

SEMINOLE COUNTY GOVERNMENT

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



Meeting Minutes (Draft) - Final

Wednesday, March 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, Commissioner Mya Hatchette, Vice Chairman Michelle Ertel, and Chairman Jay Zembower

Excused 1 - Commissioner Jennifer Dane

Opening Statement

The meeting convened at 6:00 p.m. with Chairman Jay Zembower leading the Pledge of Allegiance. The Chairman introduced the Staff and Commission members then reviewed the procedure used for conducting the meeting and voting.

Staff Present

Rebecca Hammock, Planning and Development Manager; Paul Chipok, Assistant County Attorney; Frank Consoli, Interim Development Review Engineering Manager; Joy Giles, Senior Planner; Brian Walker, Senior Planner; and Tammy Brushwood, Clerk to the Planning and Zoning Commission.

Accept Proof of Publication

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

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

Excused: 1 - Commissioner Jennifer Dane

Approval of Minutes

A motion was made by Commissioner Matt Brown, seconded by Commissioner Richard Jerman, that the Minutes from the February 1, 2017 P&Z meeting be Approved. The motion **CARRIED** by the following vote:

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

Excused: 1 - Commissioner Jennifer Dane

NEW BUSINESS

Technical Review Items:

- 1 [A-3245-17](#) Approve the Preliminary Subdivision Plan for the Brookmore Estates Phase II Subdivision containing seventeen (17) lots on 13.91 acres zoned PD (Planned Development), located on the north side of Chapman Road approximately 4,000 feet west of Alafaya Trail; (Doug Hoffman, Applicant) District1 - Dallari (Brian Walker, Project Manager).

Brian Walker, Senior Planner, presented this item and stated that the applicant is requesting approval of the Brookmore Estates Phase II PSP. The Future Land Use of the subject property is Low Density Residential and this allows 4 dwelling units per net buildable acre. The PSP proposes 17 single family residential lots on 13.91 acres with a density of 2.33 dwelling units per net buildable acre. The minimum lot size is 8,400 square feet and the minimum building height is 35'. On February 14, 2017, the Board of County Commissioners approved the Brookmore Estates PD Rezone Phases I and II. The PSP for Phase I of Brookmore Estates consists of 36 lots and was approved by the Planning & Zoning Commission on December 7, 2016. The PSP complies with all conditions of the Brookmore Estates Phase II PD Final Development Plan, Developer's Commitment Agreement, and Chapter 35 of the Seminole County Land Development Code. All of the internal roads will be private and Seminole County is the utility provider for water and sewer. Based on this information, Staff recommends approval of the Preliminary Subdivision Plan for Brookmore Estates Phase II Subdivision.

No one spoke on behalf of the applicant.

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

A motion was made by Commissioner Rob Wolf, seconded by Commissioner Richard Jerman, 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, Commissioner Mya Hatchette, Vice Chairman Michelle Ertel, and Chairman Jay Zembower

Excused: 1 - Commissioner Jennifer Dane

2 [A-3246-17](#)

Approve the Preliminary Subdivision Plan for the Reagan Center subdivision containing four (4) retention pond tracts and two (2) right-of-way tracts on 110.13 acres zoned PD (Planned Development), located on the north side of Ronald Reagan Boulevard, east of US Hwy 17-92 and County Home Road; (Sidney Levy, Applicant) District2 - Horan (Brian Walker, Project Manager)

Brian Walker, Senior Planner, presented this item and stated that the applicant is requesting approval of the Reagan Center PSP. The Future Land Use of the subject property is Planned Development. The PSP is the first phase of a multi-phase project and this phase proposes 4 retention pond tracts and 2 right-of-way tracts. Prior to construction permits being issued, the applicant will vacate all existing drainage easements within the work area and receive approval to reconfigure the conservation easement on the northeast portion of the property. The PSP complies with all conditions of the Reagan Center PD Final Development Plan, Developer's Commitment Agreement, and Chapter 35 of the Seminole County Land Development Code. The internal road tracts will be owned and maintained by Seminole County. Seminole County is the utility provider for water and sewer. Based on this information, Staff recommends approval of the Preliminary Subdivision Plan for the Reagan Center Phase I Subdivision.

