BUSINESS

Planning & Development Manager's Report

Ms. Hammock advised the Board that training on the new Agenda software will begin soon and if anyone is interested in participating, please let Staff know.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:07 P.M.