

LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
ROOM 1028
7:00 P.M
MINUTES

Board Present:

Ben Tucker, Chairman
Tom Mahoney, Vice Chairman
Dick Harris
Don Nicholas
Beth Hattaway

Staff Absent

Allan Peltz

Staff Present:

Don Fisher, Planning and Development Director
Matt West, Planning Division Manager
Tony Matthews, Planning Division
Cindy Matheny, Planning Division
Cathleen Consoli, Planning Division
Alice Gilmartin, Planning Division
Jeff Hopper, Planning Division
Amanda Smith, Planning Division
John Thomson, Development Review Division
Jim Potter, Development Review Division
Karen Consalo, Assistant County Attorney

I. CALL TO ORDER

Chairman Tucker convened the meeting to order at 6:00 p.m.

II. ROLL CALL

Quorum was established.

III. ACCEPTANCE OF PROOF OF PUBLICATION

Motion to accept proof of publication passed unanimously. (5-0)

IV. APPROVAL OF MINUTES

Motion to approve the minutes of the April 3, 2002, meeting passed unanimously. (5-0)

V. NEW BUSINESS

A. NW OREGON PSP; SHUTTS & BOWEN LLP /KENNETH W. WRIGHT; APPROXIMATELY 72.90 ACRES MORE OR LESS; PRELIMINARY SUBDIVISION APPROVAL FOR 9 LOTS, MULTI-FAMILY AND COMMERCIAL; ZONED PUD (PLANNED UNIT DEVELOPMENT); NORTHWEST CORNER OF STATE ROAD 46 AND OREGON AVENUE.

COMMISSIONER MCLAIN - DISTRICT 5

JOHN THOMSON

The applicant is requesting approval of a Preliminary Subdivision Plan for a mixed use PUD consisting of multifamily and commercial uses on 73 acres. This project is located at the northwest corner of SR 46 and North Oregon Street approximately 1000 feet to the west of the 1-4/SR 46 interchange.

The PUD master plan was approved by the BCC for:

1. 300 Multi-family units on 9 acres (lot 6);
2. A shopping center totaling 200,000 sq. ft. of building area on 19 acres (lot 1) and out parcels associated with the shopping center (lots 7, 8, and 9);
3. Four mixed commercial/retail sites totaling 26,000 sq. ft. of building area on 5.6 acres (lots 2 through 5); and
4. A conservation area totaling 23 acres (tract A) to protect wetlands.

Water and Wastewater will be provided by connection to Seminole County Utilities. Joint Access, utility, and drainage easements are provided for the shared access and infrastructure which will be constructed with development of the PUD.

Staff has reviewed the preliminary subdivision and finds that it is consistent with the PUD Master Plan and the applicable requirements of the Land Development Code.

Staff recommends approval of the Preliminary Subdivision Plan.

Motion by Commissioner Harris to approve. Second by Commissioner Mahoney.

Motion passed unanimously. (5-0)

B. MONROE COMMERCE CENTER (SOUTH SMALL BAY PARTNER, LLC; APPROXIMATELY 8.91 ACRES MORE OR LESS; REZONE FROM A-1 (AGRICULTURE) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); OFFICE/WAREHOUSE/STORAGE SOUTHWEST CORNER OF MONROE ROAD AND CHURCH STREET, NORTH OF SR 46, EAST OF 1-4.

COMMISSIONER MCLAIN - DISTRICT 5

JEFF HOPPER

The applicant, Small Bay Partner LLC, requests approval of a rezoning from A-1 to PCD for this 8.91 acre parcel in order to develop an office development. The subject property is currently vacant and has a Higher Intensity Planned Development - Target Industry (HIP-TI) land use designation.

The applicant proposes to develop an 8.7 acre site in a "flex-space" concept consisting of office and warehouse uses only. Mini-storage and manufacturing would not be permitted. The proposal consists of 5 buildings totaling 116,000 square feet of floor area, and also an outdoor storage area for equipment and vehicles belonging to tenants of the development.

Surrounding land uses are:

Vacant PCD and A-1 zoning to the North; vacant A-1 to the South and West; to the East, A-1, R-1 and PCD zoning, with a church, a residence and vacant land.

The proposed development is opposite a similar office-warehouse project located on the north side of Church St. Presented to the Commission in September 2001 under the name Sanford Commerce Center, the neighboring project will contain 187,000 square feet of floor space on 14 acres.

The site contains several mature live oak trees, ranging from 12" to 42" in diameter, located in a cluster near the proposed location of the north entrance to the site. The applicant has specially designed the entrance to preserve all but one of the trees, providing pervious pavement in that area to help them survive.