Chairman Jay Zembower asked if everything is good with the wetlands issue in the back of the property and Mr. Walker said yes.

No one spoke on behalf of the applicant.

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

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

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

Excused: 1 - Commissioner Jennifer Dane

Public Hearing Items:**3** [2016-524](#)**Mystic Cove PD - SSLUA and PD Major Amendment
Rezone - *Continued from the 2/1/2017 P&Z Meeting* -**

Consider a Small Scale Future Land Use Map Amendment from Higher Intensity Planned Development - Transitional to Planned Development, and Rezone from PD (Planned Development) to PD (Planned Development) for C-1 (Retail Commercial) & Self Storage uses, 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)

Joy Giles, Senior Planner, presented this item and stated that the applicant is requesting a Small Scale Land Use Amendment from Higher Intensity Planned Development Transitional (HIP-TI) to Planned Development and a Major Amendment Rezone from PD (Planned Development) to PD (Planned Development) on 1.79 acres. In 2002, the Board of County Commissioners approved the Mystic Cove Apartments PD on 16 acres consisting of tracts A and B for those permitted and conditional uses under the C-1 (Retail Commercial) zoning district, including personal self-storage. The PD conditions of approval limited commercial uses to a floor area ratio (FAR) of 0.35 and limited the personal self-storage facility to a maximum of 1-story with a maximum building height of 35'. The applicant is requesting the Future Land Use change and a Major Amendment for tract B to increase the FAR from 0.35 to 1.25 and also to increase the number of stories from 1-story to a maximum of 3-stories. However, the maximum building height will still remain at 35'. The site will be accessed from Mystic Lake Drive and utilities will be provided by Seminole County. The development will provide a 10' landscape buffer around the perimeter and the exterior color scheme shall be limited to muted tones, such as gray or beige, in order to blend with the character of development in the area. Considering the subject site has been approved for the proposed uses since 2002, Staff finds the requested Amendment to be compatible with the surrounding development and recommends the Board of County Commissioners approve the request for a Small Scale Land Use Amendment from HIP-TI to Planned Development and a Rezone from PD to PD.

Tara Tedrow, for the applicant, stated that she is an Attorney with Lowndes Drosdick in Orlando. She presented exhibits and maps and further stated the following:

** An aerial view of the subject property showed that it is off of S.R. 426.*

** To the north is the Mystic Cove Apartment project, to the west are commercial uses, directly west is a church, and to the south, which is separated S.R. 426, a 4-lane highway, and some single family residential that was approved as part of the Park Place PD in 2015.*

** To the west of the property there is a large expansive right-of-way before you get to S.R. 417.*

** An aerial view showed how low the density is of single family residential across S.R. 426 in comparison to the subject property.*

** An aerial view showed that to the west there is quite a bit of commercial development that already exists.*

** Additional aerial views showed Starwood Drive, which is across S.R. 426, looking at the subject property, there is 4-lanes of traffic that separates the view from the subject property.*

** An aerial view also showed from the subject property across S.R. 426, looking toward the existing single family residential, there is a separation of both 4-lanes of traffic as well as existing retention and a natural landscaping of a tree wall.*

** A view from the subject property across S.R. 426 towards the animal hospital, showed 4-lanes of traffic, a retention pond, and another tree wall of landscaping.*

** Existing landscaping and tree buffering was shown from the view if you were getting onto S.R. 417, which buffers the view from S.R. 426 getting on the on-ramp and looking to the right, which is the subject property.*

** A view of Mystic Lake Drive was shown if you're coming off of S.R. 426 and on the right side of the photograph, there is an existing wall and a wall of trees that blocks the view from the church looking over to the subject property, as well as existing fencing and existing tree lines that come down Mystic Lake Drive that goes to the apartment project in the back.*

** A view looking into Mystic Cove apartments, shows to the left, where their subject property is located.*

** A view of an existing wall around Mystic Cove apartments, as well as existing tree lines that are on both sides of the property was shown.*

** An aerial was shown that when the project was first contemplated, the residential portion only had the parking area, the clubhouse, and the pool directly adjacent to any contemplated commercial uses would be in the future.*

** They are not directly abutting any of the actual residential units with the commercial uses on their property.*

** It is 1.79 acres and is vacant property, which has remained undeveloped and been on the market for quite some time.*

** The Mystic Cove PUD Developer's Commitment Agreement in 2002, approved tract A to be for multi-family residential, which is built-out and tract B for commercial uses.*

** Those commercial uses include everything from self-storage to hotels, motels, car washes, truck repairs, and drive-through restaurants.*

** The Future Land Use map overview shows that they are proposing a Small Scale Future Land Use Amendment to PD simply to accommodate the increased FAR specific to self-storage uses only and not any of the other C-1 uses that are allowed by right under the PD agreement.*

** The properties to the west shows A-1, but that was rezoned to PD in 2015, which is the Park Place project.*

** The only reason they have a rezone from PD to PD is because Code requires that since it is a Major Amendment to the existing conditions of the Developer's Commitment Agreement.*

** They agree with Staff's recommendation for approval of a PD Small Scale Future Land Use Map Amendment as well as a PD Rezone.*

** A voluntary community meeting was held on January 25, 2017, at Tuskawilla Middle School.*

** Notices were sent out to people with 500' of their property.*

** They were excited to talk to them about their Class A storage product, but nobody showed up.*

** Under the existing Developer's Commitment Agreement, their project will comply with all of the development standards except for the size of the project.*

** The permitted uses, the setbacks, open space, landscape buffers, lighting, access, easements, no outdoor storage, and 24-hour secured gate entry are all existing conditions that they will comply with and are projected to comply with the project before the Board tonight.*

** The real reason they are here is for two issues; 1) the number of stories of the*

project, and 2) the FAR.

* The height allowed on tract B for any commercial use right now is 40' under the Developer's Commitment Agreement.

* Looking at the Developer Order Amendment proposed tonight, that would reduce any commercial use on the property to 35'.

* Today, any use, such as the truck stops, motels, private schools, or college could all be 40' in height except for self-storage.

* They had to come to this Board for the Rezone from PD to PD in order to ask for the same height allowances as any other commercial use on this tract.

* If this is approved tonight, it will lead to a net reduction in any commercial uses' allowable height on this property moving forward, which is from 40' to 35'.

* The FAR increase is the reason they are requesting the Small Scale Future Land Use Map Amendment and their request will not increase the FAR for any other use except for self-storage.

* A traffic study was done on January 26, 2017.

* They are only proposing their use to be for self-storage.

* They were asked to compare what they would have at 95,000 square feet of self-storage mini-warehousing, which is the 1.25 FAR, versus what would be generated by a build-out of the total allowable Retail at 26,500 square feet or .35 FAR.

* The traffic study concluded that the roadways are adequately built-out, they can service their project just fine, and they will not adversely impact traffic operations.

* Their project will reduce traffic significantly from any other commercial use on this property would allow.

* If it were to build-out at a .35 FAR for the highest Retail use allowed under the existing PD today, there would be 162 trips at PM peak hour.

* At a 1.25 FAR for self-storage there would be 25 trips at a PM peak hour.

* That is a net 85% reduction in trips allowed.

* The prior approved plan for this project was a car wash with restaurant component and that generated 63% more traffic than their proposed would produce.

* Even though it's a higher FAR, because of the uniqueness of a self-storage use on the property and because their limiting the FAR increase to only self-storage, it will lower traffic generated versus any other use that could happen by right today.

* They comply with the Comprehensive Plan on compatibility with adjacent land uses.

* The PD approved to the west of the subject property, the residential units post-dated their PD agreement so it was already contemplated that commercial uses would be there by right.

* They are compatible with the existing commercial uses to the west.

* There hasn't been a significant change in character to the surrounding area since this PD was approved, except for the Park Place project across the street.

* That project was approved with the understanding that commercial could in the future be developed on tract B.