There is a residence across Monroe Road to the east. The plan includes design features to minimize adverse impacts on this property, including:

- retention ponds amenitized as open space on the east property line;
- "shoebox" type lighting fixtures limited to 16 feet in height;
- landscape buffers adjacent to Monroe Rd.

The outdoor storage area will also be screened on the south and west side by canopy trees and hedges.

Staff recommends approval of the requested PCD zoning classification per the Development Order. If approved, the development should be subject to the following conditions:

1. Development shall be constructed according to the approved Master Plan attached as Exhibit "B."

2. All appropriate measures shall be taken to maintain the 5 existing oak trees at the north entrance during and after construction. Should any of these trees be determined by the Planning Manager to be in a non-viable condition after development, they shall be replaced per the requirements of Section 40.83 of the Land Development Code.
3. Permitted uses are limited to office and warehouse uses.
4. Prohibited uses are mini-storage, retail, manufacturing, outdoor advertising, on-site repair of vehicles and equipment, and paint and body work.
5. Storage bays shall not be used for retail or service uses involving on-site customer contact.
6. Office uses shall be limited to 10 percent of total floor area.
7. Pedestrian connections shall be provided between interior walkways and public sidewalks along Church Street. and Monroe Road.
8. Dedication of additional right-of-way along Church Street sufficient to provide 35-foot half right-of-way, at the time of Final Master Plan approval.
9. Lighting shall consist of cut-off/shoe box style fixtures complying with the following requirements:
 - a. Illumination onto adjacent residential properties to the east shall not exceed 0.5 foot candles.
 - b. All lighting fixtures shall be mounted at a maximum height of 16'.
10. Outdoor storage shall be limited to the designated outdoor storage area and shall be used only by tenants of the development.
11. The outdoor storage area shall be landscaped to the south and west with plantings providing 75% screening to a height of 3'. Required plantings shall include 1 canopy tree per 25 linear feet along the south and west sides.
12. A 5' sidewalk shall be provided along Church Street to connect with a future segment of the county-wide trail system along Monroe Road.

Staff recommends approval of the request, subject to all conditions listed in the Staff Report, including the following:

1. Appropriate measures shall be taken to maintain the existing oak trees at the north entrance during and after construction. Any trees removed shall be replaced per the requirements of the Land Development Code.
2. Permitted uses are limited to office and warehouse uses.
3. Prohibited uses are mini-storage, retail, manufacturing, outdoor advertising, on-site repair of vehicles and equipment, and paint and body work.
4. Storage bays shall not be used for retail or service uses involving on-site customer contact.

5. Dedication of additional right-of-way along Church Street.
6. Lighting limitations as noted in the Staff Report and Development Order
7. Outdoor storage shall be limited to the designated storage area and used only by tenants of the development.

Commissioner Harris asked what the rationale was for prohibiting manufacturing uses in a HIP District (item #4)?

Mr. Hopper said the rationale is not really related to the land use designation so much as the concept of the development. This suggestion came from the applicant. Their concept is an office and warehouse base not an industrial type of use. That is the reason for putting that restriction in there.

Commissioner Harris said that his concern is that in an office industrial area such as this, it is entirely conceivable that an incubator type company may want to come in and have light, clean manufacturing. He hates to see staff downgrade HIP districts and it seems counter to what the intent of setting that up that HIP district. The reason it was designated HIP district was so that those kinds of the things could be done that would offset the low paying tourism kind of jobs in the area with something that could be light manufacturing. In fact, the whole intent when a HIP district is set up is to have clean industry and there are many, many light manufacturing options. He would hate to see us start out and prohibit manufacturing in the middle of a HIP district because that has a domino effect. If we prohibit it here, are we going to prohibit on the next parcel and defeat the whole purpose of having a HIP district?

Commissioner Hattaway asked what lies to the south and west of the outdoor storage area?

Mr. Hopper said he referred to it as vacant but more technically it is probably something on the order of a plant nursery on the west and vacant to the south.

Commissioner Hattaway said that planting to a height of 3' is not much of a screen.

Mr. Hopper said those formulas were taken from the Code as they might have applied against a right-of-way.

Commissioner Hattaway asked if they could stack above the height of the 3' plantings?

Mr. Hopper said he presumed so unless there were a condition in the Development Order that prevented that.

John Herbert, representing the applicant, concurred with staff recommendations with a few clarifications.

Item #3 – Permitted Uses. He would like to include assembly and light manufacturing. This is intended, especially the two building in the rear, as an incubator space. He envisions the assembly of cabinetry and other clean types of light manufacturing.

Item #5 – Storage bays shall not be used for retail or service uses involving on-site customer contact. He envisions some wholesale activities here where a purchaser, not the public but a wholesaler, would come in and want to see a display of the product so part of our use out here would be a showroom. It would not be the general public coming in a looking at furniture. It would be more or less contractors or wholesale type of purchasers.

Item #6 – Office uses shall be limited to 10% of total floor area. He would like to increase that to 20%. According to staff, it all hinges on the ability to provide the parking for that change of floor use. He presented an exhibit showing where the extra parking would come from. Currently there are 210 stripped standard spaces and 7 handicapped spaces and he would like to include the 68 bay parking spaces to get a grand total of 285 parking spaces which would support the 20% increase.

Commissioner Harris said that this property is not far from the Port of Sanford, which has one of the larger incubator business areas in the County. In looking at the design it appears to him that what you have could be ideal for many kinds of up-start businesses. Has that figured into the analysis and design of the project.

Mr. Herbert said the Port of Sanford is a strong element there but he is just the engineer of the project. Howard Scheiferdecker is the one who looks at the demographics and if this type of development would be successful in this location.

Mr. Scheiferdecker, owner and developer of this project, said one of the reason that they are out there is because of the Port of Sanford and it's close proximity. This type of product feeds off other types of small bays. The majority of the two back buildings are that way. The front buildings are a little more office showroom because they are on the street.

Commissioner Harris said the reason he asked is because the thinking that went into designing this area and making it a HIP district included the fact that we needed a more industrial area where the companies that grow out of the incubator can then move but stay in Seminole County and have a facility where they can grow into not just one bay but maybe two or three bays. His concern is that through this list of staff recommendations, we've absolutely thrown in the things that are defeating what we intended when we zoned that whole area HIP. He thinks the concept is right but some of the staff recommendations are far too restrictive.

PUBLIC COMMENT

Jess Hayes owns property south of the project. He is concerned about the drainage. That is quite a number of acres and there is no place for the water to drain. Before any building is started he would like to see how it is going to drain because there is a tremendous drainage problem there now. The drainage from 46 is not adequate. It is coming back and is beginning to flood. The houses down on Elder Road are having a problem with water also. He would also like to see screening down the south. He has a nursery and people coming in and he feels he needs a screen down the south corner more than 3'.

Mr. Scheiferdecker said that regarding the draining, Seminole County is proposing to improve Monroe Road and with that will become a closed drainage system with piping and proper hydraulics to drain the area. Regarding the issue on screening, the plantings will be 3' at the time of planting but they will be grown and maintained at a higher elevation. Also, there will be fencing along the south and west to provide security for the development.

Commissioner Hattway asked what type of fencing?

Mr. Scheiferdecker said it would be vinyl covered chain link fencing.

Garth Switzer, owns property on the southeast corner of the project. He is also concerned about the drainage and asked if there was some sort of retention. He said it looks like they are putting the retention in front along 46 and CR 15.

Mr. West said there is a reason that it is designed in that manner. At the time when they originally designed this, they didn't know where alignment would end up so the optimum solution was for this development and others along this area to place the retention in the front of the property. Therefore the County is not buying a building in the future or eliminating somebody's parking. This is the easiest thing to do to accommodate their drainage in future County ponds if the County widens the road and has to take part of the retention pond.

Commissioner Nicholas asked if the 3 holding ponds that are designed there are adequate drainage for what is being built there?

Jim Potter, Development Review, said this is an area of concern with stormwater and there is flooding in the area. However, staff has made this and all the other commercial developments in this area meet a higher standard. There is going to be more water going off of this site than what was originally went there. However, we are making them accommodate that water and drain it off at a very slow rate over 14 days. The idea is that they have to hold the difference of volume that would be generated from their site and slowly bleed that down so that it will not adversely effect the drainage system and not make the drainage out there any worse than it already is. With our Code we have to be able to allow them to drain off at the same rate that they are currently discharging from a natural pristine site and with this design it would not make the drainage any worse that it already is.

Commissioner Nicholas asked if the 3 ponds in this design are adequate to handle the drainage?

Mr. Potter said that has not been reviewed at this time. This is the preliminary design and at the final engineering design staff would make sure that the engineer meets the criteria that we set forth.

Commissioner Nicholas asked if they widen the road and the County possibly takes the holding ponds, where is the water going to go then?