* It furthers County Comprehensive Plan goals, objectives, and policies; such as promoting economic development, encouraging in-fill development, and discouraging direct access, since the project will be accessed off of Mystic Lake Drive.

Commissioner Rob Wolf asked if this 3-story building will be air conditioned self-storage and Ms. Tedrow responded yes. She further stated that there will be a 3-story unit about 85,000 square feet, which will be the main storage unit, but to the rear, directly adjacent to Mystic Cove apartments, will be a 1-story building and will not be air conditioned.

Chairman Jay Zembower asked about the operating hours of the facility and would it be 24 hour access or restrictions on access and Ms. Tedrow responded that they do not operate 24 hours per day. She further stated that they have a 24-hour secured

gate that they provide, but they have normal operating hours.

Charlie Stocks, the applicant, stated that he lives in Atlanta, GA. He further stated that the facility office will be open from 8:00 AM to 5:00 PM and customers will be able to access their unit using a keypad, from 7:00 AM to 6:00 PM.

Chairman Zembower stated that they shouldn't have any residents concerned with trucks moving at night and Mr. Stocks said correct.

Commissioner Wolf asked if that was included in the Development Order and 7:00 AM to 6:00 PM is the only access time and Mr. Stocks said yes and he didn't think that was in the Developer's Order.

Chairman Zembower asked if they would be willing to include that in the Development Order and Mr. Stocks responded they would consider it.

Commissioner Wolf stated that they just told them the hours of operation and why would they not consider it. Mr. Stocks responded that the only reason why he would be hesitant to add it in is because he is the developer and not the operator. He further stated that in the future there is the possibility that the facility would be sold. He commented that is CubeSmart's policy to not operate 24-hours per day, but if they sold to Public Storage and they operated 24 hours per day, then that would be their decision to make.

Commissioner Wolf stated that from his perspective, without boxing it in somehow and leaving it 24 hours that would something he would not support, but with a limitation he would.

Ms. Tedrow asked if there are currently hours of operation restrictions under Code already and Ms. Giles responded that there are not.

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

Board discussed ensued regarding restricted hours.

Rebecca Hammock, Planning & Development Manager, stated that there are noise regulations in the Land Development Code in that you can't exceed a certain number of decibels after 11:00 PM.

Commissioner Wolf stated that he would rather have the developer make a recommendation as to the operating hours.

Chairman Zembower stated that he concurred. He further stated that we have a noise ordinance and it is an enforcement issue and a big issue.

Commissioner Wolf stated that he thinks that 6:00 AM is a little early and 11:00 PM is a little late. He further asked the Chairman to recommend to the applicant to make a recommendation before they continue discussion.

Further Board discussion ensued the facility's operating hours.

Rebecca Hammock confirmed that the noise ordinance is from 11:00 PM to 7 AM.

Ms. Tedrow stated that if 6:00 AM to 11:00 PM were agreeable, they would be willing to take those hours of operation restrictions.

Chairman Zembower stated that his concerns for residents is the risk of late activity that creates noise. He stated that he could support aligning it with the ordinance or something close.

Commissioner Hatchette stated that she has no problem with 6:00 AM. She further stated that similar to getting off of work, people may want to go to their locker before work.

Chairman Zembower asked if they would agree to the 6:00 AM to 11:00 PM operating hours and the applicant responded yes.

Commissioner Wolf stated that he is supporting this because of its location against S.R. 417, the small footprint, and the intended use of the property is a great match.

Paul Chipok, Assistant County Attorney, asked for clarification of the motion and did he mean to state that the hours of operation for the entire facility or just for access to the self-storage units and Commissioner Wolf responded that renter access to the self-storage units should be from 6:00 AM to 11:00 PM, but the 24-hour security is fine.

Mr. Chipok stated that the condition should read that the hours of operation for access to the self-storage units to be limited from 6:00 AM to 11:00 PM and Commissioner Wolf responded yes, for the record.

Chairman Zembower asked the applicant if they understood the condition in the motion and if that was acceptable to them and Ms. Tedrow responded yes.