Mr. Potter said that would have to be taken into the County's drainage system. Through Public Works, there are several projects to fix the drainage in this area. The primary concern is that the railroad crossing a little further down the road is where the bottle neck is and has caused most of the problems in this area. This is one of the projects the County is proposing to fix. That should alleviate most of the concerns for this area and it will be addressed when they do the CR 15 widening. All of that water will be taken into that drainage system and accommodated.

Commissioner Nicholas asked if the water would go north?

Mr. Potter said yes, the natural slope of the land is to the north.

Commissioner Hattaway said there are residents concerned about the screening. She asked if the owners would go on record as saying that their storage is not going to be above 3'.

Mr. Scheiferdecker said there is a 6' high opaque vinyl fence and also a landscaped retention area of 60' or more from the property line.

Commissioner Nicholas asked if there was going to be screening for the dumpster?

Mr. Scheiferdecker said there would be a 6' encasing around the dumpster but it can increased it to 8', if necessary.

Motion by Commissioner Harris for approval with the following changes to staff recommendations:

- 1. Item #3 – Strike the word *manufacturing* and add the sentence, *Assembly and light manufacturing is permitted.***
- 2. Item #4 – Strike the word *manufacturing.***
- 3. Item #5 – Add *wholesale showrooms are permitted.***
- 4. Item #6 – Change the 10% to 25% on any single unit and 20% for the development as a total.**
- 5. Add Item #13 - *Credit will be given for 68 additional parking spaces placed in front of the overhead doors for a total of 285 for the development.***
- 6. Add Item #14 – *Buffering per Developer's commitment.***

Second by Commissioner Mahoney.

Motion passed unanimously. (5-0)

Commissioner Harris said that he thinks it is important to make the point that we created a HIP district to help provide an area where commercial and light manufacturing and clean industry could be housed in Seminole County instead of moving someplace else because we add unnecessary restrictions. We already have an incubator at the Port of Sanford and to allow the type of development such as this that provides the next step up for successfully developing businesses is a very important feature for the economic growth. He would hate to see staff over-regulate because it is simply not necessary.

Mr. West agreed.

C. TUSCAWILLA I GABRIELLA ROAD C&D DEVELOPMENT LLC/JIM COOPER; APPROXIMATELY 18.76 ACRES MORE OR LESS; REZONE FROM A-1 (AGRICULTURE) TO R-1A (SINGLE-FAMILY DWELLING DISTRICT); WEST SIDE OF TUSCAWILLA ROAD, 2,000 FEET SOUTH OF RED BUG LAKE ROAD. COMMISSIONER MALOY-DISTRICT 1 TONY MATTHEWS

The applicant, Tuskawilla/Gabriella Road C&D Development LLC/Jim Cooper, is requesting a rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District) on approximately 18.76 acres of property located on the west side of Tuskawilla Road, approximately 2,000 feet south of the intersection of Tuskawilla Road and Red Bug Lake Road

Staff recommends R-1A (Single Family Dwelling District) zoning, as proposed, with the following findings:

1. R-1A zoning meets the minimum level of presumptive compatibility as provided for in the "Lot Size Compatibility Ordinance" of the Land Development Code of Seminole County
2. The subject property has been planned for urban intensity development since the first comprehensive plan (1977) was adopted in Seminole County.
3. Howell Creek has historically separated non residential uses, such as commercial and high density residential to the north, from low density development to the south.
4. Development will be required to meet all applicable provisions of the Seminole County Comprehensive Plan and Land Development Code of Seminole County.

Jim Cooper, the applicant, concurred with staff's recommendation.

Motion by Commissioner Mahoney to approve the rezoning to R-1A. Second by Commissioner Harris.

Commissioner Mahoney said this item came before this Board several months ago as an application to rezone to multi-family. The applicant presented a good case but the Board voted against it and the Board of County Commissioners did as well. We said at that time that it was a viable single-family site and now here we are as a viable single-family site. He is glad to see it.

Motion passed unanimously. (5-0)

D. MARONDA SYSTEMS INCORPORATED PUD BOWYER-SINGLETON; REZONE FROM A-1 (AGRICULTURE) & PCD (PLANNED COMMERCIAL DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) FOR OFFICE AND INDUSTRIAL USES FOR APPROXIMATELY 14.015 ACRES MORE OR LESS; LOCATED EAST OF CR 15, SOUTH OF CHURCH STREET, ON MARONDA WAY.