A motion was made by Commissioner Rob Wolf, seconded by Vice Chairman Michelle Ertel, that the Mystic Cove Smale Scale Land Use Map Amendment and PD Rezone be Approved and Referred to the Board of County Commissioners, with the condition to restrict operating hours to 6:00 AM through 11:00 PM. The motion CARRIED by the following vote:

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

Excused: 1 - Commissioner Jennifer Dane

4 [2016-549](#)

W. 7th Street Rezone - Consider a Rezone from R-3 (Multiple Family Dwelling) to R-1 (Single Family Dwelling) on 1.56 acres, located on the west side of C.R. 419, ½ mile south of Snow Hill Road; (Z2017-001) (Wilbert B. Berrios, Applicant) District1 - Dallari (Joy Giles, Project Manager)

Commissioner Rob Wolf stated that he thinks they've seen a few of these down-zoning in the area in the past and Ms. Giles responded yes and she thinks they will see a few more in the future as well.

Wilbert Berrios, the applicant, stated that he currently lives in Palm Coast, Florida, but he lived in Seminole County for many years. He further stated the following:

** His partners both live in Chuluota and they have a business in Oviedo.*

** They have purchased several properties there.*

** They want to start building single family homes and when they came across this project, they saw it as a good opportunity to convert this to 6 single family residences in an area that had many lots in that parcel.*

** Rather than go that route, they wanted to adopt what's already going on 7th and 8th streets.*

Chairman Jay Zembower stated that he applauds he and his partners for making this move as several people on the Board reside in the rural area of Seminole County. He further stated that there is always a concern about the intensity of a development and for someone to come in to lower the intensity is amazing and thanked the applicant.

Commissioner Wolf stated that they have a letter of support from Deborah Schaffer and that is a major stamp of approval for any development in the rural area.

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

A motion was made by Commissioner Mya Hatchette, seconded by Vice Chairman Michelle Ertel, that the W. 7th Street 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, Commissioner Mya Hatchette, Vice Chairman Michelle Ertel, and Chairman Jay Zembower

Excused: 1 - Commissioner Jennifer Dane

CLOSING BUSINESS

Commissioner Richard Jerman asked the Clerk to send the Board an updated member contact list and the Clerk responded that she would send the entire Board an updated member contact list.

Commissioner Rob Wolf asked Staff if Seminole County has a standing form for the Development Order that has the homeowner's signature and acknowledgement that they are aware of the noise issue near the airport. He also asked if there was something that forces the developer to put up something in the model home about the noise issue. He commented that when you are signing documents at the end of the purchase, you don't want to be surprised later.

Rebecca Hammock stated that she is not familiar with anything in the model homes, but they do require a condition in the Development Order that the information has to be in their deed restrictions. She further stated that she thought one had recently been done by the Planning & Zoning Commission that included a condition in the sale.

Commissioner Wolf asked if Staff could look at that and further stated that when you are buying your first home it can be intimidating with signing document after document and the buyers may not know what they're signing. He commented that he would like for the developer be required to put up a big sign to disclose it at the sales part of the transaction, in order to protect future residents and ourselves.

Commissioner Matt Brown asked if there was a noise reduction standard for people under the path in the construction part of the home.

Ms. Hammock responded that she could look at that, but she is not sure if we can require them to do anything in terms of their marketing and sales. She further said it is disclosed to them, but she can check into it.

Chairman Zembower stated that he agreed, but not sure if they can dictate to a business or developer on how they market or if they can legislate anything relating to signage. He further stated that they certainly could at the closing in deed restrictions.

Ms. Hammock stated that is currently required.

Commissioner Wolf stated that is a little too late and it is an intimidating process for someone who hasn't gone through it and the airport is only going to get busier over time.

Chairman Zembower stated he concurred there should be some method to notify them, but the attorneys may need to review it.

Planning & Development Manager's Report

Rebecca Hammock mentioned to the Board that the new Novus Agenda software is still a work in progress and we are working to implement it soon. The training dates have not yet been established, but as soon as they are we will notify the Board. In the meantime, if you are interested in doing the online training, please notify the Clerk. This will allow you to access the Agendas online rather than the paper copies. We can still provide paper copies too.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:40 P.M.