DISTRICT #5, MCLAIN

AMANDA SMITH

The applicant is requesting to rezone approximately 14 acres from A-1 (Agriculture) and PCD (Planned Commercial Development) to PUD (Planned Unit Development) for the development of general business and professional office, warehouse and storage of building and construction materials, and the manufacturing and assembly of construction related components, such as wooden trusses and cabinets. As an interim use, the applicant is proposing employee parking and outside storage. Interim uses are subject to Final PUD Master Site Plan approval. The subject property has a future land use designation of Higher Intensity Planned Development.

In July 2001, a portion of the subject property was rezoned to PCD for the development of a 60,000 square foot office building for Maronda Homes. Since rezoning the property, the applicant acquired an additional ten acres to develop a master plan for Maronda Systems Incorporated.

Staff recommends approval of the requested PUD (Planned Unit Development) zoning classification, per the development order, with the following findings:

1. The proposed project is compatible with the development trends of the area.
2. The proposed project is consistent with Seminole County Comprehensive Plan policies identified at this time.

Staff recommends the following conditions be placed in the development order:

- a. The project shall connect to central water and sewer services.
- b. The applicant has agreed to dedicate 15' for right-of-way along Church Street in order to provide a 40' half right-of-way needed for roadway expansion.
- c. The uses for the property will be similar in nature to zoning categories OP, C-3, M-IA, and M-1, and will include: general business and professional office; warehouse and storage of construction material and building related supplies including outside storage of materials and components; trade shops such as

metal, cabinet, plumbing, electrical, etc.; mechanical garages for repair and maintenance of trucks and construction equipment; contractors equipment and storage yards; living quarters for guards, custodians and caretakers when such activities are accessory to the primary use of the premises; assembling of metal, cardboard, plastic and wooden containers; manufacturing and assembly of construction related components including but not limited to: steel studs, wood trusses, cabinets, window/door frames; testing of materials; cabinetry and woodworking shops; lumber yards and saw mills; concrete block plants and redi-mix concrete plants; truck terminals; building and parking areas may be used for open storage as an interim use.

- d. In association with open storage and parking uses, there shall be a 10' wide buffer screened from adjacent properties by a solid 6' high fence, a double row of staggered canopy trees shall be provided, with trees to be at one per every 35 linear feet, with a row of subcanopy trees to be at one per every 15 linear feet, adjacent to the open storage area on sides facing out towards adjacent properties, including Church Street, Old Monroe Road and Iowa Avenue.
- e. The outside storage of materials shall not be stored at a height greater than 6' and may not be seen above any buffering or fenced areas.
- f. Final PUD Master Plan and site plan approval are required for open storage or parking uses.
- g. Maximum building height shall be 40'.
- h. The development shall provide a minimum of 25% open space per the Seminole County Land Development Code.

Mike Holbrook, representing the applicant, concurs with staff's recommendation.

Commissioner Mahoney asked under staff recommendation "b.", why the applicant was donating right-of-way?

Mr. Smith said the property owners agreed to dedicate that over.

Commissioner Mahoney asked what the rationale nexus was between this development and the dedication of that right-of-way?

Ms. Smith when this property develops, we have talked about possibly having an emergency access on Church Street and the wider equipment for the trucks would need access.

Motion by Commissioner Mahoney to approve the rezoning from A-1 to PCD along with staff recommendations less "b" regarding the dedication of right-of-way, which is unsupported in the report to this Board. Second by Commissioner Harris.

Motion passed unanimously. (5-0)

VII. PLANNING MANAGER'S REPORT

1. There will be a Special Area Study on Celery Avenue. The first meeting will held here on Monday night at 7:00 p.m. Commissioner McLain will be attending and the Mayor of Sanford and the Planning Director have been invited as well.
2. Mr. West clarified that according the Karen Cosalo, County Attorney, written notes, or taking notes on a laptop on items on this agenda or any other agenda that the Board is voting on would be considered public record. If there were a pubic record request, any notes that were taken on those items that were voted on would have to be submitted.

Commissioner Harris asked staff to have consistency in the design of the HIP districts.

Chairman Tucker asked if staff was going to do an area study on Myrtle Avenue.

Mr. West said yes. Staff has written a scope and defined the area and now staff is going to start picking the target dates for meetings. There will be at least two community meetings, the LPA meeting and then the BCC meeting. So there will be at least 4 public meetings on that.

VIII. OTHER BUSINESS

There was no Other Business to discuss.

IX. ADJOURNMENT

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Fran Newborg, Recording Secretary

The public hearing minutes of the Seminole County Local Planning Agency/Planning and Zoning Commission is not a verbatim transcription. Recorded tapes of the public hearing can be made available, upon request, by contacting the Seminole County Planning Division Office, 1101 E. First Street, Sanford, Florida, 32771, (407) 665-7371